

Presented to
The Library
of the
University of Toronto
by
Mrs. Wallace Nesbitt
from the law library
of the
Honourable Wallace Nesbitt, K.C.,
Treasurer of the Law Society
of Upper Canada



THE

LAWS OF ENGLAND.

VOLUME XXX.

Law.T
H196.3

THE

LAWS OF ENGLAND

BEING

A COMPLETE STATEMENT OF THE WHOLE LAW OF ENGLAND.

BY

THE RIGHT HONOURABLE THE

EARL OF HALSBURY

LORD HIGH CHANCELLOR OF GREAT BRITAIN,
1885 86, 1886-92, and 1895-1905,

AND OTHER LAWYERS.

VOLUME XXX.

GENERAL INDEX.

A TO L.

309564
35
14 - 1 -

LONDON :
BUTTERWORTH & CO., BELL YARD, TEMPLE BAR.
Law Publishers.

SYDNEY : BUTTERWORTH & CO. (AUSTRALIA), LTD.
CALCUTTA : BUTTERWORTH & CO. (INDIA), LTD.
WINNIPEG : BUTTERWORTH & CO. (CANADA), LTD.
WELLINGTON (N.Z.) : BUTTERWORTH & CO. (AUSTRALIA), LTD.

1917.

THE WHITEFRIARS PRESS, LTD.,
LONDON AND TONBRIDGE

Editor in Chief.

THE RIGHT HONOURABLE THE

EARL OF HALSBURY,

LORD HIGH CHANCELLOR OF GREAT BRITAIN, 1885-86, 1886-92, and 1895-190 .

Revising Editors:

For Equity and Chancery Titles:

THE RIGHT HON. SIR CHARLES SWINFEN EADY,

A LORD JUSTICE OF APPEAL.

Assisted by

T. H. CARSON, ESQ., K.C.

For Real Property and Conveyancing Titles:

ARTHUR UNDERHILL, ESQ., M.A., LL.D.,

OF LINCOLN'S INN, BARRISTER-AT-LAW,
ONE OF THE CONVEYANCING COUNSEL OF THE COURT.

For Common Law Titles, and Practice and Procedure:

T. WILLES CHITTY, ESQ.,

OF THE INNER TEMPLE, BARRISTER-AT-LAW,
A MASTER OF THE SUPREME COURT.

For Local Government Titles, and Licensing:

WILLIAM MACKENZIE, ESQ., M.A.,

OF LINCOLN'S INN, BARRISTER-AT-LAW.

Managing Editor.

T. WILLES CHITTY, ESQ.,

OF THE INNER TEMPLE, BARRISTER-AT-LAW
A MASTER OF THE SUPREME COURT.

Sub-Editors:

The HON. JOHN W. MANSFIELD, M.A., of the Inner Temple.
G. M. EDWARDES JONES, ESQ., M.A., of the Inner Temple.
J. R. V. MARCHANT, ESQ., M.A., of Gray's Inn.
CHARLES EDWARD ALLAN, ESQ., M.A., LL.B., of the Inner Temple.
ARTHUR ANDERSON BETHUNE, ESQ., M.A., of the Inner Temple.
HAROLD B. BOMPAS, ESQ., M.A., of the Inner Temple.
W. ADDINGTON WILLIS, ESQ., LL.B., of the Inner Temple.
S. W. CLARKE, ESQ., of the Inner Temple.
HUBERT F. F. GREENLAND, ESQ., B.A., of Lincoln's Inn.
D. D. ROBERTSON, ESQ., M.A., LL.B., of Lincoln's Inn.
KENNETH E. CHALMERS, ESQ., B.A., of the Inner Temple.
A. W. BAKER WELFORD, ESQ., M.A., of Lincoln's Inn.
G. STUART ROBERTSON, ESQ., of the Inner Temple.
W. W. OTTER-BARRY, ESQ., of the Inner Temple.
W. A. ROBERTSON, ESQ., of the Inner Temple.
HUMPHREY H. KING, ESQ., B.A., LL.B., of the Inner Temple.
R. E. ROSS, ESQ., LL.B., of the Middle Temple.

BARRISTERS-AT-LAW.

The Index Volumes have been prepared by the following gentlemen:—

HAROLD B. BOMPAS, Esq., M.A., of the Inner Temple, Barrister-at-Law (Editor); T. A. INGRAM, Esq., M.A., LL.D. (Chief Assistant to the Editor); C. H. CHADWICK, Esq.; COLEMAN PHILLIPSON, Esq., M.A., LL.D., Litt.D.; E. R. WATSON, Esq., LL.B.; E. C. ROBINSON, Esq., M.A., LL.B., H. B. D. GRAZEBROOK, Esq., M.A., T. W. MORGAN, Esq., and H. GEEN, Esq., Barristers-at-Law, and many other members of the Bar.

PUBLISHERS' ANNOUNCEMENT.

THE Publishers believe that this copious Index to "THE LAWS OF ENGLAND" will render more absolutely indispensable that great work, which has been universally acknowledged as unique in form and accomplishment amongst legal publications. When "THE LAWS OF ENGLAND" was first projected it was designed that the various treatises on every branch of the law of which it is composed should be so dovetailed together by means of cross-references that the whole would be readily accessible. This aim was steadily kept in view throughout, but it was, of course, impossible to give anything more than general cross-references from the earlier to the later volumes, whilst in view of the fact that many topics are dealt with in more than one of the articles, sometimes from a different standpoint, it was obvious that great saving of time to the practitioner would be effected by gathering together in one place the various references to each topic.

The Publishers, therefore, felt convinced that a General Index to the whole twenty-eight volumes on the completest scale possible was the only fitting consummation to "THE LAWS OF ENGLAND." They have accordingly had an Index prepared, for the purposes of which the volumes have been gone through page by page and line by line. This Index is therefore an entirely new work, not merely a consolidation of the existing Indices to the separate volumes.

Some idea of the comprehensiveness and scope of the Index may be gained from the fact that it has taken a period of three years to complete, and that some seventy-eight members of the legal profession have, during that time, been engaged in dealing with nearly 1,000,000 entries

made from the twenty-eight volumes, arranging, classifying, and editing them. The plan of the Index was settled and approved by Master T. Willes Chitty, who has revised the proofs, and the whole has been under the editorial control and direction of Mr. Harold B. Bompas, M.A., of the Inner Temple, Barrister-at-Law, to whom the Publishers are greatly indebted for his advice and untiring work. The Publishers also desire to thank Mr. T. A. Ingram, M.A., LL.D., who has acted as chief assistant to the Editor, Messrs. C. H. Chadwick, Coleman Phillipson, M.A., LL.D., Litt.D., E. R. Watson, LL.B., E. C. Robinson, M.A., LL.B., H. B. D. Grazebrook, M.A., T. W. Morgan, and H. Geen, Barristers-at-Law, and also Miss Winifred Smallwood, who has given valuable assistance in seeing the Index through the press.

The primary ideas in the construction of the Index have been those of "readiness of reference" and "completeness of detail." One principle adopted has been to collect detailed references under the headings most probably in the mind of the consultant, so that he will not have to waste time by considering under which heading he should look, though the details will often also be found under the larger headings. To illustrate: a practitioner may require information with regard to the acceptance, indorsement, or presentment of a Bill of Exchange. He turns at once to the particular heading required, rather than to the heading "Bill of Exchange." On the other hand, under the heading "Bill of Exchange" a complete conspectus is given of the law relating to Bills of Exchange, gathered together both from the treatise on "Bills of Exchange, Promissory Notes and Negotiable Instruments" in Vol. II. and from the various treatises in the other volumes which contain propositions with regard to Bills of Exchange. At the same time, while complete general detail is given under a group heading, *e.g.*, "Bankruptcy," "Companies," etc., to prevent an undue expanding of such headings, copious

use is made of cross-references. In fact the group headings are made to serve both as indices to and logical analyses of the subjects.

Another principle has been to collect together the cases in which similar principles or processes are applied in different branches of law; see, for example, the entries collected under such words as "Abandonment," "Abatement," "Cruelty," "Maintenance of Persons," "Payment," "Possession."

It is believed that every legal phrase and term of importance will be found in the Index, which refers the consultant to the decisions and opinions in the volumes themselves. Particular attention may be directed to the heading "Words and Phrases," containing several thousand words and phrases defined or construed in "THE LAWS OF ENGLAND."

The various headings under which the entries in the Index are grouped are arranged alphabetically, and when a heading is composed of more than one word, each word is, for this purpose, considered separately. After the simple word follow other words depending on that word, whether spelt separately or hyphenated, and then come words spelt straight through, thus: "Horse," "Horse-dealer," "Horse-power," "Horse Race," "Horse-slaughter," precede "Horseflesh," "Horseway."

So also, each separate word being considered, "Order" is followed by "Order Book," "Order for Sale," "Order in Council," "Order Nisi," "Order of Court." On a similar principle the compound words commencing "co-" are placed together between "Clyde" and "Coach," and the various titles of writs, etc., commencing with the word "De" are grouped between "Days of Grace" and "Deacon." The words commencing "Re" are placed in order as if there were no hyphen, since with regard to many words there is no absolute rule as to the use of the hyphen, and in the case of those words in the Index in which the

hyphen is used, the use is required by the letters with which the simple word begins, *e.g.*, "Re-entry," "Re-registration," not merely on account of the words being compound words.

The single entries in the Index are arranged alphabetically, beginning with the principal words of the propositions embodied in the entries, and much time and labour has been expended in framing the propositions and in selecting catch words which will suggest to the consultant the nature of the proposition, without it being necessary for him to do more than read the first two or three words.

It must be pointed out that the consultant should, after looking up any point, refer invariably to THE LAWS OF ENGLAND SUPPLEMENT, published annually, which embodies the very latest law, and to which the Index is equally a fingerpost. Subsequent judicial decisions and legislative alterations, particularly war and emergency enactments, may have varied the law as originally stated. For example: "Aliens," "Bankruptcy," "Copyright," "Larceny," and "Prize." To any such changes the INDEX and the SUPPLEMENT combined are infallible guides. The numbering of the paragraphs in the SUPPLEMENT corresponds with the numbering of the paragraphs in the volumes, so that after consulting the original entry the practitioner has only to turn to the same paragraph in the SUPPLEMENT to see if any alteration in the law has taken place or any more recent decisions have been reported.

BUTTERWORTH AND COMPANY.

March, 1917.

A COMPLETE INDEX TO THE LAWS OF ENGLAND.

"A" LIST
of contributories in winding up, **5,** 495

AB EDGARE VINDICO,
Privy Council seal in Admiralty, **1,** 59

AB INITIO,
execution, wrongful, **14,** 29, 30, 41
fraudulent conveyance avoided, **15,** 95 n., 113
infant's
acquisition of property void, if he avoids it on attaining full age, **17,** 76
contract void, **17,** 63
marriage void, when, **16,** 469, 470
trespass, **14,** 41 ; **27,** 856

AB OFFICIO ET A BENEFICIO,
suspension of clergy, **11,** 535

ABANDONMENT. *See also* DESERTION; RELEASE.
adventure, of, in marine insurance, **17,** 499. *See* ship, *infra.*
delay in executing repairs as, **17,** 390 n.
voyage, of, what amounts to, **17,** 387, 390 n., 396, 397
affiliation order, of, **2,** 453
appeal, of right of, **19,** 651, 678 ; **22,** 604 ; **27,** 174 n.
canal, of, **23,** 791, 792
chattel, of, **1,** 529 ; **9,** 641 ; **22,** 392, 396
child, of. *See* DESERTION.
common, of right of, **4,** 449, 525, 526, 527
company, of objects of, **5,** 330
conditional gift, of, **4,** 171 ; **28,** 601
contract for building, of, **3,** 196, 225, 283
arbitration clause, in case of, **3,** 283
breach constituting, **3,** 238, 239
county court, in, excess claim, of, **8,** 460
part of claim, of, **8,** 509
distress, of, **11,** 170, 188
intention to distrain, of, **11,** 166
procurement of tenant, by, **11,** 189
promise to pay rent in arrear, in consideration of, **15,** 464 n.
retaking by owner, **11,** 193
domicil, of, **6,** 184, 193
easement, of, **11,** 278
intention, when inferred, **11,** 280
owner of servient tenement cannot prevent, **11,** 236, 237

ABANDONMENT—*continued.*
easement, of—*continued.*
presumed from non-user, **11,** 279
question of fact, **11,** 278
execution creditor, by, right of sheriff, **17,** 604
fire insurance, notice not applicable to, **17,** 541
gale of minerals, of, **20,** 650
guarantee, of, **15,** 571
highway, of, **16,** 69 *et seq.*
infant, of. *See* DESERTION, child.
interpleader, by claimant in, **17,** 621, 622, 625, 631
lien, of, **1,** 199 ; **15,** 462 n., 463 n., 464 n. ; **19,** 28
equitable, **19,** 30—32. *See* EQUITABLE LIEN.
solicitor, by, **26,** 820
marine insurance, in. *See* adventure, *supra*, ship, *infra.*
mines, of, **20,** 514, 537, 603, 604, 628, 629
metalliferous mine, of, provision for notice of, **20,** 628
provision for depositing plans of, with the Secretary of State, **20,** 604
rights in mines, of, when presumed, **20,** 514, 537
possession, of, chattel. *See* chattel, *supra.*
distress, obtained for, **11,** 165, 170, 188, 193
personalty, of, **22,** 392, 396, 397
sheriff, by, **14,** 56
trespasser, by, effect on title to land, **19,** 157, 158
railway, of light, **27,** 834
railways, of, **23,** 772 *et seq.*
Acts, enumeration of, **23,** 777 n.
before commencing work, **23,** 772
Board of Trade,
complaint to, as to decision regarding, **23,** 773
powers of, **23,** 773, 774
cancellation of bonds and return of deposits on, **23,** 776
compensation payable on, **6,** 154 ; **23,** 775
judgment creditors, on application of, **23,** 773
meeting for the purpose of, **23,** 772
certificate of assent of, **23,** 773
partial, conditions as to, **23,** 774
shareholders' consent necessary to, when, **23,** 772
special Act necessary to authorise, when, **23,** 776, 777
warrant of, **23,** 774. *See* WARRANT.
salvage reward, of, by seamen, **26,** 573, 574

ABANDONMENT—*continued.*
ship, of, renewal of registration after, **26,** 31 n.
report as to crew, **26,** 658
terminates liability to pay freight, **26,** 589
ship to underwriters, of, apportionment of salvage on, **17,** 490
effect of, **17,** 439, 489, 490
election of the assured as to, **17,** 472, 478—480, 487
goods, rights of underwriter as to freight on, **17,** 490 n.
notice of, acceptance of, effect of, **17,** 488, 489
actual total loss, unnecessary in case of, **17,** 472
capacity of master before and after, **17,** 488, 489
constructive total loss, when necessary to claim for, **17,** 376, 472, 474, 477, 479, 480, 481
duty of agent as to, **17,** 358
nature and form of valid, **17,** 486, 487
perishable goods, of, **17,** 476
re-assured, by, when not necessary, **17,** 376
separate, in case of separate insurances in the same policy, **17,** 486, 487
silence as to acceptance or rejection, effect of, **13,** 397
time for, **17,** 487, 488
what constitutes, **17,** 488
right, when lost, **17,** 358, 439, 486, 487, 488, 489, 490
salvage, right to share in, **17,** 490
subrogation and rights arising on, distinction between, **17,** 492
specific performance, delay may be evidence of, **27,** 69
surety, by, of his rights, **15,** 519, 525
tenant, by, liability for rent not affected, **18,** 480
trade design, of application to register, **27,** 736
trade marks, of, implied from non-user, **27,** 707, 717 n.
of application to register, **27,** 707
tramway, of, **27,** 810
compensation of disturbed persons, **27,** 812
evidence on application for return of deposit, **27,** 813
obligation to reinstate road, **27,** 790
undertaking for which land was acquired compulsorily, compensation in case of, **6,** 154
effect of notice of, **6,** 68
promoter's deposit, effect on, **6,** 103, 154
voyage insured, of, what amounts to, **17,** 387, 390 n., 396, 397
works authorised by statute, of, deposits in respect of, **6,** 154; **27,** 175
effect on land taken, **6,** 27
wreck, of, effect on liability for collision, **26,** 533
light to be shown, when, **26,** 383

ABATEMENT,
action, of, **23,** 107
bankruptcy, in case of, **2,** 136
county court, in, **8,** 511—513
death of party, on, **1,** 31; **14,** 228, 313
inclosure of common, as to, **4,** 559
none where cause of action survives, **14,** 228; **23,** 107; **24,** 347
marriage does not effect, **16,** 454
money in court, payment out after, **14,** 149 n., 228
receiver not discharged by, **24,** 416

ABATEMENT—*continued.*
affiliation proceedings, of, **2,** 448
annuity, of, **14,** 276, 277; **24,** 500, 507
appointment under power of insufficient fund, in case of, **23,** 41
dower, of, **11,** 17 n.
duty, of, refreshment houses licensed to sell foreign wines, in case of, **18,** 93
six-day or early closing licence, on, **18,** 91, 92
easements, of disturbance of, **11,** 296, 331
rights of way, in case of, **11,** 296, 297
excessive user, of, **11,** 332
election petition, of, municipal, **12,** 508, 509, 511
parliamentary, **12,** 435, 436
electric lighting, of defects in undertakers' works, **12,** 602, 603
inclosure of common, of, **4,** 514—516
income tax, in case of. *See* ALLOWANCE.
information, of English, **10,** 26
inhabited house duty, of, **17,** 192—195
injury caused by tortious act, of, **27,** 490
land tax, of, landowner entitled to abatement of income tax, when, **18,** 310
lands overcharged, where, **18,** 316, 317
legacies, of,
demonstrative, of, **14,** 277
direction in will to pay immediately, effect of, **14,** 275
dower, in lieu of, where no real estate, **14,** 276
equitable doctrine of, foundation of, **13,** 70
free of legacy duty, duty added for purpose of, **14,** 276
rules relating to, **14,** 275, 276
satisfaction of debt, when in, **14,** 276
specific legacy, of, **14,** 277
widow, to, **14,** 276
lunacy proceedings, of, **19,** 457
navigation, of obstruction to, **28,** 404
nuisance, of,
action for, **16,** 158
appeal from nuisance order, pending, **21,** 571
breach of the peace caused by, **21,** 549
commoner, by, **4,** 514—516
cost of, recover, as damages, **16,** 159
tenant's liability for, **18,** 478, 492, 493
easement, in case of, **11,** 331, 332
way, on, **11,** 296
entry for, local authority, by, **21,** 543, 549, 550, 569, 571, 572, 573
not trespass, **27,** 861 n.
extent of right as to, **21,** 549
highway, on, **16,** 161
local authority, by, **16,** 161—169; **21,** 549
injured party, by, **11,** 331; **16,** 161; **21,** 547—549; **27,** 490 n.
local authorities, by, **21,** 536—540, 549, 550; **25,** 757—762
animals, caused by, **21,** 513, 538
costs of, by whom payable, **18,** 478; **21,** 573
disobedience to order, after, **21,** 572
dwelling-houses, in, **21,** 537—540
factories and workshops, in, **21,** 539
highways, on, **16,** 161—169; **21,** 549
public health, in regard to, **21,** 535—541
removal of noxious matter, **23,** 610
sanitary conveniences, **23,** 604, 605
mandatory injunction for, **16,** 158
notice to abate, appeal from, **21,** 567, 571
necessary, when, **21,** 548, 549, 566—568

ABATEMENT—*continued.*
nuisance, of—*continued.*
notice to abate—*continued.*
non-compliance with, proceedings on, **21,** 568
person to be served with, **21,** 567, 568
service before summary proceedings, **21,** 566, 567
smoke nuisance, in case of, **21,** 544
omissions, when nuisance arises from, **21,** 547, 549
order for, after indictment, **9,** 412
Public Health Acts, under, form of, **21,** 568
removed, may not be, **10,** 165
summary proceedings, on. *See* summary proceedings, *infra.*
party injured, by, **11,** 331 ; **16,** 161 ; **21,** 547—549 ; **27,** 490 n.
police, by, **21,** 566, 570
private, **21,** 547—549
private persons, by, **21,** 547—549
bars right of action, **21,** 547
damage only prospective, where, **21,** 548
easement, **11,** 331
notice, when necessary, **21,** 548, 549
unnecessary damage must not be done, **21,** 549
Public Health Act, 1875, under, **21,** 508, 536, 568
public nuisance, of, **16,** 158, 161—169 ; **21,** 547, 548, 549. *See* local authority, *supra.*
rates in respect of, assessment of, **18,** 492 *et seq.*
liability to pay, **18,** 489, 492
rent, deductions from, **18,** 478
reversioner's right of, **21,** 550
summary powers for, **21,** 536—540
summary proceedings for, **21,** 536 *et seq.*
appeal from order, **21,** 571
costs of, **21,** 573
defences, **21,** 569, 570, 572
inability to comply with order, **21,** 572
information for, who may give, in, **21,** 566
local authority, how order obtained by, **18,** 492 ; **21,** 536, 540
non-compliance with order for, penalties on, **21,** 571, 572
nuisances subject to procedure, **21,** 537—540
occupier preventing owner from carrying out order, **25,** 750 n.
order under, for, **9,** 412 ; **21,** 568
no power to remove, **10,** 165
service of abatement notice, **21,** 567, 568
specification of abatement in order, **21,** 569
Petition of Right, of, **10,** 30
plea in, not allowed, **22,** 449
purchase-money, of. *See* COMPENSATION, specific performance.
amount received for fire insurance, **17,** 520, 521

ABBOT,
vesting of property in, **11,** 714

ABBREVIATIONS,
construction of, **10,** 456
will, in, **28,** 634

ABDUCTION,
defined, **9,** 619, 620, 621
action of replevin for, old, **1,** 43
ancient statutes as to, **9,** 619 n.
child under fourteen, of **9,** 620

ABDUCTION—*continued.*
girl under sixteen, of, **9,** 621
girl found wandering, of, when it amounts to, **9,** 622
illegitimate child, **9,** 622
religious motives no defence, **9,** 622
temporary taking, **9,** 622
girl under eighteen, of, **9,** 623
heiress, of, **9,** 619, 620
consent no defence, **9,** 620
property cannot be taken by convicted abductor, **9,** 620
venue in, **9,** 282
woman, of, with intent to marry or carnally know, **9,** 620

ABETTING. *See* AIDING AND ABETTING.

ABEYANCE,
freehold must not be in, **24,** 216
peerages, application of doctrine to, **22,** 273
arising on death, **22,** 273
co-heirship distinguished from, **22,** 273
disqualification of heir, may arise from, **22,** 274
power of the Crown to terminate in favour of one co-heir, **22,** 274

ABINGDON,
local court of, **9,** 138

ABJURATIO REGNI,
corruption of blood, upon, **11,** 26 n.

ABLUTION,
ceremony of, at Communion Service, **11,** 683

ABODE. *See* DOMICIL ; RESIDENCE.
house of, banns, for purpose of marriage by, **11,** 698
place of, affiliation proceedings, for summons in, **2,** 446, 447
copyright purposes, for, **8,** 153
marriage licence, for, **11,** 701 n.

ABOLITION,
market or fair, of, procedure, **20,** 52
old forms of action, of, **1,** 45—47
public office, of, compensation for, **23,** 352, 355

ABOMINABLE CRIME,
what is, **9,** 539

ABORTION,
death by drugs taken to procure, amounts to murder, **9,** 579
drugs for, procuring, **9,** 596, 597
taking, **9,** 596
instruments to obtain, using, **9,** 596
pleading setting out administration of drugs to procure, allowed, **20,** 274
previous occasions, evidence of use on, **9,** 597

ABORTIVE COMPANY,
cannot be wound up as unregistered company, **5,** 650

ABORTIVE SCHEME,
money advanced for, recovery of, **7,** 483

ABOUT,
charterparty, meaning in, **26,** 101, 102
contract for sale of goods, meaning in, **25,** 214, 216

ABOUT—*continued.*
delivery order for quantity of, validity of, **25,** 212 n.
measurement, as term used in, **28,** 461
evidence as to special meaning of, **28,** 461

ABRIDGMENT,
copyright in, **8,** 146

ABROAD. *See* FOREIGN COUNTRY.

ABSCONDING,
contributory to company, of, **5,** 432, 505, 563
debtor, of. *See* ABSCONDING DEBTOR.
officer of company under Companies Clauses Acts, of, **5,** 716
pauper, of, idle and disorderly person, punishment as, **22,** 608
suspension of punishment if diseased, **22,** 610
receiver, of, ground for discharge, **24,** 418, 419
surety, how discharged on, **24,** 424
liable forthwith on, **24,** 422
tenant, of, powers of police as to, **11,** 192 ; **22,** 504
recovery of premises, **18,** 561

ABSCONDING DEBTOR,
act of bankruptcy, commits an, **2,** 20—23
adjudication against, **2,** 86, 87, 295
arrest of, **2,** 55, 75
detention of, prerogative of Crown as to, **6,** 446
guilty of felony in certain cases, **2,** 349
judgment summons against, **2,** 342
small bankruptcy, in, **2,** 295

ABSENCE,
beyond the seas. *See* BEYOND THE SEAS.
child, of, against whom offence has been committed, power of court to proceed in, **17,** 170
counsel, of, no remedy for, at trial, **2,** 394
criminal proceedings, of defendant in, **9,** 352
director of company, of, from meetings, **5,** 240
duty, from, constable, of, **22,** 501
Royal Marine, of, when not reckoned as service, **25,** 31
Territorial Force, of member of, **25,** 73, 77, 78
employment, from, employer may grant, for voting, **12,** 289. *See* servant, *infra.*
good cause that costs should not follow event, **23,** 180, 181 n., 182
lunatic, of,
asylum, from, petitioner's consent necessary, **19,** 505
power of medical officer to grant leave of, **19,** 518
travel, on, provision for, **19,** 518
trial, on, provision for, **19,** 517, 518
municipal councillor, when disqualified by, **19,** 308
owner of land purchased compulsorily, of, assessment of compensation, **6,** 95, 96
vesting of lands in promoters in case of, **6,** 108
parties to arbitration, of, evidence taken during, **1,** 480
party to action, of,
injunction granted in, **17,** 272, 298
new trial, ground for, **23,** 205, 206
receiver appointed in, **24,** 357
person nominated candidate in election, **12,** 265
municipal election, in, **12,** 343, 344
reasonable and probable cause, of, in malicious prosecution. *See* REASONABLE AND PROBABLE CAUSE.
seaman without leave, of, **26,** 60, 61

ABSENCE—*continued.*
servant without leave, of, **20,** 85
deduction from wages for, **20,** 91
right to wages when caused by illness, **20,** 84, 85
trustee abroad, of, effect of, **28,** 70, 72, 81
friendly society trustee, **15,** 170
vote, to, absence from employment, **12,** 289

ABSOLUTE DISPOSITIONS,
Bills of Sale Acts, when within, **3,** 29
chose in action, of, **4,** 367—374. *See* CHOSE IN ACTION.
equitable, **4,** 375 *et seq.*

ABSOLUTE GIFT. *See* ABSOLUTE INTEREST.
condition annexed to, when good, **15,** 422—424 ; **28,** 583—593. *See* CONDITION.
cut down to lessen interest, when, **28,** 762
declaration by donor will not prevent settlement by donee applying, **15,** 427
divesting of, court leans against, **28,** 674, 822 *et seq.*
followed by power and gift over, how constructed, **23,** 10
gift over after, effect of, **28,** 762 n., 771, 772
life interest followed by gift to representatives of personalty construed as, **22,** 414
restriction on alienation, when void, **15,** 422, 423 ; **22,** 410—412 ; **28,** 772
society, to a, by honorary members, disposition of surplus, **15,** 427
trust annexed to, expressions sufficient for, **28,** 15
failure of trust, effect of, **28,** 67 n.

ABSOLUTE INTEREST. *See* ABSOLUTE GIFT.
bequest to person and his children taken by person as an, **28,** 789
cut down to life interest, when, **28,** 762
gift over inconsistent with, **28,** 762 n., 771, 772
implied from
gift over, when, **28,** 849
life estate severed from a power by gifts which fail, **23,** 10
particular right of disposition, **28,** 771
infant, of, advancement out of capital, **17,** 93
court's power as to, **17,** 79, 82
intention to create a power and not an, evidence of, **23,** 10
personal estate, in, gift of inheritable estate amounts to, **28,** 768
successive interests may amount to, **22,** 414
unrestricted gift creates an, **28,** 776

ABSOLUTE OWNERSHIP,
land, in, not recognised by law, **24,** 138, 139
personal property, in case of, **22,** 397 *et seq.*

ABSOLUTE POSSESSION,
of personal property, what will amount to, **22,** 392

ABSOLUTE TITLE,
freeholds, to, registration in land registry, **24,** 313
leaseholds, to, registration in land registry, **24,** 314
possessory title converted into, **24,** 316
proof necessary to registration of, **24,** 315
purchase of land with, searches on, **25,** 362, 363

ABSOLUTION,
allegiance to Crown in certain cases, from, **6,** 323
sign of cross during, **11,** 684

ABSQUE HOC,
meaning of, in proceedings in escheat, **10,** 38

ABSTRACT,
census, of, for local authority for purpose of statistics, **6,** 345
Factory and Workshop Act, 1901, of, affixing to tenement factories, **14,** 526
title, of. *See* ABSTRACT OF TITLE.
valuation of friendly society's affairs, of, **15,** 172

ABSTRACT OF TITLE,
defined, **25,** 344
commencement of, **25,** 321, 345
conditions of sale may limit, **25,** 321, 322
contract for free conveyance, purchaser's right under, **25,** 348
costs of, borne by vendor, **25,** 348
delivery of, **25,** 322, 323
delay in, rights of purchaser, **25,** 322, 323
failure to make, rescission, **25,** 323
specified time, within, **25,** 322, 323
documents to be abstracted for the purpose of, **25,** 346, 347
equitable interests inserted in, when, **25,** 346
examination by purchaser's solicitor, **25,** 355
after time expired, as waiver of delay, **27,** 70 n.
form of, **25,** 347
documents and other matters should be in order of date, **25,** 346
good root of title must be shown, **25,** 345
material contents of documents and not merely effect should be set out, **25,** 347
parcels of first deed should be set out verbatim, **25,** 347
perfect as possible, must be as, **25,** 323
plans and tracings should accompany, **25,** 347
second mortgages should be shown, **25,** 347
imperfect, delivery of, rights of purchaser, **25,** 323
legal estate in trustee, when, when equitable interests must be shown, **25,** 347
legal estate shown to be outstanding by, effect of, **25,** 347
length of title to be shown by, **25,** 342
lots, on sale in, purchaser only gets abstract of common title, **25,** 349
nature of, **25,** 344
perfect, meaning of, **25,** 323, 355
perusal of, solicitor, by, remuneration for, **26,** 762
proof of abstracted documents, **25,** 349
receipts of death duties for 12 years in, **25,** 346
registered land, of, **25,** 347
requisitions on. *See* REQUISITIONS ON TITLE.
right to, purchaser's, **25,** 322, 341, 342; **27,** 904 n.
root of title, what is and is not good root, **25,** 345. *See* ROOT OF TITLE.
sale under order of court, preparation where, **25,** 316, 317
vendor, duty of, to deliver, **25,** 322
makes title by proving, **25,** 342
shows title by delivery of, **25,** 342
vendor and purchaser summons, questions which may be dealt with on, **25,** 391—395

ABSTRACTION,
injurious, from article of food, **15,** 23
minerals, of, wrongful. *See* MINERALS.
water, of, limited purposes, for, **28,** 427
rights where passage of fish affected by, **28,** 428

ABSTRACTION —*continued.*
water, of—*continued.*
riparian owner's right of, **28,** 425, 426
extraordinary purposes, **28,** 426
ordinary purposes, **11,** 312; **28,** 425—428
power purposes, **28,** 428

ABUSE,
process, of. *See* ABUSE OF PROCESS.
professional information, of, **2,** 394, 395

ABUSE OF PROCESS,
annulment of bankruptcy adjudication on ground of, **2,** 90
bankruptcy petition dismissed on ground of, **2,** 46, 59, 60
contempt of court, as a, **7,** 293, 294; **26,** 829
malicious proceedings. *See* MALICIOUS PROCEEDINGS; MALICIOUS PROSECUTION.
prohibition of action in case of, **1,** 30
receiving order rescinded on ground of, **2,** 46, 78
scheme of arrangement, obtaining approval by, **2,** 82
stay of action in case of, **1,** 30; **22,** 436; **23,** 157
striking out pleading in case of, **22,** 436; **23,** 157

ABUSIVE LANGUAGE,
assault not constituted by, **9,** 606
contempt of court, as, **7,** 281 n., 283 n.
cruelty in divorce, when, **16,** 476
defamatory, when, **18,** 618 *et seq.*

ABUTTING LAND,
abutting, *defined,* **3,** 175; **16,** 217
access to. *See* ACCESS.
rights of owners or occupiers when telegraphic construction contemplated, **27,** 365
river, on, rights as to access, **28,** 392, 394
street, on. *See* FRONTAGER.
private street expenses, liability for, **16,** 228
support from, right to, **11,** 320. *See* SUPPORT.

ACCEDAS AD CURIAM,
writ of, **10,** 168

ACCELERATION,
appointment under power, of, when prior interest void, **23,** 51
event upon which power arises, of, when may happen, **23,** 22
subsequent interests, of, under wills, **28,** 605, 606
when trust for accumulation void, **22,** 381

ACCEPTANCE,
abandonment in marine insurances, of, **17,** 488, 489
account stated, in case of, **7,** 490
bidding at auction, of, **1,** 511; **17,** 349; **25,** 280, 289, 319
bill of exchange, of. *See also* ACCEPTOR OF BILL OF EXCHANGE.
defined, **2,** 463, 485
accommodation bill, of, **2,** 507, 517, 520; **15,** 442
agent, by, **1,** 163, 208, 221; **2,** 485, 486; **22,** 26
alteration of, avoids bill, **2,** 555—557
ambiguity in, **2,** 520
bank, payable at, **1,** 614
banker, by, **1,** 623—626
banker's duty, acceptance of customer, as to, **1,** 617; **2,** 550; **13,** 394, 395; **21,** 432
before signature of bill by drawer, **2,** 486

ACCEPTANCE—*continued.*
bill of exchange—*continued.*
blank, in, **2,** 467 n., 483 n., 484 n., 493 ; **19,** 44
company, by, **2,** 492 ; **5,** 305, 306 ; **15,** 466 n.
complete, when, **2,** 486
cross acceptances for accommodation purposes, **2,** 498
date of, **2,** 466, 486
delivery, not complete until, **2,** 486
different kinds of, **2,** 487, 488
documentary bill, of, **1,** 624
drawee's obligation in respect of, **2,** 515
duress, fraud, or illegality, in case of, **2,** 499
effect of, **2,** 517
firm, in name of, **2,** 485 ; **22,** 26, 33
forged, **1,** 614 ; **2,** 518
forgery of, **9,** 729, 730
form of, **2,** 486, 487
general, effect of, **2,** 487
honour, for, **2,** 539—541
delay in presentment for payment, effect of, **2,** 541
effect of, **2,** 540
option of holder to decline, **2,** 540
partial, may be, **2,** 540
presentment for payment, time for, **2,** 540, 541
protest for, **2,** 537
signature by acceptor necessary, **2,** 540
written on bill, must be, **2,** 540
infant, by, **2,** 41, 490 ; **17,** 49
insolvent person, for accommodation of, **2,** 255.
liquidator, by, **2,** 485 n. ; **5,** 446
married woman, by, **2,** 485
notice of, equivalent to delivery, **2,** 481
overdue, when, **2,** 486, 527
part payment for purposes of limitation by, **19,** 70, 71
partial, **2,** 487 n., 538
partner, by, **2,** 485 ; **22,** 26, 33
place of, importance of, **2,** 562 ; **8,** 452
presentment for, **2,** 526—529. *See* PRESENTMENT FOR ACCEPTANCE.
qualified, **2,** 472 n., 487, 488
discharge by, **2,** 488, 554
effect on presentment for payment, **2,** 530
holder may refuse, **2,** 487
protest after, **2,** 538
qualification must be clear, **2,** 487
rent not discharged by, **18,** 474
revocation of, **2,** 481
set, in case of a, **2,** 561
signature by drawee necessary, **2,** 486
supra protest, **2,** 562
time for, **2,** 486, 529 n.
trade name, under, **2,** 485
unauthorised, a forgery, **9,** 730
verbal, **2,** 486
written on bill, must be, **2,** 486
building contracts, in case of,
affixing of materials to freehold not equivalent to, **3,** 165
tender, of. *See* tender, *infra.*
work, of, implication and effect of, **3,** 203—205, 213, 231, 275
liability of employer by, **3,** 231
sub-contractor, of, no contract with employer by, **3,** 275
waiver of right to certificate by, **3,** 221
buyer, by, of goods. *See* goods, on sale of, *infra.*

ACCEPTANCE—*continued.*
cargo, of, by shipowner, when obligatory, **26,** 195—198
carrier, by, of goods, **4,** 6
not acceptance by buyer, **25,** 133
charter, of, by corporation, **8,** 316
composition, of, by creditors, **2,** 80, 83, 326 *et seq.*
satisfaction of debt, **2,** 326 ; **15,** 567 n.
surety not discharged by, **15,** 566
contract, in case of, **7,** 348—352 ; **27,** 20 n.
absolute and unqualified, must be, **7,** 350
bidding at auction, of. *See* bidding, *supra.*
building contract, **3,** 167—170. *See* building contract, *supra* ; tender, *infra.*
by return of post, meaning of, **7,** 353
communication of, **7,** 349
conditional, no completed contract, **7,** 351 ; **18,** 370 ; **25,** 289, 290 ; **27,** 20 n.
corporation, by, **8,** 327
counter-offer, effect of, **7,** 352 ; **18,** 370
estoppel, by, **7,** 349, 350
formal contract, subject to, effect of, **7,** 351 ; **18,** 371 ; **25,** 289
meaning of, **7,** 348 *et seq.*
mode of, **7,** 348
nature of, to complete a contract for sale of land, **25,** 289
where agreement depends upon a series of documents, **18,** 371 ; **25,** 290
offer and, when forming a concluded contract, **7,** 345 ; **18,** 370 ; **25,** 289
parol, of written contract, **7,** 367 ; **27,** 29 n.
post, communicated through, **7,** 352
application for shares in company, to, **5,** 173
of offer made through, time for, **7,** 353 ; **13,** 556
qualified, operates as counter-offer, **7,** 350 ; **18,** 370
rejection, after, **7,** 352
reward for information, of offer of, **7,** 349
simultaneous with revocation, delivery of, **7,** 354, 536
stamp necessary for written, of verbal offer, **18,** 377
telegram, by, **7,** 354 ; **27,** 395
of offer made by, **7,** 353
who must accept, **7,** 352
withdrawal of, **7,** 352 ; **18,** 370
conversion, of part of proceeds of, may amount to waiver of tort, **27,** 912
estoppel by reason of. *See* ESTOPPEL BY CONDUCT.
gift, of, **15,** 418 ; **28,** 597
donee's right in respect of two properties, **28,** 600
effect of, of gift by will, **28,** 598, 599
election, as an, **13,** 116 *et seq.*
estoppel, as an, **28,** 599
presumption as to, **15,** 418
when by will, **28,** 599
retraction of, rights as to, **28,** 600
goods, on sale of,
defined, **25,** 129
acts,
ambiguous, when amounting to, **25,** 131
constituting an, **25,** 129
done by way of, when ineffectual, **25,** 130
buyer deemed to have made, when, **25,** 230
buyer's right to reject, as affecting, **25,** 230
carrier, delivery to, does not constitute, **25,** 133

ACCEPTANCE—*continued.*
goods, on sale of—*continued.*
declaration by buyer, as evidence of, **25,** 231
delivery and, on concurrent condition, **25,** 205
effect of, **25,** 141, 142
examination, buyer's right of, **25,** 228
seller bound to afford facilities, **25,** 229
time and place for, **25,** 229
fact or law, whether a question of, **25,** 129
instalments, in, **25,** 215 *et seq.*
non-acceptance, damages for, **25,** 267, 268
part of goods, of, **13,** 426; **25,** 127, 129
particular instances of an, **25,** 120, 121, 129, 130
question as to, only arises where buyer has right to reject, **25,** 230 n.
reasonable time for rejection by buyer, effect of seller's conduct on, **25,** 231
reasonable time, within, a question of fact, **25,** 230 n.
rejection may amount to, **25,** 130
resale amounting to, **25,** 230
return rejected goods, buyer not bound to, **25,** 231
Sale of Goods Act, 1893, cases decided before, **25,** 130 n.
sample, of, when a receipt of part of the bulk, **25,** 129
seller not buyer's agent for, **25,** 131
tender before, when revocable, **25,** 229
time of, **25,** 129, 228
what amounts to, **13,** 426; **25,** 129, 130, 230
guarantee, constituting contract of, **15,** 448, 449
highway, of, on dedication, **16,** 33
evidence of, **16,** 34
inferred by user, **16,** 34
money, of, estoppel by, **13,** 388; **17,** 530; **28,** 599. *See* rent, *infra.*
office, of,
corporation official, **8,** 327
election petition, effect as regards, **12,** 436
executor, by, **14,** 142
member of the House of Commons, by, effect of, **21,** 789
trustee, of, methods of, **28,** 82, 83
no disclaimer after, **28,** 82
premiums, of, as waiver of condition, **13,** 388; **17,** 530
ratification of agency by, **1,** 178—180
rent, of, tenancy, evidence of, **18,** 440—443
waiver of forfeiture by, **18,** 537
satisfaction of contract, of, **7,** 442
service by solicitor, procedure on, **23,** 114, 115
shares, of, application for, **5,** 173, 174
tender, of, **3,** 167—170; **7,** 346, 347
architect's liability as to, **3,** 298
conditional, **3,** 167
corporation, by, **3,** 168
further document to be prepared, effect of. **3,** 167
obtained by
misrepresentation, **3,** 169
secret commission, **3,** 168
ratification of, **3,** 169
stamping, **3,** 170
unauthorised, **3,** 169
title to land by purchaser, **25,** 363. *See* TITLE TO LAND ON SALE.

ACCEPTOR OF BILL OF EXCHANGE,
defined, **2,** 463
accommodation bill, of, **2,** 207, 502, 517, 520; **15,** 442
alterations of bill by, **2,** 472 n.
banker is not, of cheque, **2,** 465
bankruptcy of, **2,** 41, 207, 208, 484, 498 n., 513, 534 n., 537
costs of action against, **2,** 526
death of, **2,** 483 n., 533
discharge of, effect on drawer's liability of, **2,** 558; **15,** 565 n.
drawer, action by, against, **2,** 513 n., 523, 524
estoppel against, **2,** 473, 495, 517, 518; **13,** 324, 394
fraudulent indorsement in case of, **2,** 507 n.
guarantee of, **15,** 460 n., 493
holder of bill, as, **2,** 509 n., 551
honour, for, **2,** 539—541
bankruptcy of, effect of, **2,** 540
dishonour by, **2,** 541
extent of liability of, **2,** 540
policy of rule as to, **2,** 540
position of, **2,** 539
rights and duties of, **2,** 539, 540
second or subsequent, **2,** 540
interest payable by, **2,** 524 n.
lapse of time, effect of, **2,** 558
liability of, **2,** 515—518, 523, 526 n., 544
banker, in case of, **2,** 515, 516
loss of bill, signature of duplicate, **2,** 514, 515
moratorium, effect of, **2,** 534 n., 562 n.
notice of dishonour to, unnecessary, **2,** 544
payment by, bills in a set, **2,** 560, 561
presentment for payment to, **2,** 533 n., 534
release of, **2,** 503 n., 529 n., 553
value, holder for, rights of, **2,** 498

ACCESS,
children, to,
Divorce Division practice, as to, **16,** 545, 577
Order of Court under Guardianship of Infants Act, **17,** 108
church, to, **11,** 469
document, to, how compelled, **17,** 268
evidence as to, legitimacy proceedings, in, **2,** 429
peerage claims, in, **22,** 282, 283
highway, to,
adjoining owner's right, **16,** 59, 60
nature of right, **16,** 60, 61
statutory provisions as to, **16,** 60
highway extinguished by loss of public, **16,** 70
land abutting on river, to, rights, **28,** 393, 394
accretion, not affected by, **28,** 394
interference with rights, **28,** 395
overlapping vessel as affecting right of, **28,** 422
passing over obstruction to obtain right of, **28,** 422
wharfinger's right as to, **28,** 421, 422
where land not in contact with water, **28,** 394
light, in regard to, meaning and effect of, **11,** 307
lunatic, to, **19,** 418, 499, 516 n.
mines, in case of, to stop passages, **20,** 539
pauper, to, on appeal against removal order, **22,** 603
property, to, what amounts to representation of intention to allow, **20,** 661 n.
public sanitary convenience, to, consent necessary to make, **23,** 603

ACCESS —*continued.*
railways, in case of, construction of means of, between land and tidal waters, **23,** 674
right of owner of severed land to, **23,** 669
river, to, **28,** 393, 394, 421, 422
roof, to, provision of, when required, in London, **20,** 490, 491
Sovereign, to, Cabinet Minister's right of, **7,** 46
House of Commons, right of members of the, **6,** 391; **21,** 691, 785
Lord Mayor of London's right of, **20,** 423
peer's right of, **6,** 391; **20,** 785, 786
Prime Minister's right of, **7,** 46
special Act, to, in case of compulsory purchase, **6,** 18, 19; **15,** 319

ACCESSION,
acquisition of ownership by, in case of personal property, **22,** 401. *See also* ACCRETION.
Crown, to, **6,** 325
surrender of Crown revenues on, **24,** 536
peerage, to, member of the House of Commons, of, power to fill vacant seat on, **21,** 789
shipbuilding contracts, application of doctrine to, **3,** 165

ACCESSORIES,
after the fact, **9,** 248, 255, 256, 258, 792
husband to felony by wife, **9,** 256; **16,** 436
indictment and punishment, **9,** 258
treason felony, to, **9,** 458
wife to felony of husband, **9,** 256; **16,** 436
before the fact, **9,** 248, 253
acts for which liable, **9,** 253, 254, 255
indictment of, **9,** 257
punished as principal, **9,** 256, 257
Explosive Substances Act, 1875, under, **9,** 776
extradition, liability to, **14,** 406
game, to offence connected with, **15,** 230, 237, 247
gifts, in case of, follow principal gift, **28,** 693, 694
malicious damage, in case of, **9,** 792
Metropolis Management Acts, liability under the, **20,** 465
misdemeanour, none in case of, **9,** 248
principals and, **9,** 247
trade mark etc. offences, in case of, **9,** 569
treason, none in case of, **6,** 352; **9,** 248, 256, 455
treason felony, in case of, **6,** 352, 356, 357; **9,** 248, 458

ACCIDENT,
defined, **13,** 25
accident policy, in case of, **17,** 568
charterparty, in case of, **26,** 114
poor law removal, in case of, **22,** 592 n.
Workmen's Compensation Act, in, **20,** 161—163
alteration of instrument by, **10,** 414, 415, 432; **13,** 626
ambulances for use in case of, provision of. *See* AMBULANCE.
assault by, liability, **9,** 607, 608; **27,** 862
bailment, accidental deposit, **1,** 527, 528
chattels mixed by, effect of, **1,** 542, 543
benefits, combination for purposes of, not illegal, **27,** 601
bill of sale, accidental omissions, relief against, **3,** 35, 36, 49, 74, 75
Board of Trade, powers and requirements in regard to, **12,** 615; **23,** 747—753

ACCIDENT—*continued.*
building other than factory, in, notice of, **14,** 485
building contract, due to negligence under, architect's liability, **3,** 304
notice and investigation of, **14,** 485, 486
unavoidable or unforeseen, performance delayed or prevented by, **3,** 190, 193, 194
careless act as contributory cause of, **21,** 379, 380
cause of, burden of proof in case where unknown, **21,** 440, 441
child performing, to, prosecution of persons where, **9,** 626; **17,** 153
criminal prosecution, as defence to, **9,** 237, 238
in assault cases, **9,** 608
dangerous performance, during, **9,** 626
deed, accidental alteration of, **10,** 414
destruction of
instruments by, equitable relief, **13,** 25, 26
premises by, rent payable, **13,** 27 n.; **18,** 481
electric undertaking, damage to works by, **12,** 613
default in supplying electric power caused by, **12,** 592
liability of undertakers for, **12,** 564, 565, 576 n.
notice of, by undertakers, **12,** 615
Employers' Liability Act, within, **20,** 138—146
equity, jurisdiction as to, **13,** 10, 25, 153 n.
bond destroyed or lost, **3,** 101; **13,** 7 n., 25
document lost or destroyed, **10,** 414; **13,** 25, 26, 518
foundation of jurisdiction as to, **13,** 43
law cases recognised at, **13,** 25
person seeking relief in equity only where no remedy at law, **13,** 25
restraining enforcement of legal right, reason for, **13,** 48
will, omission to make, no relief in, **13,** 27
executor not charged with assets lost by, **13,** 27; **14,** 317
explosion, by, inquest on death by, **8,** 245, 246
inquiry as to, **14,** 400
notification of, conveyance or vessel, on, **14,** 398
factory or store, in, **14,** 398
reconstruction of factory etc. after, **14,** 398, 399
factories and shops, in, fencing machinery, **14,** 464
inquest on death by, **8,** 244, 259; **14,** 474
investigation into cause of, **14,** 472—474
notice of, provisions for, **14,** 472, 473
Fatal Accidents Act, proceedings under, **21,** 455—463. *See* FATAL ACCIDENTS ACT.
friendly society member,
dispute as to, **15,** 177
killed by, payment on, **15,** 151
games, person killed at, not criminal, **9,** 582
gas, caused by, damage to property of undertakers by, liability as to, **15,** 355
gas company's fund to secure against, expenses of, **15,** 369
gas lamps injured by, **15,** 355
gas supply, affecting, **15,** 387
gasworks, at, notice of, **15,** 360
unavoidable, gas company excused, **15,** 393
highway authority must give notice of, **16,** 138
inevitable. *See* INEVITABLE ACCIDENT.
inquests in case of death resulting from, **8,** 244
insurance against. *See* ACCIDENT INSURANCE.

ACCIDENT—*continued.*
joint liability for, where caused by two or more persons, **21,** 381, 382
Admiralty cases, exception in respect of, **21,** 382
lamp-post damaged by, liability, **12,** 613; **15,** 355; **16,** 123
law, when recognised at, **13,** 25
lessee liable for, when, **18,** 498
liability for consequences of, **21,** 363, 367, 372
mine, in, inquiry into, **20,** 610, 611
inquest on death by, **8,** 245, 246
liability of owner, **20,** 611 n.
notice as to, **8,** 246; **20,** 607, 608, 626 n., 627
prevention of disturbance of place of, provisions for, **20,** 608
returns of, **20,** 607, 626 n.
rules for preventing, **20,** 617, 618, 619—622
mortgage of company's property, omission to register, through, **5,** 371
motor car driver's duty in case of, **27,** 326
negligence, caused by. *See* NEGLIGENCE.
evidence of, in action for damages, **21,** 435—445
negotiable instrument destroyed by, relief at law, **13,** 26
pauper, to,
meaning of, in relation to, **22,** 592
non-liability of guardians for, **22,** 561
precautions against, no duty to take extravagant, **21,** 364
quarries, in, notice of, **20,** 634 n.
railway, on, compensation for, arbitration as to, **23,** 752, 753
compensation for acts done by company to prevent, **6,** 155
inquest on death from, **8,** 244; **23,** 749
inquiry, Board of Trade, by, **23,** 748, 749
county court judge, by, **8,** 622
insurance against, **17,** 569
notice to Board of Trade as to, **23,** 747, 748, 749, 750
passenger, to, liability of company, **4,** 44—53, 58—60. *See* RAILWAY PASSENGER.
irrelevance of insurance policy, **4,** 59
report as to whether privileged, **11,** 78
rules for prevention of, **23,** 750, 751
breach of contract resulting from obedience to, **23,** 752
expenses of complying with, creation of debenture stock to meet, **23,** 752
experiments as to, **23,** 751
inspection of railways as to compliance with, **23,** 739
objections to, **23,** 751
penalty for non-observance of, **23,** 752
reasonable time to carry out requirements, **23,** 751
specific orders instead of, **23,** 751
variation and rescission of, **23,** 752
servant, to, liability of employer, **20,** 145, 146
school, accidents to scholars, liability for, **12,** 33 n.
seamen, to, effect on wages, **26,** 49 n.
notice in case of, **20,** 159
servant, caused by, liability for, **15,** 356; **20,** 251, 252
offer to pay expenses after, no proof of service, **20,** 249 n.
servant not liable to master for, **20,** 126
servant, to, master's liability for, common law, a t, **20,** 119—121, 128—134

ACCIDENT—*continued.*
servant, to, master's liability for—*continued.*
Employers' Liability Act, under, **20,** 134—153. *See* EMPLOYERS' LIABILITY ACT.
Workmen's Compensation Act, under, **20,** 153—243. *See* WORKMEN'S COMPENSATION ACT.
sewer, in construction of, duty to safeguard against, **25,** 731
ship, in case of, definition of, **26,** 114
charterparty exception protecting charterer, **26,** 132
shipowner, **26,** 107—118. *See* CHARTER PARTY.
collision, as causing, **26,** 411, 535
harbour, in, due to harbour master, **26,** 640
hull, machinery or boiler of ship, to, **26,** 115
lights to be carried by vessels not under command through, **26,** 386
repairs by master, **26,** 223
surety's liability in case of loss by, **15,** 487 n.
tramways, on,
employees, to, **27,** 798
inquest on death from, **8,** 244
liability for, where tramway leased, **27,** 804 n.
trespass, as defence to action for, **27,** 845, 862
trespass to goods by, **27,** 871
workman, to, common law liability, **20,** 119—121, 128—134
Employers' Liability Act, liability under, **20,** 134—153. *See* EMPLOYERS' LIABILITY ACT.
Workmen's Compensation Act, within, *defined,* **20,** 161—163
abroad, happening, **20,** 160
caused by act of workman, **20,** 162
conclusion as to cause of, how arrived at, **20,** 169
conditions necessary to bring within Act, **20,** 168, 169 n., 171, 172, 174 n.
death resulting from, **20,** 163, 164
disease may be an, **20,** 162, 163
injury must
arise out of or in course of employment, **20,** 168
result from an, **20,** 161
locality as material to cause of, **20,** 171
meal time, during, whether, **20,** 173 n., 175 n.
notice in case of, **20,** 167, 179, 180
on way to or from work, **20,** 171, 172
proof of, burden of, **20,** 177
question as to what is an, one of law, **20,** 163
second occasion, **20,** 162 n., 201, 233
taking risks, through, **20,** 173 n., 174
third party's wrongful act, caused by, **20,** 176

ACCIDENT INSURANCE,
accident, *defined,* **17,** 568
agent's knowledge in case of, **17,** 549 n., 570
business, *defined,* under Assurance Companies Act of 1909, **5,** 622
condition precedent to, effect of, **17,** 538 n., 570 n.
construction of policy, **17,** 567—569
declaration with a view to, **17,** 566, 570 n.
diseases, exclusion of natural, **17,** 567—569
double insurance against, **17,** 569 n.
employers, by, **17,** 570, 571; **20,** 191, 192
arbitration with reference to, **17,** 571; **20,** 192
bankruptcy of employer, **2,** 216; **17,** 571; **20,** 191

ACCIDENT INSURANCE—*continued.*
employers, by—*continued.*
redemption of weekly payments, **17,** 571 n.
indemnity, whether a contract of, **17,** 566, 571
irrelevance of policy in actions for personal injuries, **4,** 59
misrepresentation in reference to, **17,** 566, 570 n.
nature of contract and declaration required as to, **17,** 566, 567
negligence, effect of, **17,** 569 n.
newspapers, by, stamp duty, **17,** 569 n.
notice of accident, **17,** 570
policy, arbitration clause of, **17,** 571
construction of, **17,** 567—569
exceptions in, **17,** 567
stamping of, **17,** 516 ; **24,** 705 n.
proximate cause, importance of, in, **17,** 567
railway travelling, in connection with, **17,** 569
stamping of policy, **17,** 516 ; **24,** 705 n.
subrogation in reference to, **17,** 566, 571 ; **20,** 191
third parties' liabilities, effect on, of, **17,** 566 n., 571 n.
waiver of condition to, **17,** 570 n.

ACCOMMODATION,
bill. *See* ACCOMMODATION BILL.
inn, in an, traveller's right to, **17,** 310, 311
fitness of, **17,** 310
licensed premises, in, required for justices' licence, **18,** 60
lunatics, for, provision by local authority, **19,** 482
railway and canal companies, duty to afford reasonable, **4,** 65, 66, 67
right to charge for, **4,** 83, 84
rateable value as affected by nature of, **24,** 27
schools, in public elementary, **12,** 10, 12, 24—27
ship, in, seamen, for, **26,** 46
steerage passengers, for, **26,** 337
works. *See* ACCOMMODATION WORKS.

ACCOMMODATION BILL,
defined, **2,** 502
acceptor of, position of, **2,** 207, 502, 507, 517, 520, 522 ; **7,** 465 ; **15,** 442
accommodation party, liability of, **2,** 502, 522
address for payment of bill, **2,** 548 n.
bankruptcy offence by acceptance of, for insolvent person, **2,** 255
proof as regards, **2,** 207, 208
consideration for, **2,** 502
contribution between parties, **2,** 523
cross-acceptance for, **2,** 498
discharge of, **2,** 551, 555
dishonour of, **2,** 549
drawer as accommodation party. *See* DRAWER OF BILL OF EXCHANGE.
drawer of, bankruptcy of, **2,** 207, 522
duties and liabilities of, **2,** 502, 522, 523 ; **15,** 442, 443
giving time to, effect of, **15,** 554
holder of, rights of, **2,** 517
indorser, liability of, **2,** 502, 520, 522
insolvent person, for, **2,** 255
negotiation after maturity, **2,** 507
notice of dishonour in case of, **2,** 549
party to, liability of, **2,** 502, 517, 520, 522, 523
payer of, entitled to indemnity, **2,** 522, 526 ; **7,** 465
presentment for payment of, **2,** 534
relation of parties generally, **2,** 502, 520, 522

ACCOMMODATION WORKS,
canal company, construction by, **23,** 781
railway, for owners of lands adjoining, **6,** 153, 154 ; **23,** 666 *et seq.*
adjoining owner, construction by, **23,** 668, 672
compensation instead of, **23,** 667, 668
completion, enforcement of, **23,** 666, 668
differences as to, settlement of, **23,** 667
exemption from constructing, **23,** 667
fencing, **23,** 670
gates and stiles, **23,** 670
gates must open away from railway, **23,** 671
insufficient, powers when works are, **23,** 672
justices' jurisdiction as to, **23,** 667 n.
lands required for, are for use of railway, **23,** 666
level crossing, shutting gates on, **23,** 695, 696
limitation of time for beginning, **23,** 672
non-performance of agreement relating to, remedy for, **23,** 666, 667 ; **27,** 9 n.
repair of, **23,** 666, 689
right of way of owner over, **23,** 669
water, for carrying away, **23,** 671
watering-places for cattle, **23,** 671, 672
what works included in term, **23,** 668
specific performance of, contracts relating to, **3,** 249 ; **23,** 666 ; **27,** 9 n.
water supply, for, construction of, **28,** 281
necessary, when, **6,** 156 ; **28,** 289
undertaker's liability for default in beginning, **28,** 290

ACCOMPLICE. *See* ACCESSORIES ; AIDING AND ABETTING.
confession by, **9,** 398
evidence of an, corroboration required, **9,** 398, 408 ; **13,** 603
judge should direct jury as to value of, **13,** 421
misdemeanour, in, indictment and punishment of, **9,** 258

ACCORD,
not a contract, **7,** 443
question of fact, not of law, **7,** 441
without satisfaction, effect of, **7,** 443

ACCORD AND SATISFACTION,
agreement need not be in writing or under seal, **7,** 441
apprentice's right to plea of, **20,** 104
bill of exchange discharged by, **2,** 553 ; **7,** 442
bond discharged by, **3,** 97, 98 ; **13,** 64 n. ; **22,** 447
breach of contract discharged by, **7,** 441
composition to creditors, agreement for, by, **2,** 326 ; **15,** 567 n.
fraud of debtor, by, ineffectual, **7,** 444
joint or joint and several debtors, in case of, **3,** 98 ; **7,** 444 ; **13,** 64 n.
mortgage debt, in respect of, **21,** 308
new promise as a plea of, **16,** 277 n.
pleading, **22,** 447 n. ; **25,** 484
right of action extinguished by, **1,** 31 ; **7,** 441—444
tort, in case of, **27,** 500

ACCORDING TO THE TENOR,
executor, appointment and duties of, **14,** 137, 138

ACCOUNT. *For accounts of particular persons or bodies, see* ACCOUNTS.
acknowledgment under statute,
admission of pending, by, **19,** 66

ACCOUNT—*continued.*
acknowledgment under statute—*continued.*
mortgagee's account of rents, by, **19,** 151
statement of or request for, by, **19,** 64, 65, 66
action for, in county court,
balance of account, for, **8,** 429
order for account, **8,** 504
particulars of claim, **8,** 466
taking of account, **8,** 540—545. *See* ACCOUNTS AND INQUIRIES.
transfer to High Court, **8,** 446
action for, in High Court,
claim by special indorsement, order where no appearance, **18,** 186; **22,** 441
claim for account must be indorsed, **23,** 110
evidence on taking, hearsay admissible, **13,** 456
interlocutory order for account, **23,** 138
limitation of time for, **19,** 38 n., 61, 170—172
particulars of, account when ordered, **22,** 454 n.
power to order taking of account, **23,** 137, 138
principal against agent, **1,** 188
action of, under old law, **1,** 36; **13,** 27 n.
when restrained, **13,** 28
administration action, in, **14,** 338; **22,** 71
administrator's liability on common, **14,** 339
allowance in, by mistake, remedy in case of, **21,** 31
alteration in account verified by affidavit, **13,** 619
arbitrator, reference to, **1,** 484, 487
assumpsit, action of, formerly at law for balance due on, **13,** 27; **19,** 61
audit of. *See* AUDIT; AUDITOR.
Bank of England, of stock etc. at, false entry in, **9,** 755
banker, with. *See* BANKER; CURRENT ACCOUNT; DEPOSIT ACCOUNT.
betting transaction, between partners in, **15,** 278
books of. *See* ACCOUNT BOOKS; BOOKS.
bringing into. *See* HOTCHPOT.
building contract, liability of employer to furnish, on completion after forfeiture, **3,** 258
coparceners, between, **24,** 211
copyright, in action for infringement of, books, **8,** 165
condonation by acceptance of, **13,** 68
option of plaintiff as to, **13,** 68
paintings, drawings or photographs, in, **8,** 198
prints, engravings etc. of, **8,** 204
counterclaim for, **25,** 507
current. *See* CURRENT ACCOUNT.
day, **27,** 216
discovery, consequential on, **13,** 28
security for costs account, in case of, **11,** 54
distress, constable's charges of execution of warrant of, **11,** 226
dower claims, in, **13,** 42; **24,** 197 n.
duty. *See* ACCOUNT DUTY.
elegit, tenant by, holds subject to, **14,** 71, 73
equity, jurisdiction as to, **13,** 6, 10, 27, 28, 43
limitation of actions in, **19,** 170
relief not always given where remedy at law, **13,** 28
estate duty, for purposes of, **13,** 213 *et seq.*
form of, **13,** 216. *See* ESTATE DUTY.
execution, of sale of goods taken in, **8,** 566
fire insurance, in, running, agreement for, **17,** 526
injunction asked, where, ancilliary to injunction, **17,** 201
delay, right lost by, **17,** 201

ACCOUNT—*continued.*
injunction asked, where—*continued.*
injunction refused where defendant undertakes to keep account, **17,** 201, 222
limitation of period of, **17,** 201
mines, granted in case of, **17,** 201 n.
not ordered in addition to damages, **17,** 215
order for, on granting of, **13,** 68; **17,** 201
when injunction refused or stayed pending appeal, **17,** 202, 223
plaintiff's right to, on grant of perpetual injunction, **17,** 201
undertaking by defendant to keep, when required, **17,** 222, 223
interrogatories, in claim for, **11,** 98
joint. *See* JOINT ACCOUNT.
joint tenants, between, **24,** 203
limitation of actions for, **19,** 38 n., 61, 170—172
acknowledgment of debt, what constitutes, **19,** 61, 64, 65, 66, 151
agent, against, **1,** 188; **19,** 165, 166
assumpsit, where analogous to action of, **19,** 61
banker and customer, between, **19,** 166
disability, effect of, **19,** 170
factor, in case of, **19,** 47
fiduciary persons, in case of, **19,** 165, 166
lunatics, in case of, **19,** 171
minerals wrongfully abstracted, **19,** 49; **20,** 543
mortgagee and mortgagor, between, **19,** 102; **21,** 215. *See* mortgagor and mortgagee, *infra.*
mortgagee of life interest, against, **19,** 171
partners, as between, **19,** 171
period of limitation for, **19,** 38 n., 170
rents, of, adverse possession, in case of, **19,** 171
trustee, in case of, **19,** 139
trust, effect of, **19,** 166, 170
payment of debts, for, **19,** 168
trustee, against person claiming through, **19,** 140
lunatic, action against, limitation of time, **19,** 171, 172
liability of committee to, **19,** 431, 433—435, 458
final account, **19,** 426
mandatary's liability to, **1,** 536
mines, in respect of, allowances made to defendant in action for, **20,** 541
cestui que trust in possession not liable to action for, **20,** 561, 562
co-owners of mine, as between, **20,** 511, 512
improper working by limited owner, **20,** 516, 520
licensor, action by, **20,** 570
measure of damages in action, account, **20,** 540, 541
mortgage of undivided share, right of action, **20,** 556
mortgagee in possession, by, **20,** 555 n.
partners in mine, as between, **20,** 512, 513
wrongful abstraction of minerals, in respect of, **20,** 537, 538, 540, 543
mortgagor and mortgagee, between, **21,** 215—244
action against mortgagee for an, **21,** 215 n.
appropriation of moneys to other accounts, **21,** 216
assignment of mortgage, after, **21,** 200
Clayton's Case, rule in, as affecting, **21,** 225

ACCOUNT—*continued.*
mortgagor and mortgagee, between—*continued.*
costs, charges, and expenses, of, **21,** 231, 239 *et seq.*
costs of proceedings included in, **21,** 231, 237
court, when to be taken in, **21,** 216,
current account, when security given for, **21,** 224, 225, 228
discovery in connection with, **11,** 52, 99
errors in, setting off and correcting, **21,** 218
foreclosure action, in, **21,** 215 n., 231, 287, 288
claim for, **21,** 283, 284
reopening, **21,** 296—300
when will be directed, **21,** 291, 292
future receipts, in respect of, **21,** 215 n.
general account, nature of, **21,** 215, 223 *et seq.*
interest, calculation of, **21,** 225, 226, 230
compound interest, **21,** 227, 228
tender, effect of, **21,** 229
limitation of action for, **19,** 101—103, 170
mortgagee in possession, **21,** 198—202, 215, 219—223, 288
adverse title, effect of setting up, **21,** 222
foreclosure action, in, **21,** 284
interest in arrear, effect of, **21,** 222
mine, of, **20,** 555 n.
property let or unlet, in respect of, **21,** 200, 201
rents received after first accounts, of, **21,** 223, 298
rests, when and when not taken with, **21,** 220, 221, 222, 223
surplus rents, of, **21,** 201, 219, 220
order for, form of, **21,** 215, 219, 287
mortgagee in possession, **21,** 199 n., 215, 288
partnership, mortgage of share in, **20,** 556; **21,** 96, 215 n.; **22,** 58, 68
patent, co-owner of, mortgagee of other share, **21,** 199 n.
persons bound by the, what, **21,** 218
principal and interest, of, **21,** 215, 223—230
special matters in regard to must be pleaded, **21,** 223
principal debt, of, proof of amount, **21,** 223, 224, 225
property out of jurisdiction, **13,** 66
redemption action, in, **21,** 153, 215 n.
discovery, **11,** 52, 99
mesne incumbrancers, in action by, **21,** 290
mine, in case of, **20,** 539
refusal to render, mortgagee's, **21,** 237
reopening of, **21,** 216, 217, 218
foreclosure action, in, **21,** 296—300
sale in lieu of foreclosure, on order for, **21,** 291, 292
sale under power, in case of, **21,** 269
sub-mortgagee and mortgagee, between, reconveyance where account not settled, **21,** 309 n.
subsequent mortgagee, at instance of, by mortgagee, **21,** 216, 255, 256
binding on, **21,** 218
supplementary, when necessary, **21,** 223
surcharge and falsify, leave to, **21,** 216, 217, 218.
surplus proceeds of sale, costs of action for account of, **21,** 237
mutual, bill for, **13,** 28
old, proves itself, **13,** 561
partition, in case of, **13,** 41

ACCOUNT—*continued.*
partition action, in, **21,** 848—852
direction of, **21,** 851
partner, entitled to, against other party, **22,** 74
grounds of defence against, **22,** 72
partnership, in case of. *See* ACCOUNTS.
patent, of profits of, extension, production on application for, **22,** 204
infringement, on proof of, **22,** 223
injunction stayed pending appeal, in case of, **17,** 258
licensor's right to, **11,** 43 n.; **22,** 196
profits, of, or damages, option to plaintiff, **13,** 68; **22,** 223
payment on, in case of building contract, **3,** 179, 212, 225, 306
plaintiff seeking, must account, **13,** 72
probate duty, for purposes of, **13,** 315
profits, of. *See* PROFITS.
proof of, **13,** 561
rectification of instrument, **21,** 28
remedy by, not a penal remedy, **13,** 67 n.
rents and profits, of. *See* RENTS AND PROFITS.
reopening of, circumstances sufficient to allow the, **21,** 32
foreclosure, **21,** 296—300
fraud, on account of, **7,** 490; **13,** 171 n.
liquidator's accounts, at instance of surety, **15,** 479 n.
mortgage, **21,** 216, 217, 218
partnership, **22,** 72
settled under common mistake, when, **7,** 490
21, 34
representation,
genuineness, by handing over, **20,** 673 n.
intended mode of keeping, as to, **20,** 661 n.
rescission, in action for, **20,** 744
set-off in regard to. *See* SET-OFF.
settled. *See* ACCOUNT STATED.
ship, in case of, co-owners' liability, **26,** 37
managing owners' liability, **26,** 36
sovereign power not compellable to, **23,** 307
specific performance action, order for, **27,** 85 n.
stated. *See* ACCOUNT STATED.
Stock Exchange, account, meaning of, **27,** 216
account day, **27,** 216
closing account, **27,** 249, 250, 251, 252
running account, nature of, **27,** 218, 219
stockbroker's duty to, **27,** 222, 243, 244
succession duty, for purpose of, **13,** 296, 297
commissioners to keep, of payments of, **13,** 292
persons liable to render, **13,** 295
proceedings to enforce delivery of, **10,** 19; **13,** 304
unsatisfactory, procedure by commissioners, **13,** 297
verification of, **13,** 296, 297
surcharge and falsify, liberty to, **21,** 32
mortgage, in case of, **21,** 216, 217, 218
partnership, in case of, **22,** 72
surety not discharged by irregular method of, **15,** 548
trade mark or name, in case of infringement, **27,** 772, 773

ACCOUNT BOOKS. *See also* BOOKS.
accountant's lien on, **19,** 13
admissibility of, in evidence, **13,** 561
county court, on taking account in, **8,** 542
partners in case of, **22,** 66
bankrupt, of. *See* BOOKS.

ACCOUNT BOOKS—*continued.*
distress upon, **11,** 143
partnership, of. *See* BOOKS.
production for inspection, banker, by, **1,** 644, 645
copies of entries instead of, **11,** 91
oppression as ground of refusal, **11,** 88 n.
partnership books, **22,** 66
pawnbroker, of, **22,** 256
place of, **11,** 89
sealing up portions, **11,** 71 ; **22,** 46, 66

ACCOUNT DAY,
meaning of, on Stock Exchange, **27,** 216

ACCOUNT DUTY,
appointees of specific sums, when bearing duty rateably, **13,** 222 n.
death duty, is a, **13,** 180
payment of, exempts from estate duty, **13,** 199 n.
property in respect of which payable, **13,** 181, 220 n.
survivorship, in case of title by, **13,** 192

ACCOUNT PAYEE,
effect on cheque, **1,** 595, 611

ACCOUNT STATED,
defined, **7,** 489
acknowledgment under Statute of Limitations, as, **7,** 491 ; **19,** 64, 65, 66
acquiescence in, partners, by, **22,** 73
set-off not allowed after, **25,** 485
action on, **7,** 489 ; **15,** 443 n.
admissions sufficient to support, **7,** 489, 490
acceptance of, necessary to, **7,** 490
agent, by, **7,** 493
ascertainment of balance under original agreement not necessarily an, **7,** 493
debt between parties necessary to, **7,** 493
evidence of position of parties, as, **15,** 443 n.
illegal contracts cannot be the subject of an, **7,** 491
implied contract in case of, **7,** 489—493
infant, by, void, **7,** 492 ; **17,** 63
legal obligations necessary to action, **7,** 492
partnership, in case of, **22,** 72, 73
past transactions only, must refer to, **7,** 493
pleading of, **22,** 427, 428
principal debtor and surety to creditor, between, **15,** 443
privity of contract, what is a sufficient, **7,** 490
reopening account, **7,** 490. *See* ACCOUNT.
solicitor and client, as between, **7,** 492 ; **26,** 776
spirits sold on credit, for, **18,** 172
Statute of Frauds, effect as regards, **7,** 491
statute-barred debts, recovery of, on, **7,** 491 ; **19,** 66
surety and principal debtor with creditor, **15,** 443 n.
trustee's admission of balance renders him liable to action, **7,** 490

ACCOUNTABLE OFFICER
increment value duty, in relation to, *defined,* **24,** 559 n.
penalty on default of, **24,** 560, 562

ACCOUNTANT,
agent, whether an, **11,** 90
auditors of building society, one must be, **3,** 343

ACCOUNTANT—*continued.*
friendly society's annual returns certified by, **15,** 174
inspection of documents by, on discovery, **11,** 67, 90
liability of, for negligence, **21,** 368 n.
lien of, on books of account, **19,** 13
promoter of company, is not a, **5,** 47
restraining covenants on profession of, **27,** 559 n., 583
revenue, in case of, **24,** 764, 765 n.
Society of Accountants, infringement of trade name by similar body, **27,** 749 n.
solicitor and, agreement to divide costs between, illegal, **26,** 856

ACCOUNTANT-GENERAL,
friendly society funds, transfer of, by, **15,** 170

ACCOUNTING OFFICER
in regard to public revenue, **24,** 765

ACCOUNTS. *For general law of account, see* ACCOUNT.
administrator, duty of, **14,** 320—326, 338
administrator *pendente lite,* of, **14,** 203
agent, of, **1,** 186
agent's duty to keep, **1,** 186
alteration in form of, effect on surety, **15,** 548
estoppel in case of, **13,** 388
evidence, as, **13,** 561
surety, against his, **15,** 479
falsification of, **5,** 313 ; **9,** 659—661
principal's right to, **1,** 188
reopening of settled, on proof of fraud etc., **1,** 188
right to keep and have taken, **1,** 200
secret profits, of, **1,** 190 ; **13,** 68
allotments, in case of, **1,** 342, 359
annual. *See* ANNUAL ACCOUNTS.
approved societies, of, **28,** 964, 965, 966
assignment for benefit of creditors, in case of, **2,** 334
asylum, of, **19,** 484
auctioneer, of, **1,** 513, 515
audit of. *See* AUDIT ; AUDITOR.
bankruptcy, in, arrangement under, **2,** 334
debtor, by, **2,** 103, 104, 161
official receiver, by, **2,** 103, 124, 125
trustee, by, **2,** 131—133, 296, 334
audit of, **2,** 132, 133, 240
bankruptcy, in case of, bankrupt's partners, by, **2,** 161
banks, of joint stock, **1,** 582 ; **5,** 613
Board of Trade in relation to. *See* BOARD OF TRADE.
borough council, of a, **19,** 323—325 ; **20,** 436, 451
building society, of a. *See* BUILDING SOCIETY.
burial board, of, **3,** 458, 488
overseers in relation to rate for, by, **3,** 476
cemeteries, by local authorities, relating to, **3,** 512
cemetery company, by, **3,** 522, 523
charities, of, accounts and inquiries, demand for, by Charity Commissioners, **4,** 309 ; **12,** 13 n.
charity trustees, of, **4,** 273, 277, 278
costs of proceedings against trustees for, **4,** 347
official trustees, of, **4,** 281
church trustees, of, **11,** 475
churchwardens, of, **11,** 473
club, of, for purposes of duty, **4,** 429

ACCOUNTS—*continued.*
collector of Inland Revenue, neglect to keep, **9,** 489
Commissioners of Sewers, of, **24,** 104; **25,** 778
Commissioners of Woods, of, **7,** 125, 129, 140
Commissioners of Works, of, audit of, **7,** 141
committee of lunatic, of, **19,** 426, 431, 435, 458
companies, of, **5,** 265—270. *See also* BOOKS.
acquiescence in, bar to injunction, **17,** 221
articles, provisions in, as to, **5,** 265
Table A, provisions of, **5,** 265 n., 266 n.
assurance companies, by, **5,** 624, 631—633
audit of, **5,** 267—270, 613, 624. *See* AUDIT.
Board of Trade, of, relating to winding up of, **5,** 437
books and papers, as, **5,** 36
circulation of false, **5,** 313; **9,** 661
Companies Clauses Acts, under, **5,** 721—724
directors, of, **5,** 226, 265, 266
falsification of, **5,** 313; **9,** 660, 661
inspection of, **5,** 266, 357
Companies Clauses Act, under, **5,** 722
mandamus for, **10,** 83
liquidator, by,
inspection of, **5,** 435, 445, 451, 452; **11,** 47
reopening at instance of surety, **15,** 479 n.
winding up, voluntary, **5,** 575, 576
winding up by court, **5,** 435, 452—455
winding up under supervision, **5,** 600
manager, by, **5,** 422
officers, by, **5,** 54, 245, 265
Companies Clauses Act, under, **5,** 715, 716
taking presents from promoters, by, **5,** 54
official receiver, to liquidator, of, **5,** 429, 452
omission to make entries in, penalty, **5,** 313; **9,** 660
promoters, by, **5,** 50, 51
convict, of administrator or curator of, **9,** 430
power of Attorney-General to apply for, **23,** 262
co-parceners, between, **24,** 211
coroner, of, **8,** 294
county associations of Territorial Force, of, **25,** 89
county council, of, **12,** 492 n.; **19,** 362, 363
county court registrar, of, **8,** 418
county treasurer, of, **19,** 346
distiller, of, for excise duty, **18,** 151; **24,** 639
district education board, of, **12,** 88
drainage board, of, **25,** 789 n.
Ecclesiastical Commissioners, of, **11,** 801
election expenses, of, candidate, of, **12,** 335—338
clerk of county council's expenses, **12,** 246, 247
county court jurisdiction, **8,** 673
overseers' expenses, **12,** 239, 240
returning officer's expenses, **12,** 333, 334
sale of copies of register, of, **12,** 246
town clerk's expenses, **12,** 247, 248
electric lighting, local authorities, of, **12,** 554
undertakers, of, **12,** 604, 605
Exchequer, of, **24,** 541—543
executor, of,
administration proceedings, in, common form, **14,** 339
proceedings to stand over pending delivery of account, **14,** 338
executor must keep strict, **14,** 320
interest charged upon balances, **14,** 324, 325
legacy to be brought into account, **14,** 268, 269
profit costs, of, by solicitor representative, **14,** 321
Statutes of Limitation with regard to, **14,** 317

ACCOUNTS—*continued.*
executor, of—*continued.*
wilful default, one instance sufficient for order for, **14,** 338, 339
falsification of, **5,** 313; **9,** 659—661, 755
friendly society, of. *See* FRIENDLY SOCIETY.
gas undertakers, of, **15,** 372
gas undertakings, of, local authorities, **15,** 373
guardians, of, **22,** 550, 551
highway authority, of, **16,** 131
industrial and provident society, of, audit of, **17,** 11, 27
inspection in case of, **17,** 15, 16, 301
of officer, of, **17,** 25
insurance committee, of, National Insurance, of, **28,** 961
justices' clerk, of, distress, of sums recovered by, **11,** 223
fees and fines, of, **19,** 615, 616, 617
Lancaster, Duchy of, **7,** 220
library authority, of, **23,** 595, 596
lighting inspectors, of, **16,** 122
liquidator, of. *See* company, *supra.*
loan society, of, **19,** 221
local authorities of, general, **23,** 387
local education authority, of, **12,** 14, 47, 52
London Corporation, of, **20,** 451
London County Council, of, **20,** 446, 451
markets, of, **20,** 29, 30
metropolitan borough councils, of, **20,** 436, 451
Metropolitan Police Force, of, **22,** 468, 469
Metropolitan Water Board, of, **28,** 335, 336
mortgagee. *See* ACCOUNT.
municipal corporation, of, **19,** 323, 324; **20,** 436, 451
museum and gymnasium authority, of, **23,** 596
old, prove themselves, **13,** 561
parish council, of, **19,** 244
parish meeting, of, **19,** 260
partnership, of,
action for, limitation of time, **19,** 171
assignee of share as party to action for, **22,** 68
balance sheet, deceased partner's share ascertained by, **22,** 73, 107
goodwill in relation to, **22,** 107
banking, in one partner's name, **22,** 33
competing business, action not maintainable in respect of, **22,** 84
cost of taking, how payable, **22,** 76
defences to action for, **22,** 71, 72
dissolution, account ordered without, **13,** 38; **22,** 71
implied promise to pay balance on, **22,** 75
profits made after, of, **22,** 63, 99, 100
dissolution action, in, **22,** 70—76
illegal partnership, none ordered in case of, **22,** 17, 68, 71
interest on moneys retained by partner, **22,** 64, 65
judgment creditor's rights subject to, **13,** 39; **22,** 59
jurisdiction to order, **13,** 38; **22,** 70
mine, in, **20,** 512, 513
mode of taking, **22,** 73
mortgagee of share, right of, **21,** 96, 215 n.; **22,** 58, 68
nature of, to be furnished, **22,** 65, 73
parties entitled to an, **22,** 74
parties to action for, **22,** 66, 67
partner, bound by own, **22,** 73
liability to, **22,** 47
right to, **22,** 65, 74

ACCOUNTS—*continued.*
partnership, of—*continued.*
personal representative's right to, **22,** 65, 68, 74
reopening of, **22,** 72
stranger's right to an, **22,** 74
striking monthly balance, effect of, **22,** 74
unsaleable assets to be charged in the, **22,** 103
poor rate, of collection of, **24,** 67
Postmaster-General, duty of, as to, **22,** 634
Private Street Works Act, 1892, under, **16,** 236
public, audit and examination of, **21,** 776, 777; **24,** 538, 541—543
accounting officers, appointment of, **24,** 765
audit of accounts of, **24,** 765
passing accounts of, **24,** 541
Public Trustee, of, **28,** 218
railway, of, **23,** 641—646
annual, abstract, **23,** 641, 642
financial accounts, **23,** 641, 645
audit of, **23,** 645
no dividend declarable without auditors' certificate, **23,** 645
balance sheet only necessary once a year, **23,** 644
Board of Trade, control of, **23,** 632, 643—646
fares, of, **23,** 640
bond to secure the keeping of, **23,** 640
inspection by revenue officers, **23,** 640
form of, **23,** 641, 642
alterations of, by Board of Trade, **23,** 644
penalties for
default in rendering and falsification, **23,** 643
failure to keep open for inspection, **23,** 641
rendered to the registrar of companies, **23,** 643
shareholder's right to copy, **23,** 643
signature and date of, **23,** 643
receiver, of, **24,** 409 *et seq.*
costs of, receiver's right to, **24,** 407
county court, in, **8,** 505
expenditure allowed in, **24,** 400
form of, **24,** 410
investigation after discharge, **24,** 412
right of parties to attend, **24,** 411
passing of, **14,** 124; **24,** 411
plaintiff's right to copy of, **24,** 410
remuneration fixed on passing, **24,** 404, 409
reopened, when not, **24,** 413
sureties', right to attend the taking of, **24,** 423
submission as to taking of, **24,** 422
verification and delivery of, **24,** 410, 411
vouching and passing of, **14,** 124; **24,** 411
Road Board, of, **16,** 29
rural district council, of, **19,** 337
sheriff, of, **25,** 841, 842
small dwellings, in regard to. *See* SMALL DWELLINGS.
small holdings, for, county council, of, **1,** 342; **26,** 676, 694
trade union, of, **27,** 631
rendering by treasurer, **27,** 633, 634
trust, **28,** 126, 127
breach of trust, of profits of, **13,** 67; **28,** 192, 193
challenge of items by *cestui que trust,* **28,** 127
costs of trustee of, action for, **28,** 161
inspection by *cestui que trust,* **28,** 127
investigation and audit of, by Public Trustee, **28,** 217
judicial trustee, of, audit of, **28,** 212
trustee's rights and duties as to, **28,** 126, 127
effect of lapse of time, **19,** 139

ACCOUNTS—*continued.*
trust—*continued.*
trustee's rights and duties as to—*continued.*
liability for incorrect account rendered by co-trustee, **28,** 126 n.
underwriters and brokers, between, **17,** 348 n., 353
urban district council, of, **19,** 283—289
water undertaking, of, local authority's duty as to **28,** 327
undertaker's duty as to, **28,** 330

ACCOUNTS AND INQUIRIES,
county court, in the, **8,** 540—546
account books as evidence, **8,** 542
account of personal estate, **8,** 542
addition of necessary parties, **8,** 541
advertisement for creditors, **8,** 543
certificate of registrar, **8,** 544
costs of creditor, **8,** 544
evidence of claims, **8,** 543
hearing of, **8,** 541
interest on debts and legacies, **8,** 544
late claims, **8,** 544
notice of allowance of claims, **8,** 543
numbering of accounts, **8,** 542
order for, **8,** 504, 540
parties, duties of the, **8,** 543
proof of claims, **8,** 542, 543
registrar, powers of the, **8,** 540, 541
representation of class interests, **8,** 541
summons to attend proceedings, **8,** 541
surcharge, notice of, **8,** 542
transfer of, to High Court, **8,** 446
verification of accounts, **8,** 542
foreclosure action, in, **21,** 231, 287
when sale directed, **21,** 291, 292
notice of order to parties interested, **18,** 208, 209
redemption action, in, **21,** 153, 154, 215 n.

ACCOUTREMENTS,
Naval Reserve, of, sale of, **25,** 23

ACCRETION. *See also* ACCESSION.
legacy, to, **14,** 275
mortgaged property, to, **21,** 120
natural, to land,
access not affected by, **28,** 394
boundaries, effect on, **3,** 122; **28,** 362, 398
common, to, **4,** 473, 474
legal effect of, **4,** 473; **28,** 363
ownership of bed of non-tidal river, as affecting, **28,** 398
profit à prendre, in regard to, **11,** 336
public rights as affected by, **28,** 363
removal of accretions in watercourse subject to easement, **11,** 318
river, in case of land bounded by, **3,** 122; **28,** 398
sand blown or stones falling upon land of, **4,** 474
sea, in case of land bounded by,
gradual, belongs to adjoining owner, **3,** 119; **4,** 473; **7,** 116; **28,** 361, 362, 363
sudden, belongs to Crown, **3,** 120; **7,** 116; **28,** 362
settled property, in case of, appointment of share will carry, **23,** 51 n.
capital or income, **25,** 609
capitalised profits are, to capital, **5,** 279; **25** 609

ACCRETION—*continued.*
settled property, in case of—*continued.*
funds transferred to trustees deemed to form, no resulting trust, **28,** 56
referential trust does not create, **25,** 708
trustee cannot retain, **28,** 48
whether additional funds form, question of intention, **25,** 708
value of property, to, mortgagee entitled to, **21,** 120
pawnee entitled to, **22,** 243
purchaser entitled to, after contract, **13,** 99; **25,** 369

ACCRUER CLAUSE,
construction the same in deed or will, **25,** 575 n.
wills, operation in the case of, **28,** 795, 796

ACCUMULATED PROFITS,
company, of, retention of, at request of shareholder, **5,** 102
return of, in repayment of capital, **5,** 102, 103
settlement, whether capital or income of, **25,** 609
special resolution, as to, **5,** 102, 282 n.

ACCUMULATION OF INCOME,
direction for, not sufficient to indicate time of vesting, **28,** 813
donee does not dispute will by claiming to put an end to, **28,** 631 n.
minorities, during, statutory powers, **17,** 88; **25,** 683
personal estate, of, direction to invest in land, **22,** 383
purchase money of leases, under Settled Estates Act, in case of, **25,** 681 n.
remainderman after trust for, whether has powers of tenant for life, **25,** 628, 629 n.
stopping of, by donee, **4,** 176, 199; **14,** 264; **22,** 327; **28,** 631 n., 813
validity of direction for, **22,** 370—384
capital, for replacement of, **22,** 380
charities, restrictions apply to gifts to, **4,** 176
rights of charities to income, **4,** 191, 199, 200; **22,** 327
children, for benefit of, valid, **22,** 377—379
conflict of laws as to, **6,** 209, 220; **22,** 312
costs of proceedings relating to invalidity of, **22,** 383, 384
debts, under trust to pay, **22,** 327, 328, 376
recoupment of beneficiaries, **22,** 329, 376, 377
determination of trust for, under power, **22,** 327, 372, 383
directions within the rules relating to, what are, **22,** 372
excessive direction, effect of, **6,** 209, 220; **22,** 371, 372
exceptions from the statutory rules relating to, **22,** 376—381
heir, rights of, **22,** 382, 383
implied trust for, when arising, **22,** 373
invalidity of, effect of, **22,** 381—384; **25,** 608 n.
keeping up value of property, for, **22,** 380
land, for purchase of, **22,** 371, 374
law, effect where required by, **22,** 373, 374

ACCUMULATION OF INCOME—*continued.*
validity of direction for—*continued.*
next of kin, rights of, **22,** 382; **25,** 628 n.
particular person, for, when valid, **22,** 327
periods which are allowed, **22,** 370, 371
calculation of the periods of, **22,** 375; **27,** 448
determination which period appropriate, **22,** 374, 375
perpetuities, rule against, as applying to, **22,** 304, 326 n., 327—329, 370
policy, direction to keep up, valid, **22,** 381
replace leaseholds, to, **22,** 380
portions, for, valid, **22,** 377—379
property which is subject to the rules relating to, **22,** 372
rents, of, to pay charges on the estate, validity of, **22,** 328 n.
repairs, for, **22,** 380
savings out of income not within rules against, **22,** 381
simple or compound interest, at, **22,** 373
surplus accumulations, application of, **22,** 381—383; **25,** 608
charities, in case of, **4,** 191, 199, 200
timber, directions as to, **22,** 380

ACCUMULATION OF INJURIOUS MATTER,
as a nuisance, **21,** 538

ACCUSATION,
crime, of, for purpose of extortion, **9,** 666
libel or slander, as, **18,** 620 *et seq.*

ACCUSED. *See also* DEFENDANT.
arrest of, **9,** 296—310. *See* ARREST.
attendance of, securing of, **9,** 290—310
bail, **9,** 323—326. *See* BAIL.
remand, during, **9,** 319
commitment for trial of, **9,** 320—323
custody, already in, in any part of His Majesty's dominions, practice as to, **14,** 426
depositions, right to copies of, **9,** 322
discharge of, **9,** 320
evidence of, at preliminary examination, **9,** 317
extradition case, in, evidence may be given and called by, **14,** 412
indictable offences triable summarily at option of, **19,** 582, 583
indictment of, **9,** 329 *et seq.* *See* INDICTMENT.
malicious prosecution, effect where innocence of accused known to defendant, **19,** 684, 685
place of trial, **9,** 326
preliminary examination of, **9,** 311—323. *See* EXAMINATION.
remand of, **9,** 319. *See* REMAND.

ACE OF HEARTS,
illegality of, **4,** 436; **9,** 546; **15,** 285

ACETYLENE,
when an explosive subject to regulations, **14,** 358 n.

ACID,
alkali waste, separation from, **23,** 408
poisonous, when to be labelled, **20,** 385
works, **23,** 409 *et seq.*
regulations as to. *See* ALKALI WORKS.

ACKNOWLEDGED DEED OF MARRIED WOMAN,
acknowledgment,
attorney, by, **16,** 384
duty of person taking, **16,** 382
Master of Supreme Court cannot receive, **16,** 381; **23,** 128
memorandum of, indorsed, **16,** 382, 383
proof of, on sale of land, **25,** 350
who can take, **16,** 381, 383, 384; **21,** 501
commissioners for taking, perpetual, **16,** 381; **26,** 859, 860
special, **16,** 383
contingent interests conveyed by, **16,** 379
estate tail barred by, **16,** 365, 378, 381
examination of wife, **16,** 382
husband's concurrence necessary, **16,** 381
dispensed with, when, **16,** 384—386
non-separate land, required for disposition of, **16,** 323; **24,** 298, 299
property vested in husband and wife before 1883 conveyed by, **16,** 354, 378
requisites for valid, **16,** 381—386; **24,** 299
reversionary interest in personalty assigned by, **16,** 333
searches to be made in respect of, on sale of land, **25,** 362
trust of copyholds, **8,** 108
voluntary nature of, **24,** 299
wife's refusal to convey by, purchaser's remedy, **24,** 300

ACKNOWLEDGMENT,
admittance to copyhold, of lord's title by, **8,** 100
assignment of life policy, of notice of, **5,** 619; **17,** 562
bill of lading as an, of the receipt of goods, **26,** 144, 145, 169
court rolls, of right to production of, **8,** 17
deed, of, by married woman. *See* ACKNOWLEDGED DEED OF MARRIED WOMAN.
deed requiring enrolment, of, by notary public, **21,** 501
deeds, of right to production of, **25,** 337, 338
false, recognisance of bail, or *cognovit*, of, **9,** 739
friendly society, of registry of, **15,** 130, 131, 132
obtained by fraud or mistake, **15,** 203
industrial and provident society, of registry of, **17,** 9, 10
where company converted into registered society, **17,** 8
liability, of, effect in case of specially indorsed writ, **15,** 502; **18,** 191, 193
married woman, by. *See* ACKNOWLEDGED DEED OF MARRIED WOMAN.
will, of, mere calling in of witnesses does not amount to, **28,** 552
subsequent alterations to, of, **28,** 561

ACKNOWLEDGMENT UNDER STATUTES OF LIMITATION,
account, admission of pending, by, **19,** 66
mortgagee's, of rents, by, **19,** 151
statement of, or request for, by, **19,** 64, 65, 66
bankrupt's balance sheet, by, **19,** 63, 80, 93
court, by payment into, **19,** 70, 93, 95
executor, by. *See* personal representative, *infra.*
infant, by, **19,** 62
land or rent, in actions to recover, **19,** 131—133, 150, 152
after time has run, **19,** 131, 151, 155

ACKNOWLEDGMENT UNDER STATUTES OF LIMITATION — *continued.*
land or rent, in actions to recover—*continued.*
agent, by, insufficient, **19,** 132
to, sufficient, **19,** 131
disability, to person under, **19,** 135
essentials to, **19,** 131, 132
estate tail, in case of, **19,** 137
mortgagee, by, **19,** 150—152
form of, **19,** 151.
mortgagors, to or by one of several, **19,** 152
mortgagor, payment by, effect of, **19,** 146
tenant at will, payment of rent by, **19,** 123
who is bound by, **19,** 132
written, must be, **19,** 132
letter, without prejudice, not sufficient, **13,** 558
money charged on land etc. in action to recover, **19,** 92—96, 103, 104
arrears of rent and interest, in case of, **19,** 103, 104
payment in case of principal moneys, by, **19,** 92, 94—96
administrator, payment by, **19,** 95
by and to whom, **19,** 94—96
compulsion of law, under, **6,** 281 n.; **19,** 95
constructive payment, **19,** 96
limited owner, by, **19,** 96
mortgagors, by one of two, **19,** 94
owner of charge entitled to income of land, by, **19,** 96
person entitled to tender, by, **19,** 94, 95
premium on insurance policy, of, **19,** 94
principal, payment by, **19,** 95
receipt of rent by mortgagee, when, **19,** 94
several securities, in case of, **19,** 96
statute-barred debt, of interest on, **19,** 96
surety, payment by, **19,** 95
written, in case of principal moneys, **19,** 92, 93
mortgage, in case of, covenant, claim under. *See* specialty debts, *infra.*
land, proceedings to recover. *See* land or rent, *supra.*
recovery of debt out of. *See* money charged on land etc., *supra.*
parol evidence in regard to, **19,** 59, 60, 93
personal representative, by, **14,** 252, 253; **19,** 59, 61, 62, 104
pleading of, **19,** 185, 186
proof of, **19,** 59, 68, 70, 80, 93, 185, 186
simple contract debts, in case of, **19,** 58—75
account, in action for, what constitutes, **19,** 64, 65, 66
after six years, effect of, **19,** 59; **27,** 148 n.
agent, by, **19,** 61
to, **19,** 62
amount of debt need not be expressed, **19,** 65, 66
arbitration, submission to, effect of, **19,** 66
bankruptcy, in case of, **2,** 202; **19,** 63, 93
conditional, **19,** 64, 65
construed, by whom, **19,** 63
disability, effect of, **19,** 61
effect of, generally, **19,** 58
liability other than debt, of, **19,** 60, 61
limited, effect of, **19,** 66
parol evidence in regard to, **19,** 59, 60
partner, by one, **19,** 62. *See also under* payment, *infra.*
payment, by, **19,** 67—74
agent, by or to, **19,** 71, 72

ACKNOWLEDGMENT UNDER STATUTES OF LIMITATION — *continued.*
simple contract debts, in case of—*continued.*
payment, by—*continued.*
appropriation where more debts than one, **19,** 69
bankruptcy, under or on eve of, **19,** 70
bill or note, by, **19,** 70, 71
cestui que trust, payment to, **19,** 72
co-contractor, payment by, **19,** 61, 62, 73
court, payment into, **19,** 70
declaration of debtor as to, **19,** 67
executor, heir, or devisee, by, **19,** 74, 75
interest, of, effect of, **19,** 68, 69
married woman, payment by, **16,** 420; **19,** 72
mode of payment, **19,** 70
particular mode of, pointing to, **19,** 66, 67
partner, payment by, **14,** 252; **19,** 74; **22,** 29, 98
principal, of, in regard to interest, **19,** 68
promise to pay must be implied, **19,** 67
proof of, **19,** 68, 71
receiver, payment by, **19,** 72, 94; **24,** 339, 385
stranger, payment to, **19,** 73
pleading, **19,** 185, 186
promise not to plead statute, **19,** 65, 186
set-off, claim of, makes invalid, **19,** 66
solicitor's costs, of, **19,** 66
stamp duty in respect of, **19,** 60
statement of accounts, by, **7,** 491; **19,** 66
request for, **19,** 64, 65
statute-barred debt, in respect of, **14,** 252; **19,** 59; **27,** 148 n.; **28,** 510
sufficient, words necessary to, **19,** 63, 64
to whom must be made, **19,** 62, 63
who can make, **19,** 59, 61, 62
special periods, no provision in case of, **19,** 182
specialty debts, in case of, **14,** 253; **19,** 79—82
agent, payment by, **19,** 79
bond, in case of, **3,** 100; **19,** 79, 80
disability, to person under, **19,** 81
joint obligors, by one of several, **19,** 81
mortgage debt, of, after right against land barred, **19,** 80
pleading, **19,** 186
proof of, **19,** 80
written or by payment, **19,** 79—81
sufficiency of, question for judge, **13,** 432; **19,** 63, 132
wife, by, when effective against husband, **16,** 420; **19,** 72
will, in a, **19,** 92, 93; **28,** 510
writing necessary, when, **10,** 423; **19,** 59, 92, 103, 131, 132, 150

ACORNS,
right to feed swine on, **4,** 473
right to take, **11,** 337

ACQUIESCENCE. *See also* STANDING BY.
defined, **13,** 166, 169
account, form of, in, effect, **22,** 73
statement of, in, **22,** 73; **25,** 485
assignment of contract, in, **3,** 271
bond on marriage turned into agreement by, **25,** 536 n.
breach of covenant, in, bar to injunction, **17,** 248, 249
waiver, by, **18,** 519, 539

ACQUIESCENCE—*continued.*
breach of trust, in, by *cestui que trust,* **5,** 234; **13,** 170, 172; **28,** 170, 198, 199, 202
building by stranger on land of another, in, **13,** 167 n., 168, 397
building contract, in relation to. *See* BUILDING CONTRACT.
cestui que trust, by, breach of trust, in, **5,** 234; **13,** 170, 172; **28,** 170, 198, 199, 202
purchase by trustee, in, **28,** 170
charitable trusts determined by, **4,** 154, 155
company, by, effect of, **17,** 221
in act of director, **5,** 296; **13,** 169 n., 172 n.
company accounts, in, bar to injunction, **17,** 221
conduct, by. *See* ESTOPPEL BY CONDUCT.
constructive trust, bar to relief in case of, **13,** 173, 174; **19,** 174
corporation, of, in unsealed contract, **8,** 381
creditor, by, act of bankruptcy, in, **2,** 15, 39
assignment within 13 Eliz. c. 5, in, **15,** 87
damages, may bar right to, **17,** 213
duty to speak, when it arises, **13,** 395
easement, in interruption of user, **11,** 273
prescription founded on, **11,** 259
estoppel, operates by way of, **13,** 166—168, 395—397; **25,** 485. *See* ESTOPPEL BY CONDUCT.
expending money on another's property, **13,** 167, 168, 397
extras, in, effect on contract for work, **1,** 558
family arrangement, in case of, **14,** 544
foreclosure, effect as to reopening, **21,** 300
fraud, effect of, **13,** 171
friendly society, in irregular decision of disputes, **15,** 178 n.
gift presumed from, **15,** 400
guarantee, in breach of conditions of, **15,** 558
hirer of labour liable for extras by, **1,** 558, 559
ignorance of title may prevent estoppel by, **13,** 168 n.
improvements, in, by person other than owner, **13,** 167, 168
infant not barred by, **13,** 170; **17,** 62
infant's settlement may be confirmed by, **17,** 102; **25,** 560
injunction, dissolution of, on account of, **17,** 239 n.
ex parte application for, effect on, **17,** 277 n.
interlocutory injunctions, effect as to, **17,** 219—221
mandatory injunction, effect on, **17,** 216, 248
partner, in case of, **17,** 250
refusal of, because of, **17,** 210, 213, 219—221, 248
waste, in case of, **17,** 233
irregular mode of accounting, in, effect on surety of agent, **15,** 548
jurisdiction of a court, in, **9,** 13
county court, in case of, **8,** 434, 435
knowledge necessary to, **13,** 167, 169, 170, 396 n.
knowledge of defects does not imply, **3,** 204; **13,** 170 n.
laches chiefly constituted by, **13,** 169
lapse of time not itself evidence of, **13,** 173
limitation of actions, how affected by, **13,** 166, 169; **19,** 138, 140, 144, 174
married woman, of, not restrained, **13,** 170, 327 n.
restrained from anticipation, **13,** 168 n.; **16,** 366
misrepresentation, defence in action founded on, **20,** 726—730, 749, 750, 752, 753
mistake, defence in action founded on, **21,** 16, 27
nuisance, in, **17,** 210 n.; **21,** 563

ACQUIESCENCE—*continued.*
partner, by, **13,** 173 n. ; **17,** 250 ; **22,** 34, 73
passing-off actions, in, **27,** 774
prescription, in relation to, **11,** 259, 262, 266, 272
purchase by innocent purchaser, in, **13,** 167, 168, 395
quantity surveyor, in employment of, **3,** 310, 313
ratification by, agency, of, **1,** 178, 179, 180
director, of act of, **5,** 296 ; **13,** 169 n., 172 n.
Real Property Limitation Act, 1833, preserves effect of, **13,** 166 ; **19,** 144
receiver refused on account of, **24,** 358
relief, refusal of, on account of, **13,** 166 ; **19,** 144 ; **24,** 358. *See* injunction, *supra.*
rescission, defence to action for, **13,** 174 ; **20,** 752, 757
silence, inferred from, **13,** 168, 395
specific performance refused for, **6,** 206 ; **13,** 174 ; **18,** 380 n. ; **27,** 6, 12, 69
standing by, doctrine of, **13,** 166—168, 395—397. *See* STANDING BY.
statute, breach of provisions of, in, **27,** 195
construction of, in, **27,** 143, 195
statutory provision relating to, **13,** 166, 167 ; **19,** 144
trade name, in infringement of, **27,** 774 n.
unconscionable bargain, in, **15,** 113, 114
undue influence, in transactions entered into under, **13,** 170 ; **15,** 113
vendor, of, in purchase by auctioneer, **1,** 515
waiver of performance of contract by, **3,** 199 **13,** 174 ; **27,** 6
waste, in case of, **17,** 233 ; **19,** 138

ACQUISITION,
bastard, of property by, **2,** 432, 437, 439, 440 ; **11,** 26
British nationality, of, **1,** 312—316. *See* BRITISH NATIONALITY.
chattels, of, **24,** 399—404, 413. *See* PERSONAL PROPERTY.
gift, by, **15,** 408, 410, 412. *See* CHATTELS.
church, of. *See* CHURCH.
electric undertaking, of, **12,** 600—604. *See* ELECTRICAL UNDERTAKING.
foreign territory, of, **6,** 421, 422
land, of. *See* ACQUISITION OF LAND.
personal property, ownership, of, **22,** 379—402. *See* BEQUEST ; GIFT ; PERSONAL PROPERTY.
possession, of, **22,** 395
trust property, of, creates constructive trust, **28,** 88, 89

ACQUISITION OF LAND,
accretion, by, **28,** 362, 363. *See* ACCRETION.
agreement, by, under Lands Clauses Act, **6,** 56—62
ancient monument, in case of, **21,** 604
consideration for sale, **6,** 59, 60
conveyance of the land, **6,** 61, 108, 111
costs of, **6,** 112—114
extraordinary purposes, for, **6,** 25, 26, 61
minerals do not pass if compulsory powers exist, **20,** 550 n.
payment and completion, **6,** 60, 61, 106—114
persons entitled to sell, **6,** 57, 58
extent of power, **6,** 58
special powers, **6,** 58
promoter, rights and duties of. *See* PROMOTERS OF UNDERTAKINGS.
allotments, for, **1,** 344—350 ; **6,** 168—171. *See* ALLOTMENTS.

ACQUISITION OF LAND—*continued.*
barracks, for, **6,** 160
baths and washhouses, for, **23,** 491
borough council, by, **3,** 486, 487, 503 ; **6,** 168—171 ; **19,** 318 ; **21,** 587, 590 ; **25,** 100
common pasture, for, **4,** 601
burial purposes, for, **3,** 436—441, 497, 507, 515 ; **6,** 158
canal company, by, **23,** 780, 781
cemetery, for, **3,** 506, 507, 515
infant, from, **17,** 83
charitable purposes, for, **4,** 124—141. *See* CHARITY.
churches and chapels, for, **6,** 174 ; **11,** 721, 723—726
churchyard, for, **3,** 436 ; **11,** 722, 725
Commissioners of Works, by, **7,** 136
company, by, **5,** 78, 334, 757
compulsory purchase, by, **6,** 5 *et seq.* *See* COMPULSORY PURCHASE OF LAND.
conveyance, by, **24,** 290—307. *See* CONVEYANCE.
corporation, by, **8,** 356, 371—373 ; **15,** 406
copyholds, **4,** 124 ; **8,** 84, 372
headship, during vacancy in, **8,** 372
municipal, **19,** 318
prescription, by, **8,** 308, 372
statutory powers as to, **8,** 367 ; **25,** 309
upon uses and trusts, **4,** 124 ; **8,** 373
county council, by, **6,** 167, 168 ; **16,** 195 ; **19,** 364
descent, by, **11,** 7—16. *See* DESCENT.
devise, by, **24,** 166. *See* DEVISE.
Diseases of Animals Act, under, **1,** 430 ; **6,** 171
educational purposes, for, **6,** 166 ; **12,** 117—121
district board, by, **12,** 86
higher education, **12,** 24
public elementary schools, **12,** 26, 27
Board of Education, provisional order of, for, **12,** 27, 28
reformatory and industrial schools, **12,** 74, 79
School Sites Acts, under, **12,** 118—121
technical and industrial institutions, by, **12,** 121
universities, by, **12,** 92
voluntary school, for, **12,** 40
electrical undertaking, for, **6,** 157 ; **12,** 557, 568—570, 629
gas undertaking, for, **6,** 156 ; **15,** 308, 310, 311, 323—325
gift, by, **15,** 407, 410, 414. *See* GIFT.
grant, by, **24,** 165, 271—282. *See* GRANT.
harbours and docks, for, **6,** 157 ; **28,** 413
highways, for, **6,** 171 ; **16,** 34, 48, 94, 104, 195, 236
Housing of the Working Classes Acts, under, **6,** 163—166 ; **23,** 534, 538, 544, 546
Lands Clauses Act, under, agreement, by. *See* agreement, *supra.*
compulsorily. *See* COMPULSORY PURCHASE OF LAND.
isolation hospital, for, **6,** 171 ; **23,** 439
light railway purposes, for, **6,** 163 ; **27,** 832—834
local authorities, by, **6,** 7, 10, 24 n., 163—174
metropolitan, **6,** 171—174 ; **20,** 455—459 ; **25,** 309, 310
mortmain restrictions not applicable, **4,** 137 n.
Local Government Acts, under, **6,** 167
lunatic asylum, for, **19,** 480—482
market purposes, for, **6,** 157 ; **20,** 9, 10
metropolitan police, for, **6,** 174 ; **22,** 469
military or naval purposes, for, **6,** 158—161 99 ; **27,** 815
municipal corporation, by, **19,** 318

ACQUISITION OF LAND—*continued.*
museum, for purpose of, **4,** 138 ; **23,** 586—589
Museums and Gymnasiums Act, under, **23,** 588
open spaces etc. for, **6,** 171 ; **21,** 580 *et seq.*
parish council, by, **6,** 167, 168 ; **19,** 253
possession, by, **19,** 155—159 ; **24,** 283
post office, for, **6,** 162 ; **22,** 634, 635
prisons, for, **6,** 162 ; **23,** 242
Public Health Acts, under, **6,** 163
Public Libraries Act, under, **23,** 586
pulling down of obstructive building, on, **23,** 532
railway purposes, for, **6,** 94, 153—155 ; **23,** 624, 630, 668. *See* RAILWAY.
mines, statutory provision as to, **6,** 49—56 ; **20,** 577—580 ; **23,** 685, 686
mines and minerals not included, when, **6,** 50 ; **20,** 545, 550
reconstruction scheme, for, **23,** 534, 535
recreation ground, for, **4,** 599 ; **21,** 587 *et seq.* *See* RECREATION GROUND.
Road Board, by, **6,** 171 ; **16,** 48
signal station, for, **6,** 160 ; **27,** 348 n.
small holdings, for, **6,** 168—171 ; **21,** 580 ; **26,** 673, 680, 685
telegraph undertakings, for, **6,** 160, 175 ; **27,** 381, 383
town improvements, for, **6,** 171 ; **23,** 526
trade union, by, **27,** 632
tramway, for, **27,** 785
water supply, for, **6,** 155 ; **28,** 255, 278, 281, 290
will, by, **24,** 166. *See* DEVISE.
workhouses, for, **22,** 557, 558
working-class dwellings, for, **6,** 163 ; **21,** 580, 605 ; **23,** 538, 546

ACQUITTAL,
appeal, on, **9,** 435
certificate of justices as to, **19,** 601, 602
certiorari does not lie to remove, **10,** 160
copy of record, defendant's right to, **9,** 374 n. ; **19,** 683 n.
costs of acquitted person, payment of, **9,** 447
proof of, **9,** 356 ; **19,** 683
military court-martial, at, **25,** 45
subsequent proceedings, effect on, **9,** 356, 357 n. ; **13,** 328
subsequent court-martial, **25,** 89
verdict of, **9,** 371, 374

ACQUITTANCE. *See also* RECEIPT; RELEASE.
Crown, by, **6,** 410
forgery of, **9,** 711 n., 725
land tax, of payment of, **18,** 320

ACRE,
standard area of an, **28,** 468

ACREAGE ROYALTIES,
in mining leases, **20,** 560

ACROBATIC PERFORMANCE,
child, by, **17,** 153, 154

ACT AND DEED,
delivery of deed as, **10,** 385
meaning of, **10,** 357

ACT IN COURT,
tender by, **1,** 96

ACT IN PAIS,
estoppel by, **13,** 324, 375. *See* ESTOPPEL IN PAIS.

ACT IN PAIS—*continued.*
evidenced by deed, **10,** 359
meaning of, **10,** 359 n., **13,** 324, 375

ACT OF ATTAINDER,
nature of and procedure relating to, **21,** 727

ACT OF BANKRUPTCY,
defined, **2,** 13
agent, authority of, how affected by principal's, **1,** 198, 224, 234, 235
committed by, **2,** 13
allegation in petition as to, **2,** 49
assignment by debtor as, **2,** 14—20
amount of property conveyed material, **2,** 16, 19
bona fides, effect of, **2,** 17
consideration, effect of nature of, **2,** 16—19
what is sufficient, **2,** 17, 18
creditor taking benefit under, cannot present petition, **2,** 39
creditors, for benefit of, **2,** 14, 15, 332
extent of avoidance, **2,** 20
further advance, for, **2,** 17, 18
imperfect deed, effect of, **2,** 20
one man company, to, **2,** 17
part of property, of, **2,** 19
past debt, for, **2,** 16, 17
whole property, of, **2,** 16—19
what amounts to, **2,** 19
assumed name, by taking, **2,** 22
available, effect on banker's authority of, **2,** 516, 517
meaning of, **2,** 13, 290
notice of, **2,** 290, 291
bankrupt's position after, **2,** 182—186
bankruptcy notice, non-compliance with, as, **2,** 25—32
bill of sale, by grantor of, right of seizure on, **3,** 69
grant of, as, **3,** 58
chose in action cannot be collected by debtor after, **2,** 184 ; **4,** 399
classification of, **2,** 13
composition arrangement as, **2,** 33, 326, 327
constructive notice of, **2,** 290, 291
debtor, departure or absence of, as, **2,** 20—23
power of, to deal with property after, **2,** 183, 184
presentation of petition by, as, **2,** 24
debts contracted with notice of, **2,** 198
declaration as to, on setting aside bankruptcy notice, **2,** 32
declaration of insolvency as, **2,** 24
dwelling-house, absence from, as, **2,** 20, 22 23
England, departure from or remaining out of, as, **2,** 20—22
evading creditors as, **2,** 20—23
execution levied by seizure and sale as, **2,** 23, 24, 290 ; **27,** 450
forfeiture of income operates from date of, **2,** 187, 188
foreigner, cannot be committed by, **2,** 32
fraudulent,
assignment of property as, **2,** 15—20, 288 ; **3,** 58
conveyance as, **2,** 15 ; **15,** 88
preference as, **2,** 20, 287
keeping house as, **2,** 20, 22, 23
legal proceedings after, **2,** 184
lunatic, by, **2,** 10

ACT OF BANKRUPTCY—*continued.*
notice of, banker, effect as regards, **1,** 606, 607
debts contracted with, **2,** 198
direct or constructive, **2,** 290, 291
rent, payment of, after, **11,** 172
sale of land, effect on contract for, **25,** 383, 384
set-off, effect on right of, **2,** 212
suspension of payment, as **2,** 32—34, 39
agent, by, **2,** 13 n
facts constituting, **2,** 33, 34
foreigner, by, **2,** 32
letter without prejudice, by, **2,** 33
when cannot be relied on by creditor, **2,** 34, 39
writing not necessary, **2,** 33
petition, presentation of, in relation to time of, **2,** 34, 35, 43; **25,** 383
receiving order made on judgment summons as, **2,** 24, 25
relation back of trustee's title to, **2,** 181—188
sale of land, effect on contract for, **25,** 383—385; **27,** 58, 59
settlement, previous to, as affecting marriage consideration, **2,** 278; **15,** 82
specific performance, right to, how affected by, **25,** 383; **27,** 58, 59
Stock Exchange, default on, as, **27,** 258
suspension of payment as, **2,** 32—34, 39. *See* notice, *supra.*
tender of payment after, effect of, **2,** 38
transactions prior to, impeachment of, **2,** 182—188
voluntary and involuntary, **2,** 13 n.

ACT OF CONSECRATION,
ecclesiastical character established by, **11,** 728—732

ACT OF GOD,
defined, **7,** 428; **17,** 321 n.; **21,** 468; **26,** 108; **27,** 493; **28,** 383 n., 454
actus Dei nemini facit injuriam, **27,** 493
animal escaping in consequence of, liability in case of, **1,** 376
bailee excused by reason of, **1,** 533; **27,** 494 n.
bailee's goods intermixed with bailor's by, ownership in case of, **1,** 542
bond discharged by reason of, **3,** 93
carrier relieved from liability in case of, **4,** 8, 9; **21,** 430; **27,** 494 n.
charterparty, exception in, **26,** 108
contract, as excuse for non-performance of, **3,** 93; **7,** 428, 429; **27,** 494
effective cause of the occurrence complained of, must have been, **21,** 469
Employers' Liability Act, 1880, as defence under, **20,** 137
impounded
cattle dying by, **11,** 188
chattels injured by, **11,** 170
inevitable accident as distinguished from, **20,** 137; **21,** 467, 468; **27,** 493 n.
innkeeper's liability in respect of loss arising from, **17,** 321; **21,** 431
negligence, as defence to actions for, **21,** 429, 468—470; **27,** 494
nuisance caused by, **21,** 564
railway company's liability in case of, **4,** 50
shipowner relieved from liability by reason of, **26,** 107, 108
statutory duty, effect as regards, **27,** 194, 494

ACT OF GOD—*continued.*
tort, as defence to action of, **21,** 467—470; **27,** 493—495, 499; **28,** 383
water, in relation to escape of, **21,** 469, 470; **28,** 383, 453, 454

ACT OF GRACE,
nature of and procedure appertaining to, **21** 726

ACT OF INDEMNITY,
nature of and procedure relating to, **21,** 726; **27,** 159 n., 863

ACT OF OWNERSHIP,
boundary, as evidence of, **3,** 148, 149
ditch and hedge, on, effect of, **3,** 125
fishery, evidence of ownership of soil of, **3,** 149 **14,** 586—588
mines, in case of, **13,** 442; **19,** 112; **20,** 510
possession, as evidence of, **13,** 442; **27,** 852 n.
title to property, as evidence of, **3,** 125, 148; **13,** 441, 442

ACT OF PARLIAMENT. *See* STATUTE.
local and personal, nature of, **27,** 115
private, nature of, **27,** 116. *See* PRIVATE ACT.
public general, *defined,* **27,** 115

ACT OF SETTLEMENT,
coronation oath, in regard to, **6,** 324, 326, 338
judge's position according to, **12,** 136 n.
prerogative under, **6,** 322 n.; **7,** 218 n.
succession to the Crown by, **6,** 322, 323
conditions as to, imposed by, **6,** 324, 325; **11,** 381, 382

ACT OF STATE,
defined, **23,** 304
action in respect of, **1,** 14, 15; **6,** 383; **7,** 66 n. **10,** 531; **23,** 306—309, 312; **27,** 495
acts which are, **23,** 304, 305, 307
municipal court may decide as to, **23,** 307
alien suffering damage from, **7,** 66 n.; **23,** 309
colonial, position of, **23,** 309, 310
proof of, **10,** 544; **13,** 491
construction by court of, **6,** 442; **23,** 307
contract rendered impossible of performance by, **7,** 432
damnum absque injuria caused by, **1,** 14
defence to
civil action, as, **23,** 307, 312
tort, action for, as, **1,** 145; **23,** 308, 316; **27,** 495
trespass, action of, as, **6,** 415; **7,** 66; **10,** 531; **27,** 870 n.
East India Company, position of, **23,** 310
enemy character, to decide as to, **23,** 305
foreign government, of, action cannot be brought in respect of, **23,** 307, 310
proof of, **13,** 491, 527
recognition of, **23,** 310, 311
tort arising from, **6,** 249, 250; **23,** 310, 311
foreigner, injurious to, **7,** 66 n.; **23,** 309
Imperial Government, of, **23,** 307—309
jurisdiction, originally committed outside, **7,** 66 n.; **23,** 309
libel in official communication, privilege in case of, **18,** 684; **23,** 305
Lord Lieutenant of Ireland, official act of is, **23,** 310

ACT OF STATE—*continued.*
municipal courts, powers of, to decide as to, **23,** 307, 308
officers and servants, liability of, **6,** 383 ; **7,** 67 ; **23,** 308, 309, 316
petition of right in respect of, **10,** 27 ; **23,** 308
prohibition of action based on, **23,** 312
proof of, **13,** 491—493, 497, 527
colonies, in case of, **10,** 544 ; **13,** 491
ratification of act of subject by Crown, effect of, **7,** 66 n. ; **23,** 307, 309 n.
recognition of foreign state is, **23,** 305
revolutionary government, act of, **23,** 311, 312
Royal Prerogative, in relation to, **23,** 305, 309
outside, remedy in case of, **23,** 309
succession to liability for, where a government is supplanted, **23,** 311, 312
tort, remedy in case of, **6,** 383 ; **7,** 66, 67 ; **23,** 308, 309, 316
foreign government, in case of, **6,** 249 ; **23,** 310 ; **27,** 464 n.
war, in time of, special character of, **6,** 444—448 ; **23,** 308
war, to decide as to, **23,** 305

ACT OF SUBMISSION,
of clergy, convocation dependent upon, **11,** 391

ACT OF SUPREMACY,
Court of High Commission under, **11,** 490, 502
pre-eminence of Sovereign under, **6,** 373
church, over, **6,** 373, 391, 392 ; **11,** 380

ACT OF UNIFORMITY,
Acts of Union and, **11,** 372, 373
church attendance, and, **11,** 361 n., 367 n., 481, 789
dispensation with forms of, **11,** 406
object of, **11,** 372, 675
ornaments rubric, how affected by, **11,** 402 n., 673, 674
Prayer Book, how affected by, **11,** 382, 536, 654, 673 n., 676
rites and ceremonies, how affected by, **11,** 536, 659, 676 n., 679, 811

ACT OF UNION,
Ireland, with, Church of Ireland, as to, **6,** 318 n., 325 n.
creation of peerages as affected by, **6,** 456 ; **22,** 267
Royal Arms, as to, **6,** 361 n.
succession to Crown under, **6,** 322
titles of Sovereign, as to, **6,** 360 n.
union of churches by, **11,** 373
Scotland, with, Church of England secured by, **6,** 325, 339 ; **11,** 372, 373
Church of Scotland secured by, **6,** 325, 339 ; **11,** 373
coinage, as to, **6,** 462 n.
creation of peerages as affected by, **6,** 456 ; **22,** 267
Great Seal, as to, **6,** 440
succession to Crown under, **6,** 322, 323, 324
Union Jack, as to, **6,** 362

ACT ON PETITION,
Ecclesiastical Law, in, nature of, **11,** 518 n.
matrimonial suit, in, **16,** 511

ACTIO PERSONALIS MORITUR CUM PERSONA,
breach of promise, in case of action for, **14,** 225, 305 ; **16,** 275
company director's tortious act, in case of, **5,** 232 ; **14,** 313
co-respondent's liability for damages, in case of, **14,** 313 ; **16,** 537, 538
fatal accident, in case of, **21,** 454, 455
funeral expenses, in relation to, **3,** 407 ; **21,** 455
negligence, in case of death caused by, **20,** 131 ; **21,** 454, 455
representatives of deceased person when liable notwithstanding, **14,** 312—314
right of action, effect of maxim on, **1,** 31 ; **14,** 226, 227
servant's death through breach of employer's duty, in case of, **20,** 131
statutory penalty, in case of, **14,** 313
tort, in case of, **13,** 68 ; **14,** 312 ; **27,** 502
Workmen's Compensation Act, 1906, no abatement of claim under, **20,** 191

ACTION.
The title ACTION *is contained in Vol. I., pp.* 1 *et seq.*
defined, **1,** 2
abatement of, **23,** 107. *See* ABATEMENT.
abolition of old forms of, **1,** 45—47
abroad. *See* FOREIGN PROCEEDINGS.
accord and satisfaction, plea of, in, **7,** 441 ; **22,** 447 n. ; **25,** 484. *See* ACCORD AND SATISFACTION.
account, for. *See* ACCOUNT.
of, **1,** 36 ; **13,** 27 n., 28
stated, on, **7,** 489 ; **15,** 443 n.
Act of State, by reason of, **1,** 15 ; **7** 66 n. ; **10,** 531 ; **23,** 306—323 ; **27,** 495
administration, **14,** 333 *et seq.* *See* ADMINISTRATION ACTION.
administration bond, on, **13,** 31 n., **14,** 209, 210
administrator, against. *See* ADMINISTRATOR.
Admiralty, by or against the, **7,** 91, 92
jurisdiction, under. *See* ACTION IN PERSONAM IN ADMIRALTY ; ACTION IN REM IN ADMIRALTY ; ADMIRALTY JURISDICTION.
affidavit evidence in, **13,** 620—622. *See* AFFIDAVIT.
agent, by or against. *See* AGENT.
alien, by, **1,** 308. *See* ALIEN.
enemy, by, **1,** 20, 310
ambassador against. *See* AMBASSADOR.
annuity, of, **1,** 36
recovery of, by, **24,** 520—522
ante-nuptial debts, as to, **16,** 407—411. *See* ANTE-NUPTIAL DEBTS.
appearance in, **23,** 124. *See* APPEARANCE.
arbitration, condition precedent to, as, **1,** 22, 27, 445
stay pending, **1,** 27, 451—455 ; **27,** 72
arbitrator, by, for remuneration, **1,** 472
archbishop, against, **11,** 388
assault, for, **27,** 874. *See* ASSAULT.
assignee, by an. *See* ASSIGNEE.
assignment of right of, **1,** 31 ; **4,** 402, 403 ; **7,** 501 ; **8,** 452 ; **23,** 107. *See* CHOSE IN ACTION.
tort, in case of, **27,** 491
assumpsit, of, **1,** 36, 37. *See* ASSUMPSIT.
asylum, visiting committee of, by and against, **19,** 468

ACTION—*continued.*
attaint, of, **1,** 38
Attorney-General, when a party. *See* ATTORNEY-GENERAL.
joinder of plaintiffs with, **21,** 553 ; **23,** 101
auctioneer, by or against. *See* AUCTIONEER.
audita querela, of, **1,** 39 ; **13,** 30 n., 51 n.
average, general, enforcement by, **26,** 323
award, for enforcement of, **1,** 475. *See* AWARD.
bailee, by or against. *See* BAILEE.
bank, against officer of, **5,** 612 n. ; **27,** 170 n.
banker, by, in respect of bill or note deposited as security, **1,** 634, 636
bankrupt, by and against. *See* BANKRUPTCY.
beer, for price of, **12,** 280 n. ; **18,** 172
bet, to enforce payment of, **15,** 271 n.
bill of costs, for, **26,** 774, 775 n., 812—814
bill of exchange, in respect of. *See* BILL OF EXCHANGE.
Board of Agriculture and Fisheries, by or against, **1,** 299
Board of Education, by or against, **7,** 105 ; **12,** 8
board of guardians, by, **22,** 539—541
Board of Trade, by or against, **1,** 18 n. ; **7,** 103 ; **26,** 649
bona vacantia, in respect of, **11,** 31
bond, on, **3,** 101—103. *See* BOND.
breach of
contract, for, **7,** 441, 461. *See* BREACH OF CONTRACT.
covenant for quiet enjoyment, for, **18,** 529
duty, in respect of, **27,** 466, 468—470
promise of marriage, for, **16,** 272—277. *See* BREACH OF PROMISE.
statutory duty, in respect of, **27,** 174, 483—484
calls on shares, for. *See* CALLS ON SHARES.
carrier of goods, by or against. *See* CARRIER OF GOODS.
carrying on proceedings on death of party, **14,** 228 ; **23,** 107
case, on the, **1,** 39—41
distinction between trespass and, **1,** 40 ; **27,** 844 n.
innkeeper refusing to receive a traveller, **17,** 312
libel, for, **1,** 39 ; **18,** 611, 612, 628 n., 719, 736 ; **27,** 671. *See* LIBEL.
malicious prosecution, for, **1,** 39 ; **19,** 675, 676
tenant's remedy by, **11,** 185
cause includes, in Judicature Acts, **1,** 3 ; **11,** 39
cause of, meaning of, **1,** 6. *See* CAUSE OF ACTION.
champerty, of, **1,** 41. *See* CHAMPERTY.
Chancery Division, in. *See* CHANCERY DIVISION.
charities, in regard to, **4,** 318—330. *See* CHARITY.
chose in action. *See* CHOSE IN ACTION.
assignee, of, action by, **4,** 367, 373, 391, 392
classes of, **1,** 32
club, by and against, **4,** 426, 427
members of, **4,** 417, 422, 423 ; **17,** 231
collector of land tax, against, commissioners must defend, **18,** 320
collision at sea, in respect of, **26,** 359—547. *See* COLLISION.
Colonial,
Court, pending in, whether barring action in England, **10,** 578
plaintiff, by, counterclaim, **25,** 504 n.
commencement of,
Admiralty, in, **1,** 80, 105, 129
county court, in, **1,** 129 ; **8,** 448—453, 460

ACTION—*continued.*
commencement of—*continued.*
district registry, in, **9,** 70
High Court, in, **1,** 47 ; **23,** 99
limitation acts, for purposes of, **19,** 187, 188
special authority to solicitor for, **26,** 741
without authority, **26,** 741, 742
wrong name, in, **23,** 105
Commissioners of Sewers, by or against, **25,** 787, 788
committee of lunatic, by or against, **16,** 504 ; **19,** 462—466
commoners, by, **4,** 516—522, 558
companies, by or against, **5,** 318—323. *See* COMPANY.
compromise of, **23,** 165 *et seq.* *See* COMPROMISE.
compulsory purchase of land, on, promoters against, **6,** 44
compensation, for, **6,** 31, 91, 95, 106
conditions precedent to, **1,** 22, 27, 445 ; **10,** 490 ; **15,** 490
conduct of, administration action, of, **14,** 342—344. *See* ADMINISTRATION ACTION.
counsel's authority, **2,** 398
solicitor's authority, **26,** 741, 744
retainer as to, **26,** 737
conflict of laws in regard to. *See* CONFLICT OF LAWS.
consent to, when required, **1,** 22
charities, in case of, **1,** 23. *See* CHARITY.
lunatic, in case of, **1,** 22 ; **19,** 462, 463
Public Health Acts, under, **1,** 23 ; **23,** 369, 610
consolidation of, **23,** 142. *See* CONSOLIDATION.
conspiracy, for, **1,** 41 ; **27,** 489, 655—657
constable, against, **22,** 499 ; **27,** 881
consul, by or against, **1,** 19 ; **6,** 233, 438 n.
contested, in Admiralty, **1,** 100
judgment in, **1,** 122—124
contract, of or founded on, **1,** 48. *See* CONTRACT.
contract or tort, distinction, **1,** 48—50 ; **4,** 96 ; **27,** 466
convict, by, **1,** 29, 30 ; **9,** 429 ; **23,** 252 ; **27,** 491
property of, as to, **23,** 253 n., 261
coroner, against, **8,** 256
corporations, by or against, **8,** 392—397. *See* CORPORATION.
quasi corporations, by and against, **5,** 755
costs, for, **26,** 812, 813
costs of. *See* COSTS.
counsel, hearing of, **2,** 409—418. *See* AUDIENCE ; HEARING.
counterclaim in, **25,** 504—520. *See* COUNTERCLAIM.
action, is not an, **1,** 4 ; **25,** 507
county court, in. *See* COUNTY COURT ACTION ; COUNTY COURT JURISDICTION.
county court judge, by or against, **8,** 415
covenant, of, *defined*, **1,** 37
covenant for payment in mortgage, on, **21,** 267, 268 *See* COVENANTS IN MORTGAGE.
cross actions, contradictory verdicts in, new trial, **23,** 206
Crown, by, **1,** 17 ; **6,** 411. *See* CROWN.
immunity from, **1,** 17 ; **6,** 373, 374, 408, 412, 413 ; **27,** 477
Crown servants, by or against, **1,** 18 ; **6,** 413—417. *See* CROWN SERVANTS.
damage, necessary to prove, when. *See* DAMAGE.
damages, for, **10,** 302—350. *See* DAMAGES.
for tort not assignable, **27,** 491

ACTION—*continued.*
damnum absque injuria, none in respect of, **1,** 10. *See* DAMNUM ABSQUE INJURIA.
de dote unde nihil habet, of, **1,** 33
de minimis non curat lex, **1,** 16
death, caused by negligence, for, **1,** 12; **21,** 454. *See* FATAL ACCIDENTS ACTS; NEGLIGENCE.
party to action, of. *See* DEATH.
debenture holder, by. *See* DEBENTURE HOLDER.
debt, of, **1,** 37. *See* DEBT.
deceit, for, **1,** 40; **20,** 724, 732. *See* FRAUDULENT MISREPRESENTATION.
misrepresentation in prospectus, for, **5,** 132 *et seq.* *See* PROSPECTUS.
rigging the market a ground for, **27,** 263
decies tantum, of, *defined*, **1,** 41
defamation, for, **1,** 12, 13; **18,** 605, 610—618. *See* DEFAMATION; LIBEL; SLANDER.
pleading, **22,** 455
defence to. *See* DEFENCE.
defendant. *See* DEFENDANT.
demand or request, a condition precedent in some cases, **1,** 23. *See* DEMAND.
detinue, of, **1,** 23, 41, 44; **27,** 900 *et seq.* *See* DETINUE.
discontinuance of, **23,** 159, 160. *See* DISCONTINUANCE.
discovery, for, **11,** 39, 40. *See* DISCOVERY.
dismissal of, counterclaim, effect on, **25,** 516
defamation, for, as frivolous, **18,** 677
final judgment is, **18,** 182, 183
finality of, **18,** 182, 183
security for costs, on failure to give, **23,** 153
want of prosecution, for, **18,** 188
discovery, failure to give, **11,** 56, 57; **18,** 188
Divorce Division, in, **16,** 539
month's notice not necessary, **23,** 160 n.
no bar to fresh action, **13,** 327 n.
optional, when, **11,** 57
order for payment of costs on, is not a final judgment, **2,** 26
distress, in relation to. *See* DISTRESS.
double rent, for, **18,** 554
double value of land, for, **18,** 554—556; **24,** 326
dower, for, **1,** 33, 45
easements, for disturbance of, **11,** 332—335. *See* DISTURBANCE.
ecclesiastical courts, in. *See* ECCLESIASTICAL COURTS.
restrained in equity, **13,** 32
ejectione firmæ, of, **1,** 34
ejectment, for, **1,** 34, 35, 44; **18,** 558, 559; **24,** 324—330. *See* EJECTMENT.
election matters, relating to, **12,** 537—540
election commissioners, against, **12,** 472
Employers' Liability Act, under, **20,** 151—153
entry, of, **1,** 33
entry for trial, **23,** 175, 176. *See* ENTRY.
error, of, **1,** 45
ex contractu, **1,** 36 *et seq.*
ex delicto, **1,** 35, 38 *et seq.*
representatives, by, **14,** 226, 227
execution creditor, against, power of court to restrain, **17,** 603
executor, by and against, **14,** 330—333. *See* EXECUTOR; PERSONAL REPRESENTATIVE.
false imprisonment, for, **27,** 878
county court jurisdiction, **8,** 428
false judgment, of, **1,** 45
family arrangements, as to, **14,** 552

ACTION—*continued.*
firms, by and against, **22,** 39. *See* PARTNERSHIP.
with common partner, between, **22,** 41
forcible entry, for, **1,** 42. *See* FORCIBLE ENTRY.
foreclosure, for, **21,** 278 *et seq.* *See* FORECLOSURE.
foreign
judgment, on, **6,** 281—283
sovereign or state, by or against, **1,** 18; **6,** 233; **11,** 48; **25,** 507 n.
counterclaim in action by, **1,** 19; **25,** 507 n.
foreigner, against, security for costs in, **25,** 515 *See* FOREIGNER.
by, counterclaim in, **25,** 514, 516
forfeiture, to enforce. *See* FORFEITURE.
formedon, of, **1,** 33
forms of, **1,** 31—51
fraud, for. *See* FRAUD.
fraudulent conveyance, to set aside, **15,** 89—91
friendly society, by or against, **15,** 144, 145, 170, 190, 191
branch of, on behalf of, **15,** 134
unregistered, by, **15,** 127
frivolous, protection against, **1,** 30; **22,** 436; **23,** 157
future apprehended loss, for protection against, **13,** 51
gaming transactions, in respect of, **7,** 397; **13,** 73 n.; **15,** 271 *et seq.* *See* GAMING.
taking place abroad, **15,** 282
gas supplied, for, **15,** 340
goods, on contract for sale of, **25,** 127, 266 *et seq.* *See* DAMAGES; GOODS.
specific performance in, **25,** 272
guarantee, on, **15,** 454, 502. *See* GUARANTEE; SECURITY.
defences to, **15,** 507, 508, 535 *et seq.*
guardians, by, **22,** 539, 540, 541
High Court, in. *See* HIGH COURT.
highway authority, against, **16,** 132—137
husband and wife jointly. *See* HUSBAND AND WIFE.
illegal company, against, **5,** 768; **13,** 73 n.
illegal transaction, in respect of, **3,** 85, 86; **5,** 767; **7,** 390—410; **13,** 72; **15,** 271 *et seq.*; **27,** 193
gambling transaction, **7,** 397; **13,** 73 n.; **15,** 271 *et seq.* *See* GAMING.
immoral purpose, property used for, **13,** 73 n.
in forma pauperis, **23,** 186
in personam, defined, **1,** 48; **11,** 3 n. *See* personal action, *infra.*
Admiralty, in, **1,** 61, 62, 105—107. *See* ACTION IN PERSONAM IN ADMIRALTY.
in rem, Admiralty, **1,** 47, 61, 80 *et seq.* *See* ACTION IN REM IN ADMIRALTY.
Public Authorities Protection Act, not within, **23,** 345
in withernam, **1,** 43
indemnity against, **15,** 446
infants, by and against, **1,** 21; **17,** 133—146. *See* INFANT.
information now called, **1,** 3
infringement, for,
copyright, of, **8,** 165, 185, 186, 187, 188, 198, 204, 208. *See* INFRINGEMENT OF COPYRIGHT.
design, of, **27,** 741—744. *See* DESIGN.
patent, of, **22,** 214—226. *See* INFRINGEMENT OF PATENT.
performing rights, of, **8,** 185—188
public right, of, **1,** 9; **7,** 73; **23,** 100; **27,** 464

ACTION—*continued.*
infringement, for—*continued.*
right, of, sufficient without damage, **1,** 7
trade mark, of, **27,** 719—721. *See* INFRINGEMENT OF TRADE MARK.
injunction, of, **1,** 42. *See* INJUNCTION.
injuria absque damno, in respect of, **1,** 9; **27,** 470
innkeeper, by or against, **17,** 312, 322, 323. *See* INN; INNKEEPER.
insurers in right of subrogation, by, **17,** 519
interests in land, as to, **1,** 34
interpleader issue is not, **1,** 4
irregularity, knowledge of parties, estoppel, **13,** 389
issue available in former, cannot be raised in subsequent, **13,** 333
judgment
obtained by fraud, to set aside, **13,** 352; **18,** 216, 217
on a, **18,** 219. *See* JUDGMENT.
compensation for compulsory purchase, for, **6,** 91, 95
set aside, to, consent, in case of, **18,** 217
fraud, in case of, **13,** 352; **18,** 216, 217
juror, withdrawal of, does not terminate, **13,** 359 n.; **18,** 256 n. *See* JURY.
King, immunity from, **1,** 17; **6,** 318, 373, 374, 412, 413; **23,** 307, 308
land, to recover, **1,** 32, 34, 35; **18,** 558; **24,** 324 *et seq.* *See* RECOVERY OF LAND.
law, at, formerly restrainable in equity, **13,** 32
legal right, for deprivation of, **1,** 7; **12,** 537
none without infringement of, **1,** 10
legatee, by. *See* LEGATEE.
libel or slander, for, nature and object of, **1,** 12; **18,** 605, 724. *See* LIBEL; SLANDER.
limitation of, **19,** 37 *et seq.* *See* LIMITATION OF ACTIONS.
immovables, in case of, **6,** 211
limitation of liability in Admiralty, for. *See* LIMITATION OF LIABILITY.
loan society, by or against, **19,** 219. *See* LOAN SOCIETY.
local authority, against, notice before, **1,** 25
local education authority, by or against, **12,** 21
London County Council, by, **20,** 399; **23,** 101 n.
lunatics, by or against, **1,** 22; **16,** 504; **19,** 403, 462—466. *See* LUNATIC.
maintenance of, **1,** 51. *See* MAINTENANCE OF ACTION.
malicious, arrest on civil process, for, **19,** 693—695 *See* MALICIOUS PROCEEDINGS.
civil proceedings, for, **1,** 13, 14; **19,** 689—699. *See* MALICIOUS PROCEEDINGS.
claim to property, for, **19,** 699
execution, for, **14,** 28 *et seq.*; **19,** 695, 696
judgment, registration of, for, **19,** 698, 699
mayor's court, process out of, **19,** 699
presentation of bankruptcy petition, for, **19,** 696, 697
winding-up petition, of, **5,** 399; **19,** 689 n., 697
prosecution, for, **19,** 676 *et seq.* *See* MALICIOUS PROSECUTION.
search warrant, procurement of issue of, **19,** 687, 688
mandamus, of, **1,** 42; **10,** 104. *See* MANDAMUS.
marine policy, on, **17,** 502—504. *See* MARINE INSURANCE.
market, for disturbance of, **20,** 5, 43, 44, 47

ACTION—*continued.*
mayor's court, London, in, **20,** 290 *et seq.* *See* MAYOR'S COURT.
medical practitioner, against, for negligence, **20,** 331—334
mesne profits, for, **18,** 555; **24,** 326. *See* MESNE PROFITS.
Middlesex, in, list of, **23,** 130 n.
mine, for the recovery of a, **20,** 535
minerals wrongfully taken, for, **20,** 537—543
misrepresentation, for, **20,** 719—736, 742, 743. *See* FRAUDULENT MISREPRESENTATION; MISREPRESENTATION.
mixed, nature of, **1,** 32, 34
modern form of, **1,** 47; **23,** 99 *et seq.*
money had and received, for, **1,** 227; **7,** 473, 489. *See* MONEY HAD AND RECEIVED.
naval or military authorities, against, **25,** 91
necessaries, for. *See* NECESSARIES.
negligence, for. *See* NEGLIGENCE.
notice of, when required, **1,** 24—26; **23,** 349, 350
nuisance, for, **1,** 34, 40; **21,** 550, 551. *See* NUISANCE.
of, old action, **1,** 34
obstructing parties to, as contempt, **7,** 291, 292
old forms of, **1,** 31 *et seq.*
abolition of, **1,** 45—47
order, to enforce, **18,** 219
originating summons, proceedings by, whether an, **1,** 4
parties to, **1,** 17 *et seq.*; **23,** 99—108. *See* DEFENDANT; PARTIES; PLAINTIFF.
partition, for, **21,** 834—867. *See* PARTITION.
partners, by and against, **22,** 38—41; **25,** 502 n. *See* FIRM; PARTNER.
power to release cause of, **22,** 28, 29
partnership, **22,** 66—68, 70, 89 *et seq.* *See* PARTNERSHIP.
passing-off, for, **27,** 767 *et seq.* *See* PASSING-OFF; TRADE MARK; TRADE NAME.
analogous actions, **27,** 773, 774
patent. *See* INFRINGEMENT OF PATENT; PATENT.
pawns, in case of, **22,** 242, 245, 246. *See* PAWN; PLEDGE.
payment, plea of, **25,** 484
penal, **27,** 192. *See* PENALTY.
compounding, **9,** 504; **23,** 141, 142
election offences, for, **12,** 537—540. *See* ELECTION OFFENCES.
pending cause, what is, **13,** 62 n.
perpetuate testimony, to, **13,** 44—46, 54, 630
personal. *See* ACTIO PERSONALIS MORITUR CUM PERSONA.
county court, in, **8,** 428
jurisdiction in regard to, **9,** 16
nature of, **1,** 32, 35—45; **11,** 3, 4
personal injuries, for. *See* NEGLIGENCE; PERSONAL INJURIES.
personal respresentative, by or against. *See* PERSONAL REPRESENTATIVE.
plaintiff, **23,** 99—181. *See* PARTIES; PLAINTIFF.
by, who was defendant in former action, estoppel, **13,** 331
pleading in. *See* PLEADING.
point of law, decision on, **23,** 155
possession, for, **24,** 325—330. *See* EJECTMENT; POSSESSION; RECOVERY OF LAND; RECOVERY OF POSSESSION.
poundbreach, for, **11,** 194. *See* POUNDBREACH.
prison officers, against, general issue in, **23,** 240, 241

ACTION—*continued.*
privy, who is, **13,** 343. *See* PRIVY.
prize, to recover, **15,** 272
promoters, against, **5,** 50—52, 135, 136; **6,** 44.
property, for injury to, **27,** 473. *See* TORT; TRESPASS ON LAND; TRESPASS TO GOODS.
proprietary and possessory, of freeholders, **24,** 146
public minister's immunity from, **6,** 429—433
public officer, against, liability, **23,** 312 *et seq.* *See* PUBLIC OFFICER.
time for, **6,** 416; **19,** 176—180; **23,** 346
quare clausum fregit, of, **1,** 44
quare ejecit infra terminum, of, **1,** 34
quare impedit, of, **1,** 34, 35, 46; **11,** 586
Queen Consort's right of, **6,** 365
real, nature of, **1,** 32—35; **11,** 3, 4; **24,** 324. *See* REAL ACTION.
receiver, by or against, **24,** 392. *See* RECEIVER.
rectification, for, **13,** 22, 24; **21,** 20—25. *See* MISTAKE; RECTIFICATION.
redemption, for, **21,** 149 *et seq.* *See* REDEMPTION; ACTION.
reference of,
county court, in, **8,** 525
High Court, in, **1,** 481 *et seq.*
refusal of judge to try, liability, **23,** 326
release of all actions, effect, **1,** 6
release of cause of. *See* RELEASE.
remittal to county court, **8,** 429, 432, 438, 586; **23,** 151. *See* REMITTAL.
removal of. *See* CERTIORARI; REMOVAL.
rent, for recovery of, **18,** 486, 487; **24,** 326. *See* RENT.
rentcharge, for recovery of, **24,** 517, 518. *See* RENTCHARGE.
replevin, for, **1,** 43; **11,** 202. *See* REPLEVIN.
bond, on, **11,** 203. *See* REPLEVIN.
representative, **23,** 103. *See* BILL OF PEACE; REPRESENTATIVE ACTION.
rescission, for, **13,** 23, 24; **20,** 737 *et seq.*; **21,** 17—20. *See* RESCISSION.
respondentia, **1,** 65, 66
restraint, of, in Admiralty, **1,** 63, 64
restraint of, by injunction, **13,** 47, 48; **17,** 261—265
right in their nature, of, **1,** 33
right of. *See* RIGHT OF ACTION.
right proper, of, **1,** 33
Sale of Goods Act, 1893, meaning in, **25,** 118
salvage, **26,** 581. *See* SALVAGE.
seaman or apprentice, by, **26,** 53
seduction, for, **1,** 11; **20,** 270—275. *See* SEDUCTION.
set-off in, **25,** 482 *et seq.* *See* SET-OFF.
settlement of. *See* COMPROMISE.
shareholders of company, by. *See* SHAREHOLDER IN COMPANY.
sheriff, by or against, **25,** 826 n., 840. *See* SHERIFF.
slander of title, for, **27,** 672. *See* SLANDER OF TITLE.
solicitor's name on record, **26,** 742, 743
Sovereign, counterclaim in action by, **25,** 507 n.
foreign, by or against, **6,** 232, 233
immunity from, **1,** 17; **6,** 318, 373, 374, 412, 413; **23,** 307, 308
specific performance, for, **13,** 11, 65, 72, 75; **25,** 408; **27,** 77—105. *See* SPECIFIC PERFORMANCE.
spirits, for price of, **18,** 170, 171
stakeholder, by, **17,** 586. *See* INTERPLEADER.

ACTION—*continued.*
statute, damage authorised by, for, **1,** 14; **8,** 388; **21,** 516, 562; **23,** 312, 723; **27,** 495. *See* STATUTORY POWERS.
exclusion of right of action for negligence, by, **21,** 421
passed during, effect, **27,** 161, 161 n.
right of action reserved by, **21,** 464, 465
statutory remedies, effect of, **1,** 8; **27,** 188—193
stay of, **23,** 155—158. *See* STAY OF PROCEEDINGS.
Stock Exchange, among members of, **27,** 216 n.
defaulter, against, **27,** 258
stranger to, contempt of court by, **7,** 292
suit includes, **1,** 3
supplemental, in case of infant, **17,** 140
suspension of right of, **1,** 27—30
arbitration, by agreement to refer to, **1,** 27, 445, 451, 455
felonious torts, in case of, **1,** 27; **27,** 492
negotiable instrument, by accepting, **1,** 27
termination of, **1,** 5; **18,** 182; **23,** 159. *See* DISCONTINUANCE.
threat to bring, injunction in case of, **17,** 259
what constitutes breach of injunction, **17,** 259 n.
time for beginning, computation of, **27,** 449
tort, of, **1,** 49, 50; **27,** 464 n., 465, 472 n., 490 *et seq.* *See* TORT.
trade unions, by and against, **27,** 622 n., 624, 626 n., 664—668. *See* TRADE UNION.
branch, against, **27,** 664 n.
transfer of, **13,** 63 n.; **23,** 158
Admiralty action, **1,** 107, 108
company winding up, in case of, **5,** 540, 541
county court, in, **8,** 446, 453, 482—484
transitory or local, **1,** 50
trespass, for, goods, to, **27,** 868—871. *See* TRESPASS TO GOODS.
land, on, **15,** 225; **27,** 851, 858—863. *See* TRESPASS TO LAND.
land abroad, **13,** 66 n.; **27,** 851
of, nature of, **1,** 43
on the case, of, **1,** 40
owner of *profit à prendre*, by, **11,** 340
person, to the, **27,** 874—885. *See* TRESPASS TO THE PERSON.
trial of, **23,** 171—176. *See* TRIAL.
new, **23,** 192, 198, 204—206. *See* NEW TRIAL.
trover, of, **1,** 44; **27,** 900 *et seq.* *See* TROVER.
trustee, by and against. *See* TRUSTEE.
trustee in bankruptcy, by and against, **2,** 133—139. *See* TRUSTEE IN BANKRUPTCY.
trustees of charity, by or against, **4,** 329, 330
ubi jus ibi remedium, **1,** 7
urban district council, by or against, **19,** 289, 290
use and occupation, for. *See* USE AND OCCUPATION.
venue, former importance of, **1,** 50. *See* VENUE.
vexatious, protection against, **1,** 30; **13,** 51, 59 n.; **22,** 436; **23,** 157 n.
visitor of charity, against, **4,** 300, 301
volenti non fit injuria, none where maxim applies, **1,** 15
wager, by winner of, **15,** 271—275. *See* WAGER.
made abroad, on, **15,** 282
waste, for, **27,** 473. *See* WASTE.
waste, of, **1,** 34
water rate, for recovery of, **28,** 349. *See* WATER.
way, for disturbance of right of, **11,** 296
when an action will and will not lie, **1,** 7 *et seq.*

ACTION—*continued.*
workman's compensation, in case of, **20,** 195, 196, 198, 213, 214. *See* WORKMAN'S COMPENSATION.
writ in, **23,** 99. *See* WRIT OF SUMMONS.

ACTION IN PERSONAM IN ADMIRALTY, 1, 105 *et seq.*
amount recoverable, **1,** 62
appeals,
court of appeal, to, **1,** 125—127
inferior courts, from, **1,** 111—115
appearance in, **1,** 107, 109
cargo, for damage to, **1,** 73; **26,** 542
collision, for, **1,** 70—72; **26,** 542—544, 546. *See* COLLISION.
commencement of, **1,** 105, 106
co-owners, disputes between, **1,** 64
conflict of laws, action restrained where *lis alibi pendens,* **6,** 301
counterclaim by, to action *in rem,* **1,** 95
counterclaim *in rem* opposed to, **1,** 95; **25,** 507
county court, in, **1,** 128, 129
judgment, contested action, in, **1,** 122—124
in default of appearance, **1,** 107
limitation of liability, for, **1,** 108—111
necessaries, for, **1,** 67; **26,** 66
origin of, **1,** 61
personal injuries, for, **26,** 543, 544
pleadings in, **1,** 106, 107
default in, **1,** 107
procedure in, **1,** 105—107
reference to registrar, **1,** 117
salvage, for, **1,** 73—75; **26,** 580, 581
towage, for, **1,** 68
transfer of, **1,** 107, 108
wages, for, **1,** 68
writ in, **1,** 105
service out of jurisdiction, **1,** 72, 105, 106
wrongful dismissal, for, **1,** 69

ACTION IN REM IN ADMIRALTY,
defined, **1,** 47, 61
agreements having force of decree, **1,** 103
appeal. *See* ADMIRALTY JURISDICTION; APPEAL.
appearance in, **1,** 87, 88
default as to, **1,** 99
appraisement under order for sale in, **1,** 89—92, 123
arrest in, **1,** 81. *See* ARREST.
warrant for. *See* WARRANT OF ARREST.
assessment of damages, **1,** 102, 117, 118, 136; **13,** 624
assessors in, **1,** 100, 101, 102, 125; **9,** 50
bail, **1,** 84, 88, 90, 100. *See* BAIL; SALVAGE; SHIP.
cargo, for damage to, **1,** 73; **26,** 546, 621
caveat in. *See* CAVEAT.
Cinque Ports, Court of Admiralty of, in, **1,** 139
City of London Court, in, **1,** 112, 127; **8,** 412
collision, rights on, **1,** 70—72; **26,** 542—544, 545. *See* COLLISION.
colonial courts, in, **1,** 140—142
commencement of, **1,** 80, 81
commission of
appraisement, release on bail on, **1,** 89
sale by the court, on, **1,** 92, 123
removal and unlivery of, **1,** 86
conflict of laws, action restrained where *lis alibi pendens,* 6, 301

ACTION IN REM IN ADMIRALTY—*continued.*
consolidation of actions,
High Court and county court actions, **1,** 108
order for separate counsel, **1,** 93
salvage and damage actions, **1,** 92, 93
severance of actions, **1,** 93
without consent, **1,** 93
co-owners, disputes between, **1,** 64
costs of, **1,** 103—105, 124, 125
appeal in, **1,** 112—114, 117, 126
compulsory pilotage, in case of, **1,** 104
defence inevitable accident, when, **1,** 104
issues, no division of, **1,** 103, 104
no order as to, cases in which, **1,** 104
security for, appeal, in case of, **1,** 112, 113, 116, 125; **9,** 49
counterclaim, in case of, **25,** 516
foreign ship, in case of, **26,** 408 n., 546
taxation of, **1,** 124
where tender accepted in, **1,** 96
counterclaim *in personam* may be set up, **1,** 95 **25,** 507, 514 n.
security for costs, **25,** 516
county court, in, **1,** 128—139; **26,** 546, 547
admission of liability, **1,** 134
appeal, **1,** 112—115
appearance, **1,** 131
assessment of damages, **1,** 136
bail, **1,** 131—133. *See* BAIL.
commencement of, **1,** 129, 130
consolidation, **1,** 134
costs of, **1,** 134, 135, 138
damages, **1,** 136
enforcement of judgment, **1,** 137
evidence in, **1,** 136 n.; **13,** 624
hearing, **1,** 135, 136
interrogatories in, **1,** 133, 134
intervention of parties, **1,** 131
jury in, **1,** 4, 136
limits of jurisdiction, **1,** 127, 128
pleadings, **1,** 133
default of, **1,** 134
preliminary act, **1,** 133
præcipe, **1,** 130
release on bail on payment, **1,** 132
sale, **1,** 137, 138
setting down of, **1,** 134
tender and payment into court, **1,** 134, 135
warrant of arrest, **1,** 130
court fees, **1,** 101
cross actions, **1,** 95, 122
damages in, **1,** 102, 103, 117 *et seq.*; **3,** 624; **21,** 382; **26,** 542—545
decree in, **1,** 103, 122, 123. *See* judgment, *infra.*
default actions, **1,** 99, 100
costs in, **1,** 125
evidence by affidavit, **13,** 622
defence, **1,** 95
default in delivery of, **1,** 100
detention of ship by telegram, effect of, **1,** 85
discovery, **1,** 97, 119; **11,** 43
evidence in, **1,** 97—99; **13,** 621, 622
affidavit, by, **13,** 622
examination of witnesses before trial, **1,** 97, 98
filing affidavits, minutes etc., **1,** 98, 118; **13,** 629
foreign proceedings, effect of, **6,** 301
foreign ship, against, **1,** 64, 67, 68, 70, 71, 73; **26,** 67, 68
affidavit before arrest, **1,** 82
county court, in, **1,** 129 n., 130

ACTION IN REM IN ADMIRALTY—*continued.*
foreign ship, against—*continued.*
foreign national ship, not against, **1,** 19 n., 71, 73
notice to consul of proceedings, **1,** 82, 130
hearing of, **1,** 99 *et seq.*
inevitable accident, defence of, **1,** 104
inspection by Trinity Masters, **1,** 102
interlocutory proceedings on, **1,** 97—99
interrogatories in, **1,** 97; **11,** 43, 111 n.
intervention by persons interested, **1,** 87
affidavit of interest, **1,** 87
judgment in, **1,** 103, 122—124. *See* JUDGMENT IN REM.
jurisdiction in regard to, **1,** 63—75
King's ship, does not lie against, **1,** 71; **26,** 560
letters of request for examination abroad, **1,** 98
lien, gives rise to statutory, **26,** 621
lighthouse logs, extracts from, as evidence, **1,** 99
Limitation Act, 1623, does not apply to, **19,** 41; **26,** 545
limitation of liability, as to, **1,** 73, 108—111; **9,** 57; **26,** 612—617. *See* LIMITATION OF LIABILITY.
Liverpool Court of Passage, in, **1,** 140; **9,** 176
malicious act of individual, none for, **1,** 72
malicious proceedings, **19,** 698
maritime lien enforced by, **1,** 61, 72; **26,** 545, 625
marshal, duties of. *See* ADMIRALTY MARSHAL.
mercantile assessors, **1,** 117, 118, 136
mortgagee's intervention, **1,** 87
motions, **1,** 97
nature of, **1,** 47, 61
necessaries, for, **1,** 67; **26,** 67, 621
notice of trial, **1,** 4, 101
origin of, **1,** 61
payment into court in satisfaction, **1,** 96, 134, 138
personal injuries or loss of life, for, **26,** 517, 523, 544
pilotage charges for, **1,** 69
pleadings in, **1,** 94, 95, 100, 106, 125
ten copies for court use, **1,** 102
preliminary act, **1,** 93; **22,** 454 n. *See* PRELIMINARY ACT.
procedure in, **1,** 80—105
reference to registrar, **1,** 117—122, 127, 136
rehearing of, **1,** 103, 117
removal of, from district registry, **1,** 88
removal of property under arrest, how effected, **1,** 86
sale by court
after judgment, **1,** 48, 123, 124; **26,** 626
before judgment, **1,** 92
salvage, for, **1,** 73; **26,** 580, 619
shorthand notes of evidence, **1,** 102, 119, 125
statement of claim in, **1,** 94, 95
default actions, in, **1,** 95
delivery of, **1,** 95
stay of, foreign proceedings, in case of, **6,** 301
limitation of liability, in case of, **1,** 110
subpœnas in, **1,** 98
summons in action, **1,** 97
tender by act in court, **1,** 96
notices of, to be given, **1,** 96
reference, in a, **1,** 120
time within which to be commenced, **26,** 545
transfer of, **1,** 88, 107, 108
Trinity Masters in, **1,** 101, 102, 125; **9,** 50

ACTION IN REM IN ADMIRALTY—*continued.*
wages, for, **1,** 68; **19,** 39; **26,** 53, 54
warrant of arrest, **1,** 81—86, 130. *See* WARRANT OF ARREST.
who may appear on, **1,** 87
writ in, **1,** 80
indorsement of, **1,** 80
issue of, **1,** 80
sealing etc. of, **1,** 81
service of, **1,** 86
effect of service, **1,** 100

ACTIVE SERVICE,
estate duty in case of death on, **13,** 182, 201
wills made on, **25,** 94—96. *See also* NUNCUPATIVE WILL.

ACTOR,
defined, **27,** 411
bill matter, failure to send in, by, legal consequences of, **27,** 411
charitable nature of institution for impoverished, **4,** 110
contract with, construction of, **27,** 410, 411
principles applicable to, **27,** 410
defamation of, by placing name in wrong order on bill, **27,** 411
dismissal of, **27,** 411
employer's obligation to provide work for, **27,** 411
engagement of, completion of, *defined,* **27,** 411 n., 413 n.
incidents of, **10,** 287, 288; **27,** 410—413
re-engagement, **27,** 411
part, entitled to reasonable notice for learning, **27,** 413
inability to perform, as ground for dismissal, **27,** 411
rehearsal, failure to attend, effect of, **27,** 411
restrictive covenant affecting, **17,** 242 n., 246 n.; **27,** 412, 583, 587 n.
salary of, **10,** 287; **27,** 412
payment of, usage as to, **10,** 287
Theatres Act, 1843, when deemed acting for hire within, **27,** 407
tradesman, not a, **27,** 509 n.
understudy of, **10,** 288; **27,** 412 n,
usages affecting, **10,** 287, 288; **27,** 413

ACTUAL MILITARY SERVICE,
defined, **14,** 161; **25,** 94; **28,** 519 n. *See also* ACTIVE SERVICE.

ACTUARY,
assurance company, actuarial report in case of, **5,** 631
friendly society,
affairs of, to value, **15,** 172
investigation, to make, **15,** 201 n.
tables of contributions, to certify, **15,** 131
industrial or provident society, to report on affairs of, **17,** 16

ACTUS AB AGENDO,
nature of way of, **11,** 284 n.

ACTUS DEI NEMINI FACIT INJURIAM. *See* ACT OF GOD.

AD COLLIGENDA BONA,
administration grant, **14,** 204

AD IDEM,
no contract unless parties are, **7,** 354 ; **13,** 23 ; **21,** 6, 7, 10, 16

AD LITEM,
administration, with a view to Chancery proceedings, **14,** 205, 336
guardian, **17,** 140—142. *See* GUARDIAN AD LITEM.

AD MEDIUM FILUM. *See* MEDIUM FILUM RULE.

AD QUOD DAMNUM, WRIT OF,
ferry extinguished or relinquished by, **14,** 563
highway stopped or diverted by, **16,** 70
market or fair granted after inquisition under, **20,** 8
navigation obstructed after inquisition under, **28,** 402
presumption of lost, **16,** 79

AD VALOREM,
estate duty, rate of, **13,** 204—207
payments by bishops, commutation of, **11,** 400
stamp duty, adjudication of, **24,** 716
bill of exchange, in respect of, **2,** 570
bond, in respect of, **3,** 103—105
contract note, in respect of, **27,** 229 n.
conveyance on sale in respect of, **24,** 728 ; **25,** 445—451
instrument referring to several distinct matters, in respect to, **24,** 708
lease, in case of, **18,** 396—399
marketable security, in respect of, **24,** 728, 729 n.
mortgage, in respect of, **21,** 136

ADDRESS,
bill of sale, of attesting witness to, **3,** 35, 43, 49
book, Companies Clauses Act, under, **5,** 690
railway shareholders', printing and sale of, **23,** 646, 647
company, members of, delivery to registrar of, **5,** 61
prospectus of, must contain addresses of signatories, directors, vendors, **5,** 121, 122
registered, of, **5,** 82—84
Crown, to the, dissenters, by, **11,** 811 n.
House of Commons, by the. *See* HOUSE OF COMMONS.
Parliament, by, demise of Crown, after, **21,** 699
information as to government department, to obtain, **21,** 619
King's speech, in reply to, **21,** 696—698
presentation of, **7,** 60 ; **21,** 802—804
removal from office, for, **7,** 22, 23
peer, on trial of, **21,** 653
election, illegal payments for exhibiting, **12,** 294
insufficient, on goods carried, delay or loss through, **4,** 16, 43
interrogatories to discover, **11,** 93 n.
life policy, in, for serving notices, **17,** 562
plaintiff or defendant, of, when required, **23,** 112, 125
service, for, absence of, or fictitious, **23,** 125
memorandum of appearance, in case of, **23,** 125
patent application, in case of, **22,** 153, 180
writ, in case of, **23,** 112, 113
telegraphic, property in, **27,** 396
Throne, to the. *See* Crown, *supra.*
writ, indorsement on, **23,** 112, 113

ADEMPTION,
appointment under a power, of, **23,** 42, 43 ; **28,** 602 n.
gift, of, change in subject matter of, by, **23,** 42 **28,** 602, 709 n.
option, by exercise of, **28,** 604
partial, **13,** 130, 135 ; **28,** 604
pro tanto extinction by, **13,** 130, 133 ; **28,** 604
residue, of, **13,** 133
satisfaction in relation to, **13,** 131, 135
subsequent gift, by, **13,** 130, 134, 135 ; **28,** 602
what will or will not amount to, **13,** 130, 133—135 ; **23,** 43 ; **28,** 602—604, 709 n.
legacy, of, **13,** 135 ; **28,** 602—605. *See* gift, *supra.*
charity, to, **4,** 143
codicil to will, not revived by, **28,** 581 n.
debt, by payment of, **28,** 604
different beneficiaries, in case of, **13,** 135
election, gives no right of, **13,** 131
republication of will does not revive, **28,** 578
subsequent settlement, by, **13,** 134 n.
total loss in marine insurance, of, **17,** 478 n., 479, 480

ADHERENCE,
to the King's enemies, offence of, **9,** 454, 455

ADHESIVE STAMP,
agreement, on, **7,** 529 ; **24,** 714 n.
bill of exchange, on, **2,** 576—578 ; **24,** 714 n.
cancelling, of, **1,** 603 ; **7,** 529 ; **24,** 714
penalty for not, **7,** 529 n. ; **24,** 704
cheque, on, **1,** 603
contract note, on, **27,** 229
copy, attested or authenticated, on, **24,** 727
defacing of, before use, unauthorised, **24,** 703
Companies (Winding-up) Rules, under, **5,** 557, 558
fraudulent dealing with, after use, **24,** 703
National Insurance Act, 1911, under, **28,** 890 n., 918 n.
notarial protest, on, **2,** 578
payment of stamp duty by, **24,** 714, 715
postage, **22,** 639
postage stamp as, **24,** 714 n.
receipt, on, **7,** 452—454 ; **24,** 714 n., 717 n.
use after execution of instrument, **2,** 576, 578 ; **24,** 714

ADITUS,
nature of the way called, **11,** 284 n.

ADJACENT,
meaning with reference to buildings etc., **3,** 175 **28,** 462

ADJOINING,
defined, **3,** 175 ; **23,** 421 n., **28,** 462
building, Public Health Act, deposit of plans under, as to, **23,** 421 n.
highway, cutting hedges or lopping trees, **16,** 113 n.
ditches and drains, duty to cleanse, **16,** 113 ; **25,** 770, 771
frontager's liability. *See* FRONTAGER.
hoarding, provision as to, **23,** 401
premises, nuisance, when a, **21,** 515
occupier's duty towards public, **21,** 399, 400
lands, boundaries between, **3,** 108—125, 134—138 ; **13,** 39. *See* BOUNDARIES.
lessee, restrictive covenant in relation to, **18,** 591

ADJOINING—*continued.*
mine, trespass committed from, or on, **20,** 536, 591
owner. *See* ADJOINING OWNER.

ADJOINING OWNER,
accretion of land bounded by sea belongs to, **3,** 119; **4,** 473; **28,** 361, 362, 363
architect's liability towards, **3,** 296
building contract, damage during execution of, **21,** 396
compulsory purchase, pre-emption on sale of superfluous lands, **6,** 28, 29
drains, in regard to. *See* DRAIN; DRAINAGE OF LAND.
easement as affecting. *See* EASEMENT.
highway. *See* FRONTAGER.
access to, **16,** 59—61. *See* ACCESS.
metropolis, in, rights of, **20,** 491—493
party wall, rights in regard to, **3,** 134—138; **20,** 491, 492. *See* PARTY WALL.
railway, to, rights on deviation by company, **23,** 650, 651
accommodation works for, **6,** 153, 154; **23,** 666 *et seq.*
river, to. *See* RIPARIAN OWNER.
access, right of. *See* ACCESS.
trees, on boundary, rights and liabilities as to, **1,** 296; **3,** 126, 127; **18,** 431; **21,** 396 n.
highway, in case of, **16,** 113
overhanging, rights as to, **1,** 296; **3,** 126, 127; **21,** 530
water supply operations, affected by, **28,** 289—292, 295

ADJOURNMENT,
Cabinet, of, during prorogation, **7,** 44
certiorari not granted to remove order for, **10,** 197
chambers, from master in, to judge, in Chancery Division, **23,** 131
coroner's inquest, of, **8,** 270
county court
judge, powers of, **8,** 528
sitting, of, **8,** 413
trial, of, **8,** 471, 521, 528
criminal trial, of, **9,** 369
discovery, of application for, **11,** 59
Education Act, 1902, of public inquiry under, **12,** 14
election, nomination of candidates at parliamentary, of, **12,** 277
petition trial, of, municipal, **12,** 488, 513
parliamentary, **12,** 439
poll taking at parliamentary, of, **12,** 305 n., 307, 331 n.
food or drug offence, in case of trial of, **15,** 30
House of Commons, of. *See* HOUSE OF COMMONS.
business in, of, **6,** 391
debate in, of, **21,** 668, 679, 681
House of Lords, of, **21,** 635, 636
business in, of, **6,** 391
intoxicating liquor licence, of application for, **18,** 23, 38, 44—46
licensing meeting, of general annual, **18,** 22, 23
magisterial proceedings, of, **19,** 585, 600, 640, 641
medical practitioner, of disciplinary inquiry into conduct of, **20,** 324
meeting, of, company, of, **5,** 249, 254
corporation, of, **8,** 348
creditors and contributories in winding up of company, of, **5,** 470

ADJOURNMENT—*continued.*
meeting, of—*continued.*
creditors in bankruptcy, of, **2,** 69, 70
directors, of, notice of adjourned meeting not necessary in case of, **5,** 237
public examination, of, bankruptcy, in, **2,** 73, 86
winding-up company, in, **5,** 433, 434
quarter sessions, of. *See* QUARTER SESSIONS.
Railway and Canal Commissioners, of interlocutory application to, **23,** 759
trial, of, county court, in, **8,** 521, 528
criminal proceedings, in, **9,** 369
High Court of Justice, in, **23,** 176

ADJUDICATION,
bankruptcy, in. *See* ADJUDICATION ORDER.
captured prize, of, **23,** 277
stamp duty, of, **24,** 716, 717, 733

ADJUDICATION ORDER,
absconding debtor, in case of, **2,** 86, 87, 295
advertisement of, **2,** 87
annulment of, abuse of process of court, on grounds of, **2,** 90
advertisement of, **2,** 91
application for, **2,** 93
effect of, **2,** 91—93
forfeiture condition on bankruptcy, in case of, **2,** 92, 148
notice of, **2,** 91
payment in full, by, **2,** 90
practice on, **2,** 93
re-adjudication after, **2,** 93
refusal of, **2,** 91
appeal from, **2,** 93
statute-barred rights, effect as regards, **2,** 93
trustee's liability on, **2,** 93
appeal against, **2,** 82, 83, 87, 302
assignment effected by, **4,** 366, 399; **7,** 503; **18,** 577, 600
assignment of debtor's property after, **2,** 160
chose in action, of, **2,** 165, 189 n.
bill of sale, against grantor of, seizure on, **3,** 69
composition in lieu of, **2,** 65, 82, 83, 85
date of, London Gazette conclusive as to, **2,** 87, 312, 316, 354
debtor's death prior to making of, effect of, **2,** 90
disqualifications resulting to bankrupt from, **2,** 88—90; **18,** 219. *See* BANKRUPTCY.
effect of, **2,** 87, 88, 343; **13,** 329; **18,** 219
fraud, based on judgment tainted with, **2,** 57; **18,** 217
judgment *in rem*, as, **13,** 329
malicious procuration of, **19,** 696, 697
notice of
annulment of, **2,** 93
application for, **2,** 87
Board of Trade, to, **2,** 87
debtor, to, **2,** 87
partnership, in case of, **2,** 13, 87
payment to debtor after, **2,** 159, 160
practice and procedure on, **2,** 85—88
proof of, **2,** 354; **13,** 551
re-adjudication after annulment of, **2,** 93
registrar's powers as to, **2,** 87
registration at Land Registry of, not necessary, **2,** 88
scheme, in lieu of, **2,** 79—85, 295. *See* ARRANGEMENT.
service of, where debtor abroad, **2,** 87
summary cases, in, **2,** 86, 87, 295

ADJUSTMENT,
company, of rights of contributories to, **5,** 529—533
differences, of, Telegraph Acts, under, **27,** 377—381
Education Act, 1902, of property and liabilities for purposes of, **12,** 16 n., 19 n.
electrical supply, of metropolitan areas of, **12,** 617
fire insurance loss, of, **17,** 538—541
general average, of, determination of, **17,** 452, 453, 471; **26,** 323—325
English Average Adjusters' Association, rules of, **17,** 346, 467
foreign, usual clause as to, **17,** 452, 453; **26,** 323
law governing, **6,** 241; **17,** 452
place for, **17,** 452, 453; **26.** 323
value, how estimated in, **17,** 379 n., 511; **26,** 324, 325
York-Antwerp Rules as to, **17,** 346, 450 n., 452, 508—511; **26,** 323 n.
Inclosure Acts, of rights of common under, **4,** 602
income tax, of loss in trade for purpose of, **16,** 650
Local Government Act, 1894, of property and liabilities under, **22,** 525
maritime loss, of,
freight, in respect of, **17,** 485, 486
general average charges, in case of, **17,** 456, 471
anchor allowed for, **17,** 510
chain cables, in, **17,** 510
contributions, deduction of, **17,** 484
Institute clauses and, **17,** 346 n., 467
marine insurance, in, **17,** 454, 455, 462—490, 495—504
partial
damage by collision, in case of, **17,** 493 n.
loss of
freight, in case of, **17,** 470
goods, in case of, **17,** 463—466
ship, in case of, **17,** 466—470
repairs of ship, in respect of, **17,** 466—470
salvage charges, in case of, **17,** 471
signature by agent of, **17,** 359
third party, in case of liability to, **17,** 470, 471
total loss, in case of, **17,** 469, 471—490. *See* TOTAL LOSS.
underwriter and broker, between, **17,** 495, 496
payment after, **17,** 495
particular average, of, on goods, **17,** 465, 466
salvage charges, of, **17,** 452, 453, 471
Technical Instruction Acts, 1889 and 1891, of urban council's liabilities under, **12,** 22 n.
enant for life and remainderman, between,
burdens, in respect of, **25,** 615—621; **28,** 34—37
income, in respect of, **25,** 607—614; **28,** 30—34. *See* INCOME, tenant for life.
losses, in respect of, **25,** 621—623
purchase of reversion under Settled Land Acts, **25,** 647 n.

ADJUTANT,
Territorial Force, of, status of court-martial, as regards, **25,** 75 n.

ADMINISTRATION,
action. *See* ADMINISTRATION ACTION.
Admiralty, of the, **7,** 21, 88—92; **25,** 6
bond. *See* ADMINISTRATION BOND.
club assets, of, on dissolution, **4,** 437

ADMINISTRATION—*continued.*
communion, of, **11,** 678, 689, 691
convict's property, of, **9,** 429, 430; **21,** 94; **23,** 261; **25,** 195, 309, 388
deceased's estate, of. *See* ADMINISTRATION OF DECEASED'S ESTATE.
grant of. *See* LETTERS OF ADMINISTRATION.
Holy Sacrament, of the, **11,** 678, 689, 691
industrial or provident society, of, **17,** 24—27
justice, of. *See* JUSTICE.
lunatic's property, of, **19,** 436—456. *See* LUNATIC.
National Health Insurance, benefits under, of, **28,** 944—958. *See* BENEFIT.
of, **28,** 932—944. *See* NATIONAL HEALTH INSURANCE.
oath, of. *See* OATH.
small estates, of, in bankruptcy, **2,** 294—301; **8,** 562. *See* SUMMARY ADMINISTRATION OF SMALL ESTATES.
Territorial Force, of the, **25,** 81—89. *See* TERRITORIAL FORCE.
trust, of, **28,** 117—184. *See* TRUST.
charitable. *See* CHARITABLE TRUST.
Unemployment Insurance, of, **28,** 901—905. *See* UNEMPLOYMENT INSURANCE.

ADMINISTRATION ACTION,
account, order for, in, **14,** 338, 339
partner's estate, in case of, **22,** 71
administrator, *ad litem* in, **14,** 205, 336
pendente lite in, **14,** 201
advertisement for creditors in, **14,** 243 n.
affidavit read on further consideration, **13,** 623
annuitant's rights in, **24,** 499, 520—522
Attorney-General as party to, **4,** 327, 330, 341
charity, in case of a, **4,** 310, 327, 330, 341, 348, 349. *See also* CHARITABLE TRUST; CHARITY; CHARITY TRUSTEES.
scheme in course of, **4,** 185
claims, evidence of, in, **14,** 341
commencement of, **14,** 334
direction in will as to, **28,** 506 n.
concurrent, consolidation of, **14,** 342—344
infant plaintiffs in, **14,** 343
judgment in case of, procedure on, **14,** 343
conduct of, **14,** 342—344
consolidation of, **14,** 342—344
conduct of action on, **14,** 342, 343, 344
costs in,
appeal as to, **14,** 348
beneficiaries, on ascertainment of part of, **14,** 352
beneficiary, payable by, **14,** 350, 353
charity, in case of, **4,** 341, 348, 349
collateral proceedings, in, **14,** 348
county court, in, **8,** 589, 599
fund for payment of, **14,** 350
general rule as to, **14,** 347
improper litigation, in case of, **14,** 350
indemnity for, **14,** 349
inquiries, costs of, **14,** 351
originating summons, on, **14,** 352
overpaid beneficiary, of, **14,** 350
parties other than representative, of, **14,** 349
personal representative entitled to, **14,** 347, 349, 352
appeal as to, **14,** 348
default, in, **14,** 349
misconduct as affecting, **14,** 347
mistake or delay will not deprive, of, **14,** 347
when liable for, **14,** 348

ADMINISTRATION ACTION—*continued.*
costs in—*continued.*
residuary legatees, unpaid, in case of, **14,** 351
share failing, in case of, **14,** 351
solicitor and client, as between, **14,** 352
unsuccessful claims, of, **14,** 350
counsel's brief in, **2,** 407
county court, in, claim by person not a party, **8,** 458
costs of, **8,** 589, 599
district for, **8,** 452
judgment in, **8,** 534, 546. 547
jurisdiction on, **8,** 443, 444, 623 ; **14,** 333
particulars in, **8,** 467
service out of England and Wales in, **8,** 477
transfer to, of, **14,** 334
court having jurisdiction, **14,** 333
powers of, generally, **14,** 342 ; **23,** 68
creditor,
administration action by, **13,** 31 ; **14,** 336 ; **15,** 90
acceptance of debt does not dismiss, **14,** 337
contingent, administration order not obtainable by, **14,** 256
costs, when entitled to, as between solicitor and client, **14,** 352
how taken, **14,** 336
judgment, enures for benefit of all creditors, **14,** 337 ; **19,** 190
made on behalf of, when, **14,** 256, 336 ; **15,** 90, 91
lis pendens, registration as, **14,** 247
position in, before judgment, **14,** 336, 337
receiver appointed in, pending probate, **24,** 417
running of time, effect on, **14,** 341 ; **19,** 190
suing on behalf of himself and all other creditors, **13,** 31 ; **14,** 336
writ, title of, must show capacity of, **14,** 336 n.
administration decree, restraint of legal proceedings under old practice after, **13,** 33
attend proceedings, not generally given leave to, **14,** 337
claims of, effect on, **14,** 341
disappearance of, after proof of debt, practice of court as to, **14,** 346
dual claims for same debt, effect of, **14,** 347
foreign, rights of, in, **14,** 341
proof of debt by, **14,** 346
delay in bringing, **14,** 344 ; **19,** 90
determination of questions without administration in, **14,** 334
fraudulent conveyance, inquiry as to, **15,** 90, 91
insolvent estates, in respect of, **14,** 344—347. *See* ADMINISTRATION OF DECEASED'S ESTATE.
interest on debts in, **14,** 342
judgment in, **14,** 338—342
conditions, subject to, **14,** 338
creditor, time running against, effect as regards, **14,** 341 ; **19,** 190
effect of, **14,** 341 ; **23,** 68
enforcement of, **14,** 340
not limited to assets within jurisdiction, **14,** 338
notice of, **14,** 342; **18,** 208, 209
one of several concurrent proceedings, in, procedure on, **14,** 343
power of court as to, **14,** 338
powers as affected by, **23,** 68

ADMINISTRATION ACTION—*continued.*
judgment in—*continued.*
trade creditors' right to, **14,** 296
jurisdiction of court in, **14,** 335
objection to, **14,** 335
legacy duty, provision for, in, **13,** 254, 258, 301
mortgagee, by, **21,** 234, 235, 270, 271, 301
claim by, is proceeding within Real Property Limitation Act, **19,** 83 n.
next of kin, by, **14,** 337 ; **19,** 87
order in. *See* judgment in, *supra.*
originating summons, commenced by, **14,** 334, 335, 337. *See* ORIGINATING SUMMONS.
parties to, **14,** 335—338
payment into court by representative in, **14,** 339—341
personal representative, liability of, after, **14,** 339, 341
payment into court by, **14,** 339—341
powers not interfered with by, **14,** 335
receiver appointed in, **14,** 334 ; **24,** 353—355. 417
requirements for bringing, **14,** 337
residuary legatee, by, **14,** 337, 351 ; **19,** 90
refunding in case of, **14,** 278
service out of jurisdiction in, **14,** 334
settlements, inquiry as to, in, **15,** 90, 91
stay of proceedings in, **13,** 32, 33 ; **14,** 343
transfer of, **14,** 342
writ or summons in, **14,** 334, 335, 337

ADMINISTRATION BOND,
action on, **13,** 31 n. ; **14,** 209, 210
assignment of, **4,** 393 ; **13,** 31 n. ; **14,** 209
attestation of, **14,** 207
breach of, **13,** 31 ; **14,** 209, 210 ; **15,** 487 n.
conditions of, **14,** 207
creditor, of, **14,** 207, 255, 256
dispensation with, court no power as to, **14,** 206, 207
nature of, **14,** 206
penalty in, **14,** 207
prefer, effect on right to, **14,** 207 n., 255
priority in administration of assets in case of, **3,** 89 ; **14,** 247, 344 ; **15,** 426 ; **25,** 565 n.
Public Trustee, none to be given by, **14,** 193 **28,** 218
remedies upon, **14,** 209, 210
requirement of, **14,** 193, 206, 207
retainer, effect on right of, **14,** 207 n., 256
stamp duty in case of, **3,** 105 ; **14,** 208
sureties to, discretion of court as to requirement of, **14,** 208
dispensed with, **14,** 188, 193, 208
foreign, **14,** 208
indemnification by next of kin of, **14,** 209 ; **15,** 446, 518 n.
justification of, **14,** 209
protection by advertisement, **14,** 210
termination of liability, **14,** 210 ; **15,** 485
who may be, **14,** 208
when not required, **14,** 193

ADMINISTRATION OF DECEASED'S ESTATE,
accounts. *See* ACCOUNTS, executor.
administrator, duties, powers etc., of. *See* ADMINISTRATOR ; PERSONAL REPRESENTATIVE.
admission of assets, **14,** 327. *See* ASSETS.
advertisement for claims in, **14,** 243, 244

ADMINISTRATION OF DECEASED'S ESTATE—*continued.*
agent acting in, **14,** 321, 325; **17,** 252 n.
annuitant's right to obtain, **24,** 499, 520—522
appropriation, **14,** 302—304. *See* APPROPRIATION.
arbitration with reference to, **14,** 327
assets, distribution of. *See* DISTRIBUTION OF ASSETS.
order of application of, **13,** 37; **14,** 285—293. *See* ASSETS.
bastard's estate, of, **11,** 27, 30, 31
beneficiaries, as between, **13,** 37, 144; **14,** 278
bona vacantia, in case of, **11,** 30, 31
bond. *See* ADMINISTRATION BOND.
debt, position of, in, **3,** 89; **14,** 245, 246, 249
building society's member, in case of, **3,** 342, 353; **14,** 191
business, carrying on, **14,** 293—296; **23,** 17; **28,** 864
creditors' assent to, **14,** 295
Chancery Division, in, **13,** 10, 30—38, 61, 64; **14,** 333; **24,** 417. *See* insolvency, *infra*; ADMINISTRATION ACTION.
civil servant, in case of, **14,** 191
compromise, **14,** 300
corporation, by, **8,** 357; **14,** 139, 140
costs of, capital, payable out of, **28,** 35, 36
fund for payment of, **14,** 350, 351
county court, in. *See* ADMINISTRATION ACTION.
court, by the, **14,** 333—344. *See* ADMINISTRATION ACTION.
creditor, at instance of, **13,** 31—36; **14,** 336; **15,** 90, 522 n.; **22,** 408
creditors in. *See* CREDITOR.
debts. *See* DEBT *passim.*
payment of, **14,** 244—256
proof of, **14,** 346
distribution, next-of-kin, among, rules for, **11,** 16—23. *See* DISTRIBUTION OF ASSETS.
equitable assets, **13,** 33—35; **14,** 244—247. *See* EQUITABLE ASSETS.
equity jurisdiction in cases of, **9,** 60; **13,** 10, 30—38, 61; **14,** 333
estate *pur autre vie* as assets, **11,** 13; **14,** 231
executor, duties, powers etc., of. *See* EXECUTOR; EXECUTOR DE SON TORT; PERSONAL REPRESENTATIVE.
foreign
creditor's rights on, **14,** 341
judgment enforceable on, **6,** 282
property, **14,** 242
friendly society's member, in case of, **14,** 192; **15,** 154
grant of, **14,** 182—217. *See* LETTERS OF ADMINISTRATION.
incumbered property, **14,** 288—290
industrial or provident society's member, in case of, **14,** 192; **17,** 11, 19, 35
insolvent estate, of,
bankruptcy, in,
application of surplus in case of, **2,** 98
appointment of trustee and committee of inspection in case of, **2,** 96, 114
carrying on of business in case of, **2,** 98
discretion of court as to, **2,** 94
distress in case of, **2,** 98, 294
execution in case of, **2,** 271, 272
executor, duty of, **2,** 96
retainer by, **2,** 97

ADMINISTRATION OF DECEASED'S ESTATE—*continued.*
insolvent estate, of—*continued.*
bankruptcy, in—*continued.*
funeral and testamentary expenses in case of, **2,** 98
order for, effect of, **2,** 95—97, 294
petition for, **2,** 93—95
preferential rights in, **2,** 97, 98
proof of debts in, **2,** 96
set-off in case of, **2,** 213
transfer to bankruptcy jurisdiction of proceedings for, **2,** 95
chancery, in,
assets to be administered in, **14,** 347
Bankruptcy Rules apply to, **14,** 344; **15,** 522 n.; **21,** 301; **24,** 499
Crown's rights in, **14,** 345
distress in case of, **2,** 294
execution, effect of, on, **2,** 272
funeral and testamentary expenses in, **3,** 406; **14,** 345
interest on debts in, **14,** 345
Judicature Acts and, **13,** 61, 64; **14,** 344—347
legal and equitable assets in case of, **14,** 244, 245
loan by wife for business, **16,** 434
mortgagor, in case of, **21,** 301
order of payment of debts in, **14,** 344
preferential rights in, **14,** 345; **15,** 522 n.; **21,** 301
proof of debts in, **14,** 346; **21,** 301 n.
retainer, right of, in, **14,** 345
secured creditors, position of, in, **14,** 346, 347
out of court, **14,** 244
interest in case of. *See* INTEREST ON MONEY, debt, legacy, personal representative, rate.
inventory of property, **14,** 241
judicial trustee, by, **14,** 141, 322; **28,** 209 n.
leaseholds, in case of, **14,** 230, 255, 306; **18,** 598, 599
legacies, **14,** 261—280. *See* LEGACY.
legal and equitable assets, of, **14,** 244—247, 256
legatee, at instance of, **13,** 31; **14,** 335, 337
letters of. *See* LETTERS OF ADMINISTRATION.
limitation of time for claim of, **19,** 87, 90
loan society's member, in case of, **14,** 191; **19,** 221
lunatic, of estate of, **19,** 457, 495
married woman, in case of, **14,** 231—233
marshalling in case of, **13,** 144, 145, 146; **14,** 291—293. *See* MARSHALLING.
mistake in, **14,** 278, 279
order for. *See* ADMINISTRATION ACTION, judgment.
conditional, **14,** 338
not in absence of duly constituted personal representative, **14,** 146
overpayment, rights in case of, **14,** 278
partner's estate, in case of, **14,** 221, 222, 309; **22,** 35, 71
pauper's estate, of, by guardians, **3,** 543; **19,** 495
personal estate. *See* PERSONAL ESTATE.
personal representative, duties, powers etc. of. *See* ADMINISTRATOR; EXECUTOR; PERSONAL REPRESENTATIVE.
priorities of creditors in case of, **13,** 33—36; **14,** 244—251, 254, 255. *See* CREDITOR.
Public Trustee, by, **14,** 141, 188; **28,** 212—219
real estate. *See* REAL ESTATE.

ADMINISTRATION OF DECEASED'S ESTATE—*continued.*
real estate—*continued.*
applied to payment of debts in case of, **11,** 4; **13,** 34, 35; **14,** 245, 246
sale of, on, **14,** 298
receiver, appointment of, **14,** 228, 254, 334; **24,** 353—355, 411, 417. *See* RECEIVER.
rent claimed in course of, **11,** 129, 176 n.; **14,** 237, 238
residuary estate, of, **14,** 280—285; **19,** 90. *See* RESIDUARY ESTATE.
distribution of, **14,** 280—284.
secured debts, position of, **14,** 288—290, 346
set-off in case of, **14,** 328—330; **25,** 498
shareholder in company, to estate of, **5,** 168, 197, 490, 491; **14,** 307, 308
solicitor, right to employ, in, **14,** 325
specialty and simple contract debts in case of, **13,** 35, 36; **14,** 244—246, 249, 255; **15,** 522 n.
statute-barred debt, position of, in, **14,** 251—254; **19,** 87, 90. *See* STATUTE-BARRED DEBT.
surety, when entitled to, **14,** 188; **15,** 522 n.
trade creditor's right to, **14,** 296
trustee, in case of property held by, **11,** 25; **14,** 233; **28,** 180
voluntary bond of intestate, order of payment of, on, **15,** 425
wrongful intermeddling in case of, **14,** 146, 147—151; **27,** 890 n., 900 n. *See* EXECUTOR DE SON TORT.

ADMINISTRATIVE COUNTY,
Local Government Act, 1888, within meaning of, **16,** 195
metropolis as, **20,** 393, 394

ADMINISTRATOR,
The title EXECUTORS AND ADMINISTRATORS *is contained in Vol. XIV., pp.* 136 *et seq.*
For general powers of administrators, see PERSONAL REPRESENTATIVE.
defined, **14,** 136
abroad, person domiciled, of, **14,** 182
power of attorney for, **14,** 203, 204
account, duty to, **14,** 320—326, 338
action against,
costs in, **14,** 330, 332
county court, in, judgment on, **8,** 546, 547; **14,** 333
defences to, **14,** 330, 331
execution in, **14,** 332, 333
judgment in, **14,** 332
against assets *in futuro,* **14,** 331
county court, in, **8,** 546, 547; **14,** 333
married woman's estate, in case of, **14,** 333
personal claim founded on, answer to, **14,** 333
plene administravit, plea of, in, **14,** 260, 331, 332
remedy of plaintiff after, **14,** 332
action by, before grant, **14,** 147
action by or against, beneficiaries need not be joined in, **14,** 330
indorsement on writ in, **14,** 330
joinder of claims in, **14,** 330; **22,** 444
county court, in, **8,** 458
acts done before grant of administration, **14,** 146, 147. *See* EXECUTOR DE SON TORT.
ad colligenda bona, powers under grant of, **14,** 204
ad litem, **14,** 205, 336

ADMINISTRATOR—*continued.*
agent, employment of, **14,** 317, 325
alienation by, power as to, **14,** 296—300; **18,** 347, 577
annuity, right to retain arrears of an, **24,** 499, 520, 521
appointment
in favour of, under power, **23,** 39, 40, 53, 54
of. *See* LETTERS OF ADMINISTRATION.
when necessary, **14,** 136
appropriation by, **14,** 302—304
arbitration at instance of, **1,** 443
assignment of office of, **14,** 141
attachment of, on default, **7,** 300
bank account, authority of one administrator to draw upon, **1,** 605
bankrupt, of, service of petition on, **2,** 94
bankrupt as, receiver appointed in case of, **24,** 354
trust property in case of, **2,** 168; **14,** 217
bonâ fide acts of, without authority, protection of, **14,** 216
bona vacantia, duty as to, **11,** 30, 31
bond of. *See* ADMINISTRATION BOND.
business, power to carry on intestate's, **14,** 294
cessate grant, powers under, **14,** 171
charitable trust, of, duties of, **4,** 185, 270—273, 310
choses in action, rights with regard to, **14,** 224—230.
contempt of court by, **7,** 300; **14,** 340
contract, by, formalities for, **7,** 361; **14,** 315
conversion by, **14,** 209; **15,** 487 n.; **27,** 890 n.
convict's property, of, **9,** 429, 430; **23,** 261—263; **25,** 195, 309, 388
mortgage by, **21,** 94
county court action by or against, **8,** 454, 455, 458, 496—498, 546, 594
creditor as, **14,** 189
Crown, nominated by, in respect of *bona vacantia,* **11,** 30, 31; **14,** 186
cum testamento annexo, **14,** 194
death of, fresh grant necessary on, **14,** 141
who entitled to sue on, **14,** 229, 230
de bonis non, **14,** 195—197
defamation, action for, by, **18,** 613
default of, attachment on, **7,** 300
proceedings in case of, **14,** 338, 339
detinue by, when action lies for, **27,** 900 n.
devastavit by, **14,** 316—319. *See* DEVASTAVIT.
devolution of property on, **14,** 136
distress
against, **11,** 150
by, **11,** 129; **14,** 237
distribution of personal estate by, **11,** 16—23; **13,** 32, 37. *See* DISTRIBUTION OF ASSETS
donatio mortis causâ, rights with regard to, **14,** 224
durante absentiâ, **14,** 198, 199
durante dementiâ, **14,** 199—201
durante minore ætate, **14,** 197, 198. *See* LETTERS OF ADMINISTRATION.
duties of, **14,** 241—256
employing assets in his own business, **14,** 323
estate duty, liability for, **13,** 214—216, 218
estoppel of, in respect of acts done before grant, **13,** 368 n.; **14,** 147
evidence as to authority of, **13,** 444
execution against property in hands of, **14,** 40 n., 50, 217, 218; **25,** 814
executor
de son tort, of, liability of, **14,** 149, 150, 151
of, rights of, **14,** 141

ADMINISTRATOR—*continued.*
foreclosure proceedings, as party to, **21,** 280
friendly society member, of, rights of, **15,** 154
Government stock, selling or transferring of, by, **17,** 265
grant of letters of administration to. *See* LETTERS OF ADMINISTRATION.
incapable of acting, becoming, revocation of grant on, **14,** 214
infant as, **17,** 50, 51
injunction against, when granted, **17,** 252, 253
interpleader by, **17,** 596
joint, position of, **14,** 235
judgment
against, creditor's priority by virtue of, **13,** 35
for or against, in county court, **8,** 546, 547 ; **14,** 333
judicial trustee as, **14,** 141
remuneration of, **14,** 322
landlord, of, execution creditor of tenant, right against, **11,** 176 n.
Lands Clauses Acts, sale under, by, **6,** 57, 58
leasing powers of, **18,** 347, 348, 577, 578
legatee, of, effect of legacy to, **28,** 609
lessee, of, as assignee of lessee, **18,** 598
licensed victualler, of, continuation of business by, **18,** 49, 50
limitation of actions, acknowledgment or part payment by or to, effect of, **19,** 95, 186
as against, **14,** 230 ; **19,** 53, 55, 75, 78, 88, 122
next of kin, by, **14,** 285 ; **19,** 86, 91
limitation to, for their use and benefit, **25,** 584
personal estate, of, effect of, **23,** 8 ; **28,** 609
limited grant, under, **14,** 206
lunatic, becoming, practice in case of, **14,** 200, 214
of, appointment and powers of, **19,** 457, 458, 495
mortgaging powers of an, **14,** 296 ; **21,** 106
next of kin, remedy of, against, where property handed to Crown, **11,** 31
oath of, **14,** 193, 196
pawnbroker, of, liability of, **22,** 250
payment by, earliest time for, **14,** 242
pendente lite,
accounts of, **14,** 203
appointment of, **14,** 201, 202
liabilities of, **14,** 202, 203
receiver, appointment after, of, **24,** 354, 417
appointment as, **14,** 201 ; **24,** 353, 354
rights of, **7,** 300 ; **14,** 201
personal property, distribution of, by, **11,** 16—23 ; **13,** 32, 37. *See* DISTRIBUTION OF ASSETS.
vesting of, in, **11,** 6 ; **14,** 146 ; **28,** 583
personal representative, is, **14,** 238
power of appointment, rights with regard to property appointed under, **14,** 222, 223 ; **23,** 39, 40
power of attorney, person acting under, position of, **14,** 203, 204
prior right to act as, persons having, **14,** 182—189
privies in law with intestate, **13,** 344
promise to answer damages by, must be in writing, **14,** 315
Public Trustee
may be, **14,** 188 ; **28,** 212—219
fees payable to, **14,** 323
transfer of estate to, by, **14,** 141
real property, rights as to, of, **14,** 136, 146, 236—239 ; **18,** 348 ; **28,** 583
retainer, right of, **14,** 244, 256—261 ; **24,** 499, 500. *See* RETAINER.

ADMINISTRATOR—*continued.*
revoked grant, under, rights of, **14,** 215
sale of goods by, **25,** 194
set off by, **14,** 328, 329
sheriff's right to enter house of, to levy execution against deceased's estate, **25,** 814
solicitor's costs, liability for, **26,** 730
sureties for, **14,** 208
title of, derived from letters of administration, **11,** 5, 6 n. ; **13,** 553 ; **14,** 146 ; **28,** 629
trade libel, may bring action for, **27,** 680
trover in respect of wrongful intermeddling by, **27,** 890 n., 900 n.
trust fund, for purposes of, **14,** 206
trust in favour of, construction of, **25,** 584
trustee, as, **14,** 217, 218, 232, 273, 316 ; **28,** 60
will annexed, with, **14,** 194, 195, 206. *See* LETTERS OF ADMINISTRATION WITH WILL ANNEXED.
no implied power of rule of realty, **14,** 236

ADMIRAL,
England, of, jurisdiction of court of, **1,** 59 ; 60 n., **8,** 233 ; **9,** 90
Port of London, of, Lord Mayor as, **20,** 423

ADMIRALTY, THE,
action by or against, **7,** 91, 92
administration, dispensation with, in case of sailors or marines, **14,** 162, 191 ; **25,** 96 ; **26,** 58
of the, **7,** 21, 88—92 ; **25,** 6
arsenal, control of, **7,** 90
assistant of the council for the affairs of the, qualification for, **2,** 383
civil lord of the, position and duties, **7,** 89 ; **25,** 6
claim by, limitation of liability, in, **7,** 91
coastguard, control of, by, **25,** 28
collisions at sea, recommendation as to regulations for preventing, **26,** 359
colonial naval forces, control over, **10,** 520 ; **25,** 26—28
commission held from, **6,** 419 ; **7,** 21
Commissioners of the, administration of oaths by **7,** 90
appointment and duties of, **7,** 21, 88—92
legal proceedings by or against, **7,** 91, 92
monition against, **26,** 533 n.
compulsory acquisition of land by, **6,** 6, 10, 160 161 ; **7,** 89 ; **25,** 100
constitution of, **6,** 419 ; **7,** 88
coroner of, appointment of, **8,** 231, 232
deputy, **8,** 234
jurisdiction of, **8,** 233, 234
courts-martial, powers with regard to, **25,** 15, 32 *See* COURT-MARTIAL, naval.
dockyards and harbours, control of, by, **7,** 90
droits of, **1,** 76, 77 ; **7,** 79 ; **9,** 57 ; **23,** 276
First Lord of the. *See* FIRST LORD OF THE ADMIRALTY.
Greenwich Hospital, control of, **7,** 90, 91 ; **25** 34
inventions, certificate as to secrecy of, **22,** 189
land, acquisition of, **6,** 160, 161
light railway, notice as to, deposit of, with, **27,** 822
National Health Insurance, contribution by, **28,** 980
Nautical Almanac, publication of, by, **7,** 91
Navy administration by, **7,** 88—92 ; **25,** 6
patents, acquisition of, **22,** 188, 189

ADMIRALTY, THE—*continued.*
pensions, naval, under control of, **25,** 34
probate, dispensation with production of, in case of sailors or marines, **14,** 162, 191 ; **25,** 96
Public Health Acts do not apply to, **23,** 365, 366
rates, buildings occupied by Admiralty exempt from, **24,** 14 n.
Royal Marines, administration of, by, **7,** 88 ; **25,** 30
Royal Naval Reserve, powers as to, **25,** 21—26
savings banks, establishment of, **1,** 579
seamen and marines, payment to relatives of, without probate or administration, **14,** 162, 191 ; **25,** 96
secretaries of, duties of, **6,** 160 ; **7,** 89
signal station, acquisition of land for, **27,** 348 n.
solicitor to, exempt from provisions of Solicitors Act, 1843, **7,** 77 ; **26,** 710
Thames, consent to works below high water mark in case of, **25,** 734 n.
tramway construction at instance of, **7,** 91 ; **27,** 815
will disposing of money payable by, validity of, **28,** 525
wireless telegraphy, powers as to, **7,** 91
yacht club, and use of ensigns by, **26,** 660

ADMIRALTY JURISDICTION. *See* ACTION IN PERSONAM IN ADMIRALTY ; ACTION IN REM IN ADMIRALTY ; PROBATE, DIVORCE AND ADMIRALTY DIVISION.
The title ADMIRALTY *is contained in Vol. I., pp.* 57 *et seq.*
accidental injury, jurisdiction in case of, **26,** 544 n.
account between co-owners, action for, **1,** 64
action,
account between co-owners, for, **1,** 64
county court, in, **1,** 108, 127—129 ; **26,** 546, 547. *See* ACTION IN REM IN ADMIRALTY.
in personam. *See* ACTION IN PERSONAM IN ADMIRALTY.
in rem. *See* ACTION IN REM IN ADMIRALTY.
agreement between parties in, **1,** 96, 103, 114, 127
appeal. *See also* APPEAL.
arrest of ship pending, **1,** 114
Court of Appeal, to, **1,** 63, 111, 125—127 ; **23,** 193 n.
Divisional Court of Admiralty Division, to, **1,** 111—117, 140 ; **9,** 59
evidence in, **1,** 113, 114, 116, 125, 126
extension of time for, **1,** 112
House of Lords, to, **1,** 63, 126
Judicial Committee of Privy Council, to, **1,** 59, 125, 139, 141 ; **9,** 28, 48—50
registrar, from, **1,** 121, 127
shipping casualty investigation, in case of, **1,** 115—117 ; **9,** 59 ; **26,** 594, 595
arrest in, **1,** 60, 61, 71, 81—87, 130, 131 ; **26,** 546. *See* ARREST, ship.
defendant, of, under old practice, **1,** 60, 61
assessor, mercantile, on references, **1,** 117, 118, 136
Trinity Master as, **1,** 100, 121, 125, 136. *See* TRINITY MASTERS.
reference, on, **1,** 119 ; **23,** 171
bail in action in, **1,** 63, 84, 88, 90, 100, 131. *See* BAIL.
Board of Trade, rehearing of shipping investigation at instance of, in, **1,** 117 ; **26,** 594
report to, as to shipping investigation, **1,** 116 ; **9,** 108 ; **26,** 594

ADMIRALTY JURISDICTION — *continued.*
booty of war, jurisdiction in regard to, **1,** 78 ; **9,** 57
borough courts of, former jurisdiction of, **9,** 105
bottomry, jurisdiction in, **1,** 65—67. *See* BOTTOMRY.
building or repairing ship, in relation to, **1,** 628
caveat in. *See* CAVEAT.
certificate of registry of British ship, order for delivery up of, **1,** 65
Channel Islands, courts of, **1,** 141, 142
Cinque Ports, Court of Admiralty of, appeal from, **1,** 139 ; **9,** 28, 50
jurisdiction of, **1,** 139, 140 ; **9,** 105, 128
Salvage Commissioners, jurisdiction of, **1,** 139, 140 ; **9,** 128
City of London Court, of, **1,** 112
civil jurisdiction of, **1,** 59
collision, jurisdiction in case of, **1,** 70—72, 127 ; **9,** 57 ; **26,** 359, 542, 546, 547
colonial courts, of, appeal from, **1,** 141 ; **9,** 28, 50
constitution and jurisdiction of, **1,** 140—142 ; **6,** 450 ; **10,** 556—558 ; **23,** 286
prize jurisdiction of, **1,** 78 ; **23,** 286
common law jurisdiction, conflict with, **1,** 59, 60
compensation in respect of short or bad provisions, recovery as wages, of, **1,** 70
compulsory pilotage, defence of, **1,** 104
conflict of laws, action restrained where *lis alibi pendens*, **6,** 301
consolidation of actions in, **1,** 92, 93, 108, 134
separate counsel heard in consolidated actions, **2,** 414
co-owners, disputes among, jurisdiction in case of, **1,** 64 ; **9,** 57
registrar, reference to, **1,** 118
county court, action in, transferred to High Court of Justice, **1,** 108
appraisement in, **1,** 132, 138
jurisdiction of, **1,** 127—129 ; **26,** 546, 547. *See* ACTION IN REM IN ADMIRALTY.
court of
record, Admiralty Court was not, **13,** 363
summary jurisdiction, jurisdiction of, in, 107 ; **19,** 586
survey, jurisdiction of, **9,** 107 ; **26,** 662
criminal jurisdiction of, **1,** 59 ; **9,** 273—276 ; **10,** 557
Crown, representation of, in, **1,** 71 ; **7,** 79
damage to
cargo, jurisdiction in case of, **1,** 73 ; **9,** 57 ; **26,** 546, 621
individuals, jurisdiction in case of, **26,** 544, 545
damages recoverable under, **1,** 102, 103, 117, 136 ; **13,** 624 ; **21,** 382 ; **26,** 542—545
security for, foreign national ship, **26,** 408 n.
disbursements, jurisdiction in respect of, **1,** 68—70
distress upon goods taken under Admiralty process, **11,** 180
Divisonal Court to settle points of law in, **1,** 100 n.
examiner in, qualification for office of, **2,** 384
fieri facias, issue of writ of, in, **1,** 124
flag, misuse of, jurisdiction in case of, **1,** 77
Foreign Enlistment Act, 1870, proceedings under, **1,** 78 ; **10,** 557
foreign
ship, jurisdiction in case of, **1,** 64, 65, 70—73 ; **26,** 408 n., 546
national ship, **1,** 71 ; **26,** 408 n.

ADMIRALTY JURISDICTION — *continued.*
foreign—*continued.*
ship, jurisdiction in case of—*continued.*
necessaries supplied to, claim for, **1,** 67, 70
suit, restraint of, **6,** 301
forfeiture, proceedings with a view to, **1,** 77, 78; **9,** 57
High Court of, jurisdiction of, **1,** 59—62; **9,** 53, 57
High Court of Justice, jurisdiction of, in, **1,** 63 *et seq.*, **9,** 57
Isle of Man, Court of Admiralty in, **1,** 142
Jersey and Guernsey courts, jurisdiction of, **1,** 141
jetsam and flotsam, jurisdiction in respect of, **1,** 76
jurisdiction, how exercised, **1,** 60—62; **13,** 363 **26,** 544—547
objection to, **13,** 354 n.
origin of, **1,** 59; **9,** 53 n., 57
King's Proctor's functions in, **1,** 71; **7,** 79
King's ship, in regard to, **1,** 71; **26,** 533, 560
letters of request in, **1,** 98
ligan, jurisdiction in respect of, **1,** 76
limitation of
liability, action of, **1,** 73, 108—111; **9,** 57. *See* LIMITATION OF LIABILITY ACTION.
claim by Admiralty in, **7,** 91
time, seaman's wages, in case of action for, **1,** 69; **19,** 39, 56 n.; **26,** 54
Liverpool Court of Passage, jurisdiction of, **1,** 140; **9,** 176
district registry in, **9,** 71
local courts of, former jurisdiction of, **9,** 105
mail ships, special provisions affecting, **1,** 82
malicious proceedings in, liability in respect of, **19,** 698
maritime
law administered in, **1,** 62
lien. *See* MARITIME LIEN.
marshal. *See* ADMIRALTY MARSHAL.
marshalling in cases in, **13,** 146; **26,** 246
master of ship, jurisdiction over, **1,** 65
mercantile assessors, assistance of, **1,** 117, 118, 136
mortgage of ship, jurisdiction in case of, **1,** 65; **9,** 57
motion in action in, **1,** 97
nautical assessors in case of appeal in, **1,** 125, 126, 136; **9,** 50. *See* TRINITY MASTERS.
naval court, appeal from, **1,** 117; **26,** 595
jurisdiction of, **1,** 117; **9,** 108, 109
necessaries, jurisdiction in case of claim for, **1,** 67, 127; **9,** 57
negligence, accident brought about by, **21,** 382
maritime lien lost through, **1,** 69, 72, 74
Pacific Islanders' Protection Acts, jurisdiction under, **1,** 78; **10,** 557
payment
into court in, **1,** 96, 134, 135
out of court in, **1,** 135
petition of right, prosecution of, **1,** 78; **23,** 286
pilotage charges, action for, **1,** 69
piracy, jurisdiction in case of, **1,** 76; **9,** 273, 524; **27,** 534
pleadings in action in, copies of, **1,** 102
possession, decree of, in, **1,** 123
jurisdiction in suits of, **1,** 63, 64; **9,** 57
practice. *See* ACTION IN PERSONAM IN ADMIRALTY; ACTION IN REM IN ADMIRALTY.

ADMIRALTY JURISDICTION — *continued.*
preliminary act in damage action in, **1,** 93, 94, 133; **22,** 454 n. *See* PRELIMINARY ACT.
prize
cases, jurisdiction in case of, **1,** 78; **9,** 28, 53 n., 57; **10,** 557; **23,** 276, 285—287; *See* PRIZE LAW.
money distribution, jurisdiction in case of, **25,** 36; **28,** 525
Probate, Divorce and Admiralty Division of High Court of Justice, jurisdiction of, **1,** 63—79
officers of, **9,** 71
receiver, appointment of, **24,** 342, 353
rectification of register, jurisdiction as to, **1,** 64
registrar, **9,** 71. *See* REGISTRAR.
registry. *See* REGISTRY (Admiralty).
rehearing of action, **1,** 103, 117
res judicata, plea of, **13,** 354 n., 363
respondentia, jurisdiction in, **1,** 65—67. *See* RESPONDENTIA.
restraint of dealings with ship, **1,** 64, 65
sale of
property under arrest, **1,** 92, 123, 137, 138
ship, jurisdiction in question concerning, **1,** 64
salvage, jurisdiction as to, **1,** 73; **26,** 579. *See* SALVAGE.
seamen volunteering into navy, substitutes for, jurisdiction as to, **1,** 79; **9,** 57
shipping casualty investigation, appeal in case of, **1,** 115—117; **26,** 594, 595
colonies, in the, **10,** 558; **26,** 593
holding of, **9,** 107, 108; **26,** 591—595
shorthand notes in, **1,** 102, 119, 125
Slave Trade Act, 1873, jurisdiction under, **1,** 78, 79 n.; **9,** 57, 106, 107; **27,** 534, 538, 539
special case stated by registrar in, **1,** 120
stay of proceedings, limitation of liability, on, **1,** 110
lis alibi pendens, in case of, **6,** 301
pending appeal, **1,** 126
subpœna in, **1,** 98
taxation of costs in, **1,** 79, 124, 125
telegraphic detainer of vessel, order for, **1,** 85
tender in proceedings in, **1,** 96, 120, 134, 135. *See* TENDER.
title, jurisdiction over question of, **1,** 63
tort, jurisdiction in, **1,** 70, 72; **26,** 546
towage, jurisdiction to enforce payment of, **1,** 68, 127; **9,** 57
transfer of action in, **1,** 88, 107, 108, 131
Trinity Masters, advice of, **1,** 100—102, 111, 116, 119, 121, 126
trustee in bankruptcy, intervention by, **1,** 87
Vice-Admiralty Court, appeal from, **9,** 28, 50
costs in, **1,** 79
establishment of, **1,** 141; **9,** 106; **10,** 557
prize jurisdiction of, **23,** 286
transfer of jurisdiction of, **1,** 140
wages, jurisdiction in respect of, **1,** 68—70. *See* WAGES.
warrant, arrest of defendant's property, for *See* WARRANT OF ARREST.
witnesses, examination of, **1,** 97, 98
where witness abroad, **13,** 621, 622
wreck, jurisdiction in respect of, **1,** 76
wrongful dismissal, action for, **1,** 69

ADMIRALTY MARSHAL,
Admiralty Registry as officer of, **9,** 71

ADMIRALTY MARSHAL—*continued.*
appraisement for sale by, **1,** 123, 124
arrest, service of warrant of, **1,** 85
attachment by, orders for, **23,** 291
certificate of service of warrant of arrest, **1,** 86
charges for possession fees and expenses, payment of, **1,** 123
contempt of court by interference with custody of, **1,** 85, 86; **7,** 290
custody of, **1,** 114; **7,** 290
detainer of vessel by order of, **1,** 85
district registry, service of warrant in action in, **1,** 85
fees of, scale for, **1,** 124 n.
possession, execution of decree of, **1,** 123
prize cases, appraisement and sale in, **23,** 289
arrest in, **23,** 289
removal of property under arrest, **1,** 86
sale by, **1,** 123, 124; **23,** 289
service of monition in prize action, **23,** 287
substitute of, duties of, **1,** 85, 86, 123, 287
taxation of account of, **1,** 124
telegram, service of notice by, **1,** 85

ADMISSIBILITY,
evidence, of, civil cases, in, **13,** 436—568. *See* EVIDENCE; DOCUMENTARY EVIDENCE; EXTRINSIC EVIDENCE; HEARSAY; SECONDARY EVIDENCE.
criminal cases, in, **9,** 386—400. *See* CRIMINAL PROCEEDINGS.
custom, to establish, **8,** 10; **10,** 236—238
deed, to explain, **10,** 448—457. *See* CONSTRUCTION OF DOCUMENTS.
vary or add to, **10,** 444—447
letters without prejudice, in case of, **13,** 457, 558
will, to construe. *See* EXTRINSIC EVIDENCE.

ADMISSION. *See also* ADMISSION TO OFFICE, PLACE, ETC.
act of ownership not receivable as, **13,** 442
account stated, in relation to, **7,** 489, 490
action, in an, how made, **13,** 484
affidavit used as an, **13,** 630
agent, by, how far principal bound by, **1,** 215; **5,** 324, 325; **11,** 109; **13,** 460, 461
arbitrator, by, that award improper, effect of, **13,** 462 n.
assets, of, by executor, **4,** 349; **14,** 326—328. *See* ASSETS.
Attorney-General, by, how far binding on Crown, **7,** 73
barrister-at-law, of, to Inns of Court, **2,** 362—364; **24,** 725
bill of exchange, by former holder of, as against present holder, **13,** 460
books, from, as evidence, **5,** 324; **13,** 424, 458, 561; **15,** 479
cestui que trust, by, as evidence against trustee, **13,** 460
circumstances under which made, evidence of, **13,** 457
company, made on behalf of, how far binding, **5,** 324, 325; **11,** 109
conduct, by, **13,** 424, 446
contract, of existence of, in specific performance action, **27,** 36
co-part-owner of ship, by, as evidence against the others, **13,** 461

ADMISSION—*continued.*
co-party in legal proceedings, by, **13,** 461
coroner's inquest, made at, admissibility of, **8,** 292
counsel, by, effect of, **2,** 401; **13,** 462
criminal trial, preliminary to, effect of, **9,** 386, 394
to, of public, **9,** 362
Crown, by the, as evidence against the Crown, **13,** 529
debt, of, action on account stated based on, **7,** 489
county court action, in, **8,** 500—503, 529
Admiralty, in, **1,** 134
affidavit as to, **8,** 503
part of, by applicant in interpleader, **17,** 583
proof by creditor notwithstanding, **15,** 479, 522
Statutes of Limitation, to take case out of. *See* ACKNOWLEDGMENT UNDER STATUTES OF LIMITATION.
discovery based upon, **11,** 62, 83, 92, 93, 96, 101
document not produced, relating to, **9,** 390 n.; **18,** 394
documents, as to, in action, **23,** 145. *See* NOTICE TO ADMIT.
evidence, as, against party making, **13,** 423, 424, 456—462; **15,** 479, 522
form of admission which is admissible, **13,** 458
surety, affecting, **15,** 479, 522
execution creditor, by, of claimant's title in interpleader, effect of, **17,** 630, 631
executor, by, as evidence against heir or legatee, **13,** 460
facts, as to, in action, **8,** 582; **23,** 146. *See* NOTICE TO ADMIT.
felony, as to facts in, **9,** 386
guardian *ad litem* of lunatic, by, **11,** 49
ignorance of facts, made in, **13,** 457
infant's guardian or next friend, by, as evidence against infant, **13,** 460
interest, against, as evidence, **13,** 423
interested party, by, **13,** 460, 461
interpleader, execution creditor in, by, **17,** 630, 631
notwithstanding admission of part of debt, **17,** 583
interrogatories, answer to, in, **13,** 484
effect on, of, **11,** 92, 107
to obtain, **11,** 93, 96
libel action, in, **11,** 101
joint
contractor, by, as evidence against the others, **13,** 460, 461
tenant, by, as evidence, **13,** 461
judgment based on, effect of, **13,** 327
motion for, **18,** 195—197
kinds of, written or verbal or by conduct, **13,** 424, 446, 458
liability, of, in action in admiralty, **1,** 134
married woman restrained from anticipation, by, effect on separate estate of, **13,** 72 n., 456 n.
Mayor's Court, London, in, judgment on, **20,** 293
rules as to, **20,** 289
misdemeanour, as to facts in, **9,** 386
mortgage, of advance of money on, prior settlement not avoided by, **15,** 98 n.
negotiable instrument, in respect of, **13,** 460
nominal party to proceedings, in relation to, **13,** 460
notice to admit
documents, **23,** 145, 146. *See* NOTICE TO ADMIT.
facts, **8,** 502; **23,** 146. *See* NOTICE TO ADMIT.

ADMISSION—*continued.*
oath, on, special character of, **13,** 458
partner, by, as evidence against partnership, **13,** 460
party to legal proceedings, **13,** 461
payment into court as an, **23,** 148
penalty, of liability to, discovery based on, **11,** 83
plea of guilty as, in criminal case, **9,** 386
pleadings, in, death of party making, **27,** 36 n.
further
discovery in case of, **11,** 62
evidence after, **13,** 436 n.
generally, **23,** 138
judgment given on, **18,** 195
leave to withdraw, **23,** 138 n.
limitation as to use of, **13,** 458
non-denial of facts in pleading presumed from, **19,** 465; **22,** 429; **27,** 36, 87 n.
predecessor in title, by, as evidence, **13,** 459
privy, by, as evidence, **13,** 459
proof of, **13,** 423, 457
railway company's servants, by, as evidence against company, **13,** 461
record, on the, for purposes of trial, **13,** 484
referee, by, as evidence against party seeking his opinion, **13,** 462
representative capacity, made in, **13,** 457
servant, by, how far admissible against master, **20,** 256 n.
settlement, avoidance of, by evidence from, **15,** 98 n.
sheriff's officer, by, effect of, **25,** 830
ship
captain, by, as evidence against the owners, **13,** 462
officers, crew, or pilot, by, as evidence against owners, **13,** 462
owner, of, as evidence against master, **13,** 460
part-owner, by, as against other owners, **13,** 461
silence, construed from, **13,** 459; **15,** 522
solicitor, by, when binding on client, **13,** 462
specific performance, in action for,
existence of contract, of, **27,** 36
plaintiff's title, of, **27,** 87 n.
statements made by
party to suit as evidence, **13,** 456
person in presence of party as evidence, **13,** 459
Statutes of Limitation, in relation to. *See* ACKNOWLEDGMENT UNDER STATUTES OF LIMITATION.
tenancy, of nature of, by occupier of land, **19,** 123
tenant, by, effect on landlord's rights of, **13,** 460
tenant for life, by, effect on rights of remainderman of, **13,** 460
tenant in common, by, as evidence against the other, **13,** 461
third party, by, when evidence against principal, **13,** 424, 459
trial, for purposes of, how made, **9,** 386; **13,** 484
trustee, by, when binding on co-trustees, **13,** 461
value of, dependent on circumstances, **13,** 457, 458
wife, of, when available against husband, **13,** 462
without prejudice, made, **13,** 457, 558
workmen's compensation, of liability for, **20,** 186, 219, 220, 225

ADMISSION TO OFFICE, PLACE ETC.
alien, of, into United Kingdom, **1,** 320—329; **6,** 445. *See* IMMIGRATION.

ADMISSION TO OFFICE, PLACE ETC.—*continued.*
benefice, to,
collation, by, **11,** 473, 587, 602
declaration and oaths, **11,** 601
fees, **11,** 602
incumbent, of, **11,** 473, 601, 602
institution, by, **11,** 473, 601, 602
licence, by, **11,** 473, 602
notice of, **11,** 473, 601
person not in priest's orders, **11,** 635
refusal of, **11,** 588
burgess, of, stamp duty in case of, **24,** 726
churchwarden, of, **11,** 465
club membership, to, **4,** 414
Inn of Court, to, **2,** 362—364
stamp duty on, **24,** 725
notary, of, **21,** 495 *et seq.*
stamp duty in case of, **21,** 497; **24,** 726
office or franchise, to, mandamus to compel, **10,** 80
partner, of, to firm, powers as to, **22,** 50—52
public pleasure ground, to, power to charge for, **21,** 589
Royal College of Physicians, to, **20,** 311
Royal College of Surgeons, to, **20,** 314; **24,** 720
solicitor, of, application for, **26,** 719
colonies, from the, **26,** 722
conditions as to, **26,** 710—712, 715—719
defect in, as ground for striking off rolls, **26,** 848
examinations prior to, **26,** 716—719
readmission, **26,** 720
service under articles prior to, **26,** 710—716
stamp duty in case of, **24,** 705 n., 725; **26,** 719 n., 722 n.
stamp duty in case of, **24,** 705 n., 725, 726
Stock Exchange, of members to, regulations as to, **27,** 215.
theatre, to, right of public to, **27,** 408, 409
workhouse, to, casual paupers, in case of, **22,** 568
general regulations as to, **22,** 559, 560

ADMITTANCE,
copyhold, to, *defined,* **8,** 97
acknowledgment of lord's title by, **8,** 100
adverse claimants, of, **8,** 105
after customary period, **8,** 101
attorney, by, **8,** 101; **17,** 97
bailiff, of, **8,** 105
churchwardens, of, **8,** 105
compulsory, when, **8,** 103, 105, 106
compulsory acquisition, on, **6,** 136; **25,** 430
contingent remainderman, of, **8,** 77, 99
co-parceners, of, **8,** 102
corporation aggregate, of, **8,** 105
costs of, **8,** 106, 107
court roll, entry on, of, **8,** 15, 100, 101
proof from examined copy of, **8,** 101; **13,** 541
devisee, of, **8,** 98, 102, 103
donee of power, of, **8,** 104
effect of, **8,** 97, 98
estoppel of tenant by, **8,** 100
executor, of, **8,** 102, 105
express, **8,** 100
failure of conditions to surrender, on, **8,** 99
fealty to lord on, **8,** 100
fine on, **8,** 100, 106; **17,** 97
heir, of the, **8,** 101, 102
homage, without, **8,** 101, 105

ADMITTANCE—*continued.*
copyhold, to—*continued.*
implied, **8,** 100
infant, in case of, **8,** 81 ; **17,** 96, 97
joint tenants, of, **8,** 103, 104
release to one another by, without, **8,** 107
limitation of actions with reference to, **8,** 106
lord, by, **8,** 101
lunatic, in case of, **8,** 104, 105 ; **19,** 451
mandamus to compel, **8,** 106
mode of, **8,** 100
mortgaged, where, **11,** 25 n. ; **21,** 124, 125
out of court, **8,** 61, 101
out of the manor, **8,** 101
overseers of the poor, of, **8,** 105
particular tenant, of, secures title of those in remainder, **8,** 98, 99
power of sale or appointment, on exercise of, **8,** 104
proof of, **8,** 101 ; **13,** 541
relation back to surrender of, **8,** 98
release by deed of right of, **8,** 107
remainderman, of, **8,** 77, 98, 99
reversioner, of, **8,** 99
rod as customary symbol in case of, **8,** 100
sale of land, in case of, **25,** 429, 430
separate tenements, to, separate admittance required in each case, **8,** 100
Settled Land Acts, of purchaser under, **8,** 104, 108 ; **25,** 430
steward's
fees and charges in respect of, **8,** 63, 64, 105
powers and duties in case of, **8,** 61—63, 100, 101
succession, of persons entitled in, **8,** 98, 99
surrender, as distinct from, **8,** 92
on, as distinguished from admittance on grant, **8,** 98
operates from date of, **8,** 93, 98
surrenderee, of, **8,** 103
surrenderee's rights before, **8,** 92, 93, 98, 103
surrenderor's rights prior to, **8,** 92, 93
tenant by the curtesy, of, **8,** 102
tenants in common, of, **8,** 104
termor, of, **8,** 105
transmission of tenant's estate by surrender and, **8,** 89—107
trust, held in, **11,** 25 n.
trustee, of, **8,** 103, 106
corporation, for, **8,** 105
validity of, **8,** 82, 83, 101
widow, of, **8,** 102
wrongful, release rectifying, **8,** 107
customary freehold, to, **8,** 67, 89 ; **11,** 4

ADMONITION. *See* MONITION.

ADOPTION,
adoptive Act, of. *See* ADOPTIVE ACT.
agent's misrepresentation, of, **20,** 712, 713
bastard, of, father's liability in case of, **2,** 441
child, of, law of England, not recognised by, **17,** 111
pauper, **22,** 568, 569
inducing or assisting escape of adopted child, **22,** 569
purchase in name of adopted child, presumption of gift from, **15,** 414, 415
contract, of, by company incorporated after date, not legal, **5,** 297
distress, of unauthorised, **11,** 160

ADOPTION—*continued.*
name, of. *See* NAME, change of.
registration of marriage of person after, **24,** 445 n.
ratification, by. *See* RATIFICATION.
silence, by, in case of forged cheque, **1,** 616, 617

ADOPTIVE ACT,
defined, **22,** 488 ; **27,** 117 n.
Baths and Washhouses Acts, adoption of, **19,** 257 ; **20,** 405 ; **23,** 487—491
Burial Acts, power to adopt, **3,** 447, 450 ; **19,** 257 ; **20,** 405 ; **23,** 486, 487
Lighting and Watching Act, 1833, adoption of, **15,** 307, 308 ; **16,** 119, 120 ; **19,** 257 ; **23,** 550—552 ; **24,** 99
metropolis, in, expenses incurred under, **24,** 128, 129
powers of borough council as to, **20,** 405
Museums and Gymnasiums Act, 1891, adoption of, **20,** 405 ; **23,** 582, 583, 585 n., 588—591
police, in regard to, **22,** 488
Public Health Acts Amendment Act, 1890, adoption by urban or rural district council of, **23,** 363, 364, 414, 415
Public Improvements Act, 1860, adoption of, **19,** 257 ; **21,** 592
Public Libraries Acts, adoption of, **19,** 257 ; **20,** 405 ; **23,** 582, 583

ADSCRIPTI GLEBÆ,
defined, **8,** 5

ADULT. *See also* FULL AGE.
indictable offence by, summarily dealt with, **19,** 582, 583
infant, as joint contractor with, **17,** 73, 74
contracting with, liability in case of, **17,** 67
prisoners, prevention of association of children and young persons with, **17,** 176, 178
statute-adult, within meaning of Merchant Shipping Act, 1894, **26,** 331
trial of, in juvenile court, provision for, **17,** 178

ADULTERATION,
analyst's certificate as to, as evidence, **13,** 477, 478 ; **15,** 10, 11, 12 n.
appeal from conviction in respect of, **1,** 291
beer, of, **15,** 15, 45, 46 ; **18,** 145 ; **24,** 631 n.
bread, of, **15,** 46, 47, 48
British Pharmacopœia as evidence of standard for drugs, **13,** 479
butter, of, **15,** 22, 25 n., 60. *See also* BUTTER.
butter factory, adulterants found on, **15,** 60
coffee or chicory, of, **15,** 63
corn, of, **15,** 48
drugs, of, **15,** 5 *et seq.* *See* DRUG.
fertilisers and feeding stuffs, of, provisions as to, **1,** 285—291. *See* FERTILISER.
flour, of, **15,** 48
food and drugs, of, *defined,* **15,** 5. *See* DRUG ; FOOD.
analysis to discover, **15,** 12—16. *See* ANALYSIS.
bye-laws regulating, **15,** 3
defences, **15,** 17, 22, 24—29
fact, a question of, **15,** 5 n., 10, 11
label, effect of, **15,** 18, 24
offence of, **9,** 555 ; **15,** 16 *et seq.*
penalties, **9,** 555 ; **15,** 33
proceedings in respect of, **15,** 12, 29—33

ADULTERATION—*continued.*
food and drugs, of—*continued.*
proof of, **15,** 10, 11, 12 n., 54 n., 65
onus of, **15,** 32
samples, from, **15,** 31, 54 n., 65
purity, standard of, **15,** 21, 64, 65
slight, effect of, **15,** 20
statutes regulating, **15,** 3 n., 5
unavoidable mixture, **15,** 22
warranty, purchase by seller with, as defence, **15,** 25—29
hay and straw, of, **1,** 291
hops, of, **1,** 291, 292 ; **15,** 69
importation of adulterated articles, **15,** 25 n, 43
limitation of actions to recover penalties in respect of, **1,** 290, 292
marmalade, of, **15,** 22 n.
master responsible for acts of servant, **15,** 18 ; **27,** 179
meal, of, **15,** 48
metropolitan borough councils, powers of, as to, **20,** 404
milk, of, **15,** 18 n., 20 n., 65. *See* MILK.
seeds, of, **1,** 292
spirits, of, **15,** 67 ; **18,** 151, 153
tea, of, **15,** 68
tobacco, of, **24,** 646
innocent possession, effect of, **9,** 237 n. ; **27,** 178 n.

ADULTERY,
agreement for separation in contemplation of, effect of, **16,** 441, 447, 487
bigamy, with, condonation of, **16,** 490 n.
statutory offence of, **16,** 480
circumstantial evidence as proof of, **16,** 478
clergyman, by, **11,** 523 ; **16,** 552
collusion of other spouse, committed with, **16,** 487. *See* COLLUSION.
condonation of. *See* CONDONATION.
conduct conducing to, effect of, **16,** 487, 488 n., 493, 494, 496, 497, 599
confession of, as affecting proof of, **16,** 478
conjugal rights, as defence to claim for restitution of, **16,** 494
connivance at, effect of, **16,** 487, 488, 599. *See* CONNIVANCE.
consent necessary to constitute, **16,** 477, 478
corroborative evidence, when required of, **16,** 478
curtesy, right of, whether affected by husband's, **24,** 189
decree *nisi*, after, effect of, **16,** 496
as evidence of, **16,** 479
defamation of
wife of trader by imputing, **27,** 678 n.
woman or girl by imputation of, **18,** 608, 641
delay in suit by husband on ground of, effect of, **16,** 492
discovery to prove, **11,** 42
divorce, as a ground for, **16,** 477—480
dower, right to, forfeited by, **24,** 196
equity to settlement, how affected by, **16,** 340
husband, authority of, to wife to pledge his credit, how affected by, **16,** 423, 427, 428, 431
curtesy of, effect on right to, **24,** 189
liability to maintain wife, effect on, **16,** 317, 318
incestuous, *defined*, **16,** 480
incriminatory questions put to witness as to, protection in case of, **13,** 576 ; **16,** 532
joinder of adulteress as respondent, where petition against husband, **16,** 507

ADULTERY—*continued.*
judicial separation granted on ground of, **16,** 469, 470, 494
legitimacy, presumption of, prevails notwithstanding mother's, **2,** 427, 428 ; **16,** 479
loss of business through trader's wife being charged with, action for, **27,** 678 n.
marriage of persons divorced for, **11,** 694 ; **16,** 594
non-consenting party, committed by, **16,** 478
non-consummation of marriage as affecting, **16,** 477
particulars of, when sufficient, **16,** 512 ; **22,** 454
partner, by, as ground for dissolution, **22,** 92
petitioner, of, effect on right to relief of, **16,** 494—496
presumed from what circumstances, **16,** 478, 479
presumption, continuance of, as to, **13,** 441
legitimacy, of, prevails notwithstanding mother's, **2,** 427, 428 ; **16,** 479
proof of, **16,** 477—479, 599
evidence received in, **13,** 452 ; **16,** 478, 479
renewal of, after condonation, **16,** 490
separation, after, liability of husband, **16,** 447
with illicit intercourse in contemplation, **16,** 441, 447, 487
settlement of property after, **16,** 569
sister-in-law, with, **16,** 480
subsequent to covenant or agreement not to take proceedings, effect of, **16,** 447, 490
Summary Jurisdiction (Married Women) Act, 1895, order under, refused to wife guilty of, **16,** 599
wife's
dower forfeited on, **24,** 196
equity to a settlement, effect as against, **16,** 340
property, settlement by court of, where wife found guilty of, **16,** 569, 570
separation order, effect on right to, of, **16,** 599

ADVANCE. *See* ADVANCE (Loan).
freight. *See* FREIGHT.
member. *See* ADVANCE MEMBER.
note, for seaman's wages, **26,** 51
payment in, innkeeper's right to demand, **9,** 556 n.; **17,** 308
seaman's wages, of, **26,** 51
rent payable in, **18,** 470
action for use and occupation, not recoverable by, in, **18,** 487
apportionment in case of, **18,** 483
custom of country, by, **1,** 256
distress for, **11,** 123, 148, 174 ; **18,** 470
recovery in action for use and occupation of, **18,** 487

ADVANCE (LOAN). *See also* BORROWING ; LOAN OF MONEY.
For advances to children or beneficiaries, see ADVANCEMENT.
assurance company, by, on security of life policy, **17,** 564
auctioneer, by, **22,** 240 n.
bank customer, to, agreement, matter of, **1,** 630
bills or notes, on security of, **1,** 634
business of banking, part of, **1,** 569, 630—639
documents of title to goods, on security of, **1,** 624, 638, 639
equitable mortgage, on security of, **1,** 632—634, 636, 638

ADVANCE (LOAN)—*continued.*
bank customer, to—*continued.*
interest on, **1,** 631
legal mortgage, on security of, **1,** 632
lien in respect of, **1,** 569, 630
negotiable securities, on security of, **1,** 634, 635
overdraft, by way of, **1,** 630, 631
policy of life assurance, on security of, **1,** 637, 638
securities for, **1,** 632—639
stocks and shares, on security of, **1,** 635—637; **27,** 218, 231
building society, member of, to, **3,** 363—373
ballot, by, **3,** 334, 335, 363
collateral personal security for, **3,** 364, 365, 374
discharge of mortgage given on, **3,** 370—372
enforcement of mortgage given on, **3,** 368—370
executor, to, **3,** 363
infant member, to, **3,** 363
mortgage, on security of, **3,** 363—366, 372
redemption in case of, **3,** 366—368
shares, on security of, **3,** 341 n., 364
company, to, by shareholder of amount remaining unpaid on shares, **5,** 117
Consolidated Fund, by Banks of England and Ireland for, **24,** 542
co-owner, by, whether partnership constituted by, **22,** 6, 7, 10
further. *See* FURTHER ADVANCE.
interest on, in case of. *See also* INTEREST ON MONEY.
manager making, **24,** 431
partner making, **22,** 60
landlord, to, by premature payment of rent, **18,** 471
lien in respect of, West Indian estate, with reference to, **19,** 22
loan society, by, **19,** 222—226. *See* LOAN SOCIETY.
lunatic's benefit, for, **19,** 442
manager appointed to carry on business, by, **24,** 431
mortgage, on. *See* MORTGAGE.
partner, by, indemnity in case of, **22,** 60
interest on, **22,** 60
pawnbroker, by. *See* PAWN; PAWNBROKER.
Road Board, by,
construction or improvement of highway, for, **16,** 129
county councils, to, **16,** 13, 28
highway authorities, to, **16,** 106
improvement of roads, for, **16,** 106
metropolitan streets, for, **16,** 201
new road, for, **16,** 94
share of profits in consideration of, whether partnership constituted by, **22,** 11, 12
ship, master of, by, for ship's purposes, **26,** 67
to, at port of loading, whether on account of freight, **26,** 313, 314
small
dwelling, to enable resident to acquire ownership of, **26,** 695—698
holding, to tenant for purchase of, **26,** 674
unemployment fund, for purposes of, out of Consolidated Fund, **28,** 900
West Indian estate, by consignee or agent managing, security for, **19,** 22

ADVANCE FREIGHT. *See* FREIGHT.

ADVANCE MEMBER,
building society, in case of, **3,** 351—367
bankruptcy of, **3,** 370
dissolution, liability on, **3,** 393, 399, 400
income tax in respect of interest paid by, **3,** 372, 373
voting qualification of, **3,** 364

ADVANCE NOTE,
seaman's wages, for, **26,** 51

ADVANCEMENT,
defined, **11,** 20, 21; **17,** 93; **25,** 685; **28,** 55, 843, 844
annuity paid by father to daughter under separation deed, whether, **24,** 497
apprentice, to place as, **11,** 21; **17,** 93 n.
army commission, to purchase, **17,** 93 n.; **23,** 67 n.
bankruptcy, effect of, **2,** 145, 146 n.; **23,** 65 n.
bastard, gift to, how far presumed in case of, **2,** 440; **28,** 56
capital of infant, out of, **17,** 92—94, 130
Chancery Division, by order of, **17,** 92, 93
consent to, when necessary, **17,** 93; **25,** 685
county court, petition in, for, **8,** 481
distribution of personal estate, with reference to **11,** 19; **24,** 497
interest on, **11,** 21, 22
emigration, to enable, **17,** 93 n.
failure of purpose of, replacement on, **17,** 93, 94
guardian, by, restrictions in case of, **17,** 130
hotchpot clause applicable, when, **25,** 574, 685, 686; **28,** 842—845
house-furnishing, for, **17,** 93
interest on, when chargeable **11,** 21, 22
hotchpot clause, in case of **28,** 843
largeness of gift as test of, **11,** 21
limitation in respect of purposes of, **17,** 93; **23,** 67 n.
marriage, on, **13,** 139; **17,** 93 n.; **23,** 53 n.
mortgage for purposes of, **17,** 93; **25,** 685
payment of
married daughter's husband's debts, whether, **23,** 53 n.
sons' debts as, **13,** 130 n.
place out in life, to, application to court as to, **23,** 190
county court jurisdiction as to, **8,** 445, 481
power to make, **17,** 92—94, 130; **23,** 53 n.
portion, by way of, **11,** 21; **13,** 130; **17,** 119
power of, ceasing of, **23,** 67 n.
effect of exercise of, **23,** 53 n.; **25,** 571 n., 574
settlement, in, **25,** 574, 685, 686
power of appointment, exercise of, defeating advancement clause, **25,** 686
presumption in favour of, **13,** 507; **15,** 414—417; **17,** 118; **28,** 55
rebuttal of, **15,** 416; **17,** 119; **28,** 56
purchase of estate in name of child as, **17,** 118; **28,** 55, 56
purpose of, **17,** 93
failure of, **17,** 93
recovery back of money advanced, **23,** 53 n.
satisfaction of debt due to child, as, **13,** 139
settlement, under provisions of, **25,** 571 n., 685, 686
survivorship, as against persons taking by, **17,** 93 n.

ADVANCEMENT—*continued.*
trustee, by, in suitable case, **17,** 92; **25,** 685
what payments are an, **11,** 20, 21; **13,** 130 n.; **25,** 685; **28,** 55, 843, 844

ADVANTAGE,
taking undue, generally, **15,** 103—111. *See* UNDUE INFLUENCE.
expectant heir, **13,** 15; **15,** 111—113. *See* EXPECTANT HEIR.
in case of confidential relationship, **15,** 103—111; **20,** 760, 761. *See* FIDUCIARY POSITION.

ADVENTURE,
marine, *defined,* **17,** 336, 337 n.
abandonment of, **17,** 396, 499
implied warranty in insurance as to legality of, **17,** 428
partnership for purposes of a single, **22,** 86

ADVENTURERS,
association of, in relation to cost-book company, **5,** 654—659. *See* COST-BOOK COMPANY.

ADVERSE CLAIM,
possession of leased premises, to, duty of tenant in case of, **18,** 559
rent, to, interpleader in case of, **13,** 58
limitation of actions in regard to, **19,** 171
notice to purchaser, as, **25,** 453

ADVERSE POSSESSION,
advowson, application of doctrine to, **19,** 154
bonâ fide, account in respect of, **19,** 171
covenant, effect as regards, **19,** 156
Crown, against, **6,** 410, 484; **11,** 27; **19,** 159—161; **28,** 370
estate arising by, **19,** 155—157; **24,** 283
infant's land, possession by parent or guardian of, is not, **19,** 135
lessee evicted through, **18,** 485, 559; **19,** 129, 156
lessor, as against, **19,** 128, 129, 156
limitation of action for account in respect of, **19,** 171
mortgagor, against, **19,** 148, 149; **21,** 142
part performance, insufficient to make out, **27,** 33 n.
Real Property Limitation Act, 1833, as affecting doctrine of, **19,** 105, 106; **24,** 283
receiver to prevent acquisition of title by, **24,** 350
registered land, in case of, **19,** 159
title depending on, purchaser sometimes required to take, **19,** 156; **25,** 351 n.; **27,** 55

ADVERSE TITLE,
compulsory acquisition of land, to money payable on, **6,** 134, 135
lessee setting up, **18,** 532
melior est conditio possidentis in case of, **13,** 58 n.
mortgagee setting up, effect of, **21,** 222
notice of, what is, **25,** 453

ADVERTISEMENT,
adjudication order, of, **2,** 87
annulment of, **2,** 91
administration proceedings, in, **14,** 243 n.
Admiralty action to limit liability, for claims to amount decreed in, **1,** 110

ADVERTISEMENT—*continued.*
advertising
agent, employment of, **20,** 98 n.
station, provisions as to, **23,** 400, 401
rating of, **24,** 18, 31
advice advertised in newspaper, reasonable care required in case of, **23,** 222 n.
agent. *See* advertising agent, *supra.*
assizes, of, **25,** 806
auction, of, effect of, **1,** 507, 509, 520; **14,** 57; **20,** 717 n.
betting, sending to infant, **9,** 552; **15,** 293; **17,** 65, 172
betting house, of, penalty in respect of, **9,** 551 n.; **15,** 298, 299; **23,** 222
borough council powers as to, **16,** 207; **20,** 406
bread offence, of name of person convicted for, **15,** 47, 48
building contractor, for tender from, **3,** 166
bye-laws as to, **20,** 406; **23,** 398—404
Secretary of State's power as to, **7,** 69; **23,** 392, 399
carriage of goods, with a view to, **26,** 148
citation by, in matrimonial cause, **16,** 503, 504, 508
claims, for, by personal representatives, **14,** 243
Commissioner of Metropolitan Police, powers of, as to, **22,** 472; **27,** 288
company, in regard to, amalgamation of assurance companies, of, **5,** 635
call by liquidator, of, **5,** 500, 501, 554
committee of inspection, of appointment of, **5,** 440, 441
conversion of collecting into mutual company, of petition for, **5,** 626
forfeiture of shares, of, **5,** 702, 703
letters patent under Chartered Companies Act, 1837, of application for, **5,** 753
liquidator's, appointment, of, **5,** 440, 441
duty with respect to, **5,** 554
meetings with a view to winding up, of, **5,** 572, 573, 592, 605
notice under Companies Clauses Acts, of, **5,** 678
proof of debt, of time for, **5,** 508
prospectus by way of, **5,** 37, 120
reduction of capital, of petition etc. for, **5,** 110, 113, 114
register, of striking off or restoration to, of, **5,** 610, 611
repayment of loan advanced under Companies Clauses Acts, of, **5,** 736
winding up, petition etc. of, **5,** 401, 404, 405, 598
record of, **5,** 554
supervision order, of, **5,** 598
contempt of court, involving, **7,** 288; **23,** 222—224
contract, construction of phrase regular running cars in, **27,** 796 n.
legal aspects of, **23,** 222, 223
contract by, **7,** 347 n.; **25,** 289; **26,** 148
copyright in, **8,** 145, 146
county
council control over, expenses connected with, **19,** 357; **23,** 400
court, ordered when necessary in, **8,** 620
coupon competition, of, how far legal, **15,** 297
covenant in lease against causing annoyance, whether a breach of, **18,** 518

ADVERTISEMENT—*continued.*
creditors, for, administration proceedings, in, **14,** 243, 244; **26,** 746
county court, in, **8,** 543, 544
personal representative, by, **14,** 243, 244
distress, of sale of, costs of, **11,** 186 n., 220 n.
evidence, for, contempt of court by, **7,** 288; **16,** 585 n.; **23,** 223
execution, on sale by sheriff in case of, **14,** 57
executor or administrator, by, for claims against estate, **14,** 243, 244
friendly society, cancellation of registry, of, **15,** 203 n., 204
dissolution, of, **15,** 198, 200, 202
general meeting, of, **15,** 158
gas
company's shares, of sale of, **15,** 370 n.
undertakings' provisional order, with reference to, **15,** 313, 315, 316
hackney carriage, in, **27,** 288
harbour or other works, for, as to intention to construct, **28,** 415, 416
hoarding. *See* HOARDING.
illegal, advertiser's liability in respect of, **23,** 222
printer and publisher, liability of, **18,** 664; **23,** 222—224; **27,** 424
what are, **23,** 221, 222
imitation of, when a passing off, **27,** 765 n.
indemnity given to publisher of, effect of, **23,** 222
indictment, of, as evidence of malice on part of defendant, **19,** 684
innkeeper, on sale by, of chattels left with, **17,** 327
libellous, publication of, **18,** 661 n., 663, 669 n.
Light Railway Commissioners, of application for construction order to, **27,** 820, 824, 836
local
attractions, of, by local authority, **23,** 399 n.
authority's control over, **23,** 398—401
London, in city of, **23,** 398 n.; **27,** 288, 289
lottery, of, penalty in respect of, **15,** 303; **23,** 222
medical
practitioner, by, **20,** 322
preparation, of, effect of, **20,** 377, 378
Metropolis, in, regulations as to, **16,** 207; **20,** 406; **22,** 472; **27,** 288, 289
partition action, of judgment or order in, **21,** 853
patent,
action for infringement of, informing public of, **23,** 223
extension of term for, of application for, **22,** 199 n.
specification, of acceptance of, **22,** 174
pledges, unredeemed, on sale by auction of, **1,** 507
price list issued gratis as, **20,** 378 n.
private bill promotion, with reference to, **21,** 730
prize condemnation cause, of monition in, **23,** 287
prospectus included within meaning of, **5,** 37
railway time tables, by means of, **4,** 15, 55
representation as to authority, how far a, **1,** 509
reward, offering, contract, as an offer of, **7,** 347 n.
evidence, for, **7,** 288; **23,** 223
stolen property, for, **1,** 405; **9,** 504 n., 505 n.
sale of land, of, not available as an offer, **25,** 289
servants' registries, as to, local authority's regulations for, **28,** 881

ADVERTISEMENT—*continued.*
settled estate, on application to court respecting, **25,** 680 n.
sewage works, proposed, as to, **25,** 745, 782
site value, deduction of expenses in estimating, **24,** 551 n.
sky sign as, **23,** 401—404. *See* SKY SIGN.
smoke ball case, **7,** 347 n.
solicitor's work in preparing, costs in case of, **26,** 767
station. *See* advertising station, *supra.*
stolen property, for recovery of, **1,** 405; **9,** 504 n., 505 n.
subornation of perjury, inducing to, **23,** 223
substituted service by, **16,** 510; **23,** 117, 171
Sunday entertainment, of, liability in respect of, **27,** 424
tender, for, **3,** 166
trade, assistance, for, in prosecuting matter of common interest to such trade, **23,** 224
injuring a person in his, by, **27,** 677 n.
trade mark, infringement of, by user as, **27,** 710 n.
registration of, of acceptance of application for, **27,** 704, 705
warning public as to action in respect of, **23,** 223
tramway, lease by local authority of, as to, **27,** 805
promoters, by, as to application etc. for provisional order, **27,** 783, 785, 816
trustee in bankruptcy, of appointment of, **2,** 111, 117
veterinary surgeon, by, as disgraceful professional conduct, **20,** 374 n.
water, proposed diversion of, as to, **28,** 270 n.
wharfinger or warehouseman, on sale of perishable cargo by, **26,** 283
wife's authority to pledge husband's credit, of revocation of, **16,** 431

ADVERTISEMENTS OF 1566,
ecclesiastical vestments, as to, **11,** 420, 473 n., 474 n.

ADVICE,
Charity Commissioners, of, effect of seeking, **4,** 310
counsel, of. *See* BARRISTER, opinion.
essential in what cases, **2,** 379.
matrimonial cause, in, **16,** 581
privilege attaching to, **11,** 74; **13,** 571
protection to persons acting on, **2,** 401—403; **26,** 755
Crown officer, of, in performance of his duties, privilege of, **23,** 318
family arrangement entered into under erroneous, not supportable, **14,** 543, 551
fiduciary relationship, of person in, how far privileged, **11,** 81; **13,** 572; **15,** 103; **20,** 761
fraud or crime, to commit, **9,** 253; **13,** 572
friend, of, how far privileged, **11,** 80; **13,** 572
independent and competent, in what cases required, **20,** 760.
contract, in case of, **7,** 359
conveyance impeachable for undue influence, in case of, **15,** 103—106
family arrangement, in case of, **14,** 551
gift voidable for undue influence, in case of, **15,** 103—106, 420
husband and wife, in transactions between **15,** 111; **16,** 392 n., 396
independent adviser, duty of, **15,** 104, 420

ADVICE—*continued.*
independent and competent, in what cases required—*continued.*
parent and child, in case of transaction between, **13,** 18; **15,** 104, 105, 107, 420
security given for parent, in case of, **15,** 105, 106
solicitor, gift to, by client, in case of, **13,** 19; **15,** 108; **26,** 748
purchase by, from client, in case of, **15,** 109; **26,** 749 n.
specific performance, in relation to, **27,** 38
fraudulent statement, in case of, **27,** 45 n.
trustee purchasing from *cestui que trust*, in case of, **15,** 110; **28,** 170
unconscionable bargain, in case of, **13,** 21, 22; **15,** 111
medical adviser, of, how far privileged, **11,** 80
newspaper columns, given in, reasonable care required in case of, **23,** 222 n.
note, contract ascertained from, **26,** 147
receipt, is a, **23,** 148 n.
patent agent, of, how far privileged, **11,** 80
public officer, of, to Crown, how far privileged, **23,** 318
representation made by party who advised recourse to independent advice, effect of, **27,** 45 n.
salvage service constituted by giving of, **26,** 557, 558
solicitor, of, privilege attaching to, **11,** 72—74, 79, 80, 82; **13,** 571; **15,** 104; **26,** 726
spiritual adviser, of, how far privileged, **11,** 80
trustee's power to take expert's, **28,** 141
want of, specific performance refused on account of, **27,** 38

ADVICE NOTE,
contract of carriage ascertained from, **26,** 147
how far available by way of estoppel, **13,** 384
nature of, **26,** 148 n.

ADVISORY COMMITTEE,
census of production, for purposes of, **27,** 514
justices of the peace, with a view to selection of, **19,** 539
Land Transfer Act rules, on the, **26,** 710
National Health Insurance, for purpose of, **28,** 933

ADVOCATE,
advocati, or *patroni*, church founders, as, **11,** 564 n.
ecclesiastical courts, in, constitution etc. of, **11,** 502—504
His Majesty's, in Scotland. *See* LORD ADVOCATE.
privilege of. *See* BARRISTER.
Scottish Bar, of, audience in English courts of, **2,** 373
duty payable on call to Bar in England of, **2,** 366 n.

ADVOCATES' LIBRARY, EDINBURGH,
delivery of published books to, **8,** 175

ADVOCATIO,
jus patronatus of a church, **11,** 564 n.

ADVOWSON,
defined, **11,** 564; **21,** 128
adverse possession, application of doctrine of, to, **19,** 154, 155

ADVOWSON—*continued.*
adverse possession, application of doctrine of, to —*continued.*
presentation, running of time in case of, **19,** 105, 153
appendant, in gross distinguished from, **11,** 564
mortgagee restrained from presenting before foreclosure in case of, **17,** 251
passes under grant of hereditament to which appendant, **8,** 19; **11,** 565; **21,** 129
severance of, **11,** 565
assets for payment of owner's debts, as, **11,** 564 n.
Benefices Act, 1898, court constituted by, appeal to, **11,** 586, 589
charitable
gift for purchase of, **4,** 113, 124
trustees, vested in, **4,** 250, 251; **11,** 577, 580, 581
charity, gift to, **4,** 125 n.
Charity Commissioners, powers of, as to, **4,** 167
chose in action, right of presentation to vacant living is a, **4,** 364
church, passes by the word, **11,** 564 n.
commodities, emoluments, profits and advantages will not pass as, **11,** 564 n.
contract for sale of, within Statute of Frauds, **25,** 291 n.
conveyance of, **11,** 582, 583
Crown, held by, **11,** 575, 576, 582
grant of lands without mentioning, **7,** 150, 151
presentation by, forfeiture for simony, on, **11,** 593
lapse, on, **11,** 590 n., 591; **19,** 154
Crown Lands Act, 1702, excepted from, **7,** 148
descent in case of death of owner of, **11,** 584
distress, not subject to, **11,** 132
disturbance of, **11,** 585
remedies in case of, **11,** 586—590
dower, how assigned in, **24,** 197
out of, **11,** 573; **24,** 190
duplex querela, suit of, when it lies, **11,** 586, 588, 589 n.
Ecclesiastical Commissioners, powers of, **4,** 167; **11,** 578, 584; **12,** 98 n.
elegit, writ of, liability to seizure under, of, **14,** 66
estate duty in respect of, **13,** 202, 214
estate tail, remainder after, when barred, **19,** 154
exchange of, **11,** 584
with view to union of benefices, **11,** 606
extinguishment of patronage turn, **11,** 590—593
fraudulent conveyance of, rights of subsequent purchaser in case of, **15,** 94
freehold, included in the term, for solicitor's remuneration, **26,** 766 n.
gift
of, requisites of, **15,** 407, 408
purchase of, for, **4,** 113, 124
heir, rights by descent of, **11,** 584; **14,** 231
hereditament, is a, **11,** 564 n.; **24,** 161 n.; **28,** 697 n.
in gross, appendant distinguished from, **11,** 564
mortgage of, **21,** 129
tenement and hereditament, is a, **24,** 161 n.
tenure exists in, **24,** 156
incorporeal hereditament, an, **11,** 564; **21,** 128; **24,** 161
infant, vested in, **11,** 573; **17,** 57, 101
injunction against
presentation to, **17,** 251
purchase of, **17,** 217 n.

ADVOWSON—*continued.*
Jew, in hands of, **11,** 577, 829
joint owners, vested in, **11,** 571, 572
jus patronatus, process of, when it lies, **11,** 586, 588
land, is not, **11,** 564 n.; **19,** 106; **28,** 703, 704
limitation of actions applicable to, **11,** 564 n., 589, 590; **19,** 105, 153, 173
living, passes by the word, **11,** 564 n.; **28,** 705
lunatic, vested in, **11,** 574; **19,** 448
married woman, vested in, **11,** 573
medieties, duplicated in case of, **11,** 565
mortgage of, **11,** 574; **21,** 128, 129
foreclose, right to, **17,** 251; **21,** 273
foreclosure or redemption of, limitation of actions as to, **19,** 173
mortgagee's rights in case of, **11,** 574; **17,** 251; **21,** 129
mortgagor's rights in case of, **17,** 251; **19,** 153; **21,** 158
municipal corporations, in hands of, sale of, **11,** 577, 578 n.
nomination as distinguished from presentation is of the substance of, **11,** 565 n.
parsonage house, sale to provide, **7,** 193
partition of, in case of joint ownership, **11,** 565 n., 572; **19,** 154; **21,** 811, 823, 837, 838
patron, rights of, **11,** 564
patronage, exercise of right of. *See* PATRONAGE; PRESENTATION.
perpetuities, rule against, as applied to conveyance of, **22,** 297 n.
personal representative, rights of, **11,** 585; **14,** 230, 231
presentation. *See* PRESENTATION.
separate right, as a, **11,** 565, 585
quare impedit, action of, when it lies, **11,** 586—588, 589 n., 590 n.
real estate, is, **11,** 3, 564; **28,** 507
rectory, of a, nominal position of, **11,** 565 n.
refusal to institute, remedies in case of, **11,** 512, 586—590
registration of
proprietorship of, under Land Transfer Acts, **11,** 583, 584
transfer of, in registry of diocese, **11,** 583; **15,** 407
Roman Catholic, in hands of, **11,** 574, 577, 806; **19,** 155
sale, devised upon trust for, **11,** 573 n.
of,
inhabitants etc., when belonging to, **11,** 580
Lord Chancellor's Augmentation Act, 1863, under, **7,** 193; **11,** 576
municipal corporation, when belonging to, **11,** 577
public auction, by, **11,** 580, 583
spiritual office or dignity, held in virtue of, **11,** 432, 579
title, length of, on, **25,** 343
where held by class not deriving pecuniary benefit, **4,** 217; **11,** 579, 580
settlement of, **25,** 709
severance of, from land to which appendant, **11,** 565
simony in relation to, **11,** 523 n., 593—595. *See* SIMONY.
succession duty in respect of, **13,** 281, 287, 294
tenant for life of, powers of, **11,** 573; **25,** 709
tenant in tail of, person claiming through, **11,** 590 n.
tenement, is a, **11,** 564 n.; **24,** 161 n.

ADVOWSON—*continued.*
transfer of, **11,** 582—585
trustees, vested in, **4,** 250; **11,** 573, 580, 581
united benefice, of, conveyance of, **11,** 564 n.
universities and public schools, purchase and sale by, of, **11,** 578; **12,** 93, 98 n.
universities of Oxford and Cambridge, rights of, on patron becoming Papist, **11,** 574; **19,** 155
usurper's rights over, **11,** 585, 590 n.; **19,** 153
vicarage, of a, normal position of, **11,** 565 n., 566
will, disposition by, **28,** 519, 705

AERIAL TRAFFIC,
regulations as to, **27,** 336, 337

AEROPLANE,
regulations as to navigation of, **27,** 336, 337

AFFAIRS,
building society, of, inspection of, **3,** 390, 391, 394
company, of, Board of Trade investigation of, **5,** 159, 270
receiver appointed in case of impossibility to carry on, **5,** 251
shareholder's investigation of, **5,** 270, 271
friendly society, of, investigation of, **15,** 130, 139, 201
State, of, privilege attaching to communications relating to, **18,** 684

AFFECTION,
what evidence allowable as to, **13,** 609

AFFIDAVIT,
defined, **2,** 317
administration
action, ordered in, **13,** 623
order, setting out, as a defence to execution, **8,** 562
Admiralty action, in, **1,** 98, 118; **13,** 622, 624, 629 n.
admission, may act as, **13,** 630
of truth of particulars, verifying, **8,** 501, 503
affirmation included in the term, **2,** 317
agent, sworn by, when accepted, **27,** 173 n.
appeal, for use on, **9,** 45; **13,** 629 n.
arrest of ship, in support of application with a view to, **1,** 81, 82, 130
attachment of debt, with a view to, **8,** 571; **14,** 95
attestation on honour included in the term, **2,** 317
bankrupt's after-acquired property, verifying statement of, **2,** 268
bankruptcy
application, in opposition to, **2,** 314, 317, 342
support of, **2,** 313, 317, 318, 342; **13,** 630
notice, with a view to setting aside of, **2,** 31
petition, verifying, **2,** 50
summary administration in, with a view to, **2,** 294
belief, when may be founded on, **13,** 625, 626
bill of sale, correcting mistake in affidavit on registration of, **3,** 74
defect in description cannot be cured by, **3,** 43
primâ facie evidence as to, **3,** 75
renewal of, on, **3,** 52
required on registration of, **3,** 45, 46, 48, 49
sworn before solicitor for grantor of, **13,** 628
Bills of Exchange Act, 1855, in proceedings under, **8,** 479, 489

AFFIDAVIT—*continued.*
blind person, of, **2,** 318 n.; **8,** 520; **13,** 627; **16,** 535
British consul, sworn before, **2,** 317 n.; **5,** 559; **6,** 438; **13,** 496, 628; **21,** 497
canal receipts proved by, for rating purposes, **24,** 39
certiorari, writ of, in support of application for, **10,** 200
execution of judgment, for, **10,** 211, 212
quash proceedings, to, **10,** 207, 208
remove indictment for trial, in support of application for, to, **10,** 204
chambers, intended to be used in, admissibility of, **13,** 619; **23,** 127
notice of, **13,** 619
charity, in proceedings relating to, **4,** 334, 335, 337
citation in probate matter, with a view to issue of, **14,** 155, 156
commissioner for oaths, before, **11,** 221 n.; **13,** 626
committal or attachment, on application for, **7,** 310, 311, 313—315; **13,** 589; **14,** 7 n.; **17,** 295 n.
company, on behalf of, **5,** 324; **11,** 39, 46; **17,** 595
company winding up, in, swearing of, **5,** 559
petition, in opposition to, **5,** 408
support of, **5,** 407, 408
company's creditors, as to, before reduction of capital, **5,** 111
consent to trial by, **13,** 620—622
contempt of court, on application to commit for, **7,** 310, 311, 313—315
contents of, **13,** 625—627
corrections in, effect of, **13,** 626
corrupt and illegal practices at election, for relief from, **12,** 402 n.
costs of prolix etc., **2,** 317 n.; **8,** 519; **13,** 625, 626
county court, with a view to
answering interrogatories in, **8,** 514
application for leave to enter plaint in, **8,** 462, 464, 466
costs, disallowance of, **8,** 519
interlocutory application in, **8,** 508
leave to issue execution, **8,** 554
notice of change of plaintiff's title, **8,** 511
objection to jurisdiction of, **8,** 490
possession of land, as to, **8,** 488
proof of facts in, **8,** 531; **13,** 624
proving sufficiency of sureties for costs in, **8,** 601
swearing of, **8,** 518, 519
verification of account in, **8,** 542
court rolls of manor, with a view to inspection of, **11,** 92
creditor's debt, verifying, bankruptcy, in, **2,** 230, 317 n.
company winding up, in, **5,** 521
cross-examination of deponent, **13,** 619, 621, 622; **17,** 278
Crown debtor, of, with a view to extent in aid, **10,** 18
damages, assessment of, for purposes of, **13,** 620, 623, 624
death, as to date of, with a view to probate, **14,** 169
debt and danger, of, in case of writ of extent, **10,** 14
debt and death, of, with a view to writ of *diem clausit extremum*, **10,** 18
deceased deponent, of, admissibility of, **13,** 623

AFFIDAVIT—*continued.*
deed of arrangement, verifying time of execution etc. of, **2,** 330
default actions *in rem*, in, **13,** 622
defect or irregularity in, **2,** 317 n.; **8,** 520; **13,** 625, 627
deponent's
attendance for cross-examination, **13,** 619, 621, 622; **17,** 278
description in, **13,** 625; **16,** 535
discovery of documents, on application for, **11,** 59
Divisional Court, on hearing of motion in, **23,** 134
document referred to in, not to be annexed to, **13,** 619
documents, of. *See* AFFIDAVIT OF DOCUMENTS.
election petition, as to satisfaction of costs relative to, **12,** 480 n.
on, withdrawal of, **12,** 432
England, sworn out of, **13,** 496, 628, 629
estate duty payable on delivery of relative, **13,** 213, 215; **14,** 166, 167
estoppel of party swearing, **13,** 378 n., 622, 630
evidence, use as, of, **8,** 531; **13,** 544, 609, 618—630
execution, by way of defence to, **8,** 562
with a view to issue of, **8,** 554
exhibit, what is an, **13,** 619; **14,** 169
false, **5,** 559 n.; **9,** 491
filing of, **13,** 629, 630
appeal, for use in, **13,** 629 n.
bankruptcy proceedings, in, **2,** 318
Central Office, in, **11,** 111 n.; **13,** 629
company winding up, in, **5,** 407, 408, 558
county court proceedings, in, **8,** 519, 629
Crown Office Department of Central Office, in, **10,** 60; **13,** 629
documents, of, **11,** 59
Filing and Record Department, in, **13,** 629 n.
High Court of Justice, in, **13,** 629
injunction, in case of application for, **17,** 279
interrogatories, in answer to, **11,** 111
King's Remembrancer's Department, in, **13,** 629 n.
notice of, **5,** 408; **8,** 629
Probate, Divorce and Admiralty Division, in, **11,** 111 n.; **13,** 629
stamp on, **2,** 318; **13,** 630
time for, **13,** 621, 629 n.
foreigner, by, cross-examination on, **13,** 619
forgery of, **9,** 739
form and contents of, **2,** 317; **8,** 518, 519; **13,** 482, 625—627
attachment of debts, in case of, **8,** 571; **14,** 95
injunction, in case of application for, **17,** 278, 279
Inland Revenue Account, in case of, **13,** 216, 314 n; **14,** 166
interpleader, in support of, **17,** 586 n.
matrimonial cause, in, **16,** 535
receiver, in application for, **14,** 123
stop order, in case of application for, **14,** 111
garnishee order *nisi*, against, cross-examination on, **13,** 619
with a view to, **8,** 571; **14,** 95
habeas corpus ad
respondendum, in support of application for, **10,** 76
subjiciendum, in support of application for, **10,** 57, 59, 60, 65
of service of writ of, **10,** 65 n.
testificandum, in support of application for, **10,** 75

AFFIDAVIT—*continued.*
husband's concurrence in deed acknowledged, in support of application to dispense with, **16,** 384, 385
illiterate person, by, **2,** 318 n.; **8,** 520; **13,** 627; **16,** 535
India, taking in, of, **13,** 629
infant, in case of, **13,** 629 n.; **21,** 58
soliciting, to make in respect of loan, **21,** 58
information and belief, testifying according to, **13,** 482, 625, 626; **14,** 169; **16,** 535
injunction, in support of application for, **17,** 278—280, 283
Inland Revenue, with a view to probate or letters of administration, **13,** 213, 215, 216, 225
not an account for purpose of settlement estate duty, **13,** 231
interest, of, by intervener in Admiralty action, **1,** 87, 131
interlineations, authentication of, **2,** 317 n.; **8,** 519, 520; **13,** 626; **16,** 535
interlocutory proceedings, for use in, as evidence, **13,** 482, 619, 629
form of, **13,** 482, 625
interpleader, in, answer to claim by way of, **17,** 592 n.
support of claim to, **17,** 586 n., 594, 595, 597, 598, 628
interrogatories, in answer to, **11,** 68 n., 111
on application for leave to deliver, **11,** 107
joint, stamp on, **24,** 709 n.
judgment summons, in support of application for, **2,** 342
Judicial Committee of Privy Council, for use before, **9,** 47
judicial notice of seal or signature of person authorised to take, **2,** 317 n.; **5,** 559; **13,** 496
jurat, importance of form of, **13,** 626, 627
justices, by, as to decision under review, **10,** 114
justification, of, by surety to Admiralty bail bond, **1,** 131, 132
lunacy proceedings, in, sworn by medical practitioner, **19,** 417, 426 n.
mandamus, in answer to order *nisi* for, **10,** 114
support of application for, **10,** 112, 114
marriage licence, by applicant for, **11,** 702
master, attestation by, of, **13,** 627 n.
matrimonial cause, in, **16,** 466, 512, 534, 535
means, as to, in case of application to commit a debtor, **2,** 341, 342
of paying defendant's costs, **1,** 48; **8,** 442
motion,
Chancery Division, in, on hearing of, **23,** 188
Divisional Court, in, on hearing of, **23,** 134
matrimonial cause, opposing application, in, by, **16,** 466
municipal election petition, as to satisfaction of claims relative to, **12,** 496 n.
sufficiency of surety, **12,** 498 n.
time of filing, **12,** 499
on application to withdraw, **12,** 510
notary public, preparation and taking by, of, **21,** 500, 501; **24,** 703
notice of intention to use as evidence, **13,** 544, 619, 621; **23,** 146, 147
office copy of, bankruptcy proceedings, in, **2,** 312 n., 316
bill of sale, with reference to, **3,** 75
company winding up proceedings, in, **5,** 558
use of, **2,** 318; **3,** 75; **13,** 630; **17,** 280

AFFIDAVIT—*continued.*
official receiver,
report of, need not be on, **2,** 105
sworn before, **2,** 317 n.
Ord. XIV., r. 1, defendant, of, in opposition to application under, **18,** 191, 192
verifying cause of action under, **13,** 626 n.; **18,** 191
particulars of pleadings, in support of application for, **16,** 512; **23,** 137 n.
payment
into court by trustee etc. on, **8,** 498; **23,** 177, 178
out to married woman, on, as to absence of settlement of fund, **16,** 458
perjury in connection with, **5,** 559 n.; **9,** 491
persons empowered to take, **5,** 559; **8,** 518; **9,** 47; **13,** 215 n., 216 n., 627—629
possession of land, as to, in action for recovery of land, **23,** 126
printed, when required to be, **13,** 622
prize case, for use in, **23,** 288
probate or letters of administration, with a view to, **13,** 213, 215, 216, 225, 314—316; **14,** 165—167, 169
prohibition, in support of application for, **10,** 153
proof of debt, with a view to, **2,** 230, 317 n.; **5,** 521
property, of, in Latin information, **10,** 13
quarter sessions, with a view to appeal to, **10,** 112, 114
quo warranto, in support of information in nature of, **10,** 138
receiver, in support of application for appointment of, **14,** 123; **24,** 347, 348
accounts of, exhibiting and verifying, **24,** 410
fitness of, as to, in case of company appointment, **5,** 377
rejection of, court's discretion as to, **13,** 620
cross-examination impossible, where, **13,** 619
notice of, in county court, **8,** 520
revising barrister, by, **10,** 114; **12,** 254 n.
scandalous matter in, striking out, **2,** 317 n.; **13,** 626
scripts, as to, in probate action, **14,** 176
service, of, appeal to House of Lords, in case of, **21,** 644
citation, of, **16,** 508
county court proceedings, in, **8,** 472—474, 520
habeas corpus, of writ of, **10,** 65 n.
injunction, in case of application for, **17,** 280, 283
subpœna, of, **2,** 318 n.
summons with a view to examination as to means, in case of, **14,** 127 n.
where no appearance entered, **1,** 131; **18,** 185
service out of the jurisdiction, with a view to, **8,** 478; **23,** 121
settlement estate duty, with a view to collection of, **13,** 231
sheriff, by, denying interest or collusion, **17,** 594, 595
interrogatories, in answer to, **25,** 826 n.
ship's papers, as to, prize case, in, **23,** 288
re-insurers' right to, **17,** 376 n.
solicitor, admission of, employment, as to, **26,** 714
objecting to, **26,** 719
solicitor's allowance in excess of scale, in case of affidavit sworn at a distance, **26,** 801
stamp duty
on, **16,** 535; **24,** 709 n., 726
purposes, for, before whom made, **24,** 703

AFFIDAVIT—*continued.*
statute, under, latitude allowed in case of, **27,** 173 n.
Statute of Frauds, as memorandum within, **7,** 368; **15,** 465 n.; **25,** 534 n.
statutory declaration included in the term, **2,** 317; **13,** 625 n.
stop order, in support of application for, **14,** 111
substituted or other service, with a view to, **8,** 469; **23,** 117 n.
summons for directions, on, **23,** 137 n.
sureties for costs, of sufficiency of, **8,** 601; **12,** 498 n.
swearing of, mode of, **8,** 518; **9,** 47, 491; **13,** 125 n., 627, 628; **16,** 535
time, filed after, **2,** 318; **13,** 619, 629; **16,** 535
title of, **8,** 519; **10,** 112; **13,** 625; **16,** 535
trade design, in connection with registration of, **27,** 738
trial, for use at, **13,** 629 n.
of action on, **13,** 620—624
Admiralty, in, **1,** 98, 118; **13,** 622
consent, by, **13,** 620
county court, in, **8,** 531; **13,** 624
court's power to order, **13,** 622—624
cross-examination, **13,** 621, 622
affidavit cannat be withdrawn on threat of, **13,** 622
deponent's presence required for, **13,** 621, 622
practice, **13,** 621
two or more deponents, when made by, **8,** 519; **13,** 625; **24,** 709 n.
unfiled, use of, **13,** 629
value of freight, as to, where cargo arrested for freight, **1,** 88, 89
vendor and purchaser summons, on hearing of, **25,** 395
will, as to execution and attestation of, **13,** 623; **14,** 167, 168
withdrawal of, power as to, **13,** 622
witness not found, where, **13,** 623

AFFIDAVIT OF DOCUMENTS,
defined, **11,** 58—60
agent, where documents in hands of, **11,** 85—87
attack on, how far possible, **11,** 63, 64
commercial list cause, not usual in, **11,** 43, 44
company, on behalf of, **5,** 32, 324; **11,** 46, 47
conclusiveness of, **11,** 61—63, 70 n.
conspiracy against trade union, in action for, **27,** 668
contradiction of, evidence with a view to, **11,** 61—63
copy of, right to, **11,** 69
corporation, on behalf of, **11,** 46, 47
costs of, **11,** 56, 60
county court, in, **8,** 514
court, production in, of, **11,** 61
Crown, by the, **11,** 48
damages, after direction for inquiry as to, **11,** 53 n.
description of documents in, what sufficient, **11,** 60, 70
documents
mentioned in, production of, **11,** 68
to be included in, **11,** 58—60
doubtful right, in case of, **11,** 52 n.
failure to make, when ordered, **11,** 56—58, 69
file, taking off, of, **11,** 60
finding of other documents after, **11,** 61
foreign Sovereign or State, by, **11,** 48

AFFIDAVIT OF DOCUMENTS — *continued.*
further and better, when obtainable, **11,** 60 n., 61—64, 69
incriminating matter, inclusion of, in, **11,** 82—84; **27,** 668
infant, on behalf of, **11,** 48; **16,** 526
inspection of, **11,** 68 n.
prior to, **11,** 47
right of, in relation to, **11,** 58, 59, 62, 68, 69, 89. *See also* INSPECTION OF DOCUMENTS.
insufficiency, objection on ground of, to, **11,** 64
interrogatory as to particular document, how far permitted, **11,** 61, 63
irrelevant, **11,** 60
joint, **11,** 61
letters, in case of, **11,** 60 n.
lunatic, on behalf of, **11,** 48
notice to produce documents mentioned in, **11,** 69
numerous documents, in case of, **11,** 60 n.
objection to produce documents to be stated in, **11,** 70
office copy unnecessary of, **11,** 61
omission of documents from, **11,** 61—63
oppressive, **11,** 60, 88
order for, **11,** 57, 59, 69
out of the jurisdiction, in case of person, **11,** 46
party in a cause, by, **11,** 46
privileged documents, inclusion of, in, **11,** 59, 61, 64, 69, 71—87
prolix, **11,** 60
public policy, resisted on ground of, **11,** 84, 85
schedules to, **11,** 60, 70
sealing up claimed in, **11,** 71
security for costs prior to, **11,** 55
separate, security for costs of, **11,** 55
several persons, at instance of, **11,** 61
by, **11,** 61
sheriff, by, **11,** 50
sole possession of the party, in case of documents not in, **11,** 85—87
solely relating to case of the party, **11,** 87
specific documents not mentioned in pleadings, production of, **11,** 69, 70
stranger to cause, by, **11,** 46
time for delivery of, **11,** 55
verifying copies of entries given in lieu of inspection, **1,** 644; **11,** 91

AFFILIATION PROCEEDINGS,
abandonment of, **2,** 453
absence of defendant, in, **2,** 447 n., 448
adjournment of hearing of summons in, **2,** 447, 448
age of
father, how far material, **2,** 444 n.
husband, as element in, **2,** 430
agreement by father to maintain child not a bar to, **2,** 441, 445, 449 n.
amendment of informalities etc. in, **2,** 448, 454
appeal against decision in, **2,** 445, 446, 453, 454; **9,** 86; **19,** 639
evidence on, **2,** 453
withdrawal of, **2,** 453
appearance of parties at, **2,** 448
application with a view to, **2,** 444—446
form of, **2,** 444 n.
second or further, **2,** 445, 446
arrears due under order in, recovery of, **2,** 451 n., 452
attorney, presence of, at, **2,** 448, 450 n.

AFFILIATION PROCEEDINGS — *continued.*
bankruptcy of father not a defence to, **2,** 83, 269, 441, 451
birth of child, prior to, **2,** 445, 447, 449 n., 450
certiorari to remove into High Court, **2,** 454
clergyman, against, **2,** 452 ; **11,** 523
committal of defendant or witness in, **2,** 449
contract. *See* agreement, *supra.*
contracting out of affiliation order, **2,** 451
corroboration of mother's evidence in, **2,** 448, 453 ; **13,** 421 n., 603
costs of, provision for, **2,** 450, 452, 453
counsel, audience of, at, **2,** 448
death of
child, effect of, **2,** 441, 443, 449
father, effect of, **2,** 444, 451
justice hearing application in, effect of, **2,** 446 n.
mother, effect of, **2,** 443, 448, 451, 453 n.
deposition by mother in, **2,** 445
England, child born out of, in case of, **2,** 443 n.
father out of, in case of, **2,** 444, 445, 447
evidence in case of, **2,** 448, 449, 453 ; **13,** 421 n., 427, 603
father's evidence in, **2,** 449
guardians of the poor, at instance of, **2,** 441, 443 n., 449
right to payments made under order in, **2,** 451 ; **22,** 573
hearing of summons in, **2,** 447—449
illness of mother, in case of, **2,** 448 n., 451
imprisonment, defendant, of, **2,** 449, 452, 453
mother, of, **2,** 451
initiate, persons entitled to, **2,** 443
Ireland, father resident in, where, **2,** 444 n.
irregularity of process, waiver of, **2,** 445 n., 448, 450 n., 453 n.
jurisdiction in regard to, **2,** 443, 444, 450
justices' jurisdiction in regard to, **2,** 444, 445, 450 n., 454 ; **19,** 611
legitimacy, as a means of determining, **2,** 433
Local Government Board, forms issued by, **2,** 444 n., 450
marriage of mother after birth of child or order, effect of, **2,** 443, 451, 452 n.
married woman, at instance of, **2,** 433, 443
maternity benefit not to be considered in making order in, **28,** 924
mother, at instance of, **2,** 443, 448
evidence of, in, **2,** 445, 448, 453
order in, agreement between parties, effect of, on, **2,** 451
amendment of, **2,** 454
appeal in respect of, **2,** 445, 446, 453, 454
bankruptcy of father has no effect on, **2,** 451
duration of, discretion as to, **2,** 451
enforcement of, **2,** 452
father's obligations fixed by, **2,** 441
form and purport of, **2,** 449, 450
married woman, in favour of, **2,** 443
mistake in, **2,** 450 n.
operation of, **2,** 450—452
refusal to make, appeal against, **2,** 445, 453
payments by father, effect of, **2,** 441, 445
evidence as to, **2,** 448 n.
order, under, **2,** 450—452
reduction of, **2,** 453
quarter sessions, jurisdiction of, **2,** 445, 449 n., 453 ; **9,** 86 ; **19,** 639
Scotland, child born in, in respect of, **2,** 443 n.
father resident in, where, **2,** 444 n.

AFFILIATION PROCEEDINGS — *continued.*
Scotland—*continued.*
proceedings in, **2,** 446 n.
seduction, action for, not barred by unsuccessful, **20,** 273
soldier, in case of, **2,** 444, 447, 451, 452
special case in, statement by justices of, **2,** 454
Summary Jurisdiction Acts in relation to, **19,** 611
summons in, adjournment of, **2,** 447, 448
amendment of, **2,** 448
dismissal of, effect of, **2,** 445
hearing of, **2,** 447—449
issue of, **2,** 446
second, or further, **2,** 445, 450 n.
service of, **2,** 444, 446, 447
time for
appealing against order in, **2,** 453
application with a view to, **2,** 444, 445
hearing of summons in, **2,** 446—448
twins, in respect of, **2,** 444 n.
witnesses, attendance of, at, **2,** 449

AFFINITY,
description by relationship may in circumstances extend to persons related by, **28,** 739, 740
marriage of persons within degrees of, **16,** 283
table showing prohibited degrees of, churchwardens' duty to provide, **11,** 472

AFFIRMATION (IN LIEU OF OATH).
For affirmation of contracts etc., see CONFIRMATION.
affidavit as a term includes, **2,** 317
Commissioner of Sewers, on appointment as, **9,** 220 ; **25,** 776
death duties, with reference to, before whom made, **13,** 216 n.
executive officer, made by, **7,** 24, 25
false, **7,** 25 ; **9,** 490
jury, by, how made, **18,** 253
notary public, taking by, of, **21,** 501
oath, included in term, **13,** 216 n. ; **15,** 40 n.
instead of, **7,** 24, 25 ; **11,** 823 n. ; **13,** 592
atheist, in case of, **11,** 824 n. ; **13,** 591
of allegiance, in lieu of, **6,** 343 ; **21,** 688
Parliament, by member of, **21,** 688
perjury by reason of false, **7,** 25 ; **9,** 490
Quakers and Moravians, special form in case of, **11,** 823 n. ; **13,** 592
witness, by, **13,** 591, 592

AFFIRMATIVE,
covenant, injunction for breach of, **17,** 208, 242—247, 293
defences, action for fraudulent misrepresentation, to, **20,** 725—732
easement,
nature of, **11,** 240
stopping adverse user of, **11,** 240, 241
statute, directory, is *primâ facie,* **27,** 172
negative, as distinguished from, **27,** 117, 172
repeal by, **27,** 167, 168

AFFORESTATION,
Duchy of Lancaster, in, encouragement of, **7,** 227

AFFRAY,
defined, **9,** 468
misdemeanour, as a, **9,** 468
threatening words do not amount to, **9,** 469

AFFREIGHTMENT, CONTRACT OF. *See* CHARTER-PARTY.
conflict of laws as to, **6,** 238, 241
general average losses decided by reference to, **17,** 453
law of general average, whether implied in, **17,** 447 n.
what constitutes, **26,** 84, 147, 148

AFRICA,
East. *See* EAST AFRICA.
protectorates in, administration of justice in, **6,** 450; **10,** 542
South. *See* SOUTH AFRICA.

AFTER-ACQUIRED PROPERTY,
assignment of, equitable interest, only gives, **13,** 64 n., 104 n.
operation of, **10,** 496, 497; **13,** 74, 104; **22,** 410
bankrupt, of, affidavit verifying statement of, **2,** 268
assignment of, act of bankruptcy, is not, **2,** 19
rights of assignee, **2,** 64
bankrupt's rights over, **2,** 139, 144, 152, 160, 164, 166, 183, 268; **21,** 93; **25,** 192 n.
creditor's rights over, **2,** 144, 164
discharge, after, **2,** 268
scheme, in case of, **2,** 84
trustee's right to, **2,** 84, 139, 152, 164—168, 183, 184; **21,** 93, 94
bill of sale, inclusion in, of, **3,** 28, 29, 37; **22,** 410
change of character of property does not bring it within covenant to settle, **25,** 553
company, of, borrowing on security of, **5,** 342—344
charge on, by directors, **5,** 343
covenant to charge, when it operates, **10,** 497
covenant to settle,
annuity not covered by, **25,** 550, 553
binding effect of, **25,** 548
construction of, **25,** 548, 549, 556
contingency, effect of, **25,** 550, 552, 553
disentail not claimable under, **24,** 255 n.; **25,** 549
enforcement of, **25,** 548; **27,** 71
estate duty on property falling within, **13,** 197
exceptions from, **25,** 553—555
existing interests, as affecting, **25,** 552, 553
gifts, application to, **15,** 427
husband, by, **25,** 555, 556, 557
consideration of marriage, no effect on, **15,** 82
property derived from, **25,** 550
increase in value, effect of, **25,** 553
infant's settlement, insertion in, of, **25,** 548 n., 562
intention and extent of, **25,** 550, 551
interests not affected by, **25,** 549—553
jointly, by husband and wife, **25,** 555, 556
lapse, legacy saved by Wills Act from, whether within, **28,** 611 n.
limitation as to amount, time and source, **25,** 553, 554
Married Women's Property Acts, effect of, **25,** 557, 558
parties bound by, **25,** 555—557
policy on covenantor's life, inclusion of, **17,** 560 n.
property subject to general power not affected by, **23,** 7 n.; **25,** 551
referential trusts, construction of, **25,** 707

AFTER-ACQUIRED PROPERTY—*continued.*
covenant to settle—*continued.*
restraint on anticipation, effect of, **16,** 366; **25,** 555
reversionary interests are within, **25,** 552
savings excepted from, **25,** 550
termination of coverture, property acquired after, **25,** 550, 551
usual covenant, is not a, **25,** 542, 548
wife's property, effect on, **25,** 550, 551
estoppel fed by. *See* ESTOPPEL BY DEED.
execution against, **14,** 50
marriage settlement covenanting to transfer to trustees, **3,** 17; **25,** 542, 548—558
will, passing by, of, **28,** 517, 693

AFTER-BORN CHILD. *See* POSTHUMOUS CHILD.

AGE,
abduction, in relation to, **9,** 620, 621, 623
appearance as *primâ facie* evidence of, **13,** 508
apprentice, limits in case of, **20,** 73 n.
capacity, in relation to. *See* CHILD; INCAPACITY, infant.
Children Act, 1908, in case of offence under, **9,** 624 n.; **17,** 44
Children's Dangerous Performances Act, 1879, for purposes of, **9,** 626; **17,** 153
chimney sweeping by child, in case of, **17,** 157
confidential relationship, as an element in case of, **15,** 103, 420
consent, of, indecent assault, to, **9,** 619
marriage, in case of, **16,** 281
sexual connection, to, **9,** 612
contributory negligence, in relation to, **21,** 373, 453, 454
criminal capacity, of, **9,** 239, 240; **17,** 46
Criminal Law Amendment Act, 1885, in case of offence under, **9,** 615—617, 623
evidence of, **9,** 616; **13,** 508
education, compulsory, with reference to, **12,** 18, 55, 59 n., 64, 66
emancipation, of, poor law settlement, in relation to, **22,** 589, 596
employment under false representation as to, **12,** 64
evidence as to, of child or young person, **12,** 66; **13,** 483; **14,** 534
appearance as *primâ facie*, **13,** 508
factory or workshop, for child employed in, **14,** 487, 496, 534; **17,** 151 n.
false representation as to, in case of employment of child, **12,** 64
franchise qualification, for, **13,** 139, 182, 188; **17,** 47, 48
fraudulent representation by infant as to, **17,** 66; 73; **22,** 20; **27,** 891
friendly society, for membership in, **15,** 147
full, *defined*, **17,** 43, 44
attainment of, **17,** 44
acceptance of gift voidable by infant on, **17,** 76
alienation of property voidable by infant on, **17,** 79
apprentice's right to dissolve indentures on, **20,** 103
continuation of service after, effect of, **17,** 73
during proceedings, effect of, **17,** 137, 138, 143

AGE—*continued.*
full—*continued.*
attainment of—*continued.*
guardian managing property liable to account, **17,** 132
infant co-plaintiff's right on, **17,** 138
infant partner's rights on, **17,** 53; **22,** 19
competence of person of, **17,** 43
franchise qualification, required for, **12,** 139, 182, 188
infant, action by, before reaching, **17,** 62
not barred by acquiescence or laches if he does not represent himself to be of, **17,** 62
misrepresentation as to, **17,** 66, 73
municipal voting, for, **12,** 182
ratification of contract after, effect, **17,** 65
resettlement of property on child attaining, **25,** 690, 691
settlement on child attaining, **25,** 593, 627 n.; **28,** 800 n., 801, 806—809, 814, 815, 820
Sovereign, attainment by, **6,** 375, 376; **17,** 44
gift
by aged person, no presumption of fraud merely by reason of, **15,** 420
dependent upon attaining a certain, **25,** 576, 593, 627 n., 630 n., 684; **28,** 801, 807, 810
over on death before attaining of specified, **28,** 820, 826, 849
to trustees pending grantee attaining certain, effect of, **28,** 849
impossibility of issue, presumption as to, on account of, **24,** 175
infancy, for termination of, **17,** 43
infant, maintenance of, as element in fixing amount of, **17,** 91
intoxicating liquor, in relation to sale of, **17,** 45; **18,** 121, 122
marriage, for, **11,** 693; **16,** 281
marriage settlement in favour of child beyond age of twenty-one, effect of, **25,** 576
ministry, for admission to various orders of, **11,** 550
name and arms clause, for compliance with, **25,** 697
national health insurance, exempting from, **28,** 911
false statement of age for purposes of, **28,** 963
old age pensions. *See* OLD AGE PENSION.
perpetuities, in relation to the rule against. *See* PERPETUITIES.
poor law settlement, in relation to, **22,** 588, 589, 595, 596
portion payable on attaining certain, raising of, **25,** 593
Prevention of Cruelty to Children Act, 1904, for purposes of, **17,** 152
proof of,
certificate of baptism, by, **11,** 687 n.
Children's Dangerous Performances Act, 1879, for purposes of, **17,** 153
Criminal Law Amendment Act, 1885, for purposes of, **9,** 616, 617
Elementary Education Act, 1873, under, **12,** 66
generally, **13,** 482, 508, 609; **14,** 534; **17,** 157
register of
baptism, from, **11,** 687 n.; **13,** 537
births, deaths, and marriages etc., from, **13,** 533; **24,** 449, 450
burials, from, **13,** 538

AGE—*continued.*
puberty, of, **9,** 240; **17,** 44 n.
resettlement of property on child attaining full, **25,** 690, 691
settlement on child on attaining age of twenty-one, construction of, **25,** 593, 627 n.; **28,** 800 n., 801, 806—809, 814, 815, 820
witness, in relation to capacity of, **9,** 400, 408; **13,** 569; **17,** 56

AGED POOR,
charitable relief of, **4,** 108

AGENCY. *See* AGENT; AUTHORITY.
The title AGENCY *is contained in Vol. I., pp.* 145 *et seq.*
defined, **1,** 147; **28,** 862
accident insurance, with reference to, **17,** 549 n., 570
agent, position of. *See* AGENT.
agreement constituting, construction of, **1,** 148
auctioneer, of, **1,** 153, 502—505; **25,** 289; **27,** 25 n.
bankruptcy of
agent, effect of, on, **1,** 203, 204, 235; **2,** 162 n.
principal, effect of, on, **1,** 198, 224, 234, 235; **2,** 162 n., 189
breach of contract of, remedy in case of, **1,** 182
committee, of, **1,** 172, 173; **4,** 420—427; **28,** 866
competency of parties in case of, **1,** 148—152
contract of, formation of, **1,** 153—160
contractor, of, where sub-contractor employed, **3,** 276
criminal liability of parties to, **1,** 193 n., 217—219; **5,** 294; **9,** 235
custom or usage in, **1,** 167, 168, 182, 207—209, 232
ignorance of, **1,** 168
damages against
agent in case of, **1,** 191, 192, 222, 223; **2,** 523 **10,** 323, 326; **17,** 358
principal in case of, **1,** 195
third party for bribing agent, **1,** 217
death of
agent, effect of, on, **1,** 234
principal, effect of, on, **1,** 233
delegation of, **1,** 169—173. *See* DELEGATION.
determination of, **1,** 228—236. *See* termination, *infra.*
discovery in case of, **1,** 227; **11,** 45, 46, 52, 58, 60, 67, 84, 86, 90, 108
privileged communications, **11,** 74, 76, 78
drunkenness, contracted in a state of, **1,** 150
duration of, **1,** 228—235
estoppel, by, **1,** 158, 159, 201, 635; **13,** 390—392; **17,** 359 n. *See* HOLDING OUT.
of principal
by reason of acts of agent, **1,** 179, 203, 207, 215; **13,** 368, 385
from pleading, **13,** 395
existence of, test of, **1,** 148
express or implied, **1,** 153, 154
fiduciary relationship, when, **1,** 148, 182; **13,** 156; **15,** 109 n., 110
holding out, effect of. *See* HOLDING OUT.
implied, **1,** 147, 154. *See* IMPLIED AUTHORITY.
impossibility of performance, effect of, **1,** 232
infancy in relation to. *See* AGENT, infant.
insurance, in relation to, **1,** 153; **17,** 354, 355, 513. *See* life, *infra.*
interest, how far recoverable in cases of, **1,** 188; **21,** 41

AGENCY—*continued.*
interpleader by party to, **1,** 195 n., 200
equity, in, **13,** 57
High Court, in, **17,** 583, 596
irrevocable authority, **1,** 228, 229
libel cases, with reference to, **18,** 662—664
life insurance, in relation to, **17,** 549, 550, 554 n., 560
limitation of actions, how affected by, **1,** 184, 188, 207 n.; **19,** 61, 71, 72, 79, 80, 93, 127; **27,** 148 n.
lunacy of
agent, effect of, on, **1,** 234; **19,** 406
principal, effect of, on, **1,** 150, 233; **19,** 406
ministerial acts, delegation of, **1,** 170
implied authority to delegate, **1,** 170
necessity, of, **1,** 155, 157, 158, 160
parliamentary common law of, peculiarity of, **12,** 269—273
partnership, effect of dissolution of, on, **1,** 232
performance of, termination by, **1,** 232
Prevention of Corruption Act, 1906, application of, **1,** 191 n.; **9,** 485 n., 710; **15,** 424, 425
principal, ceasing of business of, effect of, **1,** 232
position of. *See* PRINCIPAL.
proof of, parliamentary election petition, in case of, **12,** 446, 447
parol evidence in, **7,** 525; **15,** 470; **27,** 25
repeated acts of agency, from, **13,** 452
settled account in, reopening of, **1,** 188
specific performance of contract for, **1,** 182; **27,** 10
stamp duty on documents of, **1,** 160
termination of, **1,** 228—236
bankruptcy, by, **1,** 234, 235
death, by, **1,** 233, 234
grounds for, during term, **1,** 230
impossibility of continuance, by, **1,** 232, 233
notice of, revocation by, **1,** 230, 231
when necessary, **1,** 235, 236
parties, by act of parties, **1,** 230, 231
performance, by, **1,** 232
renunciation of authority, by, **1,** 232
time, by effluxion of, **1,** 232
will, at, **1,** 231
third party, necessity of, in, **1,** 148
trust involved in, **1,** 157, 184; **13,** 75, 156; **14,** 149; **28,** 5 n., 58, 91, 206
usages implied in, when, **1,** 167, 168, 182, 186, 207
winding up of principal company, effect of, on, **1,** 232; **5,** 509
work and labour contract, as distinguished from, **28,** 862

AGENDA,
House of Commons proceedings, for, **21,** 667, 668, 670 n.

AGENT. *See also* AGENCY.
The title AGENCY *is contained in Vol. I., pp.* 145 *et seq.*
defined, **1,** 147, 153; **9,** 485 n.; **20,** 66
account of. *See* ACCOUNTS.
accountant, whether an, **11,** 90
acknowledgment by. *See* ACKNOWLEDGMENT UNDER STATUTES OF LIMITATION.
action against,
principal, by, **1,** 184, 188; **2,** 523; **7,** 487, 488; **17,** 358

AGENT—*continued.*
action against—*continued.*
third person, by, **1,** 219 *et seq.*; **2,** 523; **7,** 525; **27,** 901
action by, bribe, for, cannot be brought, **1,** 227
principal, against, **1,** 197
third person, against, **1,** 226, 227
administration of deceased person's estate, acting in, **14,** 321, 325; **17,** 252 n.
granted to, **14,** 182
administrator, employment by, **14,** 325
admission by, legal effect of, **1,** 215; **5,** 324, 325; **11,** 109; **13,** 461
advertising, employment of, **20,** 98 n.
agricultural improvements, may consent and give notices in respect of, **1,** 261
apparent ownership of, result of, **1,** 204; **2,** 174
appointment of, deed, by, **1,** 154—156, 157; **10,** 422
informal, **1,** 156, 157; **13,** 75
stamp on, **1,** 160
writing, when should be in, **1,** 156, 157; **5,** 65, 213; **10,** 422
appropriation of payments in respect of dealings of, **15,** 538 n.
arbitration, submission to, for principal, by, **1,** 162, 442
architect as, in case of building contract, **3,** 218—221, 286, 288—291, 294
army, advancing money to infant, position of, **17,** 69
arresting or giving in arrest, powers of, **1,** 165
attachment of, **1,** 192, 193
attorney, under power of. *See* POWER OF ATTORNEY.
auctioneer as, **1,** 502—505. *See* AUCTIONEER.
authority of, **1,** 160—173
ambiguity of terms, in case of, **1,** 164
bankruptcy of principal or agent, effect of, **1,** 234, 235
bill of exchange or promissory note, in case of, **2,** 494, 495
breach of warranty of, **1,** 221—223; **5,** 146, 147, 233
deed, given by, **1,** 161—163, 228
delegation of, **1,** 169—173, 183. *See* DELEGATION.
disclaimer of, **1,** 222
estoppel, by, **1,** 158, 159, 201, 202, 203; **13,** 390, 394; **17,** 359 n.
exercise of, **1,** 168
express, **1,** 201
extent of, **1,** 148, 160, 161, 164—168; **13,** 392
general, **1,** 148, 164, 201
implied. *See* IMPLIED AUTHORITY.
from conduct of principal, **1,** 147 n., 158, 159, 173—181; **13,** 390; **17,** 359 n.
generally, **1,** 160, 164—168; **15,** 470; **25,** 137
irrevocable, when, **1,** 228—230
limitation of, **1,** 161, 201, 202
misrepresentation as to, **20,** 723; **27,** 757
non-disclosure of, effect of, **1,** 169, 219; **5,** 146; **16,** 418
parol evidence as to, **13,** 566; **15,** 470
power of attorney, under, **1,** 161—163, 168
principal's bankruptcy in relation to, **1,** 198, 224, 234, 235
prosecution, in relation to, **19,** 673, 675
ratification of, effect of, **1,** 173—181; **5,** 147, 297; **15,** 470; **25,** 137. *See* RATIFICATION.

AGENT—*continued.*
authority of—*continued.*
renunciation of, **1,** 232
revocation of, **1,** 228—231; **17,** 355; **25,** 137 n.
not available after, **1,** 230, 231
scope of, apparent, principal's liability in relation to, **1,** 201, 202; **5,** 293; **19,** 673, 675; **27,** 485
secret withdrawal of, estoppel on, **13,** 391
termination of, **1,** 228—236. *See* AGENCY, termination of.
unauthorised agent, principal not liable unless by estoppel, **1,** 202, 203
verbally given, **1,** 164; **25,** 137
warranty of, **1,** 221—223; **5,** 295
written, interpretation of, **1,** 163
bailiff as. *See* BAILIFF.
banker as. *See* BANKER.
bankrupt, of, delivery up of money and securities by, **2,** 189
bankruptcy, act of, committed through, **2,** 13
of, effect of, on agency, **1,** 235. *See* AGENCY.
principal, effect on authority of, **1,** 224, 234, 235
principal's rights in case of, **1,** 172, 203, 235
secret profits, effect on discharge of, **2,** 260
bill of exchange, in relation to. *See* BILL OF EXCHANGE.
bill of lading. *See* BILL OF LADING.
bill of sale. *See* BILL OF SALE.
blank stamped paper handed to, estoppel in relation to, **13,** 392
borrowing by, in excess of authority, lender's remedy in case of, **1,** 202, 203; **13,** 150 n.; **22,** 27
breach of
duty by, **1,** 183—193, 196, 211—214; **21,** 433; **27,** 485
faith by, effect of, **1,** 184, 196, 204
injunction by, principal's liability for, **17,** 294
trust by, **1,** 226; **4,** 278; **20,** 126; **28,** 204—206
warranty of authority by, damages for, **1,** 222
bribe, action for, cannot be brought by, **1,** 227
bribery of. *See* BRIBERY.
broker employed to buy or sell goods as, **1,** 153; **15,** 470; **25,** 138—141
building
contract, arbitrator under, as, **3,** 286, 287
tender under, unauthorised acceptance of, by, **3,** 169
contractor as, **3,** 276
society, for member of, may sign consent for dissolution, **1,** 157; **3,** 392; **10,** 430 n.
sale under power in mortgage cannot be to, **3,** 368, 369
secretary as, **3,** 343, 368
capacity to act
as, **1,** 151
through, **1,** 148—151
care and skill required of, **1,** 185, 186; **17,** 356, 357; **21,** 374, 375
carrier, action against, by, **4,** 94
carrier as, buyer, of, to take delivery, **4,** 95; **25,** 222
charity trustee, of, liability of, **4,** 278
charterparty, contracting under, position of, **26,** 88—90
remuneration of, **26,** 136—138

AGENT—*continued.*
chose in action, assignment of, signature of, on, whether sufficient, **1,** 635 n.; **4,** 371
classes of, **1,** 152, 153
clerk as, **11,** 74; **15,** 470
club, of, committee of management as, **1,** 172; **4,** 420—426
personal liability of, **4,** 423, 425
warranty of authority by, **4,** 424
co-agent, accounting by, **1,** 159
appointment of, **1,** 159
authority of, **1,** 159
death of, terminates co-agency, **1,** 234
liability of, **1,** 160, 193; **20,** 709
inter se, **1,** 160
quorum of co-agents, **1,** 160
collision at sea due to acts of, liability for, **26,** 525, 526
commercial traveller, whether, **20,** 66 n.
commission. *See* COMMISSION AGENT.
bill of exchange, authority in respect of, **22,** 26
double claim for, by, no interpleader on, **1,** 195 n.
forfeiture of, by, **1,** 191, 196
taking of, by, **1,** 190, 216, 217, 227, 230; **20,** 66, 87, 94, 112 n. *See also* secret profits, *infra;* BRIBERY.
company, memorandum of association, signature of, by, **1,** 148 n., 157; **5,** 64, 65
new, acting *bonâ fide* in name of old company not, **5,** 591; **17,** 294
shareholders, how far agents of, **5,** 291
company, of,
admission by, effect of, **1,** 215; **5,** 324, 325; **11,** 109; **13,** 460, 461
appointment of, **1,** 156; **5,** 291, 295
authority of, **1,** 169; **2,** 492; **5,** 233, 291—297, 324, 325
bribery of, **5,** 54, 228
company's acts can only be done through, **1,** 151; **5,** 291
contracts of, **5,** 293, 295, 305, 306; **18,** 663; **27,** 480
cost-book, contracts by, **5,** 658
director as, **1,** 169; **5,** 220, 292; **15,** 470
employment of, **5,** 291—293
estoppel in relation to acts or torts of, **5,** 195, 211, 294, 300; **13,** 390, 392
foreign company, of, service on, **5,** 19. *See* writ, *infra.*
liability for
contracts of, **1,** 151, 221; **2,** 492; **5,** 293, 295, 305, 306, 658; **17,** 549, 550
fraud of, **5,** 132, 140, 309, 310, 312, 313
torts etc. of, **5,** 132, 293, 294, 296, 309, 310; **14,** 313
personally liable, when, **1,** 221; **5,** 295, 296, 305, 306
promoter, whether an, **1,** 176; **5,** 50
ratification of acts of, **1,** 174, 176; **5,** 296, 297; **15,** 470 n.
receiver as, **5,** 373, 374; **24,** 339
signature on behalf of, **1,** 221
winding up, effect on employment of, **1,** 232; **5,** 243, 381, 420, 509, 577; **20,** 95
compulsory
pilotage, liability in case of, **1,** 214; **26,** 371, 500, 519, 520, 529, 530, 611
purchase of land, notice to treat cannot be served on, **6,** 65

AGENT—*continued.*
concealment of material facts by, **1,** 189; **17,** 407; **20,** 684 n.
confidential, fiduciary position of, **1,** 182; **13,** 156; **15,** 109 n.; **28,** 58, 91
conflict of laws with reference to contract of, **6,** 242
consignee
as, of consignor, **4,** 91, 94, 95; **17,** 355
rights of, as affected by acts of, **26,** 165
consignor as, of consignee, **4,** 91, 94, 95; **17,** 355
constructive trustee, liability for breach of trust as, **28,** 206
contract, memorandum of, signature of, **1,** 152, 207; **7,** 377; **25,** 137
signature of, by, **1,** 208, 221; **7,** 377—379; **10,** 429, 430; **15,** 470; **25,** 290
contract of, conflict of laws in relation to, **6,** 242
enforcement of, **1,** 206, 207
foreign principal, for, **1,** 209
generally, **1,** 151, 182, 186, 207, 208, 211, 217
illegal, **7,** 487, 488; **15,** 276
personal liability of agent, **1,** 184, 219; **5,** 295, 305
principal, as, **1,** 208—211; **7,** 525
principal's liability upon, **1,** 206—211
limitation of, **1,** 208—210
rescission of, **1,** 211, 217
seal, under, enforcement of, **1,** 208
settlement with third person, effect of, **1,** 210, 211
contracting for both parties, **1,** 504, 505; **7,** 377 n.; **25,** 138
contractor, distinguished from independent, **1,** 147; **27,** 486
conversion by, **1,** 225; **2,** 523; **9,** 658, 659; **27,** 897, 908
corporation, of. *See* company, *supra*; CORPORATION.
corruption of. *See* BRIBERY.
credit, representation as to, of third person, principal's liability in case of, **1,** 214
criminal act of, liability for. **1,** 193 n., 217—219; **5,** 294; **9,** 235
Crown
colonies, for, position of, **10,** 506
in service of, position of, **1,** 181, 213; **6,** 412—417; **19,** 432; **27,** 477
custom or usage, acting according to, **1,** 167, 168, 182, 186, 207; **10,** 267, 268
delegation of authority by, **1,** 170
indemnification by, **1,** 197
lien arising by, **1,** 198
personal liability by, **1,** 184, 220
remuneration regulated by, **1,** 194
damages recoverable
by, against principal, **1,** 195
from, by principal, **1,** 191, 217, 222; **2,** 523; **10,** 323, 336; **17,** 358
death of, effect of, **1,** 234
debts, collector of, as, **20,** 66 n.
deed
executed by, ratification of, **1,** 178
personally liable on, when, **1,** 221
to execute a, **1,** 154, 168, 169, 208, 221; **10,** 363
default of, **1,** 197, 217; **28,** 144
co-agent, liability for, **1,** 193
sub-agent of, liability for, **1,** 193
del credere, defined, **1,** 153
agreement to be, may be inferred, **15,** 463 n.

AGENT—*continued.*
del credere—continued.
distinguished from sale, **25,** 178 n.
guarantee by, **15,** 463
insurance broker as, **17,** 348 n., 350
personal liability of, **1,** 184
set-off by, **25,** 496
Statute of Frauds not applicable in case of, **1,** 153; **7,** 363; **15,** 463
delay by, liability in case of, **1,** 186
designs, in connection with registration of, **27,** 737
diplomatic. *See* DIPLOMATIC.
director of company as, **1,** 169; **5,** 220, 292; **15,** 470
disclosure by, **1,** 169, 189; **17,** 405, 407; **20,** 684 n.
discovery
as against. *See* DISCOVERY OF DOCUMENTS; INTERROGATORIES.
at instance of, **1,** 227; **11,** 90
discretion of, **1,** 163, 183
dismissal of, **1,** 191, 230
disposition of property by, **1,** 203—206
Factors Act, 1889, under, **1,** 205, 206
title-deeds, of, **1,** 205
unauthorised, when principal bound by, **1,** 204, 205
distress
by, **11,** 131, 156, 204
on goods in hands of, **1,** 206; **11,** 134—136
duty
of principal to, **1,** 193—197, 200
to principal, **1,** 169—173, 183—191
damages in case of breach of, **1,** 191, 192
election *See* ELECTION AGENT.
of contracting party to look to, effect of, **1,** 209
petition, for party to, privilege of, **12,** 467, 468
Elementary Education Act, taking child into employment, liability for, under, **12,** 64
emergency, delegation of authority in case of, **1** 171
entry on land by, **24,** 325 n.
estate. *See* ESTATE AGENT.
estoppel
as against, **1,** 159, 192; **13,** 386 n., 388, 391 n., 395; **17,** 583; **25,** 193
by reason of, **1,** 158, 159; **13,** 390—392; **17,** 359 n.
principal in respect of acts of, **1,** 179, 203, 207, 215, 216; **13,** 368, 385. *See* ESTOPPEL; PRINCIPAL.
exceeding his authority, principal's rights in case of **1,** 162, 201—203; **27,** 238 n.
executor, of, **14,** 149, 317, 325
exoneration of, extrinsic evidence for, **1,** 220; **7,** 523 n., 525, 527 n.; **13,** 566, 567 n., 568 n.; **15,** 470; **25,** 135 n.
factor as, **1,** 152, 167; **19,** 8; **25,** 495. *See* FACTOR.
falsification of documents etc. by, **5,** 313; **9,** 659—661
fire insurance, effect of misdescription of property by, **17,** 534
firm as, set-off in case of, **25,** 502
food and drugs, adulteration of, by, **15,** 18
samples of, may be procured by, **15,** 14
foreign
corporation may appoint, for service of writ, **1,** 148 n.; **8,** 395; **23,** 119 n.
Government, in service of, position of, **1,** 224 n.
principal, for, duty to insure of, **17,** 355, 356
liability to third persons of, **1,** 209, 220

AGENT—*continued.*
fraud of, company's liability for, **5,** 132, 310
criminal liability for, **9,** 657—659, 704, 705, 710
effect of, **1,** 216; **2,** 523; **3,** 169; **5,** 310; **13,** 386; **17,** 407
principal's liability in case of, **1,** 201, 211, 214; **5,** 132; **15,** 456 n.; **17,** 359; **20,** 708, 710—713, 732
recovery of property obtained by, **27,** 901
settled account reopened on account of, **1,** 188
friendly society, for member of, may sign consent for dissolution, **15,** 199
stamp duty not chargeable on appointment of, **15,** 161
game dealer, of, sale by, **15,** 256
gaming transaction, rights in respect of, **1,** 196, 197, 229, 231; **7,** 488; **15,** 275—277, 283, 284
general, *defined,* **1,** 152
gift
handed to, of donee, **15,** 434
third person, to, **1,** 190; **15,** 425
to, from principal, presumption of undue influence on, **15,** 110
goods intrusted to. *See* GOODS.
gratuitous position of, **1,** 185; **17,** 356; **21,** 374, 375, 377
guarantee
addressed to, effect of, **15,** 467 n.
by, **15,** 463, 467, 470
of fidelity of, **15,** 441 n., 484 n., 548
holding out as, estoppel in case of, **1,** 156, 158, 159, 201; **13,** 390; **16,** 430; **17,** 359 n. *See* HOLDING OUT.
horse-dealer, of, warranty given by, **1,** 393, 394, **20,** 248
house. *See* HOUSE AGENT.
husband
as, of wife, **16,** 341—345, 402—404; **28,** 61
of, receiving money due to wife, **16,** 328
illegal
commission to, gift of. *See* commission, *supra;* secret profits, *infra.*
transaction, remuneration in respect of, **1,** 166, 196, 197
rights and liabilities as to, **1,** 166, 175; **7,** 487, 488; **15,** 275—277; **17,** 354, 358
income tax, deduction from rent for, must allow, **16,** 632
delivery of account for, by, under Schedule C, **16,** 639
liability for, when principal resident abroad, **16,** 646, 676
return for purposes of, by, **16,** 618; 676
incompetence of, determination of agency on account of, **1,** 230
indemnification of, **1,** 193, 196, 197
infant. *See* INFANT.
information acquired by, duty as to, **1,** 184; **27,** 757
injunction against, **1,** 182; **17,** 217, 283; **27,** 757. *See* INJUNCTION.
inspection of documents
by, **11,** 67, 90
in hands of, **11,** 67, 86
insurance. *See* life insurance; marine insurance, *infra.*
restrictive covenant in relation to, **27,** 567 n.
interest, when liable for, **1,** 188; **21,** 41
interested in subject-matter of contract, position of, **1,** 189, 190, 227, 228; **20,** 684 n.

AGENT—*continued.*
interpleader by, **1,** 200; **13,** 57; **17,** 583, 596
interrogatories, inquiry from agent in answering, **11,** 108
intoxicating liquors, to sell, licence in case of, **13,** 110, 111, 115
joint, **1,** 159, 160, 234. *See* co-agent, *supra.*
judgment obtained against, effect of, **1,** 209, 212
knowledge of. *See* notice to, *infra;* KNOWLEDGE.
lease, authority in respect of, **1,** 154, 155; **13,** 371, 372
liability
of principal to, **1,** 193—200
principal, to, **1,** 183—193
third parties, to, **1,** 180, 181, 219—226, 235
lien of, **1,** 197—199
bankruptcy of
agent, effect of, on, **1,** 203
principal, effect of, on, **1,** 198, 235
bill of lading, on, **26,** 288
factor, as, **19,** 8
insurance policy, on, **17,** 351, 352
loss of, **1,** 199
pilotage dues, in respect of, **26,** 604 n.
possession necessary for exercise of, **1,** 198
production of documents subject to, **11,** 86
sale of goods, on, seller's right to, **25,** 243
subject to, purchaser's position on, **1,** 211
set-off, effect on right to, **25,** 495
third persons, as affecting, **1,** 198, 211, 224
West India Estates, in management of, **19,** 22
life insurance, authority of, **1,** 153; **17,** 354, 549, 550
estoppel by knowledge of agent, **17,** 549
ratification in respect of, **17,** 550
light dues, recovery of, from, **26,** 630, 631
limitation of action, acknowledgment in respect of, by, **19,** 61, 71, 72, 79, 93; **27,** 148 n. *See* ACKNOWLEDGMENT UNDER STATUTES OF LIMITATION.
in favour of, **1,** 184, 188
payment of rent to, effect of, **19,** 127
statute-barred debt revived by act of, **1,** 207 n.; **19,** 71, 79, 93
Lloyd's, of, **17,** 339 n., 359, 407 n.
local authority, of, appointment of, **1,** 156
liability for acts of, **1,** 213
lunatic's committee, employed by, **19,** 432, 433
malicious prosecution by, principal's liability for, **19,** 673
marine insurance, authority of, **17,** 354, 355, 359
broker as, **17,** 347, 348, 351, 352, 354, 359, 407. *See* BROKER.
duty of, **17,** 355—358, 405.
knowledge of agent as affecting, **17,** 407
liability of, in case of, **17,** 356, 357
lien of, **17,** 351
negligence of, **17,** 356—358, 407
policies, to subscribe, **17,** 359
ratification by principal of insurance by, even after knowledge of loss, **17,** 354 n.
married woman as, **1,** 151; **16,** 412—415, 417—432. *See* IMPLIED AUTHORITY, wife.
memorandum relative to contract, signature of, by, **1,** 152, 207; **7,** 377; **25,** 137
mercantile. *See* MERCANTILE AGENT.
mine, of, *defined,* **20,** 595 n., 626 n.
provisions to be carried out by. *See* COAL MINE; MINES.
minor as. *See* INFANT.

AGENT—*continued.*
misappropriation by,
criminal liability for, **9,** 658, 659
following property in case of, **1,** 204; **13,** 159 n.
misconduct of, effect of, **1,** 196, 230
misrepresentation by. *See* FRAUDULENT MISREPRESENTATION.
authority, as to, **20,** 723
insurance, in respect of, **17,** 406, 533
money
had and received, action for,
against, **7,** 474, 479
by, **1,** 227
received by, liability in respect of, **1,** 187, 188, 223, 224, 231; **13,** 156 n.
charge on, **1,** 204, 224
specific purpose, for, **1,** 231
unauthorised disposition of, by, **1,** 204
mortgagee, of, cannot purchase mortgaged property, **21,** 257
negligence of, **1,** 185
bill of exchange, in respect of, liability for, **2,** 523
collision at sea, causing, liability of shipowner for, **1,** 214; **26,** 525, 526
dismissal, as ground for, **1,** 230
insurance, in respect of, **17,** 358, 407, 549
liability for, **1,** 219; **21,** 368 n., 433, 439
remuneration, loss of, by, **1,** 196
negotiable instrument
in blank, authority as to estoppel in relation to, **2,** 484 n.; **13,** 392
signing, **1,** 208; **2,** 489; **22,** 26
unauthorised dealing with, **1,** 204
security deposited with, rights with regard to, **1,** 635; **27,** 238
newspaper proprietor, of,
authority of, **23,** 216
liability in case of libel of, **18,** 663, 664
notice to, principal, as affecting, **1,** 215, 216, 373; **13,** 84, 85, 385; **17,** 407, 533, 570; **25,** 496. *See* KNOWLEDGE.
notice to quit, authority to give, **1,** 167; **18,** 451, 452; **24,** 394, 395
by, ratification of, **1,** 177
notice to treat, service on, of, **6,** 65
nuisance committed by, liability in case of, **1,** 218; **21,** 557
parliamentary, **21,** 729. *See* PARLIAMENTARY AGENT.
parol evidence to exonerate from liability, admissibility of, **1,** 220; **7,** 527 n.; **13,** 567 n.
partition, to obtain, **21,** 828
partner as, **1,** 151; **7,** 466; **22,** 24—34, 60, 61
partnership
constituted by sharing of profits by, **22,** 10, 11
firm acting as, set-off in case of, **25,** 502
of, signature of company's memorandum by, effect of, **5,** 65
passage broker, of, statutory provisions as to, **26,** 351
passing off by or as, **27,** 757, 769 n., 771
patent. *See* PATENT AGENT.
patentee, of foreign, cannot sue for infringement, **22,** 215
pawnbroker's liability for acts of, **22,** 250
payment
by, acknowledgment of debt as, **19,** 71, 79
one of several principals, to, effect of, **1,** 187
unauthorised, set-off in case of, **25,** 494

AGENT—*continued.*
payment—*continued.*
duty as to, before parting with principal's property, **1,** 187
over to principal, duty as to, **1,** 187, 223
to, acknowledgment of debt as, **19,** 72, 80
how made, **1,** 165
illegal transaction, in case of, **17,** 354
implied authority as to, **1,** 165, 167, 168; **27,** 244
mistake of fact, under, **1,** 223
sale of land, on, express authority required for, **25,** 440
personal liability of, **1,** 176, 180, 181, 221; 219—226, 235
personal representative, of, employment of, **14,** 325
executor *de son tort,* not liable as, **14,** 149
losses by, protection against, **14,** 317
pilotage dues, lien in respect of, of, **26,** 604
pledge by, **1,** 167, 206
pledging credit of principal, **1,** 164, 165; **28,** 863
polling. *See* POLLING AGENT.
possession of,
bankrupt, when, principal's right to follow goods subject to lien, **1,** 203
constructive, **1,** 225; **27,** 853 n., 854
discovery of documents, in relation to, **11,** 85, 86
distraint on goods in, **1,** 206; **11,** 136
estopped from setting up title against principal, **1,** 192; **11,** 324
goods or documents of title, of, **1,** 205, 206; **25,** 192
lien, essential to preservation of, **1,** 198
purchaser, of, lien of unpaid seller defeated by, **25,** 244
seller for, effect of part delivery to buyer, **25,** 243
tenancy in relation to, **18,** 340, 434. *See also* SERVANT.
title deeds, of, **1,** 205
Postmaster-General, of, **27,** 352 n., 358, 394
power of attorney, under, **1,** 154, 161—163, 229; **10,** 363, 398, 462. *See* POWER OF ATTORNEY.
principal, in relation to. *See supra and infra, passim, and also* PRINCIPAL; UNDISCLOSED PRINCIPAL.
prize. *See* PRIZE AGENT.
professional, usage in case of, **1,** 182, 207
property disposed of by, principal's rights of, in case of, **1,** 203, 204
public, position of, **1,** 181, 213, 224; **6,** 412—417; **19,** 432; **27,** 477
trustee empowered to employ, **28,** 218
public authority, of, statutory protection of, **23,** 342
purchase, not allowed to retain benefit of, **1,** 184; **13,** 75; **28,** 168
by, wrongful vendor, from, principal's position on, **27,** 897 n.
qualification required in certain cases, **1,** 151
qui facit per alium facit per se, application of, **1,** 157 n.
quorum, effect of authority given to, **1,** 160
railway company, of, preference as carrier of, **4,** 78
ratification of
acts of, **1,** 173—181, 233; **5,** 296, 297; **15,** 470; **25,** 137. *See* RATIFICATION.
deed of, **1,** 178
rating of premises occupied by, **24,** 10, 11, 19

AGENT—*continued.*
receiver as, **24,** 338—340. *See* RECEIVER.
recovery of money paid to, for purposes of agency, **1,** 231; **7,** 487, 488
reimbursement of, **1,** 196, 197
remuneration of, **1,** 190, 191, 193—196; **28,** 143
custom, regulated by, **1,** 194
implied contract for, **1,** 194
loss of right to, **1,** 191, 196
principal preventing earning of, remedy on, **1,** 195
salary, by, **20,** 66
share of profits, by, **22,** 10, 11
rents, to receive, authority of, **18,** 472
reputed ownership of, effect of, **1,** 204; **2,** 174
restrictive covenant in relation to, **27,** 567 n., 583
rights of, against principal, **1,** 193—197, 200
third parties, **1,** 226, 227; **25,** 241
sale of
goods, to enter into contract for, **15,** 470; **25,** 137—143; **27,** 908
to take delivery in case of, **25,** 131, 244, 251, 252
land, in case of, **25,** 440; **27,** 897 n.
sale or purchase, to effect, position of, **1,** 148, 166, 190; **21,** 257
salvage claim by, **26,** 567, 568
secret profits, accountable for, **1,** 191; **2,** 260; **13,** 68; **15,** 425
receipt of, by, **1,** 189—191, 216, 217; **2,** 260; **9,** 710; **13,** 68; **15,** 424, 425
servant, distinguished from, **1,** 147; **20,** 66
set-off by or against, **1,** 197, 211, 235; **25,** 495, 496, 502
settlement, provisions in, as to employment of, **25,** 689, 690
third person, by, with, **1,** 210, 211
share transfer handed in blank to, **27,** 238
shares, agreement to take, by, **5,** 146, 147
ship, compulsory pilotage, under, **1,** 214; **26,** 500, 519, 520, 529, 530
managing owner of, position of, **26,** 35, 525 n.
master of, as. *See* MASTER OF SHIP.
share in British, to transfer, must be appointed by deed, **1,** 154
ship broker as, **26,** 88, 136—138, 153 n., 173, 567
signature of, **1,** 149 n.
agent as, **2,** 495
arbitration, submission to, by, **1,** 441; **10,** 430 n.
bill of exchange by, **1,** 169, 208, 221; **2,** 489, 494, 495, 523; **15,** 489 n.
bill of lading by, **26,** 153, 173, 174
bill of sale by, **1,** 148 n.; **3,** 11
building society, consent to dissolution of, for, **1,** 157; **3,** 392; **10,** 430 n.
company, on behalf of, **1,** 221
memorandum of association of, by, **1,** 148 n., 157; **5,** 64, 65
contract by, **1,** 208, 221; **7,** 377—379; **10,** 429, 430; **15,** 470; **25,** 290
memorandum relative to, of, **1,** 152, 207; **7,** 377; **25,** 137
deed by, **1,** 168, 208, 221; **10,** 429
document, agent who cannot read, by, **1,** 148 n.
Sale of Goods Act, 1893, within, **1,** 152 n., 207; **7,** 361; **10,** 429, 430 n.; **25,** 137, 138; **27,** 28, 29
Statute of Frauds, within, **1,** 152, 157, 207; **7,** 377; **10,** 429, 430 n.; **27,** 28

AGENT—*continued.*
signature of—*continued.*
friendly society, consent to dissolution of, for, **15,** 199
general effect of, **1,** 208, 221; **2,** 494, 495; **7,** 377; **10,** 429, 430; **15,** 470
guarantee by, **15,** 457, 467 n., 470, 489 n.
representation as to credit by, not sufficient, **1,** 214; **15,** 457
witness, as, **7,** 379; **25,** 137 n.
skill required of, **1,** 169, 185; **21,** 368, 374, 375
slander of title by, **27,** 675
solicitor as, **1,** 151, 156, 170, 172; **11,** 74; **15,** 470; **22,** 26
London agent, as, **26,** 844—848. *See* LONDON AGENT.
special, *defined,* **1,** 152
specific performance at instance of, **27,** 81
stakeholder as, **15,** 273—276
steward as, **1,** 167; **18,** 372
Stock Exchange transaction, for purposes of, **15,** 283, 284; **27,** 244
stoppage *in transitu* by, **1,** 177, 199, 200; **25,** 257, 258
sub-agent. *See also* SUB-AGENT.
default of liability for, **1,** 172, 193
relation to, **1,** 171—173, 193, 199
surety for, liability of, **15,** 484 n.
surety for principal, acting as, parol evidence to prove intention, **7,** 527 n.
telegraphic business, engaged in, position of, **27,** 394
tender, accepting, under building contract, **3,** 169
of rent, by or to, **11,** 153, 154
third persons, liability towards, **1,** 210, 219—226
agency not disclosed, where, **1,** 219
bills of exchange, in respect of, **1,** 221
breach of trust, in respect of, **1,** 226
conversion, in respect of, **1,** 225
deeds, in respect of, **1,** 221
identity of principal
disclosed, where, **1,** 220, 221
not disclosed, **1,** 219, 220
payment of money, in respect of, **1,** 223, 224
principal not existent, where, **1,** 221
tort, in respect of, **1,** 224, 225. *See* TORT.
warranty of authority, in respect of breach of, **1,** 221, 222
title deeds in possession of, liability in case of, **1,** 205; **13,** 81
tort of. *See* TORT.
Trade Marks Act, 1905, under, **27,** 687 n.
trade union, of, liability for acts of, **1,** 213; **27,** 661, 662
trading corporation, of, contracts of, **1,** 156
trespass, action for, by, **27,** 854
by, **15,** 226
trover, action in, against, **27,** 901, 908
trustee, as a, **1,** 157, 182, 184, 188; **13,** 75, 156; **14,** 149; **28,** 58, 91, 206
for a, **4,** 278; **14,** 149; **25,** 689; **28,** 122, 141—145
purchase of trust property by, **28,** 168
whether a, **28,** 5 n., 58
ultra vires acts of, ratification of, **1,** 174
universal, *defined,* **1,** 152
urban authority, of, appointment of, **1,** 156
usage affecting. *See* custom or usage, *supra.*
vendor of land, of, authority of, **25,** 440
wagering contract, in. *See* gaming transaction *supra.*

AGENT—*continued.*
warranty
given by, on sale of animal, **1,** 393, 394
of authority of, liability on, of, **1,** 221—223
West India estates, for management of, lien of, **19,** 22
wife
as. *See* married woman as, *supra.*
of, **16,** 328, 329, 402—404
witness, signature as, by, **25,** 137 n.
writ, to accept service of, for foreign corporation, **1,** 148 n. ; **5,** 19 ; **8,** 395 ; **23,** 119 n.
wrongful dismissal of, defences to action for, **1,** 230

AGENT-GENERAL,
colony, of, **10,** 506
volunteers and local militia, for, transference of powers of, **7,** 95

AGGRAVATION,
aggravated
damages, pleading matter with a view to, **10,** 346 ; **22,** 425, 426
circumstances giving rise to, **10,** 341 ; **27,** 885
when awarded, **10,** 306, 323—325 ; **21,** 483, 560 ; **27,** 865, 885
defamatory libel, punishment in case of, **18,** 739
previous conviction for another offence, by reason of, **9,** 383
tort, in action in respect of, **27,** 467

AGGREGATION,
property subjected to, for estate duty purposes, **13,** 202—204. *See* ESTATE DUTY.
accretions after death, in case of, **13,** 204
limited, on death after April 8th, 1900, **13,** 203
national interest, not applied to things of, **13,** 203
net principal value not exceeding £1,000, in case of, **13,** 203
once only on any death, **13,** 203

AGGRIEVED PERSON,
bankruptcy matter, by reason of, appeal by, **2,** 301, 302, 333
designs, by reason of error in register of, application to court by, **27,** 728
friendly society dispute, in, application to court by, **15,** 176
land values, referee's decision, by reason of, appeal by, **24,** 584
licensing justices, by reason of decision of, appeal by, **18,** 78, 79
patents, by reason of error in register of, application to court by, **22,** 180
trade
marks, by reason of error in register of, application to court by, **27,** 714, 715
union, by reason of breach of rules of, complaint to registrar by, **27,** 610

AGISTMENT,
defined, **1,** 386
agister of royal forest, duties of, **7,** 182 ; **9,** 115
bankruptcy, agisted animals not within reputed ownership clause, **1,** 387 ; **2,** 181 n.
common, pasturing cattle on, **4,** 451, 456, 476 ; **11,** 156
distress on animal subject of, **1,** 387, 388 ; **11,** 156
horse entrusted to defendant for, action in respect of injury to, **1,** 49, 387

AGISTMENT—*continued.*
nature and incidents of contract of, **1,** 386—388
negligence of agister, effect of, **1,** 387
reputed ownership in respect of agisted stock, **1,** 276
royal forest, in, **4,** 476 ; **7,** 182

AGNUS DEI,
addition to service, of, whether illegal, **11,** 677

AGREEMENT. *See also* CONTRACT.
acquiescence, constituted by, **25,** 536 n.
action, enabling another person to bring, **1,** 55
not to bring, statute of limitations barred by, **19,** 173
without prior formal demand, **1,** 24
Admiralty action, in, effectual nature of, **1,** 93, 96, 103, 114, 127
adultery, in contemplation of, **16,** 441, 447, 448
agent's signature of, **1,** 208, 221 ; **2,** 494, 495 ; **7,** 377—379 ; **10,** 429, 430 ; **15,** 470 ; **25,** 290
Agricultural Holdings Act, 1908, excluding, **15,** 224
within, **1,** 240—252 ; **11,** 140 n.
agricultural produce on land, for utilization of, effect on right of distress of, **11,** 179
ancillary, when not specifically enforceable, **27,** 13
appeal, not to, Admiralty suit, in, **1,** 114
county court, from, **8,** 603
Supreme Court, in **23,** 193
apprenticeship terminated by, **20,** 104
arbitration, submission to, by, **1,** 439. *See* ARBITRATION, submission.
assignment, for enforcement of, **8,** 158 ; **10,** 418, 496 ; **23,** 221 ; **27,** 7 n., 39 n., 81, 82
attestation of, when necessary, **10,** 428, 429
author and publisher, between, **8,** 148, 162 ; **23,** 215, 217
betting, with a view to, **15,** 277
bill of sale, amounting to, **3,** 13, 14, 18
bond securing performance of, position of, **3,** 81, 90, 94 ; **18,** 186
boundaries fixed by, **3,** 109, 110
building. *See* BUILDING CONTRACT.
builder's interest under, **18,** 567—569
contract, secret or fraudulent, with reference to, **3,** 201, 218
cancellation of, **13,** 52, 53
carrier's liability limited by, **4,** 26
champertous, enforcement of, **1,** 54 ; **9,** 500
child's maintenance, for, for indefinite period, **7,** 366
collateral,
bailee's liability, effect on, **1,** 546
bill of exchange or note, in case of, **2,** 483
bill of sale, effect as regards, **3,** 32, 36
incorporation in, of, **3,** 44, 45
land, to contract for sale of, need not be in writing, **10,** 447 n. ; **25,** 291 n.
lease, to agreement for, need not be in writing, **10,** 447 n. ; **18,** 373
to, stamp in case of, **18,** 399, 400
lessor and lessee, between, effect on mortgagee of lessor, **7,** 523 n. ; **11,** 129 n.
non-performance of, as defence to specific performance, **27,** 58
parol,
evidence as to, **7,** 523 n., 528 ; **10,** 447 ; **13,** 428, 567 ; **26,** 140
specific performance, in case of, **27,** 30
void and illegal contracts, to, effect of, **7,** 390

AGREEMENT—*continued.*
common inclosure by, **4,** 530
compensation for errors or omissions, to waive, effect of, **20,** 748; **25,** 328, 329
compound interest on mortgage, to pay, **21,** 227, 228
condition, dependent upon, **13,** 567
conduct of parties, inferred from, **27,** 65
consignor and consignee, as to risk before delivery, **4,** 95
contingency, dependent upon, effect of non-happening of contingency on, **25,** 546
contracting out by. *See* CONTRACTING OUT.
covenant as an, **10,** 475
crew, with, **26,** 39—44. *See* SEAMAN.
criminal prosecution, to stifle or abandon, **13,** 73 n.; **15,** 190
custom incorporated in, **13,** 567
deed, to execute, as executory contract, **27,** 4 n.
denial in pleadings of, **22,** 431, 432
distress, affecting right of, **11,** 121, 151, 153, 155, 156, 179, 196
demand before, for, **11,** 148
disposal of, as to, **11,** 181, 185
extending right of, **11,** 156
loss etc. of, by, **11,** 155
postponement of right of, by, **11,** 148, 155
warrant, whether an, **11,** 161
draft of, as satisfying the Statute of Frauds, **7,** 367; **15,** 465 n.
election petition, for withdrawal of, **12,** 434
electricity, for supply of, **12,** 588 n., 589 n., 594, 615, 632
equitable assignment by, **4,** 375, 377; **10,** 376 n.; **21,** 77
equitable interest, for sale of, **7,** 534, 535; **11,** 275
evidence, extrinsic, as to, how far admissible, **13,** 566—568. *See* EXTRINSIC EVIDENCE.
of course of dealing as, **25,** 487, 493 n.; **27,** 23
Factory and Workshop Act, 1901, excluding regulations made under, **14,** 479—483
family arrangement by. *See* FAMILY ARRANGEMENT.
faults, to take with all, express or implied, **20,** 728, 729; **25,** 163 n., 298 n; **27,** 47, 51
fencing, in respect of, **3,** 131
fire insurance, for a running account in regard to, **17,** 526
fraudulent, with architect under building contract, **3,** 201, 218
furnished lodgings, for letting, **18,** 372 n.
game, to keep down, as consideration for lease, **1,** 277
gaming consideration, for. *See* GAMING, contract.
Ground Game Act, 1880, contracting out of, **15,** 221, 224 n.
Highway Acts, under, **16,** 112
husband and wife, between, as to application of property etc., **14,** 545; **16,** 433—435
imperfect, acting under, **15,** 231 n.
evidence to explain, **13,** 567
inclosure of common by, **4,** 530
injunction to restrain breach of,
illegal etc., where, **17,** 236
necessary parties, **17,** 272
secured by bond, **3,** 90
innkeeper's liability, limiting, **17,** 316
inquiry, to waive, as a defence, **20,** 727—730, 747
interest in respect of debt, for, **21,** 37, 39, 227, 228
jurisdiction by, generally, **6,** 182; **9,** 13; **14,** 33
in trespass, **27,** 851 n.

AGREEMENT—*continued.*
Lands Clauses Acts, for acquisition of land under, **6,** 56—62. *See* ACQUISITION OF LAND.
lease, for, breach of, **18,** 378—381
demise may be construed as, **18,** 368, 369
determination of, **18,** 441, 448
entry under, effect of, **18,** 441, 448
form of, **18,** 367 n., 369—375
house agent, by, **18,** 371, 372
informal, **18,** 371
invalid lease operating as, **18,** 385, 402, 448, 460
lease distinguished from, **18,** 366—369
lessor's title in case of, **18,** 381—383
mining, **20,** 556, 557, 569
parol evidence of, **18,** 375—377
part performance of, **18,** 336, 373, 375—377; **25,** 295 n.
quiet enjoyment, when assured by, **18,** 527
specific performance of, **18,** 378—381
stamp duty in case of, **18,** 377, 378, 396—400
terms of, **18,** 366—370, 441
title to be shown by lessor, **18,** 381—383
words of demise in, **18,** 367 n.
writing, necessity of, **18,** 372—375
legacy, to leave a, **7,** 366; **28,** 514
library authorities, between, as to use of single library, **23,** 589, 590
licence, for, nature of, **18,** 338 n.; **20,** 569
lien
lost by, **19,** 32
when attachable to, **19,** 4, 14, 25
light, giving enjoyment of, **11,** 307
lunatic asylum, uniting local authorities with a view to providing, **19,** 484—487
marine insurance policy, to issue, **17,** 349
marriage, to pay money on, **7,** 366; **13,** 425 n.
marry, to, **13,** 425; **16,** 272—277. *See* MARRIAGE, contract.
mistake in signing, parol evidence admissible in case of, **21,** 25
mortgage, to execute, effect of, **13,** 93; **21,** 75, 76, 83, 84
novation, substitution of new agreement by, **27,** 65. *See* NOVATION.
parol. *See* PAROL CONTRACT.
partition by, **21,** 812—824. *See* PARTITION.
stamp duty in case of, **21,** 824
partnership
assets distributed among partners by, effect on lien of, **19,** 32
continuation of, by, **22,** 23, 24, 37
illegal, **22,** 17, 18
liability of partners, how affected by, **22,** 37, 98, 99
parol evidence of, **27,** 28 n.
part performance of, **27,** 33 n.
rescission of, **20,** 743 n.; **22,** 69
specific performance of, **27,** 8 n., 27, 76
capital not dealt with, when, **27,** 27
surety, how affected by new, **22,** 24
writing, when necessary for, **22,** 21, 22
patented articles, as to sale by agent of, **7,** 366
patronage, limiting exercise of right of, invalidity of, **11,** 583; **15,** 408
police, consolidation of borough and county, by, **22,** 490, 491
pooling, between competing railway companies, **23,** 712, 713

AGREEMENT—*continued.*
possession of goods for limited time, conferring, **18,** 341
preliminary, as evidence, **13,** 566
private Bill becoming law, conditioned on, validity of, **27,** 188
purchase, for, creating tenancy until completion, **11,** 176
railway
companies, between, as to amalgamation, **23,** 706—711
pooling their traffic, **23,** 712, 713
running powers, **23,** 701, 702
working of one of the railways, **23,** 703—706
company, by, delegating its statutory powers, **23,** 703
rectification of, on ground of mistake, etc., **13,** 62 n.; **21,** 20 *et seq.* *See* RECTIFICATION.
parol evidence, admissibility of, **21,** 26
re-insurance against fire, for, **17,** 526
rent
payable in advance by, **11,** 148
payment of, operating as, **18,** 442, 473, 474, 568
reduction or increase of, for, **18,** 467, 550
rentcharge, for grant of, enforcement of, **24,** 472
rescission on ground of misrepresentation, to waive, **20,** 747, 748; **25,** 329
restraint of trade, in, construction of, **27,** 554, 555
validity of, **27,** 529, 548—589, 613. *See* RESTRAINT OF TRADE.
reversion, to
purchase, by tenant, **18,** 550
sell, affecting right of distress, **11,** 151
sale of
goods, for, **10,** 428; **25,** 117, 126—129, 153, 200 n., 201 n. *See* SALE OF GOODS.
breach of, **25,** 118
warranty in case of, **25,** 276, 277
credit, to sell on, when inferred, **25,** 204 n.
perishing of goods, effect of, **25,** 118, 146
price to be fixed by third party, **25,** 148
sale, when a, **25,** 117, 178
variation of, **25,** 279
land, for, **25,** 289—292, 317, 364. *See* SALE OF LAND.
part performance of, **7,** 380; **13,** 65, 76; **25,** 294—296
salvage, persons bound by, **26,** 572, 573
ousting right to, **26,** 566
seamen, for engagement of, **26,** 39—44. *See* SEAMAN.
deposit with Customs of, **26,** 658, 659
secret, between employer and architect under building contract, **3,** 201, 218
separation of husband and wife, having reference to, **16,** 411, 439—444, 452. *See* SEPARATION.
set-off by, **25,** 487, 493 n., 502
setting aside of, grounds for, **7,** 354—360; **14,** 544
settlement,
constituted by, **25,** 675 n.
for a, formalities in case of, **25,** 533—537
shares, to accept, estoppel in respect of, **5,** 146
shooting, conferring right of, **15,** 231 n.
signature of, **10,** 428; **13,** 567; **15,** 472
agent, by. *See* agent, *supra.*
small holdings, acquisition of land for, by, **26,** 678—680
specific performance of, **16,** 441; **17,** 349; **18,** 378—380; **22,** 17; **27,** 13, 23 n. *See* SPECIFIC PERFORMANCE.
AGREEMENT—*continued.*
stamp duty in respect of, **7,** 529—541; **15,** 472, 473; **18,** 336; **20,** 78, 79. *See* STAMP DUTY.
statute, scheduled to, validity of, **27,** 123
Statute of Frauds, within, **5,** 239, 353; **7,** 361—366; **10,** 428; **13,** 425; **15,** 463, 465 n.; **22,** 432 n. *See* STATUTE OF FRAUDS.
tenancy,
agricultural land, for, **1,** 240; **18,** 563, 564
assignment of, for, **18,** 582
attornment accompanied by, **18,** 336, 441, 448
distress, giving right of, **11,** 121, 175, 176
prolongation of, by, **11,** 151
surrender of, for, **18,** 550
yearly, for, **18,** 379 n., 441, 448, 568
tenant's
rates and taxes, with reference to, **18,** 489, 490
statutory rights, defeating, **18,** 489
trade union, of, **27,** 613—621, 624. *See* TRADE UNION.
uncertainty in. *See* UNCERTAINTY.
underlease, for, **18,** 410, 411
wages below minimum rate, for payment of, **27,** 523
water supply by, on part of Metropolitan Water Board, **28,** 344, 345
will, to make an ascertainable gift by, **7,** 366; **28,** 514
Workmen's Compensation Act, 1906, under. *See* WORKMEN'S COMPENSATION ACT.
written, parol evidence with reference to, **13,** 22, 568; **15,** 467
superseded by deed, evidence in case of, **13,** 422
year, not to be performed within a, **7,** 365, 366; **10,** 420; **13,** 425

AGRICULTURAL HOLDING. *See also* AGRICULTURAL TENANCY; AGRICULTURE.
defined, **1,** 239, 259; **11,** 140 n.
agisted animals on, **1,** 388
allotments, provisions as to, in Agricultural Holdings Acts, **1,** 347, 356
arbitration in case of question arising with reference to, **1,** 264—266, 271, 273, 346, 492; **8,** 625—629, 631
bankruptcy of tenant of,
covenants affected in case of, **1,** 275
disclaimer of lease, by trustee, **1,** 275, 276
notice to quit in case of, **1,** 241
rent in case of, **1,** 247, 256
reputed ownership in case of, **1,** 276
trustee carrying on tenancy in case of, **1,** 308; **2,** 38
benefice, on lands belonging to, **1,** 269; **11,** 782, 798
Board of Agriculture, powers of, as to, **1,** 280, 298
capital money expended on, under Settled Land Acts, **1,** 267; **18,** 288; **25,** 647, 648
certiorari in case of proceedings with reference to, **1,** 269
charity trustees, charge on land by, **1,** 269; **4,** 236
Commissioners of Woods, duties and powers, **7,** 191
compensation for
building, for, **1,** 258, 260 n.
contracting out of Agricultural Holdings Act, **1,** 262
crops destroyed etc. under order of Board of Agriculture, **1,** 280

AGRICULTURAL HOLDING—*continued.*
compensation for—*continued.*
game, damage done by, **1,** 278; **15,** 224, 225, 262
improvements, agreement, by, **1,** 245, 261, 262; **18,** 566, 567
Agricultural Holdings Act, under, **1,** 258—271. *See* COMPENSATION.
custom of country, by, **1,** 243—247; **10,** 257. *See* CUSTOM OF THE COUNTRY.
compulsory acquisition for allotments, **1,** 346
condition of holding at beginning of tenancy, record of, **1,** 240
county court jurisdiction with reference to, **1,** 257, 259, 269; **8,** 625—631; **11,** 140, 207
covenant. *See* COVENANT IN LEASE.
crops. *See* CROPS; GROWING CROPS.
Crown lands, on, **1,** 268 n., 270; **7,** 191, 235, 236, 255
cultivation of, **1,** 240, 243—251; **18,** 563, 564. *See* COVENANT IN LEASE.
custom of the country regulating management of, **1,** 243—246, 275; **10,** 257; **18,** 563—567
destructive insects and pests on, prevention of, **1,** 280, 281
determination of, **1,** 240—243, 275
disposal of produce, **1,** 250, 251; **11,** 179; **18,** 564, 565
distress with reference to, **1,** 252—257, 388; **11,** 139, 140, 159, 179, 207, 209; **14,** 54. *See* DISTRESS FOR RENT.
wrongful, **1,** 252, 257; **8,** 626, 630; **11,** 209
disturbance, unreasonable, rights in case of, **1,** 270, 271
drainage of. *See* DRAINAGE OF LAND.
compensation for, **1,** 245, 261
record of, **1,** 240
employment on, **1,** 276, 277; **28,** 909 n.
entry upon, **1,** 240
execution on crops on, **1,** 255, 257, 258; **11,** 179; **14,** 45—47
fencing of, **1,** 251; **18,** 565
fixtures, **1,** 271—274; **18,** 420—422, 565
free cropping, landlord's remedy where injury to holding, **1,** 251
tenant's statutory right of, **1,** 250
game, damage by, to, **1,** 277, 278; **15,** 218 n., 224, 225
rights of tenant of, **15,** 216, 220—225
hay and straw covenants with reference to, **1,** 247, 248, 251; **18,** 564
implied covenants with reference to, **1,** 243
improvements to, rights in case of. *See* compensation, *supra.*
incoming tenant, payments by, **1,** 246; **10,** 257
injunction to enforce covenant relating to, **1,** 248, 251, 252; **17,** 240, 245
Lancaster, in Duchy of, **1,** 268, 270; **7,** 235, 236
landlord's right to view state of, **1,** 243; **18,** 563 n.
manuring covenants and the like with reference to, **1,** 248, 249, 251
market garden. *See* MARKET GARDEN.
mortgage of, **1,** 241, 263, 274; **4,** 236
National Health Insurance with reference to employment on, **28,** 909 n.
notice to quit with reference to, **1,** 240—243, 271; **18,** 449, 563 n. *See* NOTICE TO QUIT.
special provision in Ireland as to, **18,** 449 n.
notices, service of, under the Acts, **1,** 269
outgoing tenant, liability of, **1,** 246—248
reimbursement for cultivation by, **1,** 246; **10,** 257. *See* compensation, *supra.*

AGRICULTURAL HOLDING—*continued.*
penalty, stipulation for, **1,** 249, 250; **18,** 563 n.
ploughing up ancient pasture in case of, **1,** 251, 284
renewal of tenancy of, refusal of, **1,** 271
rent, set-off of compensation against, **1,** 256; **11,** 159; **18,** 479
small holding as, **26,** 670, 690
sparks from locomotive, damage by, **1,** 278—280; **21,** 405, 519 n.; **23,** 727
special case, statement of, with reference to, **8** 626—628
statutes regulating, **1,** 239 n.; **18,** 563 n.
writing required for
agreement for year's notice to quit, **1,** 241; **10,** 421
consent by landlord to improvement to give right to compensation, **1,** 261; **10,** 421
consent by landlord to payment of compensation by incoming to outgoing tenant, **1,** 262; **10,** 426

AGRICULTURAL LAND. *See also* AGRICULTURAL HOLDING; AGRICULTURAL TENANCY; AGRICULTURE.
defined, rating purposes, for, **24,** 23 n.
burial ground is not, for rating purposes, **3,** 466
drainage of. *See* DRAINAGE OF LAND.
estate duty in respect of, **13,** 208
general district rate in respect of, **24,** 85
grants for education to supply deficiency of rates from, **12,** 48 n.
highway rate in respect of, **24,** 96 n.
improvement to. *See* IMPROVEMENT OF LAND.
income tax in respect of, **16,** 619
allowances and deductions, **16,** 622, 623, 627
assessable value, **16,** 621
deduction by tenant, **16,** 632—634
persons chargeable, **16,** 631
profits derived from occupation, on, **16,** 636—638
increment value duty, exemption from, **24,** 566
land duties, valuation for purposes of, **24,** 553
lease of, **18,** 563—567. *See* AGRICULTURAL HOLDING; AGRICULTURAL TENANCY.
lighting rate in respect of, **24,** 99
metropolis, in, partial exemption from general rate, **20,** 441; **24,** 127
mortgagee in possession of, duties of, **21,** 204
poor rate, partial exemption from, **24,** 23
rates on, **24,** 23, 85, 95, 96 n., 99, 127
exchequer payments in relief of, **24,** 762
reversion duty, exemption from, **24,** 574
sale of, vendor's position in case of, **25,** 370, 371
site value with reference to, **24,** 551, 553
sparks from locomotive, damage by, **1,** 278—280; **21,** 405, 519 n.; **23,** 727
special expenses rate in respect of, **24,** 95
succession duty in respect of, **13,** 287
undeveloped land duty, abatements and allowances in respect of, **24,** 551 n., 579
when exempt from, **24,** 578
valuation of, for purposes of the general valuation, **24,** 553

AGRICULTURAL TENANCY. *See also* AGRICULTURAL HOLDING.
defined, Agricultural Holdings Acts, under, **1,** 259
commencement of, **1,** 240
contract of, definition, **1,** 259

AGRICULTURAL TENANCY—*continued.*
custom of country, regulated by, when, **1,** 240, 244—246
determination of, **1,** 240 *et seq.*, 259
notice to quit, by, **1,** 240—243, 269. *See* NOTICE TO QUIT.
where several parts, **1,** 240
management of holding during, **18,** 563, 564
record of condition at commencement of, **1,** 240
time of entry, **1,** 240

AGRICULTURE. *See* AGRICULTURAL HOLDING; AGRICULTURAL LAND; AGRICULTURAL TENANCY.
The title AGRICULTURE *is contained in Vol. I., pp.* 237 *et seq.*
defined, **24,** 551 n.; **26,** 688 n.
adulteration, fertilisers and feeding stuffs, of, **1,** 285—291. *See* FERTILISER.
penalties for, limitation of actions in case of, **1,** 290, 292
seeds, of, **1,** 292
agricultural holding, nature etc. of. *See* AGRICULTURAL HOLDING.
land, meaning of, within Agricultural Rates Act, 1896, **24,** 23 n.
sale of, vendor's position in case of, **25,** 370, 371
purpose, what is an, **27,** 308 n.
Agricultural Rates Act, 1896, application of, **3,** 466; **24,** 23 n.
analysis of food in interests of, **15,** 13, 15 n.
analyst, agricultural. *See* ANALYST.
arbitration on purchase of fixtures, **1,** 273
away-going crops. *See* WAY-GOING CROPS.
bankruptcy of tenant in, rights on. *See* BANKRUPTCY.
Board of. *See* BOARD OF AGRICULTURE AND FISHERIES.
cattle, law relating to. *See* CATTLE.
chaff-cutting machine, duty to fence, **1,** 295
children employed in, **1,** 276, 277
compulsory education in case of, **12,** 59 n., 61
Colorado beetle, prevention of importation of, **1,** 280 n.
compensation, damage to crops etc., for, **1,** 277—280
improvements etc., for. *See* AGRICULTURAL HOLDING; COMPENSATION.
cropping, covenants as to, **1,** 249—251; **18,** 564
crops, growing. *See* CROPS; GROWING CROPS.
custom as affecting, **1,** 243—246, 275; **10,** 257; **18,** 563—567
destructive insects, fungi etc., prevention of, **1,** 280, 281; **20,** 385
distress, right of, **1,** 252—257, 388; **11,** 139, 140, 142 n., 159, 179, 207, 209. *See* DISTRESS FOR RENT.
drainage in, **1,** 245, 261; **18,** 278, 301 n. *See* DRAINAGE OF LAND.
inquiry as to, by Board of Agriculture, **18,** 294 n., 302, 304
private improvement companies, by, **18,** 283
ecclesiastical lease of land for purposes of, **11,** 761, 762
education in regard to, **1,** 298; **12,** 15
emblements, right to, **1,** 282, 283; **14,** 219; **18,** 565, 566
employment in, **1,** 276, 277; **12,** 59 n., 61, 62; **23,** 909 n.

AGRICULTURE—*continued.*
estate duty in respect of agricultural property, **13,** 208
execution on crops. *See* GROWING CROPS.
fence, covenant to repair, no injunction in respect of, **1,** 251
machinery, duty in respect of, **1,** 295
fertilisers and feeding stuffs, regulations as to, **1,** 285—292. *See* FEEDING STUFF; FERTILISER.
fixtures in, **1,** 271—274; **18,** 420, 422, 565. *See* FIXTURES.
flints, collection and sale of, **1,** 245
friendly society for promotion of, **15,** 125 n.
fructus industriales, not an interest in land, **1,** 293; **25,** 112, 291 n.
fruit pickers, accommodation for, **1,** 277; **23,** 516
game, damage by, **1,** 277, 278; **15,** 218 n., 224, 225
rights of tenant in, **15,** 216, 220—225
gangs, provisions as to, **1,** 276, 277
gleaning, right of, **1,** 283
hay. *See* HAY.
hops. *See* HOPS.
husbandlike manner, cultivation in, **1,** 243; **18,** 563
implements of, distress upon, **1,** 252; **11,** 142 n., 179
malicious damage to, **1,** 283, 284; **9,** 781
repair of, right to ploughbote for, **24,** 176
Improvement of Land Act, 1864, improvements effected under, **18,** 280—283, 293—300. *See* IMPROVEMENT OF LAND.
increment value duty in respect of agricultural land, **24,** 566
injunction to enforce covenants in lease, **1,** 248, 251, 252; **17,** 240, 245
irrigation. *See* IRRIGATION.
land values duties with reference to, **24,** 551, 553, 566, 574, 578, 579
lease. *See* AGRICULTURAL HOLDING.
covenants in. *See* COVENANT IN LEASE.
incumbent of benefice, by, **11,** 761, 762
penalties, provision for, in, **1,** 249, 250
Settled Estate Act, 1877, under, **18,** 365; **25,** 677
locomotive for, licence, exempt from, **27,** 308
machinery. *See* MACHINERY.
malicious damage to crops and machinery, **1,** 283, 284; **9,** 774, 781
manure, compensation for, **1,** 258, 260, 261 n., 262; **18,** 566
manuring, covenants as to, **1,** 248, 249; **18,** 564
meadow and ancient pasture, ploughing up of, **1,** 250, 284
Merchandise Marks Acts, application of, **1,** 298
mortgagee in possession of agricultural land, duties of, **21,** 204
mushrooms, gathering of, **1,** 284
overhanging trees, rights as to, **1,** 296; **21,** 547, 548. *See* OVERHANGING.
pasture. *See* PASTURE.
ploughbote, right of, **24,** 176
poisoned flesh and grain, use of, **1,** 284, 285
poisonous trees, injury to cattle by, **1,** 296, 297; **21,** 396 n., 530
poisons for purposes of, sale of, **20,** 385
poor rate in respect of agricultural land, **24,** 23
produce, disposal of, **1,** 250, 251; **11,** 179; **18,** 564
promotion of, by Board of Agriculture, **1,** 298; **12,** 15

AGRICULTURE—*continued.*
railway engines, damage by sparks from, **1,** 278—280; **21,** 405, 519 n.; **23,** 727
rates, Agricultural Rates Act, 1896, provisions as to, **12,** 48 n.; **24,** 23, 95, 96 n., 99
rent, additional, provision for, **1,** 249
arrear, in, recovery of, **1,** 245—247
best, meaning of, **1,** 268
reversion duty in respect of agricultural land, **24,** 574
Royal Agricultural Society, objects etc. of, **1,** 299, 300
sale of agricultural land, vendor's position in case of, **25,** 370, 371
Sale of Farming Stock Act, 1816, sale by sheriff under, **1,** 257, 258; **11,** 179
school attendance in case of children employed in, **12,** 59 n., 61, 62
seeds, killing or dyeing, **1,** 292
Settled Estates Act, 1877, lease within, **25,** 677
Settled Land Acts, application of capital money under, **1,** 267; **18,** 283—285, 288; **25,** 647, 648
site value with reference to agricultural land, **24,** 551, 553
sparks from locomotive, damage by, **1,** 278—280; **21,** 405, 519 n.; **23,** 727
Statute of Frauds, sale of growing crops when within, **1,** 293; **25,** 113 n.
waiver of right to fixtures whether within, **1,** 274
straw. *See* STRAW.
succession duty in respect of agricultural property, **13,** 287
Sunday
harvesting, **1,** 294
trading by farmer, **1,** 294
tenancy. *See* AGRICULTURAL TENANCY.
tenant for life, ploughbote right of, **24,** 176
tenant right, meaning and extent of, **1,** 294; **18,** 565—567. *See* TENANT RIGHT.
thistles, no duty to cut, **1,** 295; **27,** 849 n.
threshing machine, distress on, **11,** 142 n.
fencing of, **1,** 295
tillages, liability to outgoing tenant for, **1,** 246, 247, 294; **18,** 566
trade, distinguished from, **27,** 509
trees. *See* TREE.
undeveloped land duty in respect of agricultural land, **24,** 551 n., 578, 579
warranty of fitness of land not implied in lease, **1,** 243
waste. *See* WASTE.
way-going crops. *See* WAY-GOING CROPS.
Workmen's Compensation Act, 1906, subcontracting provisions in, **20,** 192 n.

AGROUND. *See* GROUNDING.
vessel, when, **26,** 406
precautions to be taken, **26,** 388, 403, 478 n., 498

AID,
educational grant in, **12,** 8—10, 11, 12, 49, 50
police, duty of private person to aid, **22,** 499
pur faire fitz chivaler, **6,** 328 n.; **11,** 118 n.; **24,** 141 n.
pur file marrier, **6,** 328 n.; **11,** 118 n.; **24,** 141 n.
tenure, feudal, as incidents of, **24,** 141
distress for, **11,** 118 n.

AIDING AND ABETTING,
criminal law, in, generally, **9,** 247—258
escape. *See* ESCAPE.
malicious damage, in case of, **9,** 792
misdemeanour, punishable as principal offender, **9,** 248, 258
persons, are principals in second degree, **9,** 248, 250
prize fight, as an assault, **9,** 470, 607
sale of unwholesome food, **15,** 39 n.
treason, **9,** 248, 455

AIR. *See* AIRCRAFT.
coal mine, in, air-leave rent in respect of ventilation, **20,** 592
measurement of, **20,** 612 n.
right to passage of, **20,** 592
common to all, is, **4,** 445; **11,** 327
easement of, how acquired, **11,** 327
nature of, **11,** 326, 327
highway, above, ownership of, **16,** 57
nuisance by reason of interference with, **11,** 327; **21,** 525, 532—534
ownership of, extent of, **3,** 108, 109; **24,** 156 n.; **25,** 304
passage over neighbour's land of, right to, **11,** 326; **20,** 592
pollution of, right as to, **11,** 327; **21,** 532—534
space, factories and workshops, for, **14,** 447, 448; **23,** 419
habitable dwellings, for, **23,** 419
metropolis, in, **20,** 481, 482
ventilation. *See* VENTILATION.

AIR GUN,
Gun Licence Act, 1870, is included in, **15,** 251 n.
Pistols Act, 1903, is included in, **27,** 547 n.

AIRCRAFT,
statutory provisions affecting, **27,** 336, 337, 848 n.
trespass by passage of, **24,** 156 n.; **27,** 848 n.

AISLE,
private, repair of, **11,** 733
separation of private chapel from, **11,** 789 n.

ALB,
wearing of, illegal during Holy Communion service, **11,** 672 n.

ALBERTA,
Government of, **10,** 505 n.

ALCOHOL. *See also* SPIRITS.
absolute,
bond, clearance from, **24,** 601 n.
medicinal spirit, as, **24,** 601 n.
sale of, without licence, for medicinal purposes, **24,** 673 n.
customs duties on, **24,** 599
distiller's licence, **24,** 637—639
excise duty on, **24,** 623—625
methylic,
beverage, not to be sold as, **24,** 661
bond, clearance from, regulations as to, **24,** 590 n., 601 n.
potable, regulations as to, **24,** 600 n., 601 n.
purified, low wine duty payable on, **24,** 624 n.

ALDERMAN,
absence, disqualification by reason of, **19,** 308, 309
bankruptcy as disqualification for, **2,** 88; **19,** 307, 309; **20,** 424
borough, election and retirement of, **12,** 352, 354, 355; **19,** 307—309
injunction to restrain interference with rights of, **12,** 540 n.
outgoing, **12,** 353 n., 354
petition against election of, **12,** 492
preparation of list of persons qualified to be, **12,** 205
qualification of, **12,** 354
returning officer in municipal election, as, **12,** 340
term of office of, **12,** 354
City of London, of,
appointments by, **20,** 425
court of, **20,** 422, 423, 424—426
deputy, appointment of, **20,** 424
disqualification of, **20,** 424
election of, **12,** 394, 395; **20,** 424
powers of, **19,** 561—563, 575; **20,** 425, 426
removal from office of, **20,** 424
standing committees of, **20,** 425
county, election of, **12,** 361; **19,** 340, 341
preparation of list of persons qualified to be, **12,** 205
income tax commissioner, *ex officio,* **16,** 615
infant disqualified to be, **17,** 47
mandamus with a view to restoration to office of, **10,** 79
metropolitan borough, of, election and number of, **12,** 396 n.; **20,** 432, 434
municipal corporation, in. *See* borough, *supra.*

ALE. *See also* BEER.
adulteration of, **15,** 45, 46
beer, included in term, **18,** 6
brewing of. *See* BREWER.
commercial traveller in, restraining covenant affecting, **27,** 578 n.
hours for sale of, **18,** 87—90
licence for sale of. *See* BEER.
recovery of price of, when consumed on the premises, **18,** 172
selling without a licence of, offence of, **18,** 109, 112
sheriff's officer may not hold licence to sell, **18,** 54

ALEHOUSE,
defined, **17,** 303
constable, harbouring, in, **18,** 134, 135; **22,** 502
right of entry into, **18,** 132, 133
inn and, distinguished, **17,** 303, 308
keeper, justice's summons with a view to production of licence by, **18,** 112
occasional excise licence, grant of, to, **18,** 98

ALIAS (WRIT OF).
execution, in, **14,** 25, 26
Habeas Corpus Act, 1679, effect of, **10,** 44

ALIBI,
defence of, evidence in support of, **13,** 444, 448

ALIEN. *See also* FOREIGNER; IMMIGRATION.
The title ALIEN *is contained in Vol. I., pp.* 301 *et seq.*
defined, **1,** 302, 303; **25,** 39
action by or against, **1,** 17, 20, 21, 308

ALIEN—*continued.*
admission of, to United Kingdom, **1,** 320—323; **6,** 445, 446
affidavit by, how far permitted, **13,** 619
alienage, declaration of, **1,** 317, 318; **6,** 341
allegiance
due by, **1,** 302, 306; **6,** 341, 342; **27,** 492 n.
oath of, by, **1,** 313, 314, 316, 319
army, commission in, **25,** 38 n.
enlistment in, **1,** 309; **25,** 39, 67
bankruptcy
of, **1,** 308; **2,** 6 n., 9, 28, 32, 43, 345
petition in, by, **1,** 308; **2,** 38
bona vacantia of, Crown title to, **1,** 307; **11,** 28
British
Act of State, redress in case of damage from, **23,** 309
service, in, domicil of, **6,** 189
ship, ownership of, by, **1,** 306; **26,** 16
subject becoming, **1,** 316—319
capacity to deal with property of, **1,** 309; **25,** 308, 558; **28,** 535
chattels, rights as to, **1,** 306; **22,** 399
child of, status of, **1,** 303, 318, 319; **6,** 340
clergy, admission of, to ministry in foreign countries, **11,** 498, 553
company, as member of, **1,** 306; **5,** 64
conflict of laws as to status of, **1,** 302; **6,** 193, 296; **27,** 155
convicted, expulsion of, **1,** 323, 324; **9,** 418
copyhold, as proprietor of, **8,** 65, 66
copyright, entitled to, **1,** 308; **8,** 138, 140, 141, 142
corporation, as member of, **1,** 308; **8,** 322
criminal trial of, **1,** 309
Crown title to *bona vacantia* of, **1,** 307; **11,** 28
custody of, pending deportation, **1,** 325
declaration of alienage, effect of, **1,** 317, 318 **6,** 341
defamation, action for, by, **18,** 611
dentists' register, admission to, of, **20,** 361
deportation of. *See* expulsion of, *infra.*
descent through, **1,** 307; **11,** 10 n., 28
disabilities of, **1,** 308
disembarkation, conditional, of, **1,** 321, 322
custody, during, **1,** 325
security from master for, **1,** 322, 323
when allowed, **1,** 321, 322
discntailment by, **24,** 256
domicil as determining nationality of, **1,** 302, 303, 310, 313, 315, 318; **6,** 183; **17,** 430
dower, formerly not entitled to, **1,** 306; **24,** 189 n.
enemy, *defined,* **1,** 304
action by, **1,** 20, 308, 310; **27,** 491
construction of licence and passport to, **6,** 481
contract with, how far enforceable, **1,** 310, 311; **6,** 443, 444; **7,** 342, 463; **25,** 388
breach of, discharge of right of action for, **1,** 310, 311; **7,** 463
principal, alien enemy cannot act as, **1,** 149
prisoner of war, while, **6,** 444
expulsion of, **1,** 312
licence of Crown to trade with, **1,** 311, 312; **6,** 481, 489; **17,** 430 n.
marine insurance on behalf of, **17,** 429, 430
patent, cannot be grantor of, **22,** 130
persons considered as, **1,** 310
prize, property liable to seizure as, **23,** 277, 278. *See* PRIZE.
rent, liability for, where premises occupied by, **18,** 481

ALIEN—*continued.*
enemy—*continued.*
rights of, generally, **1,** 310
tort, action for, cannot bring, **1,** 308; **27,** 491
trading with, **1,** 311, 312; **6,** 481; **17,** 430
enlistment of, **1,** 309; **25,** 39, 67
executor, may be an, **14,** 139 n.
expulsion of, **1,** 323—325; **7,** 85, 86; **9,** 418
conviction, after, **1,** 323, 324; **9,** 418
enemy, of, **1,** 312
expenses of, **1,** 324, 325
Home Secretary's power as to, **1,** 323—325; **7,** 8 n., 85, 86
imprisonment pending, **1,** 325
undesirable, **1,** 324; **9,** 418
extradition of, **14,** 405—418; **23,** 245 n. *See* EXTRADITION.
fief, inability to hold, **11,** 10 n.
fishery offence by, outside territorial limits, liability for, **27,** 154 n.
franchise rights of, **1,** 308; **12,** 140, 183, 458
friend, meaning of, **1,** 303
rights and duties of, **1,** 306—310
gift by, **1,** 306, 307; **15,** 400
immigration of, **1,** 320—329. *See* IMMIGRATION.
incapacity of, **1,** 308; **6,** 381
inns formerly assigned for use of, **17,** 306 n.
juryman, as, **1,** 309; **18,** 230
leasehold, holding of, by, **1,** 307, 309; **18,** 341 n.
legacy in favour of, **1,** 307; **28,** 535, 537
licence to, to trade or reside in British territory, **1,** 311, 312; **6,** 481; **17,** 430 n.
lunatic, jurisdiction in lunacy as to, **19,** 416, 521
marine insurance effected by, **17,** 429, 430
marriage of, British subject, to, **1,** 315; **6,** 340
female British subject to, effect of, **1,** 318
master of ship landing or embarking, return by, **1,** 326, 327
military office, how far capable of holding, **1,** 308, 309; **25,** 38 n.
murder by,
abroad, **9,** 571 n.
British ship abroad, on, **9,** 277, 284 n.; **28,** 155 n.
murder of, **9,** 571
National Health Insurance with reference to, **28,** 988, 989
naturalization of. *See* NATURALIZATION.
office of trust, how far capable of holding, **1,** 308; **6,** 381
ordination of, to ministry abroad, **11,** 498, 553
Parliament, as member of, **1,** 308; **21,** 622, 623, 656
partnership with, **22,** 19
patent, as grantee of, **22,** 130
peerage, succession to, of, **21,** 622
personal property, holding of, by, **1,** 306, 309; **22,** 399; **25,** 558
pilotage certificate granted to, **26,** 602
police, statutory powers of, as to, **1,** 325; **22,** 502
poor law settlement of, **22,** 590
Privy Council, as member of, **1,** 308; **7,** 51
Promissory Oaths Act, 1868, and oath on naturalization by, **7,** 26 n.
protector of settlement, as, **24,** 251 n.; **25,** 692
re-admission to British nationality after alienage, of, **1,** 319
real property, holding of, by, **1,** 306, 308, 309; **8,** 66; **24,** 256; **25,** 308, 558
rogue and vagabond, when deemed, **1,** 328, 329 n.; **22,** 613

ALIEN—*continued.*
sale of land by, **25,** 308, 388
settlement, capacity to make, **25,** 558
shares, transferee of, jobber's liability in case of, **27,** 240
statutory, *defined,* **1,** 303
Territorial Force, cannot enlist in, **25,** 67
treason by, **1,** 306; **6,** 341, 345, 346; **9,** 450
trustee, qualified to be, **28,** 65, 73, 81
undesirable, expulsion of, **1,** 324
veterinary surgeon, registration as, **20,** 375
vote of, **1,** 308; **12,** 140, 183, 458
will, capacity to benefit under, **28,** 535, 537
of, **1,** 307; **28,** 535
probate of, **14,** 163—165; **27,** 155
Workmen's Compensation Act, 1906, application of, to, **20,** 160, 243
detention under, of ship of, **20,** 160, 223

ALIENATION. *See also* ASSIGNMENT; ASSURANCE; CONVEYANCE OF LAND; GRANT; TRANSFER.
alien, by, **1,** 309; **25,** 558
to, formerly cause of forfeiture, **24,** 330 n.
alienee, uncertainty as to, with reference to the rule against perpetuities, **22,** 305
who is, **22,** 304
appointment under power, by, **23,** 19, 24, 25, 45, 49, 52
ademption of, **23,** 42
bankruptcy, upon. *See* BANKRUPTCY.
beneficiary under trust, by, **28,** 41, 772, 773
call on shares, after, presumption from, **15,** 86
chattels, of, **6,** 213—218; **22,** 404—410. *See* CHATTELS.
Church property, of, **11,** 760—766
Common Council of City of London, by, of lands etc., **20,** 460
common, of rights of, **4,** 491, 492
conflict of laws as to, **6,** 206—211, 213—216; **22,** 407
contingent interest, of, **10,** 369; **13,** 9; **17,** 83; **24,** 289; **27,** 70, 71; **28,** 520
conveyance, by. *See* ASSURANCE; CONVEYANCE OF LAND; GRANT.
corporation, by, **8,** 375—377. *See* CORPORATION, land.
covenant against, protection of, **28,** 848
Crown, by. *See* CROWN GRANT.
death, at, **11,** 6, 16; **22,** 408; **28,** 516—525
deed, by, **10,** 361—370; **22,** 404, 406; **23,** 18, 26
delivery, by means of, **22,** 404—406
distress, upon. *See* DISTRESS.
ecclesiastical corporation, by, consent of bishop to, **11,** 760
equitable reversionary interests, of, **15,** 79
exchange, by way of, **22,** 406, 407. *See* EXCHANGE.
execution, after issue of, presumption in case of, **15,** 83, 86
upon. *See* EXECUTION.
with intent to defeat, **15,** 83
executor's power of, **14,** 296—300; **18,** 347, 597
false recital in deed of, effect of, **15,** 86
fines on, abolition of, **24,** 148
forfeiture, by reason of. *See* FORFEITURE.
fraudulent. *See* FRAUDULENT CONVEYANCE.
future acquired property, of, **22,** 409, 410
gift over on, effect of, **15,** 423, 424; **22,** 411
infant's powers of, **17,** 78—84, 132, 133
injunction to restrain, **16,** 521; **17,** 251, 265—269
involuntary, nature of, **22,** 407, 408

ALIENATION—*continued.*
land, of, **24,** 286—289. *See* ASSURANCE ; CONVEYANCE OF LAND ; CROWN GRANT ; GRANT.
Cornwall, in Duchy of, consideration for, **7,** 243, 244
corporation, by, **8,** 375—377 ; **19,** 318, 319
feudal system, under, **24,** 286 ; **28,** 518 n.
freedom of, **24,** 288
London County Council, by, **20,** 459
metropolitan local authorities, by, **20,** 457 n., 459, 460 ; **25,** 310
origin of the power, **24,** 286
parish council, by, **3,** 497
power of tenant under the feudal system, **24,** 143
restriction on, in early times, **24,** 287
restriction on right of, usually void, **24,** 288
will, by, **24,** 168 ; **28,** 516—522
legacy determinable on, **28,** 774, 775, 840
legatee's right of, **28,** 41, 772, 773
life
estate determinable on, **24,** 174 ; **28,** 717, 840
interest made determinable on, presumption from, **15,** 86 n.
limitation
of actions running from, **19,** 115
until, validity of, **22,** 412 ; **24,** 174 ; **28,** 29, 30, 774, 840—842
market overt, in, **9,** 685 n., 686 ; **22,** 407 ; **25,** 195, 196
mortmain, in, **4,** 137—141 ; **24,** 330, 331. *See* MORTMAIN.
new trustees, appointment of, as affected by, **23,** 65 n.
purchaser for value without notice, position of, **13,** 76—79, 84—88 ; **23,** 61 ; **25,** 377
real property, of, **24,** 143, 148, 167, 168, 170, 286—289. *See* land, *supra.*
restraint on. *See* RESTRAINT ON ALIENATION ; RESTRAINT ON ANTICIPATION.
sale, by means of. *See* SALE OF GOODS ; SALE OF LAND.
setting aside of, before recovery of judgment by creditor, **15,** 89
tenancy by entireties, in case of, **24,** 211
tenant
for life, by, **24,** 177, 178 ; **25,** 638, 652—661. *See* TENANT FOR LIFE.
pur autre vie, by, **14,** 231 ; **24,** 179, 180
trust
in restraint of, **28,** 29
until, effect of, **2,** 147 ; **25,** 571 ; **28,** 29, 30
voluntary, gift, by way of, **15,** 399, 409 ; **22,** 404
persons against whom such is good, **15,** 87
will, by, **23,** 18—20, 26, 27 ; **24,** 168 ; **28,** 516—532, 583—607

ALIGNMENT MARKS,
provision and repair of, **6,** 159, 160

ALIMONY,
assignment of, **4,** 402 ; **16,** 520, 564
bankruptcy, effect of, on liability for, **2,** 62, 199 ; **24,** 499
petition in, in respect of, **2,** 26 ; **16,** 521, 568
conflict of laws as to, **6,** 266
covenant in contract for separation not to sue for increased, whether implied, **16,** 447, 488
imprisonment for debt due under order for, **2,** 338, 339
income tax in respect of, **16,** 519

ALIMONY—*continued.*
injunction to prevent attempt to defeat, **6,** 266 ; **16,** 521 ; **17,** 269
judicial separation, payable under, **16,** 563 ; **24,** 499
husband's liability on failure to pay, **16,** 424 ; **24,** 499
separate property is not, **16,** 391 n.
pendente lite, allotment of, **16,** 518, 519, 563
assignability of, **16,** 520
enforcement of order for, **16,** 520, 521, 585 ; **27,** 189 n.
husband, appearance by, before answer, **16,** 517
increase or decrease of, **16,** 570, 571
injunction to restrain attempt to defeat, **6,** 266 ; **16,** 521
jurisdiction to allot, **6,** 266 ; **16,** 518
order for, whether final judgment, **2,** 26 ; **16,** 521
payable, when and how, **16,** 519, 520
petition for, **16,** 516—518
solicitor's lien with reference to, **16,** 520 ; **26,** 815 n., 817
stay of proceedings on non-payment of, **16,** 520 n., 538
permanent, allotment of, **16,** 563—571
covenant against increase of, **16,** 564
enforcement of payment of, **16,** 520, 564, 568, 585 ; **17,** 269 ; **24,** 356, 367
increase or decrease of, **16,** 570, 571
security for, **16,** 564
solicitor's lien with reference to, **16,** 520 ; **26,** 815 n., 817
receiver, appointment of, in respect of, **17,** 268 ; **24,** 356, 367
separate property of married woman, whether, **16,** 391 n. ; **17,** 268
solicitor's lien with reference to, **16,** 520 ; **26,** 815 n., 817

ALKALI WASTE WORKS,
statutory provisions as to, **23,** 404—414. *For these provisions see under* ALKALI WORK.

ALKALI WORK,
defined, **23,** 404
Alkali etc. Works Regulation Act, 1906, works scheduled in, **15,** 360 n. ; **23,** 404 n.
appeal in case of proceedings affecting, **8,** 632, 633
best practical means to prevent escape of gases, meaning of, **23,** 406
breach of regulations for, penalties for, **8,** 632 ; **23,** 407—414
certificate for, application for, **23,** 411
stamp duty on, **23,** 411
change of ownership of, notification of, **23,** 411, 412
costs of proceedings affecting, **8,** 632 ; **23,** 414
county court jurisdiction in case of breach of regulations connected with, **8,** 631, 632 ; **23,** 413
drainage of, provision for, **23,** 408 ; **28,** 452
inspection of, **23,** 412, 413
inspector of,
action by, **8,** 632 ; **23,** 406, 412—414
chief, appointment of, **23,** 406, 412
deputy for, **23,** 412
inquiry by, **23,** 408, 410, 412
obstruction of, **8,** 632 ; **23,** 413

ALKALI WORK—*continued.*
Local Government Board, central authority, as, **23,** 406, 410—412
complaint to, concerning, **20,** 405, 411; **23,** 414
sanction to proceedings by, **8,** 632; **23,** 413
metropolitan borough council's powers as to, **20,** 405
muriatic acid gas, evolution of, in, **23,** 405 n., 407, 409, 410
noxious or offensive gases, discharge of, **23,** 406, 407, 409, 410
what are, **23,** 406
nuisances occasioned by, abatement of, **23,** 407—411; **28,** 452
complaint as to, **23,** 414
offences connected with, **8,** 632; **23,** 407—414; **28,** 452
owner of, *defined*, **23,** 406
workmen, may make special rules for, **23,** 410
ownership of, change of, notice of, **23,** 411
penalties in case of offences connected with, **23,** 407 n., 408—413; **28,** 452 n.
recovery of, **23,** 413, 414
proceedings affecting, **8,** 632, 633; **23,** 405, 412—414
discharge of owner of works from, **23,** 413, 414
registration of, **23,** 411
regulation of, **8,** 631; **23,** 404
breach of, **8,** 632; **23,** 411
river pollution by, **28,** 452
sanitary authority, expenses of, in respect of, **23,** 406, 414
powers of, **23,** 406, 412, 414
Summary Jurisdiction Acts, application of, **8,** 632
workmen in, special rules for, **23,** 410

ALL ESTATE CLAUSE,
conveyance of land, in, **10,** 370, 472; **25,** 424

ALL FAULTS,
contract to sell with, **20,** 728, 729; **25,** 163 n., 298 n.; **27,** 47, 51
diseased pigs, **1,** 420

ALLEGATION,
indictment, in, material, **9,** 340
statutory offence, for, **9,** 338
lunacy, of, powers of justices on, **19,** 506—508
pleading, in, denial of, **22,** 429—432
ecclesiastical cause, in, **11,** 518

ALLEGIANCE,
alien, due by, **1,** 302, 306; **6,** 341, 342; **27,** 492 n., 689, 694
nature of, **1,** 303; **6,** 323, 339—341
oath of, **6,** 342, 343; **7,** 24
alien, by, **1,** 313, 314, 316, 319
Boers, by, after Boer War, **1,** 313 n.
borough justice, by, **19,** 543
county justice, by, **19,** 539
denizen, condition precedent to grant creating, **1,** 313
infant, by, **17,** 56
judge, by, **7,** 24
member of Parliament, by, **6,** 343; **21,** 688, 689, 694
after demise of Crown, **21,** 698
recorder, by, **19,** 544
soldier, of, on enlistment, **7,** 25; **25,** 41
violation of, as an element in treason, **9,** 450

ALLEY,
metropolis, in, closing of, **16,** 204

ALLOCATUR,
interim, issue of, **26,** 795 n.
liquidator's account to be accompanied by, in case of taxable charges, **5,** 454
setting aside of, **26,** 795 n.
taxation of costs, on, issue of, **23,** 185; **26,** 795, 810
proceedings on, **26,** 813, 814
review of, **26,** 795

ALLOCUTUS,
treason or felony charge, in case of, **9,** 375

ALLODIAL,
land ownership, nature of, **24,** 138 n., 139 n.

ALLONGE,
incidents of, **2,** 504 n.

ALLOTMENT,
inclosure of common, on. *See* INCLOSURE OF COMMON.
land, of, for agricultural purposes. *See* ALLOTMENT (agricultural).
land society, by, allottee's rights and liabilities, **17,** 6
infant allottee, **17,** 15
manorial waste land, of, **8,** 21
partition, on, **21,** 814, 825, 857—860
pew, of, **11,** 738 n.
shares, of. *See* ALLOTMENT OF SHARES.

ALLOTMENT (AGRICULTURAL).
The title ALLOTMENTS *is contained in Vol. I., pp.* 331 *et seq.*
defined, **1,** 331, 357; **24,** 87 n.
accounts of council receipts and expenditure in connection with, **1,** 342, 359
acquisition of land for, **1,** 344—350; **6,** 168—171
convenience of owner, regard for, **1,** 349
agricultural holding, notice to quit part of, for purposes of, **1,** 242
annual
report by Board of Agriculture, **1,** 360
returns by council as to, **1,** 354
application for, **1,** 339, 353
arbitration to settle compensation for improvements to, **1,** 346, 347, 357, 358
area of, **1,** 343, 354
bequest in aid of, **4,** 110
Board of Agriculture and Fisheries, annual report to Parliament of, **1,** 360
duties of, **1,** 335, 345, 348—351, 355, 360, 361; **6,** 168; **17,** 7, 12; **21,** 824—833
borough council's duties in connection with, **1,** 352; **6,** 168, 171; **17,** 7; **19,** 301
borrowing by council for purposes of, **1,** 353, 360, 361
buildings allowed on, **1,** 355
charitable bequest to provide, **4,** 110
charity
commissioners, jurisdiction of, **1,** 335, 338, 339; **4,** 188, 199, 591, 595—597
lands, leases of, for, **4,** 230
sale of, for, **4,** 223
scheme, provision under, for, **1,** 338; **4,** 187, 188, 199, 595

ALLOTMENT—*continued.*
committee of the county council, for, **1,** 342 ; **26,** 676
common, inclosure, for, **4,** 510, 511, 545 n., 549, 591, 603
common pasture, provision of, **1,** 350
compensation for
compulsory acquisition of land for, **1,** 344—349 ; **6,** 168—171
improvements to, tenant, by, **1,** 258, 347, 356—358 ; **8,** 633 n.
compulsory
hiring of land for, **1,** 345—347, 349 ; **6,** 10, 168, 169
purchase of land for, **1,** 344—349 ; **6,** 10, 168—171
co-operative working of, **1,** 355, 360 ; **26,** 675
Cornwall, Duchy of, within the, **7,** 253, 254
county
council's duties with regard to, **1,** 341, 345—350, 352—354 ; **6,** 168 ; **25,** 309
sub-committee, delegation to, **1,** 342
court jurisdiction as to, **8,** 633, 634
county borough council not a county authority for purposes of, **19,** 301
Crown lands, lease of, for, **7,** 192
poor allotments, for purposes of, **1,** 332
default of council in providing, **1,** 350, 351
demand for, **1,** 341
district council's duties with regard to, **1,** 332, 342, 343, 351 ; **6,** 168
draining of, **1,** 352
dwelling-house in connection with, **1,** 349, 355
enfranchisement of land for, expenses connected with, **1,** 350
exchange of land acquired for, **1,** 349, 350, 353 ; **4,** 233, 594, 596
expenses of
council in connection with, **1,** 358—360
limited owner in connection with, **21,** 104
extent of, **1,** 343, 344
fencing of, **1,** 352 ; **3,** 130 ; **4,** 567, 568, 579
field garden, **1,** 332, 335—338 ; **4,** 593—596, 603. *See* FIELD GARDEN.
fuel, **1,** 332—335 ; **4,** 233, 595—597
glebe land, acquisition of, for, **1,** 344 ; **6,** 169 ; **11,** 765
grazing rights, attachment of, to, **1,** 350
hiring of land for, **1,** 344, 345
improvement by
council, of land acquired for, **1,** 347, 352
tenant of. *See* compensation for improvements to, tenant, by, *supra.*
industrial or provident society for, **17,** 6, 7, 12
interchange of land for, **1,** 350 ; **26,** 692
Lancaster, Duchy of, within, **1,** 345 ; **7,** 234
improvements on, paid for out of sale moneys, **7,** 230
land tax, purchase or redemption of, **1,** 337, 350
Lands Clauses Acts, application of, **1,** 344, 350 ; **6,** 168
letting, terms and conditions of, **1,** 354, 355
Local Government Board, transfer of powers from, **1,** 360
London, in, **1,** 360 ; **20,** 397
management of, **1,** 352—354
transfer of, **4,** 594
managers, appointment of, **1,** 352
minerals, working of, **1,** 346, 347
mortgage by limited owner to defray expenses of, **21,** 104

ALLOTMENT—*continued.*
mortgaged land, compulsory hiring of, **1,** 346
notice to quit, **1,** 355
parish council's duties with regard to, **1,** 332, 336, 342, 343, 351 ; **17,** 7
parochial charity lands, application of, for, **1,** 332, 338—341. *See* PAROCHIAL CHARITY.
ponds and watering places, for, **4,** 595
poor,
defined, **1,** 332
acquisition of, authorities for, **1,** 332, 333
disposal of, when unnecessary, **1,** 333
letting of, **1,** 333
rent of, how applied, **1,** 333
purchase of land by agreement for, **1,** 344
rating of, **1,** 354 ; **24,** 18, 86
recovery of possession of, **1,** 347, 355 ; **24,** 325 n.
redemption of charges, on, **1,** 350
register of, duty of council as to, **1,** 354
regulations for management of, **1,** 352
renewal of tenancy, **1,** 346
rent of, **1,** 354
fuel allotments, of, **1,** 334
poor allotment, of, application of, **1,** 333
recovery of, **1,** 355
road-making in connection with, **1,** 352
sale of land acquired for, **1,** 353
settled land, lease of, for, **25,** 654 n.
Small Holdings and Allotments Act, 1907, provided under, **1,** 332, 341, 342
Small Holdings Commissioners, powers of, as to, **1,** 350—352, 360
subletting of, **1,** 354
surplus land, **1,** 349, 353
taxes on, **1,** 354
tenant of, eligibility to be, **1,** 334, 335, 338, 352
tithes, purchase or redemption of, **1,** 350
transfer to
council by wardens and trustees, **1,** 349 ; **4,** 263, 317 ; **8,** 634
Small Holdings Commissioners of powers as to, **1,** 350—352
trees planted by tenant of, removal of, **1,** 357
unlet, application of, **1,** 337, 338, 353
urban district council's duties in relation to, **1,** 352 ; **6,** 168 ; **17,** 7
wardens, management by, **1,** 336 ; **4,** 594
transfer of land by, **1,** 349 ; **4,** 594, 595

ALLOTMENT NOTE,
payment of seaman's wages by, **26,** 51, 52

ALLOTMENT OF SHARES,
defined, **5,** 174
amount payable on, **5,** 176, 177
application with a view to, **5,** 72, 145, 172, 173
amount payable on, **5,** 72
conditional, **5,** 174
delay in making, right of applicant in case of, **5,** 176
issue of shares, distinct from, **5,** 175
legal effect of, **5,** 174
minimum subscription before, **5,** 72, 177, 179
notice of, effect of, **5,** 173, 176
stamp duty on, **5,** 176 ; **24,** 705 n.
notice of avoidance by applicant for shares, **5,** 176, 178
payment on, **5,** 88
private company, by, **5,** 178
rectification of register in case of invalid, **5,** 154, 178

ALLOTMENT OF SHARES—*continued.*
repayment of application money after, **5,** 178
repudiation of, **5,** 176, 178
return to registrar as to, **5,** 179, 180, 263
statutory requirements, non-compliance with, **5,** 177, 178
waiver of, **5,** 177
ultra vires, estoppel in case of, **5,** 148; **13,** 389

ALLOWANCE,
account, on, by mistake, remedy in case of, **21,** 31
annual, whether a portion, **11,** 21
bankrupt, for support of, **2,** 76, 115
child, to, for reasonable expenses, effect of, **17,** 116 n.
county rate, of, basis of, **24,** 72, 73
estate duty, for purpose of. *See* ALLOWANCE (Estate Duty).
income tax. *See* ALLOWANCE (Income Tax).
lunatic's relatives, to, out of his estate, **19,** 438
receiver, appointment of, in respect of, **24,** 367, 368
to, **24,** 405, 406
teacher, certificated, to, **12,** 10
Territorial Force, to officers and men of, **25,** 71, 72
wife, to, for necessaries, presumption of authority rebutted by, **16,** 422, 423
on separation, right to pledge credit of husband where inadequate, **16,** 425

ALLOWANCE (ESTATE DUTY).
British possession, for duties paid in, **13,** 200
charge on property, fixed duty, in case of, **13,** 206, 207
cost of realising or administering foreign property, **13,** 212
debts and incumbrances, for, **13,** 210—212
persons out of the United Kingdom, to, when deductible, **13,** 211
property against which allowed, **13,** 211
repayment of duty paid wrongly, **13,** 221
where right to reimbursement, **13,** 211
depreciation by reason of deceased's death, for, **13,** 208
duty paid before 2nd August, 1894, for, **13,** 199, 200
not affected by loss of capital value, **13,** 200 n.
expenses of management, for, **13,** 208
fixed duty, in case of, **13,** 207
foreign property, for duty paid in foreign country on, **13,** 212
funeral expenses, for, **13,** 210
increment value duty, for, **13,** 211
mortgage, for, **13,** 210—212
partial consideration, paid, for, **13,** 195
property against which debts allowed, **13,** 211
temporary estate duty, in respect of, **13,** 199

ALLOWANCE (INCOME TAX).
alimony, in case of, **16,** 519
annual payment, deduction in case of, **16,** 661—663
annuity,
deferred annuity, premium paid on, **16,** 670, 671
separation deed, under, **16,** 447
assessable value, on, **16,** 621, 622, 624, 637. *See* ASSESSABLE VALUE.

ALLOWANCE—*continued.*
bad debts, in case of, **16,** 653
bank manager's residence, on, **16,** 653
borrowed capital, for bonuses on, **16,** 652
brewers, in case of, **16,** 652, 653
capital, exhaustion of, **16,** 653
capital charges, for, **16,** 652
children, in case of, **16,** 673
claim for, **16,** 641, 671, 672, 674
company,
English, carrying on business abroad, **5,** 24
limited, income under £700, **16,** 672, 673
company's payment for controlling interest in another concern, **16,** 653
compensation charges, for, **16,** 653
contract not to allow, void, **16,** 633; **18,** 476, 489, 489 n.
debenture interest paid by English company to residents abroad, **16,** 652
debentures, certain commission in issuing, **16,** 652
disputes as to, settlement of, **16,** 633
dividend, in case of, **16,** 639—641; **27,** 172 n.
drainage and fencing rate, for, **16,** 627
ecclesiastical dues, on, **16,** 627
exemption, by way of. *See* INCOME TAX.
flood or tempest, owing to, **16,** 636, 686
gross profits, from, **16,** 650—654
husband and wife, income of, **16,** 675, 676
income, earned, in case of, **16,** 673—675
£2,000, less than, **16,** 673
£2,000 and £3,000, between, **16,** 674, 675
total, in relation to, residence in United Kingdom generally necessary, **16,** 675
£160 and £700, between, **16,** 671
£160 and £500, between, abatement for children, **16,** 673
insurance company, in case of, **16,** 655, 656
interest, on, **16,** 661, 662
mortgage, on, **16,** 633
land and houses not exceeding £8 assessed value, **16,** 622
land tax, in case of, **16,** 627
life insurance policy, **16,** 670, 671
machinery, depreciation of, **16,** 654
loss on, **16,** 652
municipal trading, in case of, **16,** 653
owner of land, payments other than rent, **16,** 633
partner, as to, **16,** 675
patent royalties, on, **16,** 662
persons entitled to, **16,** 675
philanthropic association, trading of, **16,** 653
premium on life insurance, **16,** 670, 671
procurations and synodals, for, **16,** 627
prohibited deductions, **16,** 651, 652, 677
rent, payment of, contracts for deductions in, **16,** 633, 634
publican, by, **16,** 633, 653
retention of duty in, **16,** 662
tenant, by, **11,** 158; **16,** 632, 633; **18,** 476, 477
repairs, for, **16,** 621, 622, 623, 651
almshouse, of, **16,** 628
churches, of, **16,** 627, 642
college, of, **16,** 628
hospital, of, **16,** 628
public school, of, **16,** 628
sea-walls, of, **16,** 627
salaries and pensions from public offices, **16,** 669, 670
Sched. A, under, **16,** 621—623, 627, 628, 636
Sched. B, under, prohibited cases of, **16,** 637

ALLOWANCE—*continued.*
Sched. C, under, **16,** 641
Sched. D, under, **16,** 650—654, 655, 658, 659, 663
Sched. E, under, **16,** 668
strikes, insurance against, **16,** 652
time for paying duties by way of deduction, **16,** 676
time in which claim to be made, **16,** 677
tithe rentcharge, for, **16,** 627
trustee's expenses in case of foreign and colonial possessions, **16,** 659
two distinct trades of a person, for, **16,** 651

ALLUVION. *See* ACCRETION.
Crown, when alluvion land belongs to, **7,** 116
land formed by, property in, **3,** 120 ; **7,** 116 ; **28,** 362

ALMANACK. *See* CALENDAR.
Book of Common Prayer, to, as evidence, **13,** 479
judicial notice of, **13,** 492

ALMS,
church provision for collection of, **11,** 472, 735
franchise disqualification by receipt of, **12,** 144, 145, 181, 183

ALMSHOUSE. *See also* HOSPITAL (Eleemosynary).
charitable gift to, **4,** 106, 108
conditional gift to, **4,** 157, 158
income tax in respect of, **4,** 208—211 ; **16,** 628
inhabited house duty in respect of, **4,** 312, 214 ; **17,** 191
land tax in respect of, **4,** 214 ; **18,** 311
rating of, **4,** 212 ; **24,** 5
support of, **4,** 110

ALSTON MOOR,
local court of, **9,** 138

ALTAR,
altar piece, specific delivery of, **27,** 917 n.
communion table, as distinguished from, **11,** 372 n., 678 n.
lights upon, **11,** 681
ornaments in connection with, **11,** 669, 671
vestments or cloth for, **11,** 471, 671, 735

ALTERATION. *See also* CHANGE; VARIATION.
accidental, of instrument, **10,** 414, 415, 432
account verified by affidavit, in an, **13,** 619
affidavit, in, **13,** 626
bill of exchange, of,
amount of the, **2,** 556 ; **9,** 728
apparent, when not, **2,** 514, 552, 556
forgery, as, **9,** 715, 727, 728
holder's position in case of, **2,** 514, 557
material, **2,** 514, 552, 555—557, 575 ; **10,** 431 n.
when not, 472 n., 557, 575, 576
no presumption as to time of, **13,** 506
stamp duty, effect as regards, **2,** 575, 576
bond, of, effect of, **3,** 98
forgery, as, **9,** 733
boundaries, of,
Board of Agriculture, by, **3,** 112
borough, **19,** 322, 323
county, **19,** 340 n.
parish, **11,** 450 ; **20,** 408

ALTERATION—*continued.*
building, of, London Building Act, provisions of, as to, **20,** 476—479
Public Health Act, provisions of, as to, **23,** 415
building
contract, of, effect of, **3,** 173, 179, 180, 228—234, 280, 290 ; **10,** 432 n.
society's rules, of, **3,** 332—336, 354
burial authority, of areas of, **3,** 505
bye-law, of, **8,** 336 ; **23,** 389 n., 390 n.
cathedral, of, **11,** 540
chapel, of, **11,** 734, 735
charitable scheme or trust, of, **4,** 187—189
charterparty, in, **26,** 142
church, of, **11,** 540, 734, 735
churchyard, of, **3,** 411 ; **11,** 540, 734, 735
club, of objects of, **4,** 406, 413, 414
commoner's tenement or estate, of, effect of, **4,** 527—529
company's
articles of association, of, **5,** 70, 78, 82, 162, 207—209
capital, of, **5,** 90, 95—98, 100—117
memorandum, of. *See* MEMORANDUM OF ASSOCIATION.
name, of, **5,** 86
objects, of, **5,** 86, 328—333
confirmation by court of, **5,** 330—332
sanction of Board of Trade to, **5,** 330
substitution of memorandum and articles for deed of settlement, by, **5,** 332, 333
regulations, Table A, by Board of Trade, **5,** 205
shares, of, **5,** 99, 100—102
compensation on compulsory purchase in respect of, **6,** 35
contract, of, consent, by, **7,** 426 ; **10,** 432
discharge by, **7,** 424—426
executed, **7,** 425
executory, **7,** 425
joint, **7,** 425
material, effect of, **7,** 424, 426 ; **10,** 431, 432
when not, **7,** 426
mistake, by, **7,** 425 ; **10,** 432
parol, by, **7,** 422, 424
stranger, by, **7,** 424 ; **10,** 432
covenant to spend money on, constitutes building lease, **26,** 764 n.
criminal appeal, on, of verdict or sentence, **9,** 436
deed, of, accident, by, **10,** 414
consent to, **7,** 425 ; **10,** 412
effect of, **10,** 412
execution, after, **7,** 425 ; **10,** 411, 413
before, **10,** 411
forgery, as, **9,** 733
material, what constitutes, **10,** 411
when not, **10,** 415
new stamp on, **10,** 412
presumption as to, **10,** 411 ; **13,** 506
demised premises, of, covenant against, **17,** 239 ; **18,** 518, 519
expenditure on, as part performance, **18,** 376, 377 ; **27,** 34 n.
waste, as, **18,** 496
defendants' position, of, as an equitable defence, **13,** 171
distiller, of vessels etc., by, **18,** 147
drain, of. *See* DRAIN.
easement presumed abandoned by reason of, **11,** 280, 347, 348

ALTERATION—*continued.*
ecclesiastical, faculty for, **11,** 540—543, 731, 734, 735
explosives, in licence for, or in factory etc. for, **14,** 369, 370
forgery constituted by, **9,** 715—763
friendly society's rules, of, **15,** 123 n., 138, 139, 140, 142
gas company, district, of, in the metropolis, **15,** 376 n.
mains and pipes, of, powers as to, **15,** 358. *See* PIPE.
meter, of, **15,** 356
guarantee, of, effect of, **10,** 431 n.; **15,** 544
subject-matter of, effect of, **15,** 497, 546—552
highway, of. *See* DIVERSION.
level of, rights of adjoining owner, **16,** 61, 62
industrial or provident society's rules, of, **17,** 7, 9, 12, 13
inspection of documents, on, affidavit as to, **11,** 91
instrument under hand, of, **10,** 431—433. *See* contract, of, *supra.*
accident or mistake, by, **10,** 432
before execution, **10,** 431
one party, by, **10,** 431, 432
presumption as to, **10,** 431 n.
stranger, by, **10,** 432
lease, of, **18,** 395 n.
licensed premises, in structure of, **18,** 32—34, 64, 78
literary and scientific institution, purposes of, **19,** 202, 203
rules of, certification of, **19,** 207, 208
loan society's rules, of, **19,** 220
lunatics, private asylum for, of, notice required on, **19,** 476
reception order for, of, effect of, **10,** 432 n.; **19,** 512 n.
marine insurance policy, of, **17,** 402, 403, 501
material, bill of exchange, in case of, **2,** 514, 552, 555—557, 575, 576; **10,** 431 n.
bond, in case of, **3,** 98
building contract, in case of, **3,** 230, 280, 290
contract, in case of, **7,** 424, 426; **10,** 431, 432
deed, in case of, **10,** 411, 412, 415
guarantee, in case of, **15,** 546—550
marine policy, in case of, **17,** 402, 403, 501
misrepresentation, of position in relation to, **20,** 703—705, 724
name, of. *See* CHRISTIAN NAME; NAME.
pipes, of. *See* PIPE.
poor law union, of, **22,** 553, 554
effect on superannuation allowances of, **22,** 548
profit à prendre extinguished by reason of, **11,** 347, 348
railway companies' accounts returns, of, by Board of Trade, **23,** 644
registers, of, criminal liability for, **9,** 741
royal style and titles, in, how made, **6,** 360
Settled Land Acts, allowed as improvements under, **18,** 286, 287
ship, to, registration of, **26,** 31
stamp duty on instrument after, **2,** 576; **10,** 412, 413, 433; **17,** 403; **24,** 719
statute in same session of Parliament, of, **27,** 157
telegraph works, of building affected by, **27,** 364, 365
trade mark, of, **27,** 713
valuation list, in, assessment committee, by, **24,** 50

ALTERATION—*continued.*
verdict, of, by Court of Appeal, **9,** 436
water-pipe, of. *See* PIPE.
watercourse, of, right as to, **11,** 319
will, of,
acknowledgment of, effect of, **28,** 561
apparent, **28,** 559
attesting of, **14,** 168; **28,** 559, 560 n., 561
codicil validating, **28,** 561
construction, by, **28,** 675, 676
evidence as to, **14,** 167, 168; **28,** 560
forgery, as, **9,** 734
pencil or ink, may be made in, **28,** 547
presumption as to, **13,** 506; **14,** 168; **28,** 560

ALTERCATION,
Royal Courts of Justice, within precincts of, **26,** 828 n.

ALTERNATIVE,
bill of exchange
drawn in the, validity of, **2,** 471, 472
payable in the, **2,** 473
bond, conditions in, **3,** 84, 93
charitable or other purposes, gift to trustees for, **4,** 146
contract, promises in, **7,** 411, 412; **27,** 17, 63, 64
impossibility of performance, effect of, **27,** 63, 64
donees under will, **28,** 728—735
gift, **10,** 457; **15,** 430; **28,** 646 n., 680, 728—735
See legacy, *infra*; SUBSTITUTIONAL GIFT.
class, to, **28,** 728 n., 731—735
shares of persons dying leaving issue, **28,** 735
twenty-one, at, **28,** 801
concurrent, whether, **28,** 734
conditions attached to, **28,** 733
conjunctive, **28,** 729
death in testator's lifetime, effect of, **28,** 608, 609
failure of, effect on prior gift, **28,** 735
original or substitutional, **28,** 729, 730
rule against perpetuities in relation to, **22,** 348—350
indictment, counts in, **9,** 342, 343
legacy, conditions attaching to, effect of, **28,** 733—735
effect of, **28,** 608, 728—730, 801 n.
failure of, **28,** 735
parties to an action, **23,** 104
payment or performance, covenants as to, **27,** 17
pleading, **13,** 358 n.; **22,** 427, 428, 443
promissory note in the, **2,** 471
punishments, fine and imprisonment as, **9,** 412; **11,** 223; **19,** 602
relief, claimed in an action, **22,** 443; **23,** 104
injunction claimed, when, **17,** 212—215
specific performance action, in, **27,** 103, 105
void, effect when one is, **22,** 348; **27,** 63

ALUM,
prohibition of, in manufacture of bread, **15,** 47 n.

ALWAYS AFLOAT,
ship, provision in charterparty as to, **26,** 181

AMALGAMATION,
approved societies, of, **28,** 942, 966
banks, of, guarantee, as affecting, **1,** 642
building societies, of, **3,** 391

AMALGAMATION—*continued.*
companies, of, **5,** 584 ; **15,** 500
assurance, **5,** 633—636. *See* ASSURANCE COMPANY.
compensation to directors on, **15,** 401
stannaries, in, **5,** 668
surety's liability in case of, **15,** 500
corporations, of, **8,** 364
electrical undertakings, of, effect on purchase by local authority, **12,** 602
friendly societies, of, **15,** 157, 160 n., 192—195, 203, n.
abetting, irregular, penalty for, **15,** 185
creditor not affected by, **15,** 193 n.
registry cancelled on, **15,** 195, 203 n.
remedy of dissatisfied member on, **15,** 193, 195
trustees, duty to apply for, **15,** 145
unregistered, no statutory provision for, **15,** 192 n.
vesting of property on, **15,** 193
gas undertakings, of, **15,** 313
metropolis, in, **15,** 376, 377
industrial and provident societies, of, how effected, **17,** 33
institutions, of, charitable gift, effect on, **4,** 160
literary and scientific institutions, of, how effected, **19,** 202, 203
railway companies, of, amalgamating Act, by, **23,** 707
generally, **23,** 706—711
liabilities of dissolved company with reference to, **23,** 708
running powers as affected by, **23,** 702
sanction of Parliament to, **23,** 706
servants of dissolved company, position of, **23,** 710
tolls as affected by, **23,** 706, 708
vesting of property on, **23,** 707, 709
trade unions, of, registration etc. of, **27,** 634, 635
trading name suggesting, use of, **27,** 754

AMBASSADOR. *See also* PUBLIC MINISTER.
action by or against, **1,** 19 ; **6,** 182, 232, 233, 430—433 ; **9,** 528 ; **23,** 116
appointment of, **6,** 427
arrest, privilege from, **6,** 429 ; **9,** 245 ; **25,** 817
banker of, injunction against, **6,** 430, n.
bankruptcy proceedings, liability to, **2,** 12
British, as marriage officer, **6,** 259 ; **16,** 280
child of, born in country to which accredited, nationality of, **1,** 303
contracts of, jurisdiction as to, **6,** 232, 233
criminal liability of, **6,** 429 ; **9,** 245
distress on goods of, **11,** 133
domicil of, **6,** 188
execution against, **14,** 10
exterritoriality, principle of, as applying to, **6,** 429
foreign, jurisdiction with regard to contract of, **6,** 182, 232, 233
tort of, **27,** 479
Government, change of, effect of, **7,** 38
household of, immunity of, **6,** 432
injunction against, **17,** 205, 267 n.
libel on, **9,** 528
marriage officer, as, **6,** 259 ; **16,** 280
notarial powers of, **21,** 497 ; **26,** 858
oath, administration of, by, **26,** 857, 858
offences against, **9,** 528
privilege of, generally, **1,** 19, 20 ; **9,** 245, 528. *See* DIPLOMATIC PRIVILEGE.

AMBASSADOR—*continued.*
property of, no right of distress upon, **11,** 133
rating of, **6,** 430 n., **24,** 17
servant of,
arrest, privilege from, **6,** 432, 433
on criminal process, not privileged from, **6,** 430 n.
distress, privilege from, **11,** 134
legal proceedings, privilege from, **1,** 20 ; **6,** 232, 432, 438 ; **9,** 528
rating of, **24,** 17
tort committed by, exemption from liability for, **27,** 479
treason by, **9,** 451

AMBIDEXTROUS,
animal or article, sale of, **20,** 676
representation, burden of proof on, **20,** 681

AMBIGUITY,
agent instructed in ambiguous terms, discretion of, **1,** 164
agent's character, as to, **7,** 525
ambiguous or faked article, sale of, **20,** 676
bailment, in contract of, **1,** 535
bill of exchange, in, option in case of, **2,** 462, 471—474, 476, 520
bond, in construction of, **3,** 87
boundary, in description of, **3,** 139, 140
burden of proof in case of, **13,** 435 ; **20,** 676, 680, 681 ; **26,** 130, 131
bye-law, in, **8,** 338
charitable
gift, in construction of, **4,** 155, 159, 160
scheme in case of ambiguous trust, **4,** 184
conditions of sale, in, **25,** 318, 319
construction of instrument in case of, **7,** 518, 519 ; **10,** 459 ; **17,** 347, 528 ; **28,** 653, 654
contract, in construction of, **7,** 518, 520, 523—528 ; **13,** 23, 428, 435, 568 ; **21,** 6, 7, 25—27 ; **27,** 49 n.
extrinsic evidence to explain, **7,** 511, 512, 526
custom to explain, **7,** 525 ; **17,** 527
date of execution of instrument, as to, **7,** 526
deed, in, **10,** 440, 453, 454, 457 ; **13,** 428, 435, 568 ; **21,** 25—27
recitals, explained by, **10,** 459—464 ; **25,** 528, 529, 548, 549
ejusdem generis rule. *See* EJUSDEM GENERIS.
election to cure, **7,** 520 ; **10,** 457 ; **15,** 430 ; **28,** 680
equivocation in case of, **10,** 454 ; **28,** 643, 646
estoppel by representation as to meaning in case of, **13,** 377 n., 388 n.
estoppel does not operate in case of, **13,** 366, 367, 372
expressio unius exclusio alterius. *See* EXPRESSIO UNIUS EST EXCLUSIO ALTERIUS.
extrinsic evidence to explain, **10,** 453, 454 ; **13,** 568
ancient instrument, in, **10,** 452
bond, in, **3,** 87
charitable gift, in, **4,** 155, 160
charterparty, in, **26,** 140
guarantee, in, **15,** 453, 454
latent ambiguity, **7,** 526 ; **10,** 453 ; **13,** 428 ; **17,** 528 ; **21,** 6, 7, 25 ; **28,** 634, 639—641, 643—646
patent ambiguity, not admitted to explain, **4,** 155 ; **10,** 453, 454

AMBIGUITY—*continued.*
falsa demonstratio non nocet. See FALSA DEMONSTRATIO ETC.
fire policy, in, **17,** 527, 528
forged order for delivery of goods, in case of, **9,** 724
guarantee, in construction of, **15,** 453, 454, 469, 476—478, 492
id certum est quod certum reddi potest. See ID CERTUM ETC.
judgment, in, as affecting estoppel, **13,** 341
latent, *defined*, **10,** 453, 454
charitable gift, in case of, **4,** 155, 159, 160, 162, 163
evidence admissible to explain, **4,** 155; **7,** 526; **10,** 453, 454; **13,** 428; **17,** 528; **21,** 6, 7, 25; **28,** 634. *See* will, *infra.*
marine insurance policy, in construction of, **17,** 342, 347
marriage contract, in, conflict of laws as to, **6,** 280
mistake due to, **13,** 23; **21,** 6, 7, 25—27
patent. *See* PATENT AMBIGUITY.
defined, **10,** 453
evidence not admissible to explain, **10,** 453; **13,** 568; **21,** 26; **28,** 635 n., 636, 648, 679
parol inadmissible, **4,** 155
patent, claim for, bad on ground of, **22,** 163
perpetuity, as to, intention effectuated in case of, **22,** 307
recital, explained by, **10,** 459, 461; **25,** 528, 548
representation, in, burden of proof on, **20,** 680, 681
presumption on, **20,** 676, 681
settlement, contract for, in, **25,** 537, 547
in, explained by recitals, **25,** 528, 529, 548, 549
specific performance in case of ambiguous document, **25,** 547; **27,** 54, 55
statute, in construction of, **27,** 131—155. *See* CONSTRUCTION OF STATUTE.
ut res magis valeat quam pereat, **10,** 439; **27,** 146
verba chartarum fortius accipiuntur contra proferentum, **10,** 441; **17,** 347, 528
will, in construction of,
alternative gift, **28,** 680
charitable gift, as to, **4,** 155, 159, 160, 162, 163
clear words not controlled by subsequent ambiguity, **28,** 674
context, in, **28,** 653
contradiction, **28,** 636
dictionary may be consulted, **28,** 658
extrinsic evidence to explain, **4,** 155; **28,** 634 n., 636, 639—641, 643—646, 647
family, construction in favour of, **28,** 670—672
general scope of will considered, **28,** 653, 654
gift over, terms of, may explain, **28,** 806
id certum est quod certum reddi potest principle, **28,** 679, 680
intestacy, construction to avoid, **28,** 665—667
latent, evidence admitted to explain, **28,** 634 n., 639—641, 643—646
lawfulness of gift, presumption of, **28,** 668
meaning given where possible, **28,** 679
patent, evidence not admitted to explain, **28,** 635 n., 636, 648, 679
presumption in favour of donee in gift by, **28,** 763
rational intention, presumption in favour of, **28,** 669
revocation, as to, **28,** 568
uncertainty, when gift void for, **28,** 643, 678, 679

AMBULANCES,
provision of, coal mines, in, **20,** 619
infected persons, for, **23,** 435
isolation hospital, to, **23,** 435, 440
local authority, by, **23,** 435
London County Council, by, **20,** 397

AMBULATORY,
will, when, **28,** 509

AMENDMENT. *See also* CORRECTION.
Australian constitutions, of, **10,** 540
bankruptcy
petition, of, **2,** 28, 31, 48
valuation and proof in, of, **2,** 229, 230
bill, to. *See* House of Commons, *infra.*
divorce, **21,** 762
estate, **21,** 759
money, in House of Lords, unconstitutional, **21,** 776
private, **21,** 757, 758
provisional order confirmation, **21,** 757, 758, 765
public, clauses of, **21,** 713, 717, 718, 720—723, 798, 799
common, metropolitan, of scheme for regulation of, **4,** 610
company
meeting, putting at, of, **5,** 261
winding up, of proof by secured creditor in, **5,** 520
coroner's inquisition, of, **5,** 261; **8,** 280—283
corporation meeting, putting of, at, **8,** 348
counterclaim, of, **22,** 438; **25,** 513
county court,
appeal from, of grounds of, **8,** 606
parties to proceedings in, of, **8,** 509—511
proceedings in, of, **8,** 508, 509, 528
remitted action, of claim in, **23,** 151 n.
defence, of, **22,** 438, 450
designs, with reference to registration of, **27,** 738
divorce bill, of, **21,** 762
election petition, of municipal, **12,** 494
parliamentary, **12,** 413
estate bill, to, **21,** 759
execution, of writ of, when allowed, **14,** 26, 27
habeas corpus, of return to, **10,** 70
House of Commons, by, to private bill, **21,** 757, 758
public bill, **21,** 713, 717, 718, 720—723, 798
in, chair's power over, **21,** 671, 713
when put forward by House of Lords, **21,** 798, 799
House of Lords, by, to public bill, **21,** 720—723, 798, 799
going into Committee, to motion for, **21,** 709
indictment, of, **9,** 335 n., 336, 344, 345
indorsement on writ, of, **17,** 272; **22,** 420, 437; **23,** 139
industrial or provident society, of rules of, **17,** 7, 9, 12, 13
injunction, claim for,
addition of party, by, **17,** 272 n.
demurrer, after, **17,** 276 n.
indorsement of writ, of, **17,** 272
notice of motion of, **17,** 276
statement of claim, of, **17,** 276, 279 n.
judgment or order, of, **18,** 212—214
libel and slander, of pleadings in, **18,** 645; **22,** 437
light railway, of order for construction of, **27,** 834—837

AMENDMENT—*continued.*
limitation, statute of, so as to introduce cause of action barred by, **19,** 189
loan society's rules, of, **19,** 219
lunatic, order of settlement of, of, **19,** 498
reception order for, of, **19,** 511, 512
Mayor's Court, proceedings in, **20,** 293, 294
parties to action, of, **23,** 105
county court, in, **8,** 509—511
patent, of application for, **22,** 165—174
pleadings, of, allowance of, **23,** 139, 140
application in respect of, **22,** 439; **23,** 139
disallowance of, **22,** 438
generally, **22,** 437—440; **23,** 139—141
leave for, **22,** 438, 439; **23,** 139
libel or slander, in, **18,** 645
marking of, **22,** 420, 421
matrimonial cause, in, **16,** 502
parties, misjoinder or non-joinder, in case of, **23,** 105
pleading to, **22,** 438
printing of, **22,** 440; **23,** 141 n.
statute of limitations, in case of action barred by, **19,** 189
time for, **22,** 437; **23,** 140, 141
poor rate, in case of, **24,** 56, 57
provisional order, of, confirmation bill, **21,** 757, 758, 765
electricity undertaking, for, **12,** 544, 545
gas undertaking, for, **15,** 317, 321 n.
light railway, for, **27,** 834—837
Scottish, **21,** 765
Tramways Act, 1870, under, **27,** 787
water undertaking, for, **28,** 274
set-off, of, **22,** 438; **25,** 513
statement of claim, of, **22,** 437
injunction, in case of claim for, **17,** 272, 276, 279
jury assessing damages more than claimed, on, **10,** 348
statute, by, construction of, **27,** 138—140, 143
of, in same session of Parliament, **27,** 157
local or personal, **27,** 187, 188
trade marks, of applications to register, **27,** 707
register of, **27,** 713—718
writ, of, statute of limitations, to prevent operation of, **19,** 188, 189; **23,** 106 n.

AMENDS,
tender of, distress, in case of irregular, **11,** 197; **27,** 856 n.
Public Authorities Protection Act, under, **23,** 348, 349
trespass, in case of, **27,** 856 n., 862 n., 863
Weights and Measures Acts, in action under, **28,** 496

AMERCEMENT. *See also* FINE.
copyhold penalty, distress for, **8,** 59; **11,** 118 n.
Court Leet, in, distress for, **11,** 118 n.

AMERICAN SECURITIES,
railway certificates, negotiability of, **2,** 569; **27,** 246
transfer by delivery of, how effected, **2,** 569; **27,** 237, 246, 247 n.

AMMONIA WORK,
statutory provisions as to, **23,** 404—414. *For these provisions, see under* ALKALI WORK.

AMMUNITION,
defined, **14,** 362
carriage of, rail, by, **4,** 27
sea, by, Crown's powers as to, **6,** 448
Crown's powers in respect to exportation or carriage of, **6,** 448
Explosives Act, 1875, classification for purpose of, **14,** 362 n.
exportation of, Crown's power as to, **6,** 448

AMOTION (OF CORPORATE OFFICER).
defined, **8,** 324 n., 330
adjourned meeting, at, **8,** 332
appeal to visitor on, **8,** 333
causes of, **8,** 331
disfranchisement, distinguished from, **8,** 324 n.
effect of, **8,** 333
forfeiture, effect of, **8,** 330
head officer, resignation of, **8,** 332
incompatible offices, by holding, **8,** 332
office at will, in case of, **8,** 330
for life, in case of, **8,** 330
power of, construction of, **8,** 331
select body, exercise by, **8,** 331
quo warranto in respect of, **8,** 333
restoration to office after, **8,** 333

AMOVEAS,
judgment of, nature of, **10,** 7
manus, order of, **10,** 17, 38

AMUSEMENT. *See* ENTERTAINMENT; RECREATION.
fair, as incidental to, **20,** 4 n., 19 n.
place of. *See* MUSIC HALL; PLACE OF PUBLIC ENTERTAINMENT; THEATRE.

ANAESTHETICS,
animals, use in experiments on, of, **1,** 416
Workmen's Compensation Act, 1906, and death caused by, **20,** 163 n.

ANALYSIS,
adulteration evidenced by, **15,** 12 n., 65
analyst's certificate as to. *See* ANALYST.
butter, of, **15,** 11, 14 n., 54, 56, 58, 60
cheese, of, **15,** 54
Commissioners of Inland Revenue, by, **15,** 32
coroner's power to order, in *post-mortem* examination, **8,** 269
costs of, recovery out of penalties of, **15,** 62
drug, of. *See* DRUG.
evidence of, butter, margarine etc., in case of, **15,** 56
fertilisers and feeding stuffs, in case of, **1,** 288
fertilisers and feeding stuffs, of, **1,** 285—291
food and drugs, of, **15,** 7—16. *See* samples procured for, *infra.*
agriculture, in interests of, **15,** 13, 15 n.
proceedings following upon, **1,** 290, 291; **15,** 12, 29—33
purchaser's right to, **1,** 287; **15,** 9, 12
Government
analyst, by, **15,** 32
laboratory, at, **15,** 32 n., 44, 56
imported food, of, **15,** 44
Local Government Board, by, **15,** 7, 13, 16 n., 29
margarine, of, **15,** 56, 58, 60
milk and cream, of, **15,** 64—66, 67 n.
refusal to give milk for, **15,** 25 n.
post-mortem examination, in case of, **8,** 269

ANALYSIS—*continued.*
private purchaser, at instance of, **15,** 16 n.
refusal to sell to, **15,** 14 n., 15 n.
refusal to sell for, **15,** 13, 14 n., 15 n., 25 n.
samples procured for
accidental loss of, evidence in case of, **15,** 32 n.
agent's purchase of, **15,** 14
delivery to public analyst of, **15,** 12, 16
evidence, as, **15,** 31, 32, 65
how to be dealt with, **1,** 287, 288; **15,** 9, 15, 16, 58, 66
imported food, of, **15,** 44
law generally as to, **1,** 287; **15,** 7, 12—16
payment for, **15,** 14 n.
power to take, **1,** 287; **15,** 7, 12, 15, 44, 56, 58, 60, 68
private person, by, **15,** 14 n., 15 n., 16 n.
quantity of, **15,** 14 n., 67 n.
sealing of, **15,** 15n., 16
tea, of, **15,** 68

ANALYST. *See* PUBLIC ANALYST.
agricultural, appointment and duties of, **1,** 287—291, 299; **15,** 8 n.
Board of Agriculture and Fisheries contract of, **1,** 289—291, 299
certificate of, **1,** 288
chief, **1,** 287, 288, 289
analysis by, right of party to proceedings to, **1,** 288
county council and county borough council, control of, **1,** 289
deputy, **1,** 287, 289
City of London, public, appointment of, **15,** 8
county, appointment of, **15,** 8
evidence of, butter and margarine, in case of, **15,** 56
private, how taken, **15,** 12 n.
food and drugs, for, **15,** 7—10. *See* PUBLIC ANALYST.
Government, analysis by, **15,** 32
certificate of, imported food, as to, **15,** 44
margarine, butter, etc., as to, **15,** 56
prescribed form not necessary in, **15,** 11, 12, 32, 56
prosecution for adulteration, in case of, **15,** 11, 12
sample must be sent to, when, **15,** 32
public. *See* PUBLIC ANALYST.
certificate of. *See* CERTIFICATE.

ANALYTICAL CHEMIST,
registration not usually required, **20,** 352 n.

ANATOMICAL EXAMINATION. *See* POST-MORTEM EXAMINATION.
direction by deceased person for, **15,** 409 n.; **20,** 342
rules to be followed by schools conducting, **20,** 341—343

ANATOMY. *See also* DISSECTION.
burial of the remains, **20,** 342
dissection, permission for, **20,** 341, 342
removal of body for, **20,** 342
examination of body, conduct of, **20,** 343
inspectors of places where carried on, appointment of, **20,** 341
licence to practise, **20,** 340, 341
offences and punishment, **20,** 343

ANATOMY—*continued.*
practice of, control of, **20,** 340—343
schools for, regulation of, **20,** 340, 341
workhouse master may permit dissection, **20,** 341, 342

ANCESTOR,
alien, descent from, **11,** 10 n.
descent when traced from, **11,** 9—11, 20, 23
devise to heir of, **11,** 9
family arrangement to share property to be derived from, **14,** 542
inheritance by, **11,** 10
paternal, preferred to maternal, **11,** 10
predecessor, as, for purposes of succession duty, **13,** 268

ANCHOR,
astern or ahead of other vessels, anchoring, **26,** 489
at anchor, meaning of the phrase, **26,** 404, 405
bell ringing by vessel at, **26,** 414
Board of Trade inquiry as to vessel's, **27,** 545 n.
collision, dropping anchor to avoid, **26,** 484, 485, 489
coming to, procedure in case of, **26,** 489
distress on, **11,** 137 n.
emigrant ship, in case of, **26,** 336; **27,** 545 n.
fairway, anchoring in, **26,** 498
fishing boats at, special rules in case of, **14,** 625; **26,** 395, 489 n.
general average adjustment, allowed for in, **17,** 510
keeping clear of vessel at, duty as to, **26,** 488
lights, position of, **26,** 403—406, 489
regulations as to, object of, **26,** 403—406, 489
size of vessel, in relation to, **26,** 403
swinging to anchor, when, **26,** 406
temporary extinguishment of, **26,** 403
marking of, by manufacturer, **27,** 546, 722
navigation, anchoring as incidental to, **28,** 401, 407, 411
offences in connection with, **27,** 544, 546
pilot's duty as to anchorage, **26,** 531
projecting, liability as to, **26,** 485, 500 n.
public right to, in non-tidal water, **28,** 407, 411
tidal water, **28,** 401
sale of, restrictions on, **25,** 162; **27,** 544, 545
shackle in connection with, included in the term, **27,** 545 n.
steamship navigating in port to have anchors ready to let go, **26,** 484
swinging to, lights in case of, **26,** 403—406, 489
space to be left for, **26,** 489
testing of, provisions as to, **27,** 544—546. *See* TESTING.
certificate of proof of, **27,** 545, 546
Thames, in the, rights as to anchoring, **28,** 411
warranty, statutory, on sale of, **25,** 162; **27,** 545
watch, duty as to, **26,** 489, 490

ANCIENT,
colonial law, colonies still retaining, **10,** 567
Crown jewels are heirlooms, **24,** 240
demesne. *See* ANCIENT DEMESNE.
document,
custody of, **13,** 505, 512—515
evidence, as, **13,** 442, 505, 512—515
examined copy of, verification of, **13,** 549
handwriting in, evidence as to, **13,** 608
interpretation of, **10,** 451, 452
presumption as to authenticity of, **13,** 505

ANCIENT—*continued.*
endowments, for educational purposes, **12,** 6
facts, engineer's reports as evidence of, **13,** 563
freehold. *See* ANCIENT FREEHOLD.
lease, admissibility as evidence of, as to value, **13,** 515
lights. *See* ANCIENT LIGHTS.
map, admission in evidence of, **13,** 532
monuments. *See* ANCIENT MONUMENT.
parish, administrative area, as, **11,** 443
beadle in, **11,** 479
churchwarden of, **11,** 462
Crown rights in case of, **11,** 717
parish clerks in, **11,** 475
sexton in, **11,** 478
sidesmen in, **11,** 474
pasture, meaning of, **25,** 600 n.
ploughing up, as waste, **1,** 284; **25,** 600
public rights, how established, **13,** 467—469
rent, reservation of, under power of leasing, **23,** 75 n., 78 n.
statute, construction of, **27,** 116 n., 141
towns, Winchelsea and Rye, licensing authority in, **18,** 35
usage and custom, evidence as to, **8,** 318 n.; **10,** 222, 223
meaning of, **8,** 318 n.

ANCIENT DEMESNE,
court of, **9,** 217
Domesday Book with reference to, **24,** 150 n.
elegit, writ of, extendible under, **14,** 66
enfranchisement of, **8,** 113
franchise qualification of tenant in, **12,** 154
freehold estate in, **24,** 150, 151
incidents of, **24,** 149 n., 150, 151
Kingston-on-Thames, court at, **9,** 171
nature of, **8,** 67; **24,** 150
origin of, **24,** 148
tenant in, who is, **24,** 150 n.

ANCIENT FREEHOLD,
customary freehold, distinguished from, **8,** 67; **24,** 149
nature of, **8,** 66; **24,** 150
origin of, **24,** 148

ANCIENT LIGHTS,
acquisition of right to, **11,** 303—309. *See* LIGHT.
consecrated building, of, faculty for interference with, **11,** 543
Crown, as against, **6,** 410 n.; **11,** 309
interference with, **11,** 299, 301, 302, 308
gas undertakings, by, **15,** 323 n.
injunction to restrain, **17,** 209 n., 233 n.
London, custom of, as to, **11,** 305 n.
rent, payment of, whether an interruption, **11,** 308
rights relating to, **11,** 297—309

ANCIENT MONUMENT,
defined, **21,** 602, 603
Commissioners of Works, acquisition and care of, by, **7,** 136; **21,** 603—605
county council's acquisition of, **21,** 604, 605
guardian of, appointment and duties of, **21,** 604
housing and town planning scheme, not to be interfered with by, **21,** 605
injury to, liability for, **21,** 605
Lands Clauses Acts, application of, **21,** 604
maintenance of, cost of, **21,** 604

ANCIENT MONUMENT—*continued.*
owner of, *defined*, **21,** 603
appointment of guardians by, **21,** 604
liability for injury to monument, **21,** 605
protection of, **21,** 602—606
public access to, **21,** 605
Public Health Acts, maintenance under, **21,** 606

ANCILLARY
agreement, specifically enforceable, when not, **27,** 13
easement, grant of, includes rights, **11,** 249, 252
relief, injunction, in case of, **17,** 201
specific performance, after judgment in action for, **27,** 96—98
trust, when the court will direct the insertion of, **28,** 24
work, Workmen's Compensation Act, 1906, and, **20,** 194 n.

ANDOVER,
local court of, **9,** 19

ANDREWS *v.* PARTINGTON, RULE IN,
as to postponed distribution, **28,** 718, 719
not applied where failure of gift possible, **28,** 720

ANEURISM,
Workmen's Compensation Act, 1906, in relation to, **20,** 162 n.

ANGLICAN COMMUNION,
colonies, in, episcopal organisation by, **11,** 492
conference of bishops of, **11,** 485 n.
independent churches of, co-operation among, **11,** 486 n.
Japan and China, in, **11,** 499 n.

ANGLING. *See also* FISH; FISHERY; FISHING.
canals and watercourses, in, **14,** 581—583
common of piscary, in exercise of right of, **4,** 469—471; **14,** 579, 580
eels, for, close time for, **14,** 616
lakes and ponds, in, **14,** 581, 582
night, at, arrest for, **14,** 591
public right of, nature and limits of, **14,** 573, 574, 576—579. *See* FISHERY; FISHING.
tow path, from, no public right, **14,** 582
unlawful, penalty for, **14,** 590, 591

ANGLO-INDIAN,
domicil of, **6,** 190

ANIMAL. *See also* GAME.
The title ANIMAL *is contained in Vol. I., pp.* 363 *et seq.*
defined, **1,** 365, 409, 410
agistment of, **1,** 386—388. *See* AGISTMENT.
anæsthetics, use of, in experiments on, **1,** 416
animus revertendi in relation to, **1,** 366, 370
annuity during life of, validity of, **24,** 488
army, impressment for, **25,** 48—53
bailment of
dangerous, duty of bailor on, **27,** 465 n.
when diseased, liability for, **1,** 419
baiting, illegality of, **1,** 412; **15,** 285
beast of the plough, distress upon, **1,** 252; **11,** 142 n., 215
bees. *See* BEES.

ANIMAL—*continued.*
Board of Agriculture and Fisheries, powers of, **1,** 281, 298, 400—403, 421—434; **20,** 13, 32, 33
breach of warranty on sale of, **1,** 388—394
bull baiting, **1,** 412; **15,** 285; **27,** 276
burial of carcase of, **1,** 400, 428, 430, 431
bye-laws as to keeping of, in urban districts, **21,** 514
captivity, in, **1,** 409; **15,** 211 n., 213
destruction of, provisions relating to, **1,** 410
ill-treatment of, **1,** 410
capture of, ownership by virtue of, **1,** 366; **22,** 392, 400
trade, as a, **27,** 509 n.
carcase of diseased, disposal of, **1,** 426, 428, 430
carriage of. *See* CARRIAGE OF ANIMALS.
cattle. *See* CATTLE.
caveat emptor in case of purchase of, **1,** 389, 420; **25,** 157 n.
Channel Islands, special regulations in case of importation from, **1,** 427
charitable gift for protection of, **4,** 116, 118; **28,** 536 n.
classification of, **1,** 365
close season for. *See* CLOSE SEASON.
cocks
combs, cutting, illegality of, **1,** 409 n., 411
fighting, **1,** 409 n., 411, 412
commonable, what are, **4,** 447, 453
compensation for diseased animal slaughtered, **1,** 428, 429
compulsory acquisition of land for wharves and sheds for, **1,** 430; **6,** 171
cowkeeping, Local Government Board's regulations as to, **1,** 433, 434
criminal offences in respect of, **1,** 368—372; **9,** 641, 788; **15,** 63
cruelty to, **1,** 409—419. *See* CRUELTY.
cygnet, ownership of, **1,** 365
damage by, **1,** 372—375; **10,** 320; **21,** 513; **27,** 482 n., 857
distress for, **1,** 378—386. *See* DISTRESS DAMAGE FEASANT.
damages in case of trespass by, **1,** 376, 377; **10,** 320, 342; **27,** 869 n.
dangerous, classification of, **1,** 374
corporation's liability for keeping of, **8,** 387
dog, **1,** 372, 399
health, to, keeping of, **21,** 514, 538
hiring of, **27,** 465 n.
keeping of, **21,** 405, 406, 513; **27,** 482 n., 871 n.
owner's liability for injury by, **1,** 372—375 **27,** 871 n.
right of way, near, **16,** 156
scienter, proof of, **1,** 372—374, 395, 397; **13,** 452; **21,** 405, 406
dead,
larceny of, **1,** 369, 371
property in, **1,** 367—369, 371; **15,** 231
deer. *See* DEER.
disease of, **1,** 419—434. *See* DISEASE OF ANIMALS.
disinfection in relation to infected, **1,** 423, 424, 426. *See also* DISEASES OF ANIMALS.
distress on. *See* DISTRESS DAMAGE FEASANT.
rent, for, **1,** 252, 253, 387; **11,** 138, 200
dog. *See* DOG.
domestic,
cruelty to, **1,** 409
dangerous, presumed by law not to be, **1,** 372

ANIMAL—*continued.*
domestic—*continued.*
examples of, **1,** 365
killing, liability for, **1,** 369; **9,** 788; **15,** 227, 228
owner's liability in respect of acts of, **1,** 372—378, 397; **21,** 406
property in, **1,** 365; **22,** 392
stealing, **1,** 368
what are, **1,** 365
wild, when becoming, **1,** 365 n.
driving of, on highway, **27,** 271, 275—278, 282, 283
diseased animals, in case of, **1,** 422
droppings from, nuisance caused by, **20,** 23 n.; **21,** 555 n.
drugs, administration of poisonous, to, **1,** 413, 414; **9,** 789 n.
escape of, liability in case of, **1,** 375—377; **21,** 395, 396 n.
evidence as to behaviour of, **1,** 373; **13,** 452
ferœ naturæ, **1,** 365—368, 370—372. *See* WILD ANIMAL.
ferry boat, carriage in, of, **14,** 559
food, intended for, inspection of, **15,** 37, 38 n., 42
foot and mouth disease, powers with regard to, **1,** 422, 424, 425
fraud in connection with sale of, **1,** 393, 420
gift of, *ferœ naturæ*, **15,** 409
gift with a view to protection of, **4,** 116, 118; **22,** 298 n.; **24,** 488
highway, negligently left upon, duty not to injure, **21,** 411
obstruction of, by, **27,** 275, 278, 283
straying. *See* straying, *infra.*
tethering on, offence of, **27,** 275, 283
hiring of, dangerous, when, **27,** 465 n.
licence for, **27,** 274
horse. *See* HORSE.
hospital, foundation of, **4,** 116
importation of, **1,** 421, 424
Channel Islands or Isle of Man, from, **1,** 427
inspectors, powers of, **1,** 432
punishment of offences, **1,** 432
quarantine, **1,** 427
slaughter of imported animals, **1,** 427, 432 n.
impounding of. *See* IMPOUNDING; POUND; POUND-BREACH.
infected, **1,** 422, 424, 426, 431. *See also* DISEASES OF ANIMALS.
injury by, distress damage feasant for, **1,** 378—386. *See* DISTRESS DAMAGE FEASANT.
liability in case of, **1,** 372—378; **10,** 320; **21,** 513; **27,** 482 n., 857
injury caused by themselves, presumption of negligence on, **21,** 440
injury to, dog, by, **1,** 397
poisonous trees, from, **1,** 296, 297; **3,** 126; **21,** 396 n., 530
police power to destroy in case of, **1,** 419; **22,** 502; **27,** 282 n.
inspection and examination of, where intended for food, **15,** 37
London, in, **15,** 42, 43
insurance of. *See* INSURANCE.
Isle of Man, special regulations as to importation from, **1,** 402 n., 427
judicial notice as to propensities of, **13,** 495
keeping, bye-laws as to, **21,** 514
health affected by, **21,** 514, 538
injunction to restrain, **21,** 513
what amounts to, **21,** 513 n.

ANIMAL—*continued.*
killing. *See* SLAUGHTER OF ANIMALS.
liability for, **1,** 369, 395—397; **9,** 788; **15,** 227
knacker. *See* KNACKER; KNACKER'S YARD.
larceny of, **1,** 368, 369, 370, 371. *See also* stealing, *infra.*
dead wild animal, **1,** 371
dogs and cats, not subject of, **1,** 368, 394
domestic animal, of, **1,** 368, 369
rabbits in warren, **15,** 239
reclaimed animal, **1,** 370
wild animals, **1,** 370, 371; **9,** 641
London, special provisions in, as to, **27,** 279, 286, 287
maiming, criminal liability for, **1,** 369; **9,** 788
maintenance of, gift for, **4,** 116, 118; **22,** 298 n.; **24,** 488
marine insurance, as subject of, **17,** 364, 435
market, selling in. *See* MARKET.
marking of, **1,** 433; **27,** 889 n.
medicines for, dispensing of, **20,** 375
misrepresentation as to, **1,** 393, 420; **20,** 674, 677 n.
negligence,
carriage of, in. *See* CARRIAGE OF ANIMALS.
in regard to, **1,** 253, 374, 376, 377, 387; **21,** 405—407, 410, 411, 440, 488
nuisance arising from, **1,** 378, 420; **16,** 156; **20,** 23 n.; **21,** 513, 514, 538, 555 n.
ownership of. *See* property in, *infra.*
perpetuity in relation to condition for maintenance of, **22,** 298 n.; **24,** 488
personal estate, as, **1,** 365—368; **11,** 4 n.; **22,** 392
poisonous
drugs, administration of, to, **1,** 413, 414; **9,** 789 n.
trees, injured by, **1,** 296, 297; **3,** 126; **21,** 396 n., 530
poisons, laying, for, illegality of, **1,** 284; **15,** 211, 227
police, powers of, with regard to. *See* POLICE.
profit à prendre, as subject-matter of, **11,** 336, 337
property in, domestic, **1,** 365
wild, **1,** 365—368; **22,** 292, 293, 400. *See* WILD ANIMAL.
railway, carriage by, of, **4,** 29, 36—40. *See* CARRIAGE OF ANIMALS.
frightened animals, not liable for damage caused by, **23,** 725
reclaimed, cruelty to, **1,** 409, 410
damage by, **1,** 377
escape of, effect of, **1,** 377
larceny of, **1,** 370, 371; **9,** 641
property in, **1,** 366
riding or driving, public danger, to, **27,** 275—278, 282, 283
sale of
diseased, **1,** 419, 420
distrained, **1,** 384; **25,** 195
fraud in relation to, **1,** 393, 420; **20,** 674, 677 n.
market, in. *See* MARKET.
street, in, **27,** 282
warranty on, **1,** 388—394, 419, 420; **20,** 674 n.
scienter, proof of, with reference to, **1,** 372—374, 395, 397; **13,** 452; **21,** 405, 406
sheep. *See* SHEEP.
shooting tame or domestic, liability for, **15,** 227
slaughter of. *See* SLAUGHTER OF ANIMALS.

ANIMAL—*continued.*
societies for protection of, charitable institutions, are, **4,** 116
stealing, **1,** 368—372; **9,** 641. *See* larceny, *supra.*
carcase or skin of, **1,** 369
confinement, animals kept in, **1,** 369
dog, **1,** 368, 405
straying, defective fence, in consequence of, **1,** 376; **21,** 406, 410; **27,** 482 n., 871 n.
dogs, **1,** 398
domestic, property in, **1,** 365
highway, from, **1,** 377, 378; **10,** 320 n., **21,** 410; **27,** 482 n.
upon, **16,** 156 n.; **21,** 406; **27,** 278, 482 n.
independent volition with regard to, **10,** 320
lord of manor, right of, to, **8,** 6
pound breach, in regard to, **1,** 386; **9,** 512
private property, found on, ownership of, **1,** 531
what constitutes, **27,** 278 n.
street traffic, in relation to,
control of, lack of, **27,** 282
drivers of, duties and penalties, **27,** 275, 278
footways, upon, **27,** 283, 286
furious riding and driving, **27,** 277, 283
Highway Acts, offences under, with respect to, **27,** 275
manner and route of, prescribed by local authority, **27,** 271
metropolis, in the, **27,** 286, 287
obstruction by, **27,** 283
urban districts, in, **27,** 277
swine. *See* SWINE.
tamed. *See* reclaimed, *supra.*
traps for, setting, **1,** 370, 396, 397; **15,** 227
tree, injury by poisonous, to, **1,** 296, 297; **3,** 126; **21,** 396 n., 530
trespass by, **1,** 375—378, 395; **16,** 55; **21,** 410; **27,** 846, 847 n., 871 n.
distress damage feasant in case of, **1,** 378—386; **15,** 228; **27,** 857, 871 n. *See* DISTRESS DAMAGE FEASANT.
interference with rights of owner of, **1,** 366; **27,** 864 n., 868
trover for, **1,** 365, 366; **27,** 889 n., 896 n.
trust in favour of, **1,** 116, 118; **22,** 298 n.; **28,** 25
vivisection of, **1,** 416—419. *See* VIVISECTION.
warranty on sale of, **1,** 388—394, 419, 420; **20,** 674 n. *See* WARRANTY.
weighing in market of, provision for, **20,** 28
wharves and sheds for, compulsory acquisition of land for, **1,** 430; **6,** 171
wild, **1,** 365—368, 370—372. *See* WILD ANIMAL.
young of, property in, **1,** 365, 367

ANIMUS DEDICANDI,
in case of highway, **16,** 33

ANIMUS FURANDI,
copyright, in case of breach of, **17,** 256
larceny, as constituent of, **9,** 628
tort, in relation to, **27,** 465, 467—470

ANIMUS MANENDI,
in relation to acquisition of domicil, **6,** 185, 186

ANIMUS REVERTENDI,
animals, in relation to, **1,** 366, 370

ANIMUS REVOCANDI,
in case of revocation of will, **28,** 563, 564

ANKYLOSTOMIASIS,
within Workmen's Compensation Act, 1906, **20,** 164 n.

ANNATES,
defined, **11,** 779
commutation of, **11,** 781

ANNEXATION,
augmentation by. *See* AUGMENTATION.
colony, of, **6,** 422
effect as regards application of English law, **10,** 565 *et seq.*
Cornwall, of lands to Duchy of, **7,** 220
fixtures, of, **18,** 416—420. *See* FIXTURES.
Lancaster, of lands to Duchy of, **7,** 220
parish, to, of tithing, hamlet, district, or extra-parochial place, **11,** 450, 451
territory, of, to the British Crown. *See also* CESSION; CONQUEST.
inhabitants' rights, effect on, **1,** 313; **10,** 565
state rights, effect on, of, **1,** 313; **23,** 311, 312

ANNOTATION,
copyright in, **8,** 146

ANNOYANCE. *See also* NUISANCE.
advertisements, putting up of, whether constituting, **18,** 518
compensation for, in case of compulsory purchase of land, **6,** 117, 118
injunction to prevent, where caused by mere stranger, **17,** 208 n.
lessee's covenant against, when broken, **18,** 516
railway company's liability for temporary, **23,** 725

ANNUAL,
account, Building Societies Acts, under, **3,** 355, 389, 390
Charitable Trusts Acts, under, **4,** 273
Loan Societies Act, 1840, under, **19,** 221
Markets and Fairs Clauses Act, 1847, under, **20,** 30
Army Act. *See* ARMY.
audit. *See* AUDIT.
certificate to be taken out by solicitor, **26,** 720—722
charge in respect of small holdings, **26,** 675, 676
education grant, **12,** 6, 49
hiring of servant, presumption as to, **20,** 92—94
increment value duty, assessment and collection of, **24,** 557—570, 581
interest, income tax in respect of, **16,** 619, 643, 659—665
licensing meeting, proceedings at, **18,** 39—46
list of members of company, to be returned to registrar, **5,** 149, 263, 264, 355
default with regard to, **5,** 265 n.
meeting of company, **5,** 249
parish
council meeting, holding of, **19,** 245
meeting, proceedings at, **19,** 256, 257
police returns to be made to Home Secretary, **22,** 517, 518
profits and gains, income tax purposes, for, **16,** 618, 623—627, 636, 639, 643, 667. *See* INCOME TAX, profits.
rack-rent, meaning of, **28,** 315 n.
rentcharge, provision for improvement of land by charging land with, **18,** 278

ANNUAL—*continued.*
report, Board of Agriculture and Fisheries, of, under Small Holdings and Allotments Acts, **1,** 360
Board of Trade, of, under Companies' Act, 1908, **5,** 437
Prison Commissioners, of, to Secretary of State, **23,** 232
registrar of friendly societies, of, under Industrial and Provident Societies Act, 1893, **17,** 9
urban district council, of, to Local Government Board, **19,** 283
return, allotments, as to, by local authority, **1,** 354
company, by, **5,** 263, 264
friendly society, of, as to receipts and expenditure, **15,** 173, 174
guardians, by, as to superannuation allowances and gratuities, **22,** 548
industrial and provident society, of, **17,** 27, 28
falsification of, **17,** 11, 16 n.
supply of copies of, **17,** 16, 28
market tolls or dues, of, to Local Government Board, **20,** 29, 30
railway company, by, as to capital, expenditure etc., **23,** 644
statement, industrial and provident society, of, as to banking business, **17,** 5
insurance company, of, **5,** 618, 619, 632; **17,** 512
summary attached to company's annual list, **5,** 74, 264, 265 n.
survey, passenger steamer, of, **26,** 332, 333
training, Army reserve, of, **25,** 60
Territorial Force, of, **25,** 69, 70
value, county franchise, for, **12,** 150
income tax purposes, for, **16,** 619—623, 636
licensed premises, of, amount of, **18,** 57—60
compensation charge, for purposes of, **18,** 71 n.
cost of obtaining valuation, whom payable by, **18,** 62
how arrived at, **18,** 58, 61
water rate purposes, for, **28,** 314, 315, 347 n.

ANNUITANT. *See also* ANNUITY.
action on covenant by, **24,** 520—522
administration action, right to judgment in, of, **24,** 499, 520, 521
bankruptcy of donor, effect of, on rights of, **24,** 498—501
creditor, rights as, of, **24,** 499, 521
death before payment of annuity of, **14,** 263, 276, 277; **24,** 481
ejectment by, where annuity secured by term, **24,** 382
estate insufficient to pay in full, rights in case of, **24,** 480, 497, 499—501
evidence as to continuance of life of, **24,** 479 n.
executor of, when entitled to fund producing annuity, **14,** 263 n.; **24,** 490
income tax, liability to, of, **16,** 659—666; **24,** 501, 502
interpleader by tenant as to persons entitled to, **13,** 58; **17,** 587
joint, rights of, **24,** 487, 488
land tax, chargeable to, **18,** 309, 310
life. *See* ANNUITY, life etc.
cash value, when entitled to, **24,** 480, 481. *See* ANNUITY, life etc.

ANNUITANT—*continued.*
life—*continued.*
charge on *corpus*, right in case of, **24,** 521
charge on income, right in administration action, **24,** 522
gift over, effect on, **24,** 482
pauper, guardians' rights in respect of, **19,** 494; **22,** 572
payment of value, when right negatived, **24,** 481, 482
personal representative of, rights of, **14,** 263, 277; **24,** 481
personation of, criminal liability for, **9,** 706
priority *inter se* of, **24,** 494, 495
receiver, appointment of, on application of, **24,** 520, 522
remedies of, **24,** 520—522
residuary estate, rights as against, of, **24,** 480, 491, 492
reversionary, rights of, as against annuitant in possession, **14,** 277; **24,** 501
Savings Banks Acts, under, **24,** 483
security for payment which may be required by, **14,** 262; **24,** 521, 522
settlement estate duty payable by, **13,** 231
tenant for life, not a, **25,** 626 n.
trustee or executor as, *virtute officii*, **24,** 488, 489, 499, 500
vesting of rights of, **14,** 262, 263, 276, 277; **24,** 481, 495, 497

ANNUITY. *See also* ANNUITANT.
The title RENTCHARGES AND ANNUITIES *is contained in Vol. XXIV., pp.* 463 *et seq.*
defined, **16,** 664; **24,** 465, 469
abatement of, where estate insufficient to pay in full, **14,** 276, 277; **24,** 500, 507
accrual from day to day of, **24,** 502, 503
action of, how superseded, **1,** 36
administration action, annuitant's rights in, **24,** 499, 520—522
advancement, as, **11,** 21
agreement for, enforcement of, **16,** 452; **27,** 7 n.
animals, for benefit of, **24,** 488
for duration of lives of, **22,** 298 n.; **24,** 488; **28,** 25
apportionment of, **13,** 29; **24,** 502, 503
tenant for life and remainderman, as between, **24,** 505, 506; **25,** 612—614; **28,** 34
trustee no power to make, to obtain ownership franchise, **12,** 150
appropriation of funds to answer,
administration action, in, **24,** 521, 522
court, by the, **24,** 492
trustees, direction to, for, **24,** 493, 494
arrears of, interest on, **14,** 274; **21,** 41; **24,** 508, 509
quia timet action by reversioner of land charged to keep down, **13,** 52
recovery of, **23,** 531; **24,** 520—522, 525, 526
husband and wife, as between, **16,** 452
what are recoverable, **19,** 99, 103, 141; **24,** 524—526. *See* limitation of action, *infra.*
assignment of, form of, **24,** 479 n.
where payable to divorced wife, **4,** 402
bankruptcy, donor, of, effect of, **24,** 498—501
proof in, for, **2,** 203, 204; **16,** 451; **24,** 498
bequest of, **14,** 262, 263; **24,** 480
capital fund providing, **13,** 230
bond for payment of, **3,** 81, 82, 94, 104; **13,** 263
burial board, grant by, as security, **3,** 478

ANNUITY—*continued.*
capital
fund providing, taxation of, **13,** 229, 230
instalments of annuity may form part of, **28,** 34
when chargeable to, **14,** 282; **24,** 491—494, 505, 521; **28,** 34
capitalisation of, as basis of damages in case of death through negligence, **21,** 461, 462
cash value of, right to, **24,** 481, 521
certificate as a security, **21,** 62
cesser of, proviso for, on separation of husband and wife, **24,** 491
charged on property where repairs required by local authority, **23,** 530
charging order on, **14,** 102
chose in action, as a, **4,** 363
civil list, annuities provided for in, **7,** 271
class, gift to member of a, **28,** 721
clear annuity, interpretation of gift of, **4,** 206
clear of all deductions, deduction of income tax in case of, **24,** 502
cohabitation, granted in terms discouraging, effect of, **24,** 490, 491
commencement of, **14,** 262; **24,** 485
construction of grant of, **24,** 465, 470, 491, 492
contingent, provision for, **24,** 522
contract relating to, time as essence of, **27,** 68 n.
Conveyancing and Law of Property Act, 1881, remedies for recovery under, **24,** 522
Cornwall, in case of Duchy of. *See* CORNWALL, DUCHY OF.
court's power to set aside security for, **24,** 521
covenant to
secure, **13,** 263; **24,** 479, 497, 522
settle after-acquired property, not covered by, **25,** 550, 553
creation of, instrument *inter vivos*, by, **24,** 479
settlement, by, **25,** 586
statute, by or under, **24,** 482, 483
will, by, **24,** 470, 480—482; **28,** 704 n., 777
Crown grant of, **4,** 398; **6,** 489
cumulative or substitutional, solution of question whether, **24,** 495
deed, creation by, of, **24,** 479, 485
enrolment, necessity for, **24,** 479 n.
defeasible, payment of capital of, **14,** 277
deferred, income tax in respect of, **16,** 670, 671
Deferred Annuity Fund, management of, **12,** 128, 129
devastavit by executrix, how far available in case of, **16,** 370
devise or conveyance subject to, not a trust, **19,** 141
devolution of, **24,** 470
direction to provide, effect of, **14,** 262, 263; **24,** 480, 481, 493, 522
distress, recovery by, of, **23,** 531; **24,** 522
divorced wife, to, assignment of, **4,** 402
dower, in lieu of, **24,** 194 n., 494
duration of, **24,** 470, 486—491; **25,** 586
endowment by, **15,** 125 n.
entry, recovery by, of, **24,** 522
estate duty, how far exempt from, **13,** 201, 212
in respect of. *See* ESTATE DUTY.
estate tail, effect of limitation as, **24,** 470
executor, to, applied in payment of debt to estate, **24,** 502
virtute officii, **24,** 488
executrix, of, how far available in case of *devastavit*, **16,** 370

ANNUITY—*continued.*
extinguishment of, **24,** 513, 523
non-payment, by, **19,** 85; **24,** 523, 524
friendly society, assured by. *See* FRIENDLY SOCIETY.
fund to satisfy, appropriation of, **24,** 492, 493, 494, 521, 522
direction or power to set apart, **24,** 480, 492, 493, 494
misappropriation of, **24,** 522
gift of, construction as rentcharge, **24,** 470
different amount to same person, effect of, **24,** 496
effect where followed by residuary gift, **24,** 492
forms of, **24,** 492
gift over, effect of, **24,** 482
restraint on anticipation, subject to, to single woman, effect of, **16,** 364
same
amount, of, effect of, **24,** 496
person by one or more instruments, to, effect of, **24,** 495, 496
Government, **22,** 389; **24,** 482, 756
county court jurisdiction as to, **8,** 653
injunction to restrain payment of, **17,** 266 n.
guardians' recourse to, in case of pauper annuitant, **19,** 494, 572
hereditament, as, **24,** 160, 161
hotchpot, application of, **11,** 20, 21; **14,** 277; **24,** 501
income, payable in general out of, **24,** 491, 493, 494, 505
income tax in respect of. *See* ASSESSMENT; INCOME TAX.
incorporeal hereditament, as an, **24,** 161
industrial society's capital invested in, **17,** 21
infant, grant by, **17,** 49
purchase by, **17,** 61
injunction to restrain payment of Government, **17,** 266 n.
instrument *inter vivos*, created by, **24,** 479
insufficiency of assets, bankruptcy of donor, by reason of **24,** 498
deed, in case of, **24,** 499, 500
fund to be set apart, to provide, **24,** 480
will, in case of, **24,** 500, 501
invest a given sum, direction to, **24,** 481
joint lives, for, damages for fatal accident to one, **21,** 461
duration and effect of, **24,** 487, 488
jointure, by way of, **25,** 541
laches in recovering arrears, effect of, **24,** 526
land, charged on. *See* real estate, *infra.*
does not make the land settled land, **25,** 624 n., 675 n.
land tax in respect of, **18,** 308—310
leaseholds, charged on, nature of, **24,** 465, 467, 468, 474
legacy
duty in respect of. *See* LEGACY DUTY.
included in the term, **14,** 264; **19,** 85; **24,** 470, 480, 507; **28,** 704
satisfaction by bequest of, **16,** 448; **24,** 496
life of annuitant, for, **24,** 480, 481, 486; **28,** 777
franchise, as qualification for, **12,** 147, 148 n.
life policy to secure, **17,** 563 n.
limitation as real estate, **24,** 470, 471

ANNUITY—*continued.*
limitation of action for,
land out of England or Ireland, charged on, **19,** 107 n.
personal estate only, when payable out of, **14,** 264; **19,** 99 n., 103; **24,** 525, 526
real estate, when payable out of, **14,** 264; **19,** 85 n., 99, 115, 116 n., 141; **24,** 523, 524
specialty, when secured by, **19,** 77, 99 n.; **24,** 525
trust, when secured by, **19,** 103, 141; **24,** 525, 526
loan secured by, **24,** 479 n.
local
Acts, money raised under, by, **20,** 446; **24,** 483
authority, for repayment of cost of works required by, **23,** 530
Local Loans Act, 1875, issued under, **21,** 62
London County Council, creation by, of, **20,** 446
loss of, through death by negligence, damages in case of, **21,** 461, 462
lunatic, of, guardians' right to recoupment from, **19,** 494
payment of, **19,** 439
maintenance and education, for, **24,** 489
misappropriation of, under Municipal Corporations Act, 1882, **9,** 655
mortgage
by way of, **21,** 88
covenant to grant, **13,** 93
in competition with, **21,** 346; **25,** 359
of existing, **21,** 128
mortgagee requires notice of, **21,** 89
Municipal Corporations Act, 1882 purchased or transferred under, **9,** 655
parol grant of, **24,** 479; **27,** 33 n.
partnership, whether constituted by share of profits by way of, **22,** 10, 11
pauper annuitant, guardians' rights in case of, **19,** 494; **22,** 572
payment of, **14,** 262; **24,** 501—509
perpetual, creation of, **24,** 480, 482, 486; **28,** 777
rights of annuitant in case of, **24,** 521
perpetuity, rule against, **22,** 298 n.; **24,** 488
personal estate, as, **24,** 465, 469—471, 507
portion, whether a, **11,** 21
priority of
annuitants *inter se*, **24,** 494, 495
mortgage, over, **21,** 346; **25,** 359
prison officer, payable to, **23,** 241 n.
public revenues, granted out of, **24,** 469, 482
pur autre vie, **24,** 487
purchase of, direction or power for, **24,** 481
real estate, charged on,
adjustment liability in administration, **14,** 282; **24,** 470, 507, 508
limitation of action for. *See* limitation etc. *supra.*
limitation to secure, **25,** 586
real estate, as, **11,** 20 n.; **24,** 465, 470
real estate, limited after manner of, **24,** 470, 471
Real Property Limitation Act, 1833, when a rent within, **19,** 98, 141
receiver to secure payment of, **24,** 340, 416, 520, 522
recovery of, **23,** 531; **24,** 503, 514, 520—522
redemption of, **24,** 513
registered proprietor of land, created by, **24,** 478
registration of, **21,** 89, 346; **24,** 480, 499; **25,** 359

ANNUITY—*continued.*
registration—*continued.*
unregistered, extent to which binding, **24,** 499
release of, **24,** 513
remainderman, contribution between tenant for life and, **24,** 505; **28,** 34
rent, as a, **19,** 98, 141
rentcharge, distinguished from, **24,** 465—470, 507
by way of, **24,** 470; **25,** 586
rescission of, action for, **20,** 744 n.
resettlement, in deed of, **25,** 691
residuary legatee's rights in regard to, **19,** 90; **24,** 492, 505; **25,** 628 n.
residue, position when forming part of, **24,** 505; **28,** 34
restraint on
anticipation attached to, **16,** 364, 446 n.; **24,** 479, 481
marriage attached to, **24,** 490
retainer by personal representative in respect of future instalments of, **14,** 258
reversionary, valuation of, **24,** 500
Royal family, granted to, **7,** 271
satisfaction, application of doctrine of, **16,** 448; **24,** 496, 497
Savings Banks Acts, grant under, of, **24,** 483
search in respect of, **25,** 357—359
security for payment of, **14,** 262; **24,** 521
power of court as to, **24,** 521
separation between husband and wife, on, **11,** 18; **16,** 446—448, 452; **24,** 491
sequestration and its effect upon widow's claim to, **14,** 86 n.
servant, to, as long as she continues in service of a person, effect of, **28,** 759, 760
settled
estate, charged on, duty of tenant for life as to, **25,** 619
land, sale of, discharged from, **25,** 671
settlement
estate duty in respect of fund providing, **13,** 229, 230
provisions in, for, **25,** 586
several
gifts to same person, effect of, **24,** 496
persons, limited to, **24,** 487, 488
specific performance of agreement for, **24,** 480; **27,** 7 n., 56
spinsterhood, during, **24,** 489
stamp duty on grant of, **3,** 104; **24,** 479 n., 724 n.
stamped receipts for payments of, how far necessary, **13,** 255, 256
Statute of Frauds in relation to grant of, **24,** 479
statutory powers, created under, **24,** 482, 483
substitutional gift of, **24,** 495, 496
succession duty in respect of, **13,** 263, 282, 286, 289, 291 n.
cesser of annuity, deduction in respect of, **13,** 291 n.
death of annuitant within four years, **13,** 282
value for purposes of, **13,** 289
teacher, provision to, of, **12,** 10, 128, 129
tenant for life,
bound to keep down, **13,** 52; **14,** 282; **25,** 619
contribution by, **24,** 505, 506; **28,** 34
tenement, whether a, **24,** 158, 160, 471
term, creation for, of, **24,** 487; **28,** 34
terminable, burial board's power of borrowing by means of, **3,** 478

ANNUITY—*continued.*
terminable—*continued.*
created by financial statutes, **24,** 756
London County Council, **20,** 446
trustee, to, *virtute officii*, **24,** 488
trustee
may not apportion, to obtain ownership franchise, **12,** 150
power to, to provide, **24,** 480, 481; **25,** 586
usury laws, for purpose of avoiding, **21,** 88; **24,** 479 n.
valuation of, abatement, for purpose of, **14,** 276, 277; **24,** 481, 499, 500
bankruptcy, for proof in, **2,** 203; **16,** 451; **24,** 498, 499
legacy duty, for purpose of, **13,** 245, 246
succession duty, for purpose of, **13,** 289
value of, when annuitant can claim in cash, **24,** 480—482
verbal promise of, enforcement of, **24,** 479; **27,** 33 n.
vesting of, **14,** 262, 263, 276, 277; **24,** 481, 485, 495, 497
wasting property, payable out of, duty in case of, **28,** 31, 32
widow, payable notwithstanding sequestration to, **14,** 86 n.
widowhood, during, **24,** 489; **25,** 628 n.
will, creation by, of, **24,** 470, 480, 481, 485, 486; **28,** 704 n., 777

ANNULMENT,
adjudication in bankruptcy, of, **2,** 85, 90—93. *See* ADJUDICATION ORDER.
charter of incorporation, of, **8,** 400
composition, of, **2,** 84, 85
surety for, effect on, **15,** 564, 566
marriage, of. *See* DIVORCE.
impotence, for, **16,** 470—472
scheme of arrangement in bankruptcy, of, **2,** 84, 85

ANOINTING,
at coronation ceremony, **6,** 327

ANONYMOUS LETTER,
discovery of, **11,** 76 n., 77 n.

ANSWER,
bill of complaint in Mayor's Court, London, to, **20,** 292, 294
English information, to, **10,** 23
interrogatories to, **11,** 108—112. *See* INTERROGATORIES.
petition in matrimonial cause, to, practice as to, **16,** 513—515
Workmen's Compensation Act, 1906, of respondent under, **20,** 218, 219

ANTE-NUPTIAL
agreement, child's religion, as to, **17,** 113
chose in action of wife, action by husband for, **16,** 329
debts of wife, action against husband and wife in respect of, **16,** 410
husband's liability for, **16,** 408—411
judgment against wife no bar to action against husband, **16,** 410
limitation of actions in case of, **16,** 411
primary liability of separate property for, **16,** 410

ANTE-NUPTIAL—*continued.*
debts of wife—*continued.*
restraint on anticipation with reference to recovery of, **16,** 367, 368
wife's liability, for, **16,** 407, 408
settlement, bankruptcy, in case of, **2,** 150, 151, 262, 277
form of, **16,** 342; **25,** 528, 535—537, 567
Infant Settlements Act, 1855, under, **17,** 103 n.
marriage as consideration for, **25,** 563—566
parol, by, **15,** 82 n.; **25,** 533—535
provisions in. *See* MARRIAGE SETTLEMENT.
separate property by, **16,** 342
two held as one, for purpose of election, **13,** 118

ANTECEDENT,
agreement, appointment in pursuance of, **23,** 60
debt, consideration, as, bill of exchange, for, **2,** 497
bill of sale, for, **3,** 31, 32
contract, for, **7,** 387
creditors, as against, **15,** 82
guarantee, for, not sufficient, **15,** 454
negotiable security, for, **7,** 385, 386
partner entering firm, how far liable for, **22,** 36
pledge by buyer of goods for, effect of, **25,** 202
liabilities, cesser clause in charterparty as affecting, **26,** 133
negligence, collision cases, in, **26,** 510—516

ANTHRAX,
animal suffering from, must be reported to medical officer of health, **1,** 422
milk of cow suffering from, dealing with, **1,** 434
Workmen's Compensation Act, 1906, within, **20,** 162 n., 164 n.

ANTI-FLUCTUATER,
gas engine, for use on, **15,** 356

ANTI-SCORBUTICS,
carriage by ship of, provision as to, **26,** 45

ANTI-VIVISECTION SOCIETY,
charitable gift for, **4,** 116

ANTICIPATION,
injury, of, through works on land taken compulsorily, **6,** 40, 41
patent, of, procedure on discovery of, **22,** 166, 167
restraint on. *See* RESTRAINT ON ANTICIPATION.
trust until, effect of, **28,** 29, 30

ANTIQUE,
implied representation of genuineness on sale of, **20,** 673 n., 676 n.
pistol sold as, Pistols Act, 1903, does not apply to, **27,** 547 n.

ANTIQUITIES. *See* ANCIENT MONUMENT.
dug up, builder under building contract is not entitled to, **3,** 187
treasure trove, as. *See* TREASURE TROVE.

ANTIQUUM,
fief, in relation to, **11,** 10 n.

ANVIL,
distress on, **11,** 137

APARTMENTS. *See also* LODGINGS.
house let in, income tax in respect of, **16,** 631
rating of, **24,** 13, 19

APERTURE,
building, in, easement of air to, **11,** 326
light, for, what included in, **11,** 307

APOLOGY,
defamation, offered after, effect of, **18,** 726, 727
full, meaning of, **18,** 727 n.

APOPLEXY,
death by, whether within Workmen's Compensation Act, 1906, **20,** 162 n.

APOSTOLICAL CANON,
authority in ecclesiastical law of, **11,** 376 n.

APOTHECARIES' WEIGHT,
authorisation of, **28,** 465 n.
sale by, **28,** 470

APOTHECARY,
defined, **20,** 345
assistant, qualification for, **20,** 348
certificate required by, **20,** 346—349, 351
fee for, **20,** 347, 348 n.
charges of, recovery of, **20,** 351
chemist, distinguished from, **20,** 349, 351, 356
compounding of medicines by, duty with regard to, **20,** 350, 356
duties and privileges of, **20,** 349—351
examination for certificate of, **20,** 346, 347, 349
examiner of, appointment of, **20,** 346, 347
fees payable by, on application for certificate, **20,** 347, 348
inspection by Society of Apothecaries of drugs of, **20,** 346
negligence of, effect of, **20,** 351 n.
penalty for offence committed by, recovery of, **20,** 350
practising
as, what constitutes, **20,** 349
without a certificate, proceedings for, against, **13,** 435 n.; **20,** 350, 356
qualifications required of, **20,** 345, 347, 349
recovery of charges of, **20,** 351
removal from list of licentiates of, **20,** 348
sale of poisons by, **20,** 356, 382, 384
Society of Apothecaries. *See* SOCIETY OF APOTHECARIES.
weight, sale of drugs by, **28,** 470
woman as, **20,** 347

APPARATUS. *See* APPLIANCE; EQUIPMENT; FITTINGS.

APPAREL. *See also* CLOTHING; WEARING APPAREL.
archbishop or bishop, of, **11,** 402
distress, exemption from, of, **11,** 139, 209, 226
execution, exemption from, of, **2,** 299; **14,** 48
minister, of, **11,** 672—675
pawn of, **22,** 237
ship, of, salvage of, **1,** 75
seaworthiness, in relation to, **26,** 211
trustee in bankruptcy, not vesting in, **2,** 143

APPARENT,
accommodation, passing with grant of premises, **11,** 254—256
alteration in will, what is, **28,** 559
easement, implied grant of, **11,** 254, 255
meaning of, **11,** 241
owner, agent as, principal's liability in case of, **1,** 204; **2,** 174
true owner estopped from recovering goods sold by, **27,** 914
possession, doctrine of, with reference to bills of sale, **3,** 17, 56, 57
husband and wife, in case of, **3,** 17, 57

APPARITOR,
ecclesiastical fees of, **11,** 428 n., 552 n.

APPEAL,
abandonment of right of, **19,** 651, 678; **22,** 604; **27,** 174 n.
Admiralty Division, from, to Court of Appeal, **1,** 63, 111, 125—127; **23,** 193 n.
House of Lords, to, **1,** 63, 126
inferior court, from, **1,** 111—117, 140
grounds of appeal, notice of, **1,** 115
registrar, reference to, on, **1,** 127
report of, from, **1,** 121
shipping casualty, to, with reference to, **26,** 595
affidavit for purposes of, **1,** 116; **9,** 45, 47; **13,** 629 n.
affiliation proceedings, in, **2,** 445, 453, 454; **9,** 86; **19,** 639
agreement
not to, effect of, **1,** 114; **8,** 603; **23,** 193
to accept judgment as final, where there has been, **1,** 112, 114
agricultural holding, in case arising out of arbitration with reference to, **8,** 631
distress upon, **1,** 257
Agricultural Holdings Act, 1908, under, **9,** 63
Alkali etc. Works Regulation Act, 1906, under, **8,** 632, 633
Allotments and Cottage Gardens Compensation for Crops Act, 1887, under, **8,** 634
amendment of document lodged in connection with, **9,** 47
appellant, who may be. *See* APPELLANT.
arbitration,
building society, in case of, **3,** 383, 384, 387; **8,** 639
order to remit or set aside award, from, **1,** 477, 481; **8,** 631; **9,** 59
reference to, of subject matter of, **19,** 649; **22,** 606; **25,** 786; **27,** 406
statement of case by arbitration, with reference to, **1,** 464, 465, 481; **23,** 193 n.
Workmen's Compensation Act, under, **20,** 213, 238—240. *See* Workmen's Compensation Act, *infra.*
archbishop, from, **11,** 388, 510, 529
to, from bishop's decision as to pension, **11,** 631
archdeacon's court, from, **11,** 438, 501
Army Act, 1881, in case of difference arising under, **8,** 635
arrest of ship pending, **1,** 114
assault on officer of court, against fine for, **8,** 603
assessment of taxes, from. *See* income tax, land tax, *infra.*
counsel's right of audience at, **2,** 376

APPEAL—*continued.*
assessors, presence of, at, **9,** 49, 50, 439; **21,** 648, 649; **26,** 609 n.
assistance of judge of Supreme Court at House of Lords, **21,** 647, 648
attachment or committal, from order for, **2,** 344; **7,** 281, 282, 322, 323
Attorney-General, by, in charitable trust matter, **4,** 328; **8,** 641, 642
audit of accounts of urban district council, with reference to, **19,** 286
Australia, from, **10,** 583, 584
bail pending, in criminal case, **9,** 438
revenue case, **10,** 20
bailiff, high, by, **17,** 639
ballot papers, from order for inspection of, **12,** 511
bankruptcy, **2,** 6, 7, 262, 264, 301—310
adjudication in, from order of, **2,** 82, 83, 87, 302
on application to annul, **2,** 93
Board of Trade, by, **2,** 110, 302
from, **2,** 310
commitment under Debtors Acts, from order of, **2,** 341, 344
consent order in, from, **2,** 305
costs, as to, **2,** 129, 305
court's discretionary power in, as to exercise of, **2,** 305
discharge in, against order relating to, **2,** 262—265, 302
dismissal of petition in, against, **2,** 302
examination in, against, **2,** 302
House of Lords, to, **2,** 303, 304
interpleader matter in, from order made in, **17,** 620
notice, from judgment forming basis of, **2,** 53, 56, 57
order refusing to set aside, **2,** 32
official receiver's accounts in, as to, **2,** 124
appearance in, **2,** 106
party pending, of, **23,** 195; **26,** 855
persons entitled to bring, **2,** 301—303
procedure on, **2,** 304—308
proof in, from chairman's decision as to, **2,** 68
official receiver's or trustee's decision as to, **2,** 198, 235, 310
receiving order in, against, **2,** 301, 302, 307
rehearing, by way of, **2,** 308—310
rules as to, **2,** 304, 305
scheme of arrangement in, from order approving or refusing, **2,** 82, 302
trustee in, as to appointment of, **2,** 110, 302
payment to apprentice by, **2,** 222
release or removal of, **2,** 112, 113
taxation of costs of, **2,** 128
trustee under arrangement, by, **2,** 333
where amount involves less than £50, **2,** 305
Baths and Washhouses Acts, under, **23,** 500
benchers of Inns of Court, from, by barrister or student, **2,** 361
billiards, from conviction having reference to, **27,** 426
Board of Agriculture and Fisheries, from, as to enfranchisement of copyholds, **8,** 128
to, boundaries, from award as to, **4,** 551
Board of Education, from, to Privy Council, **9,** 33; **12,** 104, 105 n., 110, 111
to, as to provision of public elementary school, **12,** 26
Board of Trade, by, in bankruptcy matter, **2,** 110, 302

References in thick type are to volumes; small type to pages.

APPEAL—*continued.*
Board of Trade—*continued.*
from, in bankruptcy matter, **2,** 310
in winding up matter, **5,** 458, 552, 554 ; **9,** 60
to, Designs Rules, 1908, under, **27,** 736
electric supply company, in question with, **12,** 587, 588, 631
emigration officer, from, **26,** 82
Light Railway Commissioners, from, **27,** 827
literary and scientific institution, as to internal regulation of, **19,** 203
Locomotives Act, 1898, under, **27,** 314
official receiver's accounts, as to, **2,** 124
pilotage authority, from decision of, **26,** 608, 609
Trade Marks Act, 1905, under, **27,** 687, 705
Bombay Civil Fund, as to, **9,** 63
borough rate, against, **24,** 80
boundaries of parish or manor, from award as to, **4,** 551, 557—559
Bread Acts, in case of offence under, **15,** 53
brief, acceptance on appeal, **2,** 378, 406, 407
Brine Pumping (Compensation for Subsidence) Act, 1891, under, **8,** 637
Building Societies Act, 1874, under, **8,** 639
building society, cancellation or suspension of registry of, from, **3,** 397
dispute, in arbitration in case of, **3,** 383, 384, 387 ; **8,** 639
Canada, from, **10,** 582
case for, Judicial Committee of Privy Council, before, **9,** 43
case stated, by, in criminal matter, **9,** 433 ; **19,** 650
Central Midwives Board, from, **9,** 59 ; **20,** 369
certiorari, by way of. *See* CERTIORARI.
from grant or refusal of, **10,** 189, 201
Chamberlain's Court, London, from, **20,** 286, 287
Chancery Court of Durham, from, **9,** 63
Lancaster, from, **9,** 63, 122
Chancery Division,
from, **9,** 63 ; **23,** 193, 194, 196 n.
judge of, to, in arbitration matter, **1,** 491, 492
to, Charity Commissioners, from, **4,** 268
Channel Islands, from, **9,** 31 ; **10,** 579
charging order, against, **14,** 107
Charitable Trusts Acts, 1853 to 1891, under, **8,** 641, 642
charity cases, costs of, **4,** 341, 348, 355, 356
from judge in chambers in reference to, **4,** 336
Charity Commisioners, from order of, **4,** 268, 316, 317, 355
costs of, **4,** 341
Children Act, 1908, under, **17,** 161, 171
Church Discipline Act, 1840, under, **11,** 529
churchyard, from conviction for brawling in, **3,** 422
Cinque Ports, from or to Court of Admiralty of, **1,** 139, 140 ; **9,** 28, 50
Salvage Commissioners, from, **1,** 140
City of London Court, from, in Admiralty matter, **1,** 112—115
Clergy Discipline Act, 1892, under, **9,** 50 ; **11,** 511, 525
closing order under Housing, Town Planning etc. Act, 1909, from, **23,** 545
Coal Mines Regulation Acts, from conviction under, **20,** 622

APPEAL—*continued.*
colonial
civil and criminal courts, from, **6,** 402, 426, 427 ; **7,** 55 ; **9,** 30, 31, 50 ; **10,** 579—584
Court of Admiralty, from, **1,** 141 ; **9,** 28, 50
Commissioners of Sewers, from, **24,** 108 ; **25,** 786
to, **24,** 109
committal or attachment, from order for, **2,** 344 ; **7,** 322, 323
Commons Act, 1876, under, **8,** 644
Companies Liquidation Account, as to payment out of, **5,** 458
company, Board of Trade, from, decisions of, **5,** 458, 552, 554
liquidator, of, by, **5,** 462, 463
from, **5,** 522, 523, 551
penalties, none in case of, **5,** 317
scheme of arrangement, from court's sanction of, **5,** 609
winding up of, in, **5,** 425, 471, 522, 523, 548—552, 602, 609 ; **9,** 60. *See* WINDING UP BY THE COURT.
liquidator's position and acts, as to, **5,** 462, 463, 522, 523, 551 ; **9,** 60
official receiver, from, **5,** 425, 550, 554 ; **9,** 60
Comptroller-General of Patents, Designs and Trade Marks, from, **22,** 169, 178, 208, 210 ; **27,** 736
consent, order made by, from, **2,** 305 ; **18,** 190 ; **23,** 132, 193
consistory court, from, **9,** 29 ; **11,** 506, 508, 519
contributory's liability from decision determining, **5,** 548 ; **23,** 193 n.
copyhold enfranchisement, in matters relating to, **8,** 128
costs, in respect of, **23,** 132, 180, 182, 194
charity cases, in, **4,** 341, 348, 355, 356
divorce matter, in, **16,** 581
ecclesiastical matter, in, **11,** 519
injunction application, in, **17,** 290
interpleader matter, in, **17,** 620
mortgagor, by, **21,** 238
trustee, in case of, **28,** 162
Workmen's Compensation Act, 1906, under, **20,** 241
costs of, **23,** 207
Admiralty, in, **1,** 126
bankruptcy, in, **2,** 262, 308
county court, from, **3,** 609
habeas corpus, as to, **10,** 75
House of Lords, in, **21,** 650 ; **26,** 767
justices, from, **19,** 656
matrimonial cause, in, **16,** 561
security for. *See* SECURITY FOR COSTS.
winding up, in, **5,** 549 n., 551 n.
counsel's
right to audience on, **2,** 406, 407, 416. *See* AUDIENCE.
brief on, **2,** 406, 407
signature to petition or case of, **2,** 378 ; **21,** 644
counterclaim in county court, in case of, **8,** 602
county court, against order to remit action to, **8,** 441
from, **8,** 601—615. *See* COUNTY COURT APPEAL.
rate, against, **19,** 360 ; **24,** 73, 75
court-martial, naval, **25,** 17, 18

APPEAL—*continued.*
Court of Appeal,
from, to House of Lords. *See* HOUSE OF LORDS (Court of Appeal).
jurisdiction and organisation of. *See* COURT OF APPEAL.
to, cross-appeal in case of, **23,** 199
to, from
Admiralty Division, **1,** 63, 111, 125—127
county court, **8,** 601, 602 n., 607 n.; **9,** 63; **13,** 227; **20,** 227, 238—240; **24,** 586
Divisional Court in
arbitration matter, **1,** 465, 477, 481 n.
bankruptcy matter, **2,** 263, 303, 310
county court appeal, **8,** 609; **9,** 63; **23,** 193
magisterial matter, **19,** 655; **23,** 193
municipal election matter, **12,** 512
parliamentary election matter, **12,** 460
Divorce Division, **16,** 557—559, 561
Fugitive Offenders Act, 1881, under, **14,** 428
High Court decision, from, **23,** 192—207. *See* COURT OF APPEAL.
in arbitration matter, **1,** 481, 488
attachment or committal, **7,** 322, 323
bankruptcy matter, **2,** 6, 7, 341, 344; **9,** 56
certiorari or prohibition, **8,** 611
criminal matter, **7,** 322; **23,** 193
habeas corpus matter, **10,** 74
interlocutory matter, **18,** 180; **23,** 194, 202
interpleader matter, **17,** 618, 619, 640
practice and procedure, as to, **23,** 194. *See* COURT OF APPEAL.
probate matter, **14,** 157, 158
revenue matters, in, **24,** 585, 586
revising barrister's case, **12,** 256
special case, **17,** 620
judge in chambers, **11,** 59, 107; **17,** 618; **18,** 180, 190; **23,** 133
Mayor's Court, London, **20,** 300
Palatine Court, **5,** 550; **9,** 63, 122, 127
Railway and Canal Commissioners, **23,** 762—764
Court of Criminal Appeal, to and from. *See* COURT OF CRIMINAL APPEAL.
Court of Delegates, to, **11,** 501
Court of Probate Acts, 1857 and 1858, under, **8,** 646
court of summary jurisdiction, from,
certiorari, by way of. *See* CERTIORARI.
High Court, to, **19,** 650
mandamus, by way of. *See* MANDAMUS.
prohibition, by way of. *See* PROHIBITION.
quarter sessions, to, **9,** 85; **19,** 638, 642—659; **20,** 468. *See* quarter sessions, *infra.*
court of survey, to, from emigration officer, **26,** 82
surveyor of ships, **26,** 650 n.
Cran Measures Act, 1908, against conviction under, **28,** 487
creditor's claim, from decision determining, **5,** 548; **23,** 193 n.
cremation, from conviction in connection with, **3,** 575
criminal matter, in, **9,** 432—444; **19,** 655, 656
bail, as to, **9,** 326 n.
capital punishment, in case of, **9,** 438
Court of Appeal, to, **7,** 322; **23,** 193
Court of Criminal Appeal, **9,** 91, 432—444. *See* COURT OF CRIMINAL APPEAL.

APPEAL—*continued.*
criminal matter—*continued.*
Divisional Court of King's Bench Division, to, **19,** 655
Judicial Committee of Privy Council, to, **9,** 30
quarter sessions, to, **9,** 85
vexatious or frivolous, **9,** 441
cross-appeal, procedure in case of, **23,** 199
county court, in, **8,** 606
Crown Office Department of Central Office, entry at, of, **8,** 605
to, in colonial matter, **6,** 426, 427; **9,** 30
ecclesiastical suit, **6,** 394
cruelty to animals, from conviction for, **1,** 415
dairyman's right of, in case of prohibition order as to milk, **23,** 464 n.
damages, review of, on, **10,** 349, 350; **17,** 214, 215
dead body found drowned, from penalties in connection with, **3,** 548
death of party pending, **8,** 608; **9,** 48; **19,** 645; **23,** 195. *See* APPELLANT.
defend, from order giving unconditional leave to, **23,** 132—134, 194
design, with reference to registration of, **27,** 736
diocesan court, from, **9,** 29; **11,** 508
director's liability, from decision as to, **5,** 548; **23,** 193 n.
discovery of documents
for purposes of, **9,** 438; **11,** 53
order as to, against, **11,** 59
Diseases of Animals Act, 1894, from conviction under, **1,** 432
distress, from conviction or order with reference to, **11,** 187 n., 191, 214, 222, 223, 226, 227
district registrar, from, **9,** 70
divisional court,
Admiralty Division, from, **1,** 111, 112
to, **1,** 111, 115, 116, 140; **9,** 59
bankruptcy, from, **2,** 303, 304—308
to, **2,** 303
King's Bench Division,
from, county court appeal, in, **8,** 609; **9,** 63; **23,** 193
district rate, in regard to, **24,** 93 n.
election petition matter, in, **12,** 460, 512
interpleader matter, in, **17,** 618
magisterial matter, in, **19,** 655
winding-up matter, in, **5,** 550
to, **9,** 59, 60; **23,** 133
arbitration matter, in, **1,** 465, 491, 492
bankruptcy matter, in, **2,** 303
county court, from, **8,** 601, 607; **9,** 59
interpleader matter, in, **17,** 617, 640
judge in chambers, from, **23,** 133
Mayor's Court, London, from, **20,** 298—300
midwife, by, **20,** 370
practice on, **23,** 133, 134
winding-up matter, in, **5,** 550; **9,** 60
Workmen's Compensation Act, 1906, under, **20,** 223 n.
Probate, Divorce and Admiralty Division, to, generally, **9,** 59
county court matter, in, **8,** 646; **9,** 59
separation or maintenance matter, in, **16,** 602—604
Divorce Division, from, to Court of Appeal, **16,** 557—559; **23,** 193 n. *See* DIVORCE DIVISION PRACTICE.
drainage board, from, **24,** 108

References in thick type are to volumes; small type to pages.

APPEAL—*continued.*
East Indies, from, **10,** 579
ecclesiastical proceedings, in, **9,** 29
archbishop, from, **11,** 388, 510, 529, 631
Archdeacon's Court, from, **11,** 438, 501
Church Discipline Act, under, **11,** 529
Clergy Discipline Act, 1892, under, **11,** 525
consistory court, from, **9,** 29; **11,** 506, 508, 519
costs, as to, **11,** 519
court of delegates, to, **11,** 501
diocesan court, from, **11,** 508
faculty cases, in, **3,** 417; **11,** 547
interlocutory decisions, from, **11,** 519
pension, as to, **11,** 631
Privy Council, to, **6,** 394; **11,** 511, 529, 531, 547
practice, **9,** 48
Public Worship Regulation Act, under, **11,** 531
question of law, on, **11,** 525
Rome, to, prohibition of, **6,** 394 n.; **11,** 500
educational endowment scheme, against, **9,** 33; **12,** 100, 104, 105 n., 110, 111
ejectment, in proceedings for, **8,** 602; **18,** 561
election commissioners, from report as to corrupt practices of, **12,** 469
petition matter, in, **12,** 460, 470, 488, 489, 506, 511, 512
electrical undertakers, in question with, **12,** 587, 588, 631
emigration officer, from, as to clearance certificate, **26,** 82
Employers' Liability Act, under, **3,** 603; **20,** 153
employment agency in metropolis, from refusal of licence to, **28,** 881, 882
Endowed Schools Act, 1873, under, **9,** 33; **12,** 104, 105 n., 110, 111
English information, in case of, **10,** 26
error, by action of, **1,** 32, 45; **9,** 433
estate duty, from Commissioners of Inland Revenue as to, **13,** 226, 227
estoppel by reason of abandonment of right of, **19,** 678
evidence, county court, in, admission or rejection of, from, **8,** 601, 603, 604, 608
on, Admiralty, in, **1,** 113, 114, 116, 121, 125, 126
affiliation proceedings, in, **2,** 453
bankruptcy, in, **2,** 308
Court of Appeal, before, practice as to, **18,** 201; **23,** 200—203
criminal appeal, before, **9,** 438, 439, 442
schedule of, **18,** 201
Judicial Committee, before, **9,** 45; **10,** 580, 581
summary jurisdiction, from courts of, **19,** 647
explosives, from local authority's decision as to licence for, **14,** 367
extended jurisdiction, from county court in action under, **3,** 607
extension of time for, Admiralty matter, in, **1,** 112
bankruptcy matter, in, **2,** 305
company winding-up matter, in, **5,** 548, 549
county court action, in, **3,** 606
Court of Appeal, in, **23,** 197
criminal appeal, in, **9,** 438, 443
dismissal of action, in case of, **11,** 57 n.
Divisional Court, to, **23,** 133 n.

APPEAL—*continued.*
extension of time for—*continued.*
Summary Jurisdiction (Married Women) Act, 1895, under, **16,** 603
from order for, **23,** 133, 194
extradition proceedings, in, **14,** 430
Extraordinary Tithe Redemption Act, 1886, under, **8,** 647
fact, on matter of, **8,** 603; **23,** 192, 762
Factory and Workshop Act, 1901, under, **8,** 648
faculty case, in, **11,** 547
false judgment, by action of, **1,** 32, 45
fertiliser, from conviction for adulteration, **1,** 291
final appeal, what is, **23,** 192
final judgment or order, from, to Court of Appeal, **18,** 180, 181; **23,** 193
Finance Act, 1894, ss. 10 and 14, under, **8,** 649, 650
fine for assault on officer of court, in case of, **8,** 603
food and drugs offence, in case of, **15,** 32, 55 n.
Foreign Jurisdiction Act, 1890, under, **9,** 32
Friendly Societies Act, 1896, under, **8,** 653; **15,** 132, 134, 141, 181, 204
friendly society conviction, in case of, **15,** 188
gaming-house, against conviction for offence relating to, **15,** 289 n.
garnishee proceedings, in, from master, **14,** 100; **23,** 194 n.
gas
examiner, from, counsel's right of audience at, **2,** 376
report of, **15,** 392, 394
inspector's decision, from, **15,** 351
referees, from prescription or certificate of, **15,** 390
undertakers, from conviction for malicious breach of contract of service with, **15,** 357 n.
general
district rate, against, **24,** 89, 90, 92, 93. *See* GENERAL DISTRICT RATE.
rate in metropolis, against, **24,** 130, 131
sewers rate, against, **24,** 108
good cause as ground for, **23,** 182
Government Annuities Acts, 1864 and 1882, under, **8,** 653
Guardianship of Infants Act, 1886, under, **8,** 654
habeas corpus, against grant or refusal of, **10,** 73, 75; **14,** 416; **23,** 193 n.
Habitual Drunkards Act, 1879, under, **18,** 167
hearing of, county court matter, in, **8,** 607—609
Court of Appeal, in, **23,** 200—204
criminal matter, in, **9,** 440
House of Lords, before, **21,** 646, 649
Judicial Committee of Privy Council, in, **9,** 44—46
licensing matter, in case of, **18,** 82, 83
quarter sessions, at, **19,** 646, 647; **22,** 605
revising barrister, in case of appeal from, **12,** 253, 254
High Court of Justice,
from,
Court of Appeal, to, **9,** 63; **23,** 192, 193. *See* Court of Appeal, *supra.*
criminal matter, in, **10,** 124; **23,** 193
to, **9,** 59, 60; **17,** 639
bankruptcy matter, in, **2,** 7
boundary question, in, **4,** 551, 557—559
copyhold enfranchisement matter, in, **8,** 128

APPEAL—*continued.*
High Court of Justice—*continued.*
to—*continued.*
inclosure matter, in, **4,** 551, 557—559
Inland Revenue Commissioners, from, **16,** 681—683 ; **17,** 189 ; **24,** 717
interpleader proceedings, in, **17,** 639
land values, as to, **24,** 582—586
Mayor's Court, London, from, **20,** 298—300
registrar of friendly societies, from, **27,** 612, 623, 626
revising barrister, from, **12,** 248—255
special case, by way of, **1,** 114 ; **8,** 128, 603 ; **12,** 460, 512 ; **19,** 650—657, 663—666
Trade Marks Act, 1905, under, **27,** 687, 705
winding-up matter, in, **5,** 458, 552, 554
highway, diversion or alteration, in case of, **4,** 562—564 ; **9,** 86 ; **16,** 76 ; **19,** 639
non-repair of, from conviction for, **16,** 147, 148 n.
rate, as to, **16,** 171, 172 ; **24,** 97
utility of new, as to, **16,** 93
Highways and Locomotives (Amendment) Act, 1878, under, **8,** 655
Home Secretary, to. *See* Secretary of State, to, *infra.*
Hosiery Manufacture (Wages) Act, 1874, under, **8,** 655
House of Lords. *See* HOUSE OF LORDS (Court of Appeal).
Housing of the Working Classes Acts, 1890 and 1903, under, **8,** 656
husband and wife, to settle property dispute between, **16,** 461
immigration board, to, **1,** 322, 323
in formâ pauperis, county court matter, in, **8,** 605, 609
divorce matter, in, **16,** 562
House of Lords, to, **20,** 240 ; **21,** 647
Judicial Committee of Privy Council, to, **9,** 34, 35, 42, 46 ; **10,** 580
trade union member, by, **27,** 630 n.
Workmen's Compensation Act, 1906, under, **20,** 240
Inclosure Acts, from scheme for regulation of metropolitan common under, **4,** 610
valuer or assistant commissioner under, **4,** 551, 557—559, 562—564 ; **19,** 639
Inclosure etc. Expenses Act, 1868, under, **8,** 657
income tax, as to, **16,** 614, 635, 636, 680—683
audience on, barrister, of, **16,** 681
solicitor, of, **16,** 681
Court of Appeal, to, **16,** 682
duties of surveyor in case of, **16,** 681. *See* SURVEYOR.
General Commissioners, from, **9,** 220 ; **16,** 681
to, **9,** 220 ; **16,** 635, 666, 680, 681
High Court, to, **16,** 681—683, 690
costs in, **16,** 682
pending, payment of tax, **16,** 682
question of law only, on, **9,** 220 ; **16,** 682, 690
remission to Commissioners, **16,** 683
House of Lords, to, **16,** 682
Special Commissioners, from, **9,** 220 ; **16,** 681
to, **9,** 220 ; **16,** 614, 666, 681, 689
time within which to make, **16,** 680
increment value duty, with reference to, **24,** 560, 582—586
India, from courts of, **10,** 604, 606, 607, 610
inferior courts of, **10,** 609, 610
Vice-Admiralty Court of, **9,** 50

APPEAL—*continued.*
Industrial and Provident Societies Act, 1893, under, **8,** 659 ; **17,** 10, 28, 32, 38. *See* INDUSTRIAL AND PROVIDENT SOCIETIES.
Inebriates Acts, 1879 to 1899, under, **8,** 660
infant, as to custody of, **23,** 193 n.
inferior court, from, generally, **9,** 59, 133
hearing of counsel on, **2,** 413
with Admiralty jurisdiction, from, **1,** 111—117 ; **9,** 59
inhabited house duty, as to, **17,** 189
injunction, in case of. *See* INJUNCTION ; INTERLOCUTORY INJUNCTION.
restraining dealings with a fund pending, **17,** 212
Inland Revenue Commissioners, from, as to compensation for loss of licence, **18,** 76
estate duty, **13,** 226, 227
income tax, **9,** 220 ; **16,** 614, 681—683
inhabited house duty, **17,** 189
legacy duty, **13,** 261 n.
stamp duty, **24,** 717
succession duty, **13,** 303, 304
to, from surveyor of taxes, **16,** 635, 636, 680, 681 ; **17,** 189
instrument of, nature of, **1,** 112, 113
interlocutory order, from, **9,** 64 ; **18,** 180, 181 ; **23,** 132, 193, 194, 202
Admiralty, in, **1,** 112, 126
Chancery Division, in, **5,** 548
county court, in, **8,** 602
Divorce Division, in, **16,** 559
ecclesiastical suit, in, **11,** 519, 529
election petition case, in, **12,** 506, 511
injunction, as to, **17,** 283 ; **23,** 193 n.
King's Bench Division, in, **1,** 465 ; **7,** 323
leave for, **1,** 112 ; **5,** 548 ; **17,** 283 ; **18,** 180 ; **23,** 132, 194
what is, for purposes of appeal, **16,** 461 ; **18,** 178 ; **23,** 132
interpleader proceedings, in. *See* INTERPLEADER IN COUNTY COURT ; INTERPLEADER IN HIGH COURT.
interrogatories, from decision as to, **11,** 107, 113
Ireland, in, from pilotage authority, **26,** 609 n.
Isle of Man, from, **10,** 579
Isolation Hospitals Acts, under, **23,** 437, 438
judge in chambers,
from, **9,** 59, 63 ; **23,** 132, 133
arbitration matter, in, **1,** 465, 488
bankruptcy matter, in, **2,** 304
Chancery Division, in, **23,** 133
charity matter, in, **4,** 336
county court matter, in, **8,** 441
Court of Appeal, to, **23,** 133
discovery matter, in, **11,** 59, 107
Divisional Court, to, **23,** 133
divorce proceedings, in, **16,** 560
garnishee proceedings, in, **14,** 100
interlocutory order, **23,** 132
interpleader matter, in, **17,** 618
probate matter, in, **14,** 157
winding-up matter, in, **5,** 550
to, master, from, **17,** 617, 618 ; **23,** 129, 134
Public Trustee Act, 1906, under, **28,** 218
registrar of Divorce Division, from, **16,** 559, 581
judge without jury, from, **23,** 192
judge's notes for purposes of. *See* JUDGE, notes of.

APPEAL—*continued.*
judgment effective notwithstanding pendency of, **13,** 326
judgment on, Court of Appeal, in, **8,** 610; **18,** 203; **23,** 202
Divisional Court, in, **8,** 608; **19,** 657
House of Lords, in, **21,** 649, 650
Judicial Committee of Privy Council, in, **9,** 45, 46
quarter sessions, at, **19,** 647, 648; **22,** 605
judgment summons, from order on, **2,** 341
Judicial Committee of Privy Council, to. *See* JUDICIAL COMMITTEE OF PRIVY COUNCIL.
jury, when case tried with, **23,** 192
justice of the peace, disqualification of, on ground of interest, **18,** 81; **19,** 555; **24,** 60, 65
justices of the peace, from. *See* court of summary jurisdiction, *supra;* quarter sessions, *infra.*
Land Tax Commissioners, from, **18,** 317
land value duties, as to, **24,** 560 n., 582—586. *See* LAND VALUES DUTIES.
landlord, by, in interpleader proceedings, **17,** 639
landlord's recovery of premises, against, **8,** 602; **18,** 561
Latin information, in case of, **10,** 12
law, on matter of, from county court, **8,** 601, 603, 604
Law Society's
committee's decision on solicitor's conduct, from, **26,** 855
refusal of renewal of solicitor's certificate, **26,** 722
solicitor's pass certificate, against, **26,** 718, 719
leave to, costs, as to, **23,** 132, 180
commit, from refusal to, **7,** 323
county court, from, **1,** 112; **8,** 604
Court of Appeal, to, **23,** 193, 194, 195
bankruptcy matter, **2,** 303
consent order, **18,** 190; **23,** 193
county court matter, **8,** 441, 609
interlocutory matter, **18,** 180; **23,** 132, 194
winding up, in, **5,** 548
Court of Criminal Appeal, to, **9,** 433—435
Divisional Court, from, **1,** 111, 125; **2,** 303, 305; **5,** 550; **8,** 609; **23,** 193
High Court of Justice, from, **18,** 87, 180, 190; **23,** 193, 194, 195
House of Lords, to, bankruptcy matter, in, **2,** 304
injunction, in case of interlocutory order as to, **17,** 283; **23,** 193 n.
interlocutory order, from, **1,** 112; **5,** 548; **17,** 283; **18,** 180; **23,** 132, 194
judge in chambers, from, **23,** 132
Judicial Committee of Privy Council, to, **9,** 32—35
Mayor's Court, London, from, **20,** 296, 298, 299
leave to defend, from order giving unconditional, **23,** 132—134, 194
legacy duty, recovery of, from, **10,** 20
lex fori governs period for, **6,** 307
liberty of the subject, on matter affecting, **23,** 193 n.
licence for sale of intoxicating liquors, forfeiture of, against conviction involving, **18,** 49
grant of, pending, **18,** 47, 49
refusal to renew, against, **9,** 86; **18,** 47, 76, 78—87; **19,** 639, 650

APPEAL—*continued.*
licensed premises, alteration of, against order directing, **18,** 78
conviction for offence relating to, against, **18,** 157
Light Railway Commissioners, from, **27,** 827
lighting rate, against, **24,** 100
limited partnership, as to winding up of, **22,** 121
liquidator, by, from order as to his removal or release, **5,** 462, 463
liquidator's decision in winding up matter, from, **5,** 522, 523, 551; **9,** 60
literary and scientific institution, with reference to alteration of purposes of, **19,** 203, 208
Liverpool Court of Passage, from, **9,** 63; **17,** 641
local authority, from, Local Government Board, to. *See infra.*
petty sessions, to, **23,** 581
Secretary of State, to, **14,** 367; **23,** 575
Local Government Board, to, abatement of nuisance notice, from, **21,** 567
auditor's surcharge etc., from, **19,** 286, 287
closing or demolition order, from, **23,** 545
Housing, Town Planning etc. Act, 1909, under, **23,** 545
Isolation Hospitals Acts, under, **23,** 437, 438
local authority, from, **16,** 226; **20,** 400; **23,** 379, 598
Locomotives Act, 1898, under, **27,** 314
poor law matter, in, **22,** 606
Public Health Act, 1875, under, **23,** 379, 598
Local Loans Act, 1875, under, **8,** 667
locomotives on
bridges, as to prohibition of, **27,** 314
highways, with reference to, **27,** 316, 330
London Building Act, 1894, under, **8,** 668; **20,** 471, 477
London County Council, appeal committee of, to, **20,** 421, 422, 465, 468; **23,** 600, 612; **25,** 740; **27,** 406
declaration as to special expenses by, from, **20,** 400
lunacy, county court order, from, **8,** 670
judge's order, from, **9,** 63, 96; **19,** 412 n.
Lord Chancellor's order, from, **9,** 63, 95; **19,** 412 n.
master's order, from, **19,** 413
lunatic, pauper. *See* pauper lunatic, *infra.*
penalties for offences in regard to, as to, **19,** 529
malicious prosecution, action for, how affected by successful, **19,** 678, 679
mandamus, by way of. *See* MANDAMUS.
from, **10,** 123, 124
marine insurance policy of gambling description, from conviction in respect of, **17,** 378 n.
marriage officer's refusal to celebrate marriage, from, **6,** 259
Married Women's Property Act, 1882, under, **8,** 671
master in chambers, from,
discovery matter, in, **11,** 59, 107
garnishee proceedings, in, **14,** 100
generally, **9,** 59; **23,** 129, 134
interpleader matter, in, **17,** 617, 618
remittal to county court, **8,** 441
Master of the Rolls, to, as to renewal of solicitor's certificate, **26,** 722
solicitor's pass certificate, **26,** 718, 719

APPEAL—*continued.*
Mayor's Court, London, from, **9,** 64; **20,** 298—300
registrar of, **20,** 285
medical
drugs, from conviction relating to, **20,** 381
practitioner, as to registration of, **20,** 320
metropolitan
borough council, from order as to works by, **20,** 421, 422, 465; **25,** 739, 740
common, from scheme for regulation of, **4,** 610
ditch, etc., from decision to fill up, etc., **23,** 612
rates, as to. *See* METROPOLITAN RATES.
metropolitan police magistrate, from, **19,** 643
to, employment agency licence, with reference to, **23,** 881, 882
midwife, by, against removal of name from roll, **9,** 59; **20,** 369
misdirection of jury, in case of, **8,** 603, 608; **23,** 204
monument, as to grant of faculty for erection of, **3,** 417; **11,** 547
mortgagor's right to, as to costs, **21,** 238
motion for, **23,** 133, 134, 192
Motor Car Act, 1903, under, **27,** 330
municipal election petition, in case of, **12,** 488, 489, 506, 511, 512
musical composition, against conviction for piracy of, **8,** 171
Naval Court, from, **1,** 117; **26,** 595
court-martial, from, **25,** 17
new trial, county court, in, from order granting or refusing, **8,** 550, 602 n., 604; **9,** 63
ordered on, **8,** 608, 610; **9,** 433; **16,** 560; **23,** 192. *See* NEW TRIAL.
notice of. *See* NOTICE OF APPEAL.
nuisance, from notice or order to abate, **21,** 567, 571
official
receiver, from, in winding-up matter, **5,** 425, 550, 555; **9,** 60
referee, from, **9,** 59
old age pension, with reference to, **22,** 622, 623
Open Spaces Act, 1906, under, **8,** 672
order made on, **8,** 610; **18,** 203; **19,** 647, 648, 657
originating summons, in case of, **14,** 335
overseers, appointment of, as to, **9,** 86; **19,** 639
by, to Local Government Board, **20,** 400
quarter sessions, **24,** 66, 73, 75, 80
palatine court, from, **5,** 550; **9,** 63, 122, 127
parent or guardian, against order on, to pay fine for child, **9,** 437
parish council, by, against county rate, **19,** 360
isolation hospital district being formed, **23,** 437, 438
parliamentary election petition, in case of, **12,** 460
Parliamentary Elections (Returning Officers) Act, 1875, under, **8,** 674
partition action, in, **8,** 676; **21,** 856
patent matter, in, **9,** 60; **22,** 169, 178, 205, 208, 210, 225, 227
Patents, Designs and Trade Marks Office, from, **27,** 687
pauper lunatic, payment of expenses of, as to, **19,** 494
removal or settlement of, as to, **9,** 86; **19,** 497, 498, 520, 639; **22,** 599, 602—606
APPEAL—*continued.*
pawnbroker, from refusal to grant licence to, **22,** 259
Pawnbrokers Act, 1872, from, conviction under, **22,** 259
pending, judgment effective notwithstanding, **13,** 326
personal representative, by, as to costs, **14,** 348
petition of, Judicial Committee of Privy Council, to, **9,** 37—40
petroleum licence, against refusal by local authority of, **23,** 575
petty sessions, to, London Building Act, 1894, under, **20,** 477
pleasure boat licence, with reference to, **23,** 581
Pharmacy Acts, 1852 and 1868, under, **8,** 676
pilotage authority, from, to Board of Trade, **26,** 608, 609
pleasure boat licence, against decision of local authority as to, **23,** 581
poaching conviction, from, **15,** 232, 235, 238
police pension, as to refusal or forfeiture of, **22,** 513
poor law, quarter sessions, to, **9,** 86; **19,** 494, 497, 639, 650; **22,** 602—606
rate, against, **24,** 58—66. *See* POOR RATE.
relief, recovery of, against, **8,** 677
removal or settlement, order as to, from, **22,** 599, 602—606
practice and procedure, in matters of, **23,** 133, 194; **27,** 162
prescribed
form, in county court, neglect to use, not entertained on, **8,** 618
rules, non-compliance with, judicial committee may excuse, **9,** 47
printing of evidence etc. for purposes of, **1,** 113; **9,** 37, 43; **23,** 204 n.
prison officer, of, against suspension, **23,** 240
private improvement expenses, with reference to, **23,** 379
Privy Council, to. *See* JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.
veterinary surgeon, by, on refusal of registration, **20,** 374, 375
Prize Court, from, **6,** 402; **9,** 28, 48, 50; **23,** 287, 290. *See* PRIZE COURT.
Probate Division, from, to Court of Appeal, **14,** 157, 158
to, from county court, **8,** 646
prohibition, by way of contradistinction to, **8,** 604
practice on. *See* PROHIBITION.
refusal of, from, **10,** 152
provisional valuation list, against, **24,** 126
Public Health Acts, under, **8,** 679; **20,** 468; **23,** 369, 379, 598; **25,** 760 n.
public office, from decision as to compensation on abolition of, **23,** 354
Public Trustee Act, 1906, under, **8,** 680; **23,** 218
Public Worship Regulation Act, 1879, under, **11,** 531
quarter sessions, from, Court of Criminal Appeal, to, **19,** 660
High Court, to, **19,** 650—657
to, **9,** 85; **19,** 638, 642—650; **20,** 468
affiliation proceedings, in, **2,** 445, 449 n., 453; **9,** 86; **19,** 639
agricultural holding dispute, with reference to, **1,** 257
Baths and Washhouses Act, 1846, under, **23,** 500

APPEAL—*continued.*
quarter sessions—*continued.*
billiards, from conviction with reference to, **27,** 426
brawling in churchyard, from conviction for, **3,** 422
Children Act, 1908, under, **17,** 161, 171
Coal Mines Regulation Acts, under, **20,** 622
Commissioners of Sewers, from, **9,** 222 ; **24,** 108 ; **25,** 786
court of summary jurisdiction, from, **9,** 85 ; **15,** 32, 53, 188 ; **17,** 161, 171 ; **19,** 638, 642—659 ; **20,** 468
Cran Measures Act, 1908, under, **28,** 487
cremation, from conviction in connection with, **3,** 575
criminal jurisdiction, **9,** 85
cruelty to animals prosecution, in case of, **1,** 415
Diseases of Animals Act, 1894, from conviction under, **1,** 432
distress, in connection with, **11,** 191, 214, 222, 223, 226, 227
drainage board, from, **24,** 108
drowned person, from conviction in connection with, **3,** 548
employment agency licence, with reference to, **28,** 881, 882
Explosives Act, 1878, under, **14,** 395
Food and Drugs Act, under, **15,** 32, 55 n.
friendly society conviction, in case of, **15,** 188
gambling marine policy, from conviction in respect of, **17,** 378 n.
gaming house offence, in case of, **15,** 289 n.
gas inspector's decision, from, **15,** 351
gas undertakers, from conviction for malicious breach of contract of service with, **15,** 357 n.
highway, as to utility of new, **16,** 93
diversion or alteration of, **4,** 562—564 ; **9,** 86 ; **16,** 76 ; **19,** 639
inclosure award, against, **4,** 563 ; **19,** 639
increment value duty, with reference to, **24,** 560 n.
Industrial Societies Act, penalties under, **17,** 32
licensing matter, in, **9,** 86 ; **18,** 78—87 ; **19,** 639, 650
literary and scientific institution, with reference to regulation of, **19,** 208
Locomotives on Highways Acts, under, **27,** 316, 330
mandamus, excludes remedy by, **10,** 102
medical drugs, from conviction with reference to, **20,** 381
Metropolis Management Acts, under, **20,** 465
metropolitan police magistrate, from, **19,** 643
Motor Car Act, 1903, under, **27,** 330
nuisance, from order to abate, **21,** 567, 571
overseer, against appointment of, **9,** 86 ; **19,** 639
pawnbroker's conviction, from, **22,** 259
piracy of musical composition, from conviction for, **8,** 171
poaching offences, in, **15,** 232, 235, 238
police pension, as to, **22,** 513
poor law matter, in, **9,** 86 ; **19,** 494, 497, 639, 650

APPEAL—*continued.*
quarter sessions—*continued.*
practice, arbitration, reference to, **19,** 649
costs of, **19,** 648, 649
court to which appeal lies, **19,** 643
death of parties, effect of, **19,** 645
decision of court, manner of determining, **19,** 647
enforcement of order of court, **19,** 648
entry of appeal, **19,** 645
finality of decision, **19,** 648
hearing of, **19,** 646, 647
informalities corrected on, **19,** 646
notice of, **19,** 643, 644, 646
order of court, effect of, **19,** 648
powers of court on, **19,** 647, 648
recognisance of appellant, **19,** 644
respite of, **19,** 646
right of appeal, **19,** 642, 643
special case, by, **19,** 650. *See* SPECIAL CASE.
Public Health Acts, under, **20,** 468 ; **23,** 369 ; **25,** 760 n.
Railway Rolling Stock Protection Act, 1872, under, **11,** 140 n. ; **23,** 647
Railways Clauses Consolidation Act, 1845, under, **23,** 736
rating, in question of. *See* RATING APPEAL.
Summary Jurisdiction (Married Women) Act, under, **9,** 59 ; **16,** 602—604
Trade Union Acts, under, **27,** 638
unlicensed theatre, in case of, **27,** 407
Vagrancy Act, 1824, under, **22,** 615, 616
valuation list, with reference to, **24,** 121—123
water supply, with reference to, **28,** 296
Weights and Measures Act, 1878, under, **28,** 496
quinquennial list, against, **24,** 120—123
Railway and Canal Commissioners, from, **9,** 63, 64 ; **23,** 759, 762—764. *See* RAILWAY AND CANAL COMMISSION.
on case stated by, **9,** 59
Railway Rolling Stock Protection Act, 1872, under, **11,** 140 n.
rating, to. *See* RATING APPEAL.
receiver, appointment of, as to, **14,** 124 ; **23,** 193 n.
recovery of premises, against, county court, in, **8,** 602
Distress for Rent Act, 1737, under, **18,** 561
referee, from, **1,** 491, 492
to, from decision as to land value, **24,** 582—584
reference for trial, in case of, **1,** 488, 491, 492
reference to
registrar of
Admiralty Division in, **1,** 127
Judicial Committee of Privy Council in, **9,** 45
special commissioner on, **9,** 439
registrar, bankruptcy, from, **2,** 304
district registry, from, **23,** 132
Divorce Division, from, **16,** 559, 581
Friendly Societies, from, **27,** 612, 623, 626
General Medical Council, from, **20,** 320
High Court of Justice, from, **5,** 550 ; **8,** 441 ; **9,** 70
Mayor's Court, London, from, **20,** 285
Probate Division, from, **14,** 157
Railway Commission, from, **23,** 759
trade marks, from, **27,** 687, 705, 721, 736
winding up, in, **5,** 550

APPEAL—*continued.*
rehearing, by way of. *See* REHEARING.
bankruptcy matter, in, **2,** 308—310
matrimonial cause, in, **16,** 561
remission of cause to court below, **1,** 114, 127
county court, to, **8,** 441
remitted action, in, **8,** 602
replevin, in action of, **8,** 602 ; **11,** 202, 203
restoration of, House of Lords, in, **21,** 40 n.
Judicial Committee of Privy Council, before, **9,** 41
revenue
case, in, **9,** 59 ; **10,** 20 ; **24,** 737
side of King's Bench Division, from, **24,** 737
revising barrister, from, **9,** 59 ; **12,** 248—257. *See* REVISING BARRISTER.
Riot (Damages) Act, 1886, under, **8,** 680 ; **22,** 509
Rivers Pollution Prevention Acts, 1876 and 1893, under, **8,** 682
Royal College of Veterinary Surgeons, from, **20,** 374, 375
Rules of Supreme Court, application of, to, **8,** 605 ; **23,** 192, 193 n., 762
Sale of Exhausted Parish Lands Act, 1876, under, **8,** 684
Salford Hundred Court, practice in, as to, **17,** 643
salvage award, against, **26,** 581, 582, 589
sanitary
authority, from,
England and Wales, **23,** 379
metropolis, **20,** 468 ; **23,** 600, 612
domestic appliances, from decision of local authority as to, **23,** 598, 600
schedule of evidence for purposes of, **18,** 201
school, public elementary, against provision of, **12,** 26
Secretary of State, to,
from local authority, **14,** 367 ; **23,** 575
marriage officer, **6,** 259
police authority, **22,** 509
security for costs of. *See* SECURITY FOR COSTS.
separation or maintenance order, as to, **9,** 59 ; **16,** 602—604
Settled Land Acts, under, county court, from, **8,** 685
sheriff, by, in interpleader matter, **17,** 617, 624
shipping casualty, procedure in case of, **1,** 115—117 ; **9,** 59 ; **26,** 594, 595. *See* SHIPPING CASUALTIES.
showing cause, when necessary, **8,** 605 ; **9,** 41
Small Dwellings Acquisition Act, 1899, under, **8,** 686
solicitor, by, from order striking off the rolls, **26,** 855
refusal of pass certificate to, **26,** 718, 719
renewal of certificate of, **26,** 722
Solicitors Act, 1870, under, **8,** 686
South Africa, from, **10,** 584
special case, by way of, arbitration matter, in, **23,** 193 n.
High Court of Justice, to, **1,** 114 ; **8,** 128, 603 ; **12,** 460, 512 ; **19,** 650—657, 663—666 ; **22,** 605
Judicial Committee of Privy Council, to, **9,** 36, 37
licensing justices, from, **18,** 87
order in regard to, from, **1,** 465
Trade Marks Act, 1905, under, **27,** 705, 706
on point of law, from decision on, **17,** 620 ; **18,** 87 ; **23,** 193 n.
waiver of right of appeal by statement of, **27,** 174 n.

APPEAL—*continued.*
special sessions, from justices in, **19,** 650 ; **24,** 60
poor rate, against, **24,** 59, 120
stamp on document, as to sufficiency of, **8,** 604 ; **23,** 193 n.
stannaries court, from county court sitting as, **9,** 63
statutory jurisdiction of county court, in case of, **8,** 603, 631—693
statutory right of, **27,** 151, 162, 170 n.
stay of proceedings pending, **1,** 126 ; **5,** 549 ; **8,** 606, 611 ; **17,** 211 ; **22,** 227 ; **23,** 129, 132 n.
stolen goods, from order for restitution of, **9,** 688
street paving expenses, as to, **16,** 226, 227
succession duty, assessment of, from, **8,** 687, 688 ; **13,** 303, 304
recovery of, from, **10,** 20
Supreme Court of Judicature, appeal to, in bankruptcy, **2,** 6
surveyor of ships, against proceedings of, **26,** 650
taxation of solicitor's costs, from order for review of, **26,** 796
Taxes Management Act, 1880, under, **9,** 63
Telegraph Acts, 1863 and 1878, under, **8,** 690
Territorial Force, by officer of, against decision of county association, **25,** 73
theatre, structural alteration of, from order for, **27,** 406
unlicensed, from conviction in case of, **27,** 407
time for, affiliation matter, in, **2,** 453
bankruptcy matter, in, **2,** 305, 306
company winding up matter, in, **5,** 549, 550, 551, 552
Comptroller of patents, from, **22,** 169, 170
county court action, in case of, **8,** 605
Admiralty, in, **1,** 112
Court of Appeal, to, **18,** 181 ; **23,** 196, 197
criminal matter, in, **9,** 437
distress proceedings, in case of, **11,** 192 n., 214
district registrar, from, **23,** 132 n.
Divisional Court, to, **23,** 133
extension of. *See* extension of time for, *infra.*
final order, from, **18,** 181 ; **23,** 196
House of Lords, to, **21,** 643
income tax matter, in, **16,** 680
injunction, in case of, **17,** 284
interlocutory order, from, **1,** 465 ; **17,** 284 ; **18,** 181 ; **23,** 196
interpleader proceedings, in, **17,** 620
Judicial Committee of Privy Council to, **9,** 34
lex fori settles, **6,** 307
licensing justices, from, **18,** 79
master in chambers, from, **23,** 129
originating summons, in case of, **14,** 335
poor removal matter, in, **22,** 603
quarter sessions, to, **19,** 643 ; **27,** 448
rating, with reference to, **19,** 650 ; **24,** 59, 61, 120, 121
running of, **18,** 206
special case, by, **1,** 465 ; **19,** 653, 665
order in regard to, from, **1,** 465
Summary Jurisdiction (Married Women) Act, 1895, under, **16,** 602
Workmen's Compensation Act, under, **20,** 239
tithe rent-charge, from county court decision with reference to, **8,** 647, 691
title to hereditaments, in county court action affecting, **8,** 602
Trade Marks Act, 1905, under, **27,** 687, 705, 721
trade union, with reference to registration of, **27,** 612, 623, 626

APPEAL—*continued.*
Trade Union Acts, 1871—1913, under, **27,** 638
Treasury, to, as to compensation on abolition of public office, **23,** 354
Trustee Act, 1893, under, county court, in, **8,** 693
trustees' costs, as to, **28,** 162
undertaking not to, effect of, **23,** 193
Admiralty, in, **1,** 114
county court, in, **8,** 603
urban district council, with reference to audit of accounts of, **19,** 286
Vagrancy Act, 1824, from conviction under, **22,** 615, 616
valuation list, as to, **24,** 120—123, 126
vendor and purchaser summons, against order on, **25,** 396, 397
veterinary surgeon, by, on refusal of registration, **20,** 374, 375
Vice-Admiralty Court, from, **9,** 28, 50
visitor of corporation, from, as to exercise of his powers, **8,** 356
to, on amotion of member, **8,** 333
water supply, with reference to order for security of reservoir for, **28,** 296
Weights and Measures Act, 1878, under, **28,** 496
winding-up, in. *See* company, *supra.*
withdrawal of, in affiliation matter, **2,** 453
bankruptcy matter, **2,** 308
Privy Council appeal, **9,** 40, 41
Workmen's Compensation Act, 1906, under, **9,** 63; **20,** 238—240
arbitrator appointed by judge, from, **20,** 213
arbitrator or committee, from, **20,** 211, 238
certifying surgeon, from, **20,** 167
county court judge, to, when decision of final, **20,** 238
Court of Appeal, to, when parties may, **20,** 238
detention of ship, against, **20,** 223 n.
House of Lords, to, how made, **20,** 240
in formâ pauperis, when may be made, **20,** 240
registration of agreement, as to, **20,** 227, 230
remittal to county court judge to state a case, **20,** 240

APPEARANCE,
account, in action for an, **18,** 186; **22,** 441
address for service stated in memorandum of, **23,** 125
Admiralty action, in, **1,** 87, 88, 109
county court, in, **1,** 131
bankruptcy, of debtor in, **2,** 52
petitioning creditor at hearing in, **2,** 52
solicitor or counsel at private examination in, **2,** 141
bond, in action on, **3,** 102; **18,** 186
British ship of war, where defendant is on, **23,** 124 n.
Central Office, at, **23,** 124
company, at proceedings with reference to, **5,** 326, 476, 556
conditional, entry of, **23,** 123 n., 126
corporation, on behalf of, **8,** 395; **16,** 142; **23,** 125 n.
counsel, by. *See* AUDIENCE; BARRISTER.
counterclaim, to, **25,** 512
county court, in, in Admiralty action, **1,** 131
criminal proceedings, of defendant at trial of, **9,** 351
default of, Admiralty action, in, **1,** 99, 107
county court, in, **1,** 131

APPEARANCE—*continued.*
default of—*continued.*
assessment of damages on, **10,** 349; **18,** 185 n.; **20,** 295; **24,** 328
certificate of, where obtained, **18,** 185 n.
civil proceedings, in, **1,** 99, 131; **3,** 102; **10,** 349; **11,** 214; **18,** 184—186
county court, in, **8,** 526—528
non-suit on, **8,** 579
criminal proceedings, in, **9,** 351
foreclosure action, in, **21,** 287
judgment in. *See* judgment in default of, *infra.*
lunatic, in case of, **19,** 465
originating summons, on, **18,** 186
partition action, in, **21,** 847
patent, in action for infringement of, **22,** 223
recovery of land, in action for, **24,** 328
statement of claim after, **22,** 450
summary proceedings, in, **19,** 595, 596
third party, by, **23,** 163
trial of action, at, **18,** 197; **27,** 84
specific performance, for, **27,** 84
distress warrant, security for appearance on return of, **11,** 222
district registry, in, **23,** 124, 125
Ecclesiastical Court, in, **11,** 515, 516
entry of, **23,** 124—126
Admiralty action, in, **1,** 87, 88, 109, 131
English information, in case of, **10,** 22
industrial society, in action against, **17,** 32 n.
infant's behalf, on, solicitor's liability on, **17,** 141 n.
Mayor's Court, London, at, **20,** 291, 292
foreign defendant, by, in action in England, **6,** 285
friendly society, on behalf of, **15,** 190
guardians before justices by, **22,** 539, 540
High Court, in, **23,** 124—126
highway, on indictment for non-repair of, **16,** 142,
industrial society, on behalf of, **17,** 32 n.
infant, on behalf of, **17,** 141; **20** 292 n.; **23,** 125 n.
injunction, in case of
application by defendant for order before, **17,** 273
ex parte order not usually granted after, **17,** 277
filing affidavits after default of, **17,** 280
granted to person other than plaintiff only after, **17,** 273
irregularity of notice, effect on, **17,** 276
order made in default of, **17,** 276, 280, 283
service of notice of motion before, **17,** 276
interpleader, effect of non-appearance in, **17,** 625, 637
irregularity waived by, **15,** 232; **19,** 594; **23,** 123 n.
summary proceedings, in, **19,** 594
judgment in default of, **18,** 184—186
account claimed, where, **18,** 186
Admiralty action, in, **1,** 99, 131
bond, in action on, **3,** 102; **18,** 186
counterclaim, in case of, **25,** 512
court of summary jurisdiction, in, **19,** 595
discretion of court as to, **18,** 215
hearing, at, **18,** 197
how obtained, **18,** 184, 185
liquidated demand, in case of, when no merger, **7,** 459
order not necessary for, **18,** 185
originating summons, to, **18,** 186
practice in case of, **1,** 99, 107; **18,** 184—186

APPEARANCE—*continued.*
judgment in default of—*continued.*
recovery of land, in action for, **18,** 185; **24,** 328
setting aside, **18,** 214, 215
summary under Order XIV., **18,** 190—194
jurisdiction, defect as to, waived by, **23,** 123 n.
King, by, in court, **7,** 71
King's Proctor, by, **16,** 555
lunatic, on behalf of, **19,** 464, 465; **23,** 125 n.
matrimonial cause, in, **16,** 510, 511
belated, objection by King's Proctor, **16,** 511
evidence of identity, as, **16,** 534
protest, under, **16,** 510
Mayor's Court, London, in, entry of, **20,** 291, 292
prohibition not granted after, **20,** 302
striking out of, **20,** 294
medical practitioner, of, before disciplinary committee, **20,** 323
next friend, by, **17,** 135
notice of, **23,** 125
Admiralty action, in, **1,** 87
county court, in, **1,** 131
Order XIV., judgment under, on default as to, **18,** 190
originating summons, to, **23,** 187
administration action, in, **14,** 157
partition action, default of, in, **21,** 847
partnership firm, by member of, **22,** 43 n., 44; **23,** 125 n.
person, in, **23,** 125
not named as defendant, by, **23,** 126
poor rate, in proceedings for recovery of, **11,** 214
prize court, in claim before, **23,** 287
protest, under, **23,** 123 n.
Admiralty action, in, **1,** 87
foreigner, in action against, **6,** 285; **23,** 126
matrimonial suit, in, **16,** 510, 511
recovery of land, in action for, **18,** 185; **23,** 126; **24,** 328
service, without, **23,** 124 n.
several defendants, on behalf of, **23,** 125 n.
solicitor, by, at arbitration under Workmen's Compensation Act, 1906, **20,** 222
bankruptcy proceedings, **2,** 141
Central Office, **23,** 125
court of summary jurisdiction, **19,** 596 n.
disciplinary inquiry, **20,** 323
district registry, **23,** 125
without authority, **23,** 125 n.
statement of claim in default of, **22,** 450
striking out, **23,** 125 n.
Mayor's Court, London, in, **20,** 294
summary judgment after, practice relating to, **18,** 190—194
summary proceedings, complainant, by, in, **19,** 596
irregularity in, waived by, **19,** 594
third party, by, **23,** 163, 164
counterclaim, on, **25,** 512
time for, **23,** 124; **27,** 451 n.
Admiralty action, in, **1,** 87, 99, 109
third party, by, **23,** 163
urban district council, on behalf of, **19,** 290, 291
vaccination proceedings, by defendant to, **23,** 485
winding-up proceedings, of parties at, **5,** 556, 557
withdrawal of, **23,** 125 n.

APPEARANCE—*continued.*
Workmen's Compensation Act, 1906, in arbitration under, **20,** 222
writ prior to, setting aside of, **23,** 126
wrong name, by defendant sued in, **23,** 125 n.

APPELLANT. *See also* APPEAL.
bankruptcy of, effect of, **23,** 195
Court of Criminal Appeal, to, prison treatment of, **23,** 250
death of, effect of, **23,** 195
county court appeal, in, effect of, **8,** 608
joint appeal, in case of, effect of, **9,** 48
summary proceedings, in, effect of, **19,** 645
licensing matter, in, costs payable by, **18,** 83—85
notice by, **18,** 79, 80
recognisances of, **18,** 80, 81
who may be, **23,** 195

APPELLATE JURISDICTION. *See* APPEAL; HOUSE OF LORDS (Appeal Court); JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

APPENDANT,
advowson in gross as distinguished from, **11,** 564
common. *See* COMMON.
defined, **4,** 446
appurtenant, distinguished from, **4,** 446, 448, 482; **11,** 338, 339
estovers, of, whether may be, **4,** 466
pasture, of, **4,** 447—452. *See* PASTURE, COMMON OF.
piscary, of, whether may be, **4,** 470 n.
turbary, of, whether may be, **4,** 464
easement cannot be, to land, **11,** 235 n., 242
incorporeal hereditament, **24,** 162
manor, to bishop's see, rectory, or parsonage, **8,** 3
power, **23,** 4. *See* POWER.
profit à prendre, nature of, **11,** 338; **24,** 162

APPERTAINING. *See* APPURTENANCES; APPURTENANT.
construed as usually occupied with, **10,** 437 n.; **18,** 413, 415 n.

APPLAUSE,
in theatre, restriction of, **27,** 409

APPLIANCE. *See also* EQUIPMENT; FITTINGS.
fire, for protection against,
factory or workshop, in, **21,** 404
fire plug as. *See* FIRE PLUG.
metropolis, in, **20,** 417, 488—491
rural parishes and districts, in, provision of, **19,** 257; **23,** 550, 551
urban districts and boroughs, in, provision of, **23,** 548—550
lunatic, for restraint of, **19,** 516, 517
National Health Insurance regulations as to supply of, **28,** 950, 951
ship, on, life-saving, for, duty of master to provide, **26,** 78
sea regulations as to, **26,** 369, 370
trade purposes, for, as fixtures. *See* FIXTURE; TRADE FIXTURE.
distress, exemption from, of, **11,** 139
execution, exemption from, of, **14,** 48
trustee in bankruptcy, not vesting in, **2,** 143
water supply, for, **28,** 278

APPLICANT,
arbitration, seeking to enforce recourse to, **1,** 451—453
interpleader, in, affidavit by, **17,** 595
costs of, **17,** 621, 622
position of, **17,** 585, 586, 593, 594, 599
stay of proceedings at instance of, **17,** 602
justices' licence, for, attendance at hearing of, **18,** 37, 42, 43
character of, **18,** 63, 64
notice of opposition to, **18,** 44
removal of, status of, **18,** 26
renewal of, rights of, **18,** 25, 63, 64
transfer of, position of, **18,** 27—30, 42
naturalisation, for, particulars to be supplied by, **1,** 314, 315
patent, for, amendment of specification, at instance of, **22,** 170—173
hearing by Comptroller of, **22,** 167, 168
instructions for, **22,** 152 n.
receiver, making motion for appointment of, **24,** 359, 360
interest of, **24,** 352, 353
Workmen's Compensation Act, 1906, for arbitration under, **20,** 217

APPLICATION,
As to an application in regard to any particular matter, see the main word denoting such matter.

APPLY, LIBERTY TO,
county court proceedings, in, **8,** 536
implied in orders which are not final, **18,** 182
reservation of, in final order, effect of, **18,** 182
when not implied in favour of plaintiff or defendant, **18,** 182

APPOINTMENT,
office, to. *See under the main words denoting various offices.*
power, under. *See* EXECUTION OF POWER; POWER OF APPOINTMENT.

APPORTIONMENT,
advance, of payment due in,
freight, **26,** 313
rent, **18,** 483
annuity, of, franchise qualification, to gain, **12,** 150
generally, **13,** 28, 29; **24,** 502—508; **25,** 612—614; **28,** 34
Apportionment Act, 1870, under, **13,** 29; **14,** 227; **21,** 43; **25,** 612
average, by way of. *See* AVERAGE.
building contract, of, **3,** 182
carriage of goods, of through rates for, **4,** 72, 73
charitable gift, in case of, **4,** 146—152, 315, 337, 350, 352
collision, of damages for, among shipowners, **17,** 440; **26,** 508, 516—525, 529
common, right of, of, **4,** 449, 456, 491 n., 495—498, 524
common law, none at, **13,** 28
compensation money received in respect of compulsory purchase of
common, of, **4,** 495—498; **6,** 141
land, of, mortgagor and mortgagee, between, **6,** 142
tenant for life and remainderman, between, **6,** 118, 123, 124

APPORTIONMENT—*continued.*
compulsory purchase of land, on
rent, of, **6,** 76, 126, 127, 138, 147, 148
rent-charge, of, **6,** 146; **24,** 505
contracts, of, **13,** 28
building contract, in case of, **3,** 182 *et seq.*
instalments, goods deliverable by, **25,** 216—221
contribution, by way of. *See* CONTRIBUTION.
costs, of, in case of, charities, several, **4,** 350
defendants, between, **23,** 181 n.
foreclosure relating to two mortgages, **21,** 232
libel action, in, between defendants, **18,** 730
nuisance, proceedings for, **21,** 574
court of, in royal forest, **4,** 474 n.
damages recovered in respect of
collision at sea, of, **17,** 440; **26,** 516—525, 529
fatal accident, of, **21,** 462; **26,** 523
damages, of, matrimonial causes, in, **16,** 579
directors' remuneration, of, **5,** 219
dividends, of, generally, **25,** 612—614
settled shares, in case of, **5,** 279; **25,** 612, 613
specific legacy, in case of, **14,** 275, 284
drainage expenses, of, among adjoining owners, **25,** 766
ecclesiastical
endowments, of, **11,** 728
profits during vacation of canonry, of, **11,** 431
educational
endowments, of, **12,** 53, 104, 119
expenses, of, **12,** 53, 87, 119
equity, when allowed in, **13,** 28
estate duty, of, **13,** 219—223. *See* ESTATE DUTY.
fine, of, between beneficiaries of copyhold, **8,** 30
fire insurance, in respect of, among several companies, **17,** 536—538
franchise qualification, for purposes of, **12,** 150, 151
general district rate, of, where premises unoccupied, **24,** 94
heriot not subject to, **8,** 38 n.
interest, of, generally, **13,** 28, 29; **21,** 43; **25,** 612—614
mortgage, on, to determine franchise qualification, **12,** 151
land
improvement charge, of, **18,** 298, 299, 305
tax, of, when not allowed, **18,** 310
local government works, of cost of, **19,** 336, 358; **25,** 739
loss, of, **13,** 70; **25,** 621—623
marine insurance, in, generally, **17,** 381 n., 462, 468, 490
premium, of, **17,** 496—498
when several properties are included in one valuation, **17,** 466
marshalling, by way of. *See* MARSHALLING.
mortgage, costs of foreclosure of, of, **21,** 232
interest, of, franchise qualification, for purpose of, **12,** 151
mortgagor and mortgagee, between, in case of compulsory purchase of land, **6,** 142
mortgagors, between, where properties sold together, **21,** 255
nuisance, of costs of proceedings in respect of, **21,** 574
outgoings, of, capital and income, between, **25,** 615—617
sale of land, on, **25,** 374
partition, on, of rent, **21,** 833
partnership profits, in case of, **25,** 613

APPORTIONMENT—*continued.*
periodical payments, of, **25,** 612—614
policy of insurance, annual sums payable on, not apportionable, **25,** 613
premium, apprentice, of, **13,** 28 n.; **17,** 71
marine insurance, of, **17,** 496—498
prize bounty, of, **23,** 293
Queen Anne's Bounty, commuted charge for, of, **11,** 781
rent, of, **13,** 28, 29; **18,** 482—485
advance, payable in, **18,** 483; **25,** 613
Board of Agriculture, by, **3,** 113; **7,** 206, 207; **21,** 833
building lease, under, **25,** 656
compulsory purchase of land, in case of, **6,** 76, 126, 127, 138, 147, 148
copyhold, in case of, **6,** 138
Crown lands, of, enrolment, **7,** 175, 206
franchise qualification, to gain, **12,** 151
inability of tenant to take possession, in case of, **18,** 485
inhabited house duty, for purpose of, **17,** 189
Literary and Scientific Institutions Act, 1854, under, **19,** 199, 200
mining lease, under, **20,** 566 n.
mortgagees, between, **21,** 202
partition, on, **21,** 833
power of distress accompanying, **11,** 117 n.
recovery of apportioned part, **11,** 117 n.; **14,** 227; **18,** 483; **25,** 613
reversion severed, where, **18,** 484
sale of leasehold, on, **25,** 431, 452
settled land leased in lots, in case of, **25,** 655 n., 656
specific devise, appertaining to, **14,** 275
surrender of lease in respect of part only of the land, on, **25,** 664
surrender of part of the premises, on, **18,** 483, 484, 485
tenancy at will, in case of, **18,** 436
tenant for life and remainderman, between, **25,** 612—614
unlawful eviction by landlord, in case of, **18,** 483, 485
winding-up of company, on, **11,** 174
rent-charge, of, **13,** 29; **24,** 502—508; **25,** 612
compulsory purchase, in case of, **6,** 58; **24,** 505
Copyhold Act, 1894, under, **8,** 120
franchise qualification, for purpose of, **12,** 148 n.
freeholds and leaseholds, as between, **24,** 505
parishes, as between, **24,** 504
proviso
against, **24,** 503
for, on sale, **24,** 503
release of part of land charged, effect of, **24,** 504
space, in respect of, **24,** 503—505
tenant for life and remainderman, between, **24,** 505, 506
time, in respect of, **24,** 502, 503
rent service, of, **13,** 29; **25,** 612. *See* rent, *supra.*
reversionary property, in case of, **14,** 284; **18,** 484; **25,** 452
sale of land, on, **25,** 374, 431, 452, 644 n.
salvage, of, after abandonment, **17,** 490; **26,** 582—586. *See* SALVAGE.
agreement, by, **26,** 573, 574
settled estate, in case of sale of investments of, **25,** 613

APPORTIONMENT—*continued.*
settled land, on lease in lots of, **25,** 655 n., 656
sale of, **25,** 644
sewers, of expenses of construction of, **19,** 336; **25,** 739, 747, 751
sheriffs' poundage, of, **25,** 834
shipowner and underwriter, between, **17,** 462, 468
shipowners, between, of damages for collision, **17,** 440; **26,** 508, 516—525, 529
street
paving, of cost of, **16,** 202, 203
works generally, of cost of, **16,** 221—224, 229, 230, 234, 235
tenant for life and remainderman, between, **24,** 506; **25,** 612—614, 621, 622, 663, 701
through rates, of, **4,** 72, 73
tithes, of, **11,** 746; **25,** 612—614
trustee, by, to gain franchise qualification, **12,** 150
underwriter and shipowner, between, **17,** 462, 468
underwriters, among, **17,** 381 n., 490

APPRAISEMENT. *See also* VALUATION.
Admiralty action, under order for sale in, **1,** 89—92, 123, 132, 138
county court proceedings, under order for sale in, **8,** 565; **28,** 228
Admiralty action, in, **1,** 132, 138
distress, prior to sale after, **11,** 170, 171, 197, 220
cost and expenses of, **11,** 185, 186 n., 220 n.
growing crops, in case of, **1,** 254; **11,** 171, 197, 198
income tax, for, in case of, **11,** 220
not conclusive as to value of, **11,** 198
indenture of, execution of, **10,** 12
prize court, under order for sale issued by, **23,** 289
salvage suit, in, **1,** 89—92
stamp duty in respect of, **11,** 171; **24,** 705 n.; **28,** 230—232
writ of, issue of, **10,** 12

APPRAISER. *See also* VALUER.
The title VALUERS AND APPRAISERS *is contained in Vol. XXVIII., pp.* 227 *et seq.*
defined, **3,** 162; **28,** 227
architect acting as, **3,** 163
auctioneer exercising trade of, **1,** 501; **28,** 228
building contract, appraiser, position of, **3,** 162, 163, 284
county court bailiff exercising trade of, **8,** 565; **28,** 228
distress, to act in sale after, **11,** 171
fees of, **1,** 138; **8,** 565; **11,** 186 n., 220 n.
fraudulent valuation by, **28,** 229
house agent exercising trade of, **24,** 659; **28,** 228
licence to carry on business of, **3,** 162; **24,** 627, 648, 659; **28,** 227, 228
negligence of, **21,** 368 n.; **28,** 229

APPREHENSION. *See also* ARREST; DURESS; FEAR.
death, of, declaration made in, as evidence, **9,** 393, 589—591; **13,** 425, 471
violence, of, justification of
assault, **9,** 609
homicide, **9,** 587

APPRENTICE,
abroad, service, of, **20,** 106
absenting himself, rights of master in case of, **20,** 103, 105, 109; **26,** 61

APPRENTICE—*continued.*
advancement
not constituted by payment for, **11,** 21
to infant on engaging as, **17,** 93 n.
age limits in case of, **20,** 73 n.
apprenticeship, contract of,
beneficial to infant, as, **17,** 70; **20,** 72, 73
covenants in, liability on, **17,** 70, 71; **20,** 73, 74; **27,** 567—569
dissolution of, **17,** 71; **20,** 103—106; **26,** 41, 43
evidence of, **13,** 444
implied condition in, **20,** 106
infant, of, **17,** 48 n., 49, 61, 69, 70; **20,** 72, 103; **27,** 10, 567—569
nature of, **17,** 70; **20,** 71, 72, 79, 80
premium, recovery of part of, on dissolution of, **17,** 71; **20,** 104 n.
regular, within Medicine Stamp Act, 1812, **20,** 378 n.
specific performance of, **20,** 114; **27,** 10
stamp duty on, **4,** 215; **20,** 80, 81
sureties for performance of covenants in, **15,** 494 n.; **20,** 108, 109, 116
wages provisions in, **20,** 74
writing required for, **10,** 373; **17,** 70; **20,** 79, 379 n.
apprenticii ad legem, position of, **2,** 358
army enlistment of, **20,** 109 n.; **25,** 39, 40, 68, 69
articled clerk is an, **20,** 71 n.; **26,** 710 n.
bankruptcy of employer, right on, of, **2,** 125, 222; **17,** 71
breach of contract,
apprentice, by, **20,** 108, 109, 116
master, by, **20,** 103 n., 105, 109, 113
breach of covenant, liability for, **15,** 494 n.; **20,** 103—114
certified school, provided by managers of, **12,** 77
charitable gift in aid of, **4,** 110, 165, 215; **20,** 80
chastisement of, **20,** 106; **27,** 876
chimney sweep, to, **20,** 73 n.
clothing of, **20,** 118
colonies or British possessions abroad, in, **20,** 81
corporation, to, **8,** 379 n.; **17,** 70 n.; **20,** 75
death of, effect of, **17,** 71
master of, effect of, **14,** 305; **17,** 71; **20,** 73, 104, 105
disobedience of, master's remedy for, **20,** 105
dispute with, settlement of, **15,** 494 n.; **17,** 72; **20,** 116, 286, 287
druggist, qualification by apprenticeship as, **20,** 378
drunkenness of, remedy for, **20,** 105, 106 n.
Factory and Workshop Acts, within, **14,** 445
father or guardian of, liability of, **14,** 630; **17,** 70; **20,** 79
firm, to, effect of change in firm, **20,** 105
freedom of borough, qualification for, of, **12,** 179; **19,** 322; **20,** 71 n.
guardians of the poor, interference by, on behalf of, **22,** 541
power of, to bind poor child as, **20,** 80; **22,** 565, 566
ill treatment of, **20,** 106; **27,** 876
illness of, **17,** 71; **20,** 106
industrial provident society, to, **17,** 14
infant, action against, on own covenant, **17,** 70, 73, 74; **20,** 109
as, **17,** 48 n., 49, 61, 69—72; **20,** 72, 73, 103
master of, as, **17,** 56

APPRENTICE—*continued.*
injunction against
breach by, **17,** 72; **20,** 114
master of, **17,** 72; **20,** 114
Ireland, in, **20,** 81
law, at, **2,** 358
liability of, **17,** 70—72
livery company, freedom of, may be obtained by, **5,** 748
London, in City of, Chamberlain's Court, jurisdiction of, **9,** 178; **20,** 429 n.
contract to be enrolled, **20,** 80
covenant, is bound by his own, **15,** 494 n.; **17,** 49, 70 n.
death of master, effect of, **20,** 104 n.
freedom of company obtained by, **5,** 748
gaming, right to dismiss for, **20,** 105 n.
Mayor's Court, jurisdiction of, **20,** 286, 287
maintenance, provision of, to, **17,** 70; **20,** 118
marriage of, **20,** 104 n.
master of, breach by, **20,** 103 n., 109, 113
change of, effect of, **20,** 105
corporation as, **17,** 70 n.; **20,** 75
death of, **17,** 71; **20,** 104, 105
firm as, **17,** 71 n.; **20,** 105
infant as, **17,** 56
liability of, **14,** 630; **17,** 70, 71; **20,** 106, 118, 119
Mayor's Court, London, jurisdiction of, as to, **20,** 286, 287
medical attendance on, **20,** 119
misconduct of, **17,** 71, 72; **20,** 105, 109
National Health Insurance of, **28,** 905, 985—988
necessaries supplied to, action for, **15,** 494 n.
negligence causing injury to health of, criminal liability for, **9,** 623
notary public, to, **21,** 495—498
partners, to, position on dissolution of partnership, **20,** 105
payment for, not an advance, **11,** 21
pilot service, to, **20,** 80
poor child as, **4,** 110, 215; **12,** 82; **20,** 80, 103; **22,** 565, 566
poor law settlement of, **20,** 79 n.; **22,** 581, 582
premium, action for, against, **20,** 109
apportionment of, on death of either party, **7,** 483
evidence of apprenticeship, as, **20,** 72
recovery of part of, dissolution of contract by consent, on, **20,** 104 n.
wrongful dismissal, on, **20,** 105 n.
return of, **2,** 222; **13,** 28 n.; **17,** 71; **26,** 713, 714
summary jurisdiction as to, **17,** 72 n.
provision for, **20,** 118
restrictive covenant affecting, **27,** 567—569, 589 n.
rights of, **17,** 70—72
running away or absenting himself, **20,** 103, 105, 109; **26,** 61
sea-fishing service, to, **14,** 630; **20,** 80, 81; **26,** 41
offence of taking money in respect of, **9,** 558; **14,** 630
sea service, to, **1,** 69; **10,** 373; **20,** 80, 81, 158; **26,** 41, 43; **28,** 985—988
action for wages by, **1,** 69
contract to supply, **26,** 43, 44
customs deposit of indenture of, **26,** 658, 659
desertion or absence without leave, **26,** 61
impressment, exempt from, **25,** 20

APPRENTICE—*continued.*
sea service, to—*continued.*
indenture, by, **10,** 373
National Health Insurance of, **28,** 985—988
servant as distinguished from, **20,** 71, 72, 105 n.
injunction, for purpose of, **17,** 73 n.
serving another employer, recovery of, **20,** 270 n.
solicitor, to, **17,** 72 n.; **20,** 71 n.
summary jurisdiction in case of dispute with, **15,** 494 n.; **17,** 72; **20,** 116
surgeon, to, how bound, **20,** 312 n.
Territorial Force, joining, **25,** 68, 69
trade, change of, effect of, **20,** 105
combination seeking to lay down rules for, legality of, **27,** 600 n., 601 n.
wages, works for, **14,** 445; **17,** 70, 72
will, gift by, to bind an infant to be, **28,** 778 n.
workhouse, provided from, **12,** 82
Workmen's Compensation Act, 1906, within, **17,** 72; **20,** 154, 198
tuition by master not earnings under, **20,** 146 n., 202
wrongful dismissal of, **20,** 105, 106, 113
youthful offender from certified school as, **12,** 77

APPROBATION. *See* APPROVAL; SANCTION.

APPROBATION AND REPROBATION.
See ESTOPPEL BY CONDUCT.
alternative remedies, effect of pursuing one or both, **13,** 365
bill of sale, in case of, **3,** 55; **13,** 364 n.
equitable doctrine, as, **13,** 116
friendly society converted into company, by member of, **13,** 365 n.
grantor of bill of sale, by, **3,** 55
order made in ignorance of true facts, going behind, **13,** 365
party taking advantage of order, cannot reprobate, **13,** 364
person not party to proceedings, by, **13,** 365
policy of assurance, in case of, **13,** 365
sale proceeds paid into court, effect of taking, **13,** 365
specific performance, order for, as bar to subsequent action for damages, **13,** 365 n.

APPROPRIATION. *See also* MISAPPROPRIATION.
accounts, in Parliament, **21,** 777
agent's dealings, with reference to, **15,** 538 n.
aid, in, of Government departments, **24,** 537 n.
annuity, to answer, administration action, in, **24,** 521, 522
court, by the, **24,** 492
trustees, direction to, for, **24,** 493, 494
Appropriation Acts, under, **12,** 6; **21,** 775; **24,** 537 n., 538
bank account, of payments into, **1,** 586; **7,** 450; **15,** 537 n., 538
guarantee to, in case of, **15,** 537, 538 n.
bankruptcy, in, of creditor's securities, **2,** 226
salaries etc., **2,** 190, 191
Baths and Washhouses Acts, of lands for purposes of, **23,** 492, 493
benefice, of, **11,** 561, 716, 717
Bill in Parliament for, **21,** 775
building contract, of payments under, **3,** 227
carrier, by delivery to, **25,** 170, 222; **27,** 900 n.
church sittings, of, **11,** 786, 787

APPROPRIATION—*continued.*
educational purposes, for, **12,** 6, 24
executor or personal representative, by, **14,** 302—304. *See* annuity, *supra.*
contingent legacies, in case of, **14,** 303
effect of, **14,** 303
extent of power of, **14,** 303
settled legacies, in case of, **14,** 303
statutory power of, **14,** 304
vested legacies, in case of, **14,** 302, 303
industrial society's profits, of, **17,** 26
interest
in satisfaction of, **15,** 538
to avoid payment of, in case of sale of land, **25,** 376
intoxicating liquors account, to, **18,** 171, 172
legacy, in satisfaction of, **14,** 302—304. *See* annuity, executor, *supra.*
limitation of actions, where question involves, **7,** 451; **19,** 41, 42, 69
money to a particular purpose, of, agreement for, **15,** 463 n., 510
mortgage to secure current account, in case of, **21,** 225
payments, of. *See* APPROPRIATION OF PAYMENTS
poaching offences, of penalties in, **15,** 233, 238
sacred uses, to, **11,** 731
sale of goods, in case of, by delivery to carrier, **25,** 170, 222; **27,** 900 n.
unascertained or future, in case of, **25,** 168—170; **27,** 889 n., 900 n.
sale of land, to meet purchase-money in case of, **25,** 376
secular uses, to, of consecrated ground, **11,** 731
Stock Exchange gaming transaction, in, **27,** 261, 262
tender, of, by debtor, **7,** 419
trover, as pre-requisite to, **27,** 888, 889 n., 900 n.
trust property, of beneficiary's share in, **28,** 141
wagering contract, in, by stakeholder, **15,** 275; **27,** 261, 262
water, of, riparian owner, by. *See* ABSTRACTION.
surface water, of, **28,** 432
underground, of, **28,** 430, 431

APPROPRIATION OF PAYMENTS,
agent's dealings, in respect of, **15,** 538 n.
bank account, with reference to, **1,** 586, 639; **7,** 450; **15,** 537, 538; **21,** 225
building contract, in case of, **3,** 227
building society, in case of *ultra vires* borrowing by, **3,** 377
Clayton's Case with reference to. *See* CLAYTON'S CASE, RULE IN.
composition with creditors, in case of, instalments payable under, **7,** 451
creditor, by, **7,** 449—452; **15,** 510, 537; **19,** 41, 42
mode of, **7,** 451
time for, **7,** 450
debtor, by, **7,** 419, 449—452; **15,** 536; **19,** 69
debts which are subject to, **7,** 451
general rule as to, **1,** 586; **3,** 227; **7,** 449; **15,** 538
guaranteed debt, in respect of, **1,** 586, 639 **7,** 451; **15,** 536—538
illegal contract, in case of, **7,** 451
infant, for goods supplied to, after full age, **17,** 64 n.
interest, to, **15,** 538
law, by, **15,** 538

APPROPRIATION OF PAYMENTS—*continued.*
limitation of actions, with reference to, **7,** 451; **19,** 41, 42, 69
mode of, **7,** 451
mortgagees, as between, **13,** 84 n.
mortgagor, made by, **21,** 225
solicitor, by, of money in his hands to costs, **26,** 823
spirit account, to, **18,** 171, 172
statute-barred debt, to, **7,** 451; **19,** 41, 69
Statute of Frauds and agreement as to, **15,** 463 n.
surety, by or against, **1,** 586, 639; **7,** 452; **15,** 510, 536—538
time for, **7,** 450
trust funds, beneficiaries entitled to, as between, **1,** 586; **28,** 90 n., 208 n.
two, as between, **13,** 160 n.
trustee who has mixed his money with trust money, in case of, **1,** 586; **2,** 169; **13,** 160; **28,** 208 n.
unenforceable contract, in case of, **7,** 451
wager, deposit in respect of, **15,** 272, 275; **27,** 261, 262

APPROVAL. *See also* CONSENT; SANCTION.
approved society, of, National Health Insurance, for, **28,** 938
building contract, for purposes of, *defined,* **3,** 175
of architect in case of, **3,** 175, 204, 205, 207, 208
employer in case of, **3,** 204—206, 208, 297
conveyance, of, by vendor of land, **25,** 412, 413
sale of goods on, **25,** 178—180
act adopting the transaction, effect of, **25,** 178, 180
loss or damage to goods, effect of, **25,** 180
passing of the property in case of, **25,** 178, 179
scheme of arrangement under Bankruptcy Acts, of, **2,** 80—83, 310
tenant for life's scheme for improvement, by trustees of, **18,** 289, 290

APPROVED PLAN,
building contract, with reference to, *defined,* **3,** 175

APPROVED SOCIETY (NATIONAL HEALTH INSURANCE),
accounts of, **28,** 964, 965, 966
amalgamation of, **28,** 942, 965, 966
approval, conditions of, **28,** 938
association of, **28,** 970
attempt to join more than one, **28,** 942
benefits, administration of, by, **28,** 937, 938
additional, administration of, **28,** 930, 958
deprivation of, **28,** 999
extension of, by, **28,** 930
suspension of, **28,** 944
books of, **28,** 966
branch of, **28,** 968
compulsory levy, **28,** 969
constitution of, **28,** 937—945
crediting with
contributions of, **28,** 964
reserve values of, **28,** 961, 962, 964
deficiency, making good, **28,** 968, 969
dispute with, settlement of, **28,** 997, 998
dissolution of, **28,** 940, 971
duties of, **28,** 937, 938
fines, rules as to, **28,** 944, 945
friendly society as, **28,** 941, 972, 973

APPROVED SOCIETY—*continued.*
funds of, deficiency in, **28,** 968
administration of, **28,** 944
misappropriation of, provision against, **28,** 939
separation from other funds of, **28,** 966
grouping of, **28,** 969—971
hospital support by, **28,** 945
income tax, exempt from, **28,** 965
inspection of affairs of, **28,** 940
Insurance Commissioners' financial transactions with, **28,** 964
investment, powers of, **28,** 963—965
members
going abroad, **28,** 965
infant, **28,** 940
joining or leaving, **28,** 974
qualification of, **28,** 942
suspension of, **28,** 942
transfer of, **28,** 965, 974
voluntary contributors, as, **28,** 917
nurses appointed by, **28,** 945
penalties inflicted by, **28,** 944, 945
position of society in relation to matters other than national health insurance, **28,** 941
re-insurance by branches with, **28,** 972
maternity benefit by, in respect of, **28,** 958
representation of, **28,** 934 n.
reserve values, crediting with, **28,** 961, 962, 964
rules of, administration, for, **28,** 939
duty to make, **28,** 937, 938
powers as to, **28,** 942, 943
registration of, **28,** 943
security to be found by, **28,** 939
sick persons, visitation of, provision for, **28,** 944
superannuation fund, **28,** 940
surplus funds of, **28,** 967, 968
time for joining, **28,** 943 n.
trade union as, **27,** 670
valuation of assets of, **28,** 967
withdrawal of approval from, **28,** 939
women, society including men and, **28,** 969
workmen's compensation, recovery of, by, **28,** 929

APPROVEMENT OF WASTE,
defined, **4,** 500, 503
Board of Agriculture, consent of, **4,** 509
copyholders, against, **4,** 508, 509
customary inclosure distinguished from, **4,** 531
persons entitled to exercise right of, **4,** 503—505
rights of common other than common of pasture, against, **4,** 508
statutory restriction of right of, **4,** 503, 509
sufficiency of pasture on, burden of proof for, **4,** 506, 517, 518
how ascertained, **4,** 506—508

APPURTENANCES. *See also* APPURTENANT.
chose in action not usually included in, **28,** 699
conveyance in general terms of, **10,** 470; **11,** 274; **28,** 699
general words not necessary to pass, **10,** 470; **11,** 250, 274; **25,** 424
house, in case of conveyance of, **28,** 699 n.
incumbrance distinguished from, **24,** 311 n.
land included in, when, **18,** 413; **28,** 699
lease, in case of demise by, **18,** 413, 414 n., 415 n.
mortgagee, conveyance by, passes, **11,** 275; **21,** 257
ship, in case of, **26,** 22 n., 24 n.
will, use of term in, **28,** 699

APPURTENANT. *See also* APPURTENANCES.
common. *See* COMMON.
defined, **4,** 446
appendant distinguished from, **4,** 446, 452, 482; **11,** 339
estovers as, **4,** 466
foldage and foldcourse as, **4,** 463
nature of, **4,** 446, 452, 453
pasture, as, **4,** 452—457. *See* PASTURE, COMMON OF.
piscary as, **4,** 469
turbary as, **4,** 465
soil, in the, as, **4,** 471
conveyance of land, **10,** 470; **25,** 424
easement as, to dominant tenement, **11,** 235, 242, 274; **24,** 162
incorporeal hereditament as, **24,** 162
profit à prendre, nature of, **11,** 338, 339
will, land passing under, as, **28,** 699

AQUA VITÆ,
licence for sale of, **18,** 13

AQUARIUM,
Sunday opening of, **27,** 422 n.

AQUATILES,
fowls of warren, class of, **15,** 215 n.

AQUEDUCT. *See also* WATERCOURSE, artificial.
construction of, powers of undertakers for, **28,** 278, 279
fouling of, penalty for, **28,** 297
malicious damage to, criminal liability for, **9,** 785
public, vesting in local authority of, **28,** 264, 265, 267

ARABIC NUMERALS,
use in indictment of, **9,** 340 n.

ARABLE LAND,
common in respect of, **4,** 449, 450, 479
distress for rent of, **11,** 123 n.
fencing and cultivation on inclosure, **4,** 536, 539
general district rate, partial exemption from, of, **24,** 85

ARBITRATION. *See also* ARBITRATOR; AWARD.
The title ARBITRATION *is contained in Vol. I., pp.* 437 *et seq.*
defined, **1,** 439
absence of parties at, **1,** 460
evidence in, **1,** 480
accounts, involving prolonged examination of, **1,** 484, 487
Act of Parliament, under provisions of, **1,** 438, 439, 492
action, arbitrator's remuneration, for, **1,** 472
condition precedent to, as, **1,** 22, 445
enforcement of award by, **1,** 475
subject-matter of submission, in respect of, **1,** 27, 445; **7,** 461; **27,** 72
Admiralty, where land acquired by, **6,** 160, 161
agent's power to submit to, **1,** 162, 442
agreement
ousting jurisdiction of court, effect of, **1,** 22, 445; **7,** 399; **23,** 716; **26,** 570
submission by. *See* submission to, *infra.*

ARBITRATION—*continued.*
agricultural holdings, with reference to, **1,** 263—266, 271, 273, 346, 492; **8,** 625—629, 631
appeal, **8,** 631
Allotments Acts, to settle compensation under, **1,** 346, 347, 357
alteration or amendment of submission to, **1,** 447, 448
appeal, arbitration matters generally, in. *See* APPEAL.
court of summary jurisdiction, from, referred to, **19,** 649
order for reference of matter, from, **1,** 488, 491
Arbitration Act, 1889, application of, **1,** 439, 441, 482, 487, 493
building society, in case of, **3,** 383
Commissioners of Woods, to, **7,** 175, 176
conciliation board, to, **27,** 517
exclusion of, **1,** 266, 493; **20,** 210; **27,** 517
friendly society, in case of, **15,** 179, 184
gas undertaking purchase, **15,** 321
Mayor's Court, in, **20,** 289
National Health Insurance Act, under, **28,** 998
arbitrator's duties in. *See* ARBITRATOR.
arrest of person attending, **25,** 819
attendance of parties at, **1,** 446, 460
award in. *See* AWARD.
bankruptcy of party to, effect of, **1,** 442, 444, 449—451
Board of Trade powers as to. *See* BOARD OF TRADE.
bond to refer to, **1,** 440; **3,** 82, 95
boundary, in relation to settlement of, **3,** 145; **7,** 175
breach of contract, in regard to, **1,** 444, 445; **7,** 460, 461
building
contract, with reference to, **3,** 209, 245, 246, 281—288. *See* BUILDING CONTRACT.
society's dispute, in case of, **1,** 492; **3,** 381—385. *See* BUILDING SOCIETY.
canal company's dispute, in case of, **23,** 791
certifying by architect distinguished from, **3,** 283—286
charities, with reference to questions and disputes relating to, **4,** 310, 319
charterparty, in relation to, **26,** 136
classification of, **1,** 438
clause, building contract, in, **3,** 245, 246, 281—288
charterparty, in, **26,** 136
fire policy, in, **17,** 540
mining lease, in, **20,** 567
partnership articles, in, **22,** 90
Coal Mines Regulation Acts, under, **20,** 610, 625 n.
Commissioners of Sewers, in case of dispute with, **25,** 780 n., 786
common inclosure, in relation to, **4,** 559
Companies Clauses Acts, under, **5,** 726, 727; **15,** 342 n., 343; **27,** 383 n.
company matter, with reference to, **1,** 443, 492; **5,** 601, 726, 727
compulsory, by statute, **1,** 492
purchase of land, in case of. *See* ASSESSMENT.
government purposes, for, **6,** 158—175
conduct of, by arbitrator, **1,** 460—462, 489; **6,** 82; **13,** 433
conflict of laws in relation to, **6,** 238
consent out of court, by, **1,** 438—481
contempt of court in relation to, **1,** 448, 474

ARBITRATION—*continued.*
contract, to settle terms of, failure of, court will, not interfere, **13,** 27
Cornwall, Duchy of, in case of dispute concerning, **7,** 175, 247, 260
costs of, **1,** 447, 455, 458, 470, 471; **23,** 718
agricultural holding, on compensation in respect of, **1,** 266
appeal in, **1,** 465, 477
compulsory purchase of land, in case of, **6,** 61, 83—86
discretion as to, **1,** 470, 471
estate duty matter, in case of, **13,** 228
friendly society matter, in case of, **15,** 179
gas undertaking, as to price of, **15,** 321 n.
light railway matter, in connection with, **27,** 832 n., 833 n.
railway matter, in case of, **23,** 700, 718, 739
reference for
inquiry or report, **1,** 486
trial, **1,** 490, 491
statement of special case, **1,** 465—467, 471
stay of legal proceedings pending, **1,** 455
taxation of, **1,** 471 n.
compulsory purchase, in case of, **6,** 85, 86
Workmen's Compensation Act, 1906, under, **20,** 240—242
counsel's right of audience at, **1,** 461; **2,** 376; **3,** 383; **15,** 179
counterclaim, stay of, with a view to, **1,** 451; **25,** 515
county court case, in, **1,** 483 n.; **8,** 525
court, order for statement of special case by, **1,** 465, 466
powers of, in regard to, **1,** 451, 459, 460, 473, 476—481
reference under order of, **1,** 438, 439, 481—492. *See* REFERENCE.
rule of, written submission has effect of, **1,** 445, 474
court of summary jurisdiction appeal referred to, **19,** 649
criminal matter, with reference to, **1,** 444
crops, in case of damage by game to, **1,** 274; **15,** 224
Crown a party, where, **7,** 175, 176
Crown lands, in case of, **3,** 118; **7,** 175, 176
customs, where land acquired for service of, **6,** 161
death of party to, **1,** 443, 450
deceased person's estate, as to claim against, **14,** 327
deed, submission by, to, **1,** 440
design, in case of dispute concerning, **27,** 736 n.
discovery in course of, **1,** 447; **3,** 383; **11,** 40, 46. *See* DISCOVERY OF DOCUMENTS.
Diseases of Animals Act, 1894, under, **6,** 171
dispute, existence of, essential to, **1,** 440, 441; **20,** 209
documents, prolonged examination of, in course of, **1,** 484, 487
drainage matters, with reference to, **18,** 303; **25,** 765, 772 n., 780 n., 786. *See also* DRAIN.
Duchy of Cornwall, in case of dispute concerning, **7,** 175, 247, 260
educational purposes, where land acquired for, **6,** 166
Electric Lighting Acts, under, **1,** 492; **12,** 615
electrical works, with reference to, **12,** 561, 588, 600, 604, 606, 626, 637
power company, in case of dispute with, **12,** 632, 633, 637

ARBITRATION—*continued.*
electrical works—*continued.*
supply, in case of dispute as to, **12,** 590—592
undertakers, in case of dispute as to powers exercised by, **12,** 561, 578, 580—582, 590—592
estate duty valuation, to settle, **13,** 228
estoppel by reason of proceedings in, **13,** 353, 362 n., 364. *See* ESTOPPEL QUASI OF RECORD.
evidence for purposes of, **1,** 446, 462, 479, 489; **13,** 419 n., 433, 597 n.; **23,** 718
absence of parties, taken during, **1,** 480
concealment of, **1,** 478
consent of parties to, **13,** 597 n.
doubtful admissibility, of, **13,** 433 n.
false, punishment in case of, **1,** 266, 462; **20,** 209
official or special referee, before, **1,** 486
reconsideration of award, on, **1,** 478
ex parte, proceeding, **1,** 460, 461
examination of parties and witnesses on oath, **1,** 458, 461, 462; **6,** 82
executor or administrator, at instance of, **1,** 443; **28,** 140
Explosives Act, 1875, under, **14,** 397, 398
factories and workshops, with reference to, **1,** 492; **14,** 469
fire insurance, as to value for purposes of, **17,** 540
food, unwholesome, with reference to compensation for, **15,** 41
fraud in connection with, **1,** 453, 478
Friendly Societies Acts, under, **1,** 492; **15,** 171, 176—180, 183. *See* FRIENDLY SOCIETIES.
game, in case of damage to crops by, **1,** 278; **15,** 224
gas
supply, as to charges for, **15,** 342, 343, 386 n.
works dispute, in case of, **1,** 492; **15,** 321
habeas corpus ad testificandum for purposes of, **1,** 462; **10,** 75
hardship, involving, enforcement of, **1,** 476; **27,** 40
hearing of, **1,** 460, 462; **6,** 82
Highway Act, 1835, under, **6,** 171
housing of the working classes, with reference to, **1,** 492; **6,** 163—166
Town Planning etc. Act, 1909, under, **23,** 544
husband and wife, in case of questions between, **1,** 444; **16,** 331
illegal transaction, with reference to, **1,** 444
incomplete or uncertain decision in, effect of, **1,** 478, 479
industrial society, in case of dispute with, **1,** 492; **17,** 25, 28
infant, at instance of, **1,** 442; **17,** 63 n.
injunction to restrain, **1,** 446; **3,** 384; **17,** 262, 263
sale of goods pending, to restrain, **17,** 217 n.
interpleader issue settled by, **17,** 607
isolation hospital, where land acquired for, **6,** 171
Land Drainage Act, 1861, under, **25,** 786
Lands Clauses Acts, under, **6,** 61, 78—86, 104; **15,** 321. *See* ARBITRATOR; ASSESSMENT.
legality of agreement for, **1,** 445; **7,** 399
life insurance, with reference to, **17,** 557
light railway, with reference to, **1,** 492; **27,** 831, 832 n., 833 n.
local government matters, with reference to, **1,** 492; **6,** 163—174; **23,** 367

ARBITRATION—*continued.*
local investigation, with reference to matter involving, **1,** 484, 487
London Building Acts, under, **6,** 173 ; **20,** 492, 493
lunatic asylum, with reference to, **1,** 492
married woman, at instance of, **1,** 442, 444, 450
Mayor's Court, London, in, **20,** 289, 295, 297
Metalliferous Mines Regulation Act, 1872, under, **20,** 625
Metropolis Management Acts, under, **6,** 172, 173
Metropolitan Police Act, 1886, under, **6,** 174
Military Manœuvres Acts, under, **25,** 102
military purposes, where lands taken for, **6,** 159, 160
mining dispute, with reference to, **20,** 567
National Health Insurance, to settle dispute connected with, **28,** 998
notification, award, of, **1,** 470
report of referee, of, **1,** 485
time and place of hearing, of, **1,** 460, 479
Open Spaces Act, 1906, under, **6,** 171
optional, under Act of Parliament, **1,** 492
ousting jurisdiction of Court, **1,** 22, 445 ; **7,** 399 ; **23,** 716 ; **26,** 570
parish council, where land acquired by, **6,** 167
parties to, **1,** 442—444
death of, **1,** 443, 450
partner, at instance of, **1,** 442 ; **22,** 90, 96
perjury committed in course of, punishment of, **1,** 266, 462 ; **20,** 209
poor law removal matter, with reference to, **22,** 606
Post Office
savings bank, with reference to dispute with, **1,** 580
where lands acquired for service of, **6,** 162
prisons, where lands acquired for, **6,** 162
privilege of notes of proceedings in, **11,** 75
procedure at, **1,** 460—462, 489 ; **23,** 718
Workmen's Compensation Act, 1906, under, **20,** 216—224
protest, attendance of party under, **1,** 462
public health matter, with reference to, **1,** 492 ; **6,** 163 ; **10,** 88 ; **19,** 271 ; **23,** 367, 534, 544
racing dispute settled by, **15,** 274 n.
railway
accident, to settle compensation payable on, **23,** 752
dispute, in case of, **1,** 492 ; **23,** 700, 709, 716—719, 754
Board of Trade jurisdiction, **23,** 739, 740
compensation in case of abandoned railway, **23,** 775
procedure at, **23,** 718
reconsideration of subject-matter of, **1,** 478
reference, to. *See also* REFERENCE BY CONSENT OUT OF COURT ; REFERENCE UNDER ORDER OF COURT.
remitting award to arbitrator, **1,** 464, 467, 476—478
replevin, with reference to, **15,** 554
river, canal, dock etc., with reference to works affecting, **23,** 367
rule of court, written submission as, **1,** 445, 474
salvage question, to settle, **26,** 570
sanitary authority, in case of damage by, **6,** 163, 172
scientific investigation, with respect to matter involving, **1,** 484, 487

ARBITRATION—*continued.*
servant, in case of dispute with, **20,** 110 n.
set off of sum awarded in, **25,** 489
setting aside award in, **1,** 459, 466, 474, 476—481, 491 ; **6,** 83 ; **8,** 625, 628 ; **11,** 40
settled land, to fix price of, **25,** 652
sewage and drainage works, in case of, **6,** 163, 172—175
shorthand notes of proceedings in, privilege of, **11,** 75
signal stations and lighthouses, where land acquired for, **6,** 175
Small Dwellings Acquisition Act, 1899, under, **8,** 685
small holdings and allotments, with reference to, **6,** 168—171 ; **26,** 673, 681, 683
special case, statement of, in course of, **1,** 450, 458, 464—468, 481, 485, 489 ; **10,** 109 ; **15,** 179 ; **27,** 455. *See* SPECIAL CASE.
county court, to, **8,** 625
specific performance of agreement for, **13,** 27 ; **27,** 40, 72
stamp duty in respect of submission to, **1,** 447, 448
statutory provisions for, **1,** 439, 443, 492, 493
stay of proceedings by party to, **1,** 27, 445, 451—455 ; **3,** 282 ; **8,** 525 ; **25,** 515 ; **27,** 72. *See* STAY OF PROCEEDINGS.
subject-matter of, **1,** 444, 445
submission to, *defined,* Arbitration Act, by, **1,** 441 n.
common law, at, **1,** 439
acknowledgment of debt, as, **19,** 66
action stayed by, **1,** 27
agent, by, **1,** 162, 442
agreement, by, **1,** 22, 27, 440, 441, 442 ; **3,** 209 ; **7,** 399 ; **23,** 716
not constituting a submission, **1,** 440 n.
written, irrevocability of, **1,** 445, 449
alteration or amendment of, **1,** 447, 448
arbitrator, incomplete at common law until appointment of, **1,** 441
provisions as to, **1,** 455
valid under Act of 1889 without appointment of, **1,** 441
architect's certificate not binding as, **3,** 209
assignee of party bound by, **1,** 443
bankrupt, by, **1,** 442, 450
capacity to make, **1,** 442, 443
clauses in, **1,** 446, 447
counsel's briefs, indorsement on, regarded as, **1,** 441 n.
deed, made by, **1,** 440
effect of, **1,** 445—447 ; **19,** 66
equitable supplementing of, **13,** 27 ; **27,** 72
form of, **1,** 440, 441
incorporating provisions of another document, **1,** 439 n.
infant, by, **1,** 442 ; **17,** 63 n.
married woman, by, **1,** 442, 444, 450
mutual bonds, by, **1,** 440
oral, effect of, **1,** 440 n., 448, 465, 475
order of court to refer all matters in dispute amounts to, **1,** 487—488
ousting jurisdiction of Court, as to, **1,** 22, 445 ; **7,** 399 ; **23,** 716 ; **26,** 570
partner, by, **1,** 442 ; **22,** 90, 96
persons bound by, **1,** 443, 444
personal representatives, position of, under, **1,** 443, 444
railway company, of, **23,** 716

ARBITRATION—*continued.*
submission to—*continued.*
revocation of, **1,** 448—451
death, bankruptcy or marriage, effect of, **1,** 450
leave granted for, when, **1,** 449, 450
mistake of law, when arbitrator about to make, **1,** 450
rule of court, when has effect of, **1,** 445, 474
signature of, **1,** 441
stamp duty on, **1,** 447, 448
statutory powers, under, **1,** 439, 443, 492, 493
trustee not usually bound by bankrupt's, **1,** 444, 450, 451
valuation distinguished from, **1,** 440, 441
writing, in, **1,** 440, 445, 449
subpœna to compel attendance at, **1,** 461; **7,** 304; **13,** 579 n.
surety, set-off by, of sum awarded in, **25,** 503
telegraphs and telephones, with reference to, **1,** 492; **6,** 175; **27,** 383
tenant for life, at instance of, **25,** 652
town planning scheme, with reference to, **23,** 544
Towns Improvement Clauses Act, 1847, under, **6,** 171
trade dispute, to settle question connected with, **27,** 516—518
tramway, with reference to, **1,** 492
trustee, at instance of, **1,** 443; **28,** 140
bankruptcy, in, how far bound by, **1,** 443, 450
savings bank dispute, with reference to, **1,** 578
ultra vires transaction, with reference to, **1,** 444, 474; **17,** 263
umpire's position in. *See* UMPIRE.
valuation distinguished from, **1,** 440; **25,** 148 n.; **28,** 229 n.
view, order for, in course of, **13,** 509 n.
wager providing for settlement of any dispute by, **15,** 274 n.
waiver of right to, by repudiation of contract, **17,** 263 n.
water, charges for supplying, as to, **28,** 261, 349
works dispute, with reference to, **1,** 492; **28,** 257, 281, 282
witnesses at, **1,** 461; **7,** 304; **13,** 579 n.; **20,** 211. *See* ATTENDANCE OF WITNESS; WITNESS.
word of mouth, submission by, to, **1,** 440, 465, 475
Workmen's Compensation Act, 1906, under. *See* ARBITRATION UNDER THE WORKMEN'S COMPENSATION ACT.
insurance against, with reference to, **17,** 571; **20,** 192

ARBITRATION UNDER THE WORKMEN'S COMPENSATION ACT,
appeals, **20,** 238—240. *See* APPEAL.
arbitrator in. *See* ARBITRATOR.
certificate of court as to compensation and costs, **20,** 213
committee as tribunal, **20,** 210, 211
condition precedent to, **1,** 209
conduct of, **20,** 234
costs of, **20,** 240—242
abortive action, of, **20,** 241
recovery of, **20,** 242
set-off, in case of abortive appeal, **20,** 242
taxation of, **20,** 241
county court judge, when before a, **20,** 212
county court procedure, **20,** 216—224
answer of respondent, **20,** 218, 219
appeal, **20,** 238—240. *See* APPEAL.

ARBITRATION UNDER THE WORKMEN'S COMPENSATION ACT—*continued.*
county court procedure—*continued.*
appearance of parties at, **20,** 222
applicant in, **20,** 217
award in, **20,** 222, 223. *See* AWARD.
commencement of proceedings, **20,** 217
Crown servants, in case of, **20,** 223
discovery in case of, **11,** 40 n.
hearing, time and place of, **20,** 218
indemnity, claim of, **20,** 220
industrial disease, in case of, **20,** 167, 224
judge, note of, **20,** 222
medical referee at, **20,** 221
request for arbitration, commencement of proceedings by, **20,** 217
entry of, **20,** 218
respondents, **20,** 217
joinder of, **20,** 221
seamen, in case of, **20,** 223, 224
service out of jurisdiction, **20,** 218
ship, detention of, **20,** 223, 224
solicitors' right of audience, **20,** 222; **26,** 725
submission by respondent to an award, **20,** 219
test case, respondent's application for, **20,** 219
third party, claim against, **20,** 220
transfer of proceedings, **20,** 222
declaration of liability, when arbitrator must make award of, **20,** 207
employer's right to institute, **20,** 210
indemnity of principal settled by, **20,** 195
industrial disease, in case of, **20,** 167, 224
misconduct, finding as to, when may be set aside, **20,** 178
nervous condition of workman, consideration of, duty as to, **20,** 233
partial dependency, in case of, **20,** 188
perjury at, **20,** 209
questions to be settled by, **20,** 192, 209, 210
regulation of the proceedings, **20,** 209, 210
review, application to, **20,** 233, 234. *See* REVIEW.
tribunals for, **20,** 210—214

ARBITRATOR,
defined, **1,** 439
action by, for his remuneration, **1,** 472
admission by, that award improper, effect of, **13,** 462 n.
affidavit by, as evidence, **1,** 477
appeal from. *See* APPEAL.
appointment of, **1,** 455—457
Board of Agriculture, by, **1,** 264
building society dispute, in case of, **3,** 381
compulsory purchase of land, in case of, **6,** 78—80. *See* compulsory purchase, *infra.*
court, by the, **1,** 455, 456, 457, 484, 488
failure or refusal as to, effect of, **1,** 441, 452, 455
friendly society's dispute, in case of, **15,** 179
irregular, acquiescence in, **15,** 178 n.
incomplete submission until, **1,** 441, 455
no provision in submission for, where, **1,** 455
notice with a view to, **1,** 455
railway matter, in case of, **23,** 716, 717, 739, 752
revocation of, **23,** 717
reference for trial, on, **1,** 488
setting aside by court of, **1,** 460
substitute on occurrence of death etc., **1,** 456; **3,** 285; **20,** 213

ARBITRATOR—*continued.*
appointment of—*continued.*
three arbitrators, where, **1,** 457
two arbitrators, when, **1,** 456, 460
Workmen's Compensation Act, under, **20,** 211, 213
architect as, in case of building contract, **3,** 207, 209, 218, 283—285
authority of, **1,** 457—459, 488
award of. *See* AWARD.
barrister-at-law acting as, **2,** 393
bias of. *See* unfairness etc., *infra.*
Board of Trade as, **23,** 739, 740, 791 ; **27,** 516, 831
bribery and corruption of, **1,** 478, 480
building
contract, under, **3,** 209. *See* BUILDING CONTRACT.
society's dispute, in case of, **3,** 381, 382. *See* BUILDING SOCIETY.
certifying architect distinguished from, **3,** 207, 209, 218, 283, 284
Charity Commissioners as, **4,** 310
compulsory purchase of land, to settle compensation on, **6,** 78—82 ; **26,** 681, 682
appointment of, **6,** 78, 79
failure of arbitrator to act, on, **6,** 79
revocation of, **6,** 79
declaration before justice by, **6,** 81
powers of, **6,** 82
refusal or neglect to act, **6,** 79
umpire appointed by, **6,** 80
conduct of arbitration by, **1,** 460—462, 489 ; **6,** 82 ; **13,** 433
costs, power as to, of, **1,** 447, 458, 460, 471, 486 ; **23,** 718
counsel, discretion to hear, **2,** 376
county court
judge acting as, no appeal from, **8,** 603
reference, in, **8,** 525, 625
remuneration, may not receive any personal, **8,** 415
Small Dwellings Acquisition Act, under, **8,** 685
Workmen's Compensation Act, under, **11,** 40 n. ; **20,** 212, 213, 238, 243
death of, **1,** 456, 460 ; **3,** 285, 382 ; **6,** 78 ; **23,** 739
declaration before justice of peace by, **6,** 81
delegation of authority by, **1,** 458, 480
disqualification of, **3,** 286—288 ; **13,** 353 n.
Electric Lighting Acts, under, **12,** 615
evidence of, on motion to set aside etc. award, **1,** 477
which may be called for by, **1,** 446, 462 ; **13,** 597 n.
examination of parties and witnesses on oath by, **1,** 458, 461, 462 ; **6,** 82
excess of authority by, **1,** 462
expert advice to, **1,** 458 ; **6,** 82
failure to
act, **1,** 456, 460 ; **6,** 79
appoint, **6,** 79
fraud of, discovery in case of, **11,** 46
friendly society dispute, in case of, **15,** 179
functus officio, **1,** 459, 470 ; **20,** 213, 223
hospitality, accepting, **1,** 480
impartiality, of, **1,** 478—481
incapable of acting, **1,** 456, 460 ; **6,** 78 ; **17,** 263
injunction to restrain, **1,** 446 ; **17,** 263
interested in subject-matter of arbitration, **1,** 480 ; **3,** 286—288
judge as, **1,** 442

ARBITRATOR—*continued.*
Justices Protection Act, 1848, whether protected under, **23,** 335, 336
legal assistance, calling in of, **1,** 459 ; **6,** 82
liability of, **1,** 459
lien of, in respect of remuneration, **1,** 472 ; **19,** 13
Light Railway Commissioners as, **27,** 832
mandamus, appoint, to, **15,** 179
state a case, to, **10,** 109
master of Supreme Court as, **1,** 488
medical referee, position of, **20,** 214, 221, 237
misconduct of. *See* MISCONDUCT.
mistake of, **1,** 450, 477, 479
correction of clerical, **1,** 458
negligence of, **1,** 459 ; **21,** 369
number of, **1,** 456, 457, 460
officer of court, as, **1,** 482—484, 488
official referee as, **1,** 483—492 ; **11,** 40
powers of, **1,** 457—459, 488 ; **23,** 717
privilege of statement made by, in course of the arbitration, **13,** 427
Railway and Canal Commissioners as, **12,** 615 ; **23,** 718, 719, 740, 754, 791
railway arbitration, in, **23,** 717, 739, 740, 791
referee as, **1,** 484—492 ; **11,** 40. *See* REFEREE.
reference under order of court to, **1,** 481—492. *See* REFERENCE ; REFERENCE FOR TRIAL.
refusal to
act, of, **1,** 456, 460 ; **3,** 383, 384
hear evidence, by, **1,** 479
registrar of
building society as, **3,** 386, 387, 394
friendly societies as, **1,** 578 ; **15,** 183
remission to, **1,** 464, 467, 476—478
removal for misconduct of, **1,** 450, 459 ; **3,** 288 ; **8,** 625, 628, 631
remuneration of, **1,** 471—473, 491 ; **20,** 213 ; **23,** 739. *See* REMUNERATION.
revocation of authority of, **1,** 448—451 ; **23,** 717. *See* REVOCATION.
special case, statement of, by, **1,** 450, 458, 464—468, 481, 485, 489 ; **8,** 625 ; **10,** 109 ; **27,** 455. *See* SPECIAL CASE.
statutory powers of, **1,** 458
substitute, appointment of, **1,** 456 ; **3,** 285 ; **20,** 213
three arbitrators, when they must concur, **1,** 457
unfairness, bias etc. of, **1,** 450, 453, 478—481 ; **3,** 288 ; **10,** 109 ; **13,** 509 n. ; **17,** 263
valuer distinguished from, **1,** 440 ; **25,** 148 n. ; **28,** 229 n.
view ordered by, **13,** 509 n.
witness, as, **1,** 477 ; **13,** 427, 571
Workmen's Compensation Act, under,
appointment of, county court judge, by, **20,** 213
death etc. of parties' arbitrator, on, **20,** 213
parties, by, **20,** 211, 213
costs, extent of power as to, **20,** 241
county court judge as, **20,** 212, 213
discretion of, employer unable to limit, **20,** 230
finding as to misconduct, when may be set aside, **20,** 178
jurisdiction, when deprived of, **20,** 207
note, duty of judge as to taking, **20,** 222
questions for the, **20,** 176
review, no power to fix period of payments on **20,** 235
single, jurisdiction of, **20,** 211, 212
when parties may submit dispute to, **20,** 211

ARCH,
London Building Act, 1894, provisions in, as to, **20,** 485, 487
railway, restrictions as to, **20,** 487 ; **23,** 657—659
street, under or over, power of local authority to deal with, **16,** 250, 251 ; **20,** 485

ARCHBISHOP,
defined, **11,** 384
abroad, consecration to sphere, by, **11,** 489 n., 498
action against, **11,** 388
apparel of, **11,** 389, 402
appeal from, **11,** 388, 510, 52
to, **11,** 508, 529, 631
appointment of, **6,** 392, 395 399 ; **11,** 384
fees on, **6,** 398
arms of, **11,** 388
bishop, authority over, of, **11,** 385, 386, 396, 398, 498
Cabinet minister, as, **7,** 38 n.
Canterbury, of, court of, **11,** 505, 509, 510
diocesan powers vested in, **11,** 423
emoluments of, **11,** 389
London, does not visit in diocese of, **11,** 385
officers of, **11,** 387
position of, **11,** 384, 385, 387, 388
precedence of, **11,** 387
privileges of, special, **11,** 387
style of, **11,** 387
chaplains of, **11,** 386, 652 n.
coadjutor bishop, position of, **11,** 389
colonial
bishop, consecration of, by, **11,** 489 n.
clergy, powers in regard to, of, **11,** 386, 387
consecration of, **6,** 397 ; **11,** 385
Convocation, duties with regard to, **11,** 385, 391
corporation sole, as, **11,** 388, 793
court of, **11,** 386, 505, 509, 510, 529
Crown's powers with consent of, **11,** 682
Dean of Arches appointed by, **11,** 386
duties of, **11,** 385, 386, 423
enthronement of, **11,** 386
fiat confirmatio of, in case of bishop's appointment, **11,** 396
homage by, **6,** 397 n. ; **7,** 25, 26 n.
coronation, at, **6,** 328
House of Lords, as member of, **11,** 387, 388, 403, 404 ; **21,** 619—622 ; **22,** 262
judicial duties of, **11,** 386, 388, 410
mandamus to, **10,** 92 ; **11,** 386
mandate of, for convocation, **11,** 391
marriage licence granted by, **11,** 387
metropolitan, as, **11,** 387
oath
by, **7,** 25, 26 n.
of obedience to, **11,** 386 n.
opinion of, **11,** 682 n.—684 n.
ornaments, illegal, of, **11,** 402
peculiars, statutory power over, **11,** 412
pension of, **11,** 389, 390
powers and privileges of, **11,** 385, 386, 423
presentation to living by, **11,** 386, 590
Privy Council, appeal to, from, **11,** 388, 510, 529
member of, **11,** 388
qualification for, **11,** 384
resignation of, **11,** 389, 390
rubrics, bound by, **11,** 388, 389
style of addressing, **11,** 387 n.
trial by, **11,** 385, 510
vestments of, **11,** 389, 402
veto of, **11,** 389

ARCHBISHOP—*continued.*
visitation by, **11,** 385, 410
York, of, court of, **11,** 509
emoluments of, **11,** 389
position of, **11,** 384, 388
precedence of, **11,** 388
style of, **11,** 388

ARCHBISHOPRIC,
archbishop's position in. *See* ARCHBISHOP.
vacancy of, **11,** 390

ARCHDEACON,
defined, **11,** 437
appeal from, **11,** 438, 500, 501
appointment of, **11,** 437
bishop's installation by, **11,** 399
charge to clergy by, **11,** 440
church
officials, jurisdiction over, of, **11,** 501
repairs, duties as to, **11,** 438, 734
churchwardens admitted by, **11,** 438
clergy, powers over, of, **11,** 438, 440, 501
commissary of, **11,** 438, 440, 501
corporation sole, is a, **11,** 793
court of, **9,** 89 ; **11,** 438, 501
consistory court concurrent jurisdiction with, **11,** 501
declarations by, **11,** 437
duties of, **11,** 438
induction, duties at, of, **11,** 602
of, by dean and chapter, **11,** 437
jurisdiction of, **11,** 438, 500
mandamus to, **11,** 438
official of, **11,** 438, 440, 501
plural holding by, **11,** 439
precedence of, **11,** 439
residence of, **11,** 438
style of, **11,** 439
visitation by, **11,** 409, 438, 439, 440, 465

ARCHDEACONRY,
defined, **11,** 436
cathedral preferment, as, **11,** 439 n.
Ecclesiastical Commissioners, powers with regard to, **11,** 436, 437
endowment of, **11,** 436, 437
estates of, **11,** 436, 437
extent of, **11,** 436 n.

ARCHES, COURT OF
jurisdiction of, **11,** 509

ARCHES, DEAN OF,
position of, **11,** 386, 509, 510

ARCHIDIACONAL COURT,
jurisdiction of, **9,** 89 ; **11,** 438, 501

ARCHIEPISCOPAL CONSTITUTIONS,
canon law in, **11,** 377 n.

ARCHITECT,
The title BUILDING CONTRACTS, ENGINEERS AND ARCHITECTS *is contained in Vol. III., pp.* 153 *et seq.*
defined, **3,** 160
action against, **3,** 301
adjoining owner, liability towards, **3,** 296
agency of, **3,** 218—221, 286, 288—291

ARCHITECT—*continued.*
alterations ordered by, **3,** 230
appointment of, **3,** 198, 288
appraiser, acting as, **1,** 163
approval by, **3,** 186, 204, 205, 207, 208
arbitration clause, how affected by, **3,** 245, 246
arbitrator, as, **3,** 207, 209, 218, 283—286
assistant to, as person carrying on profession, **27,** 577
authority of, **3,** 233, 246, 288—291, 309
excess of, **3,** 291, 301, 302, 314
bankruptcy of, **3,** 309
breach of
contract with, **3,** 305
warranty of authority by, **3,** 291, 301, 302, 314
bribery of, **3,** 168, 299; **9,** 760
builder's merchant, direction for payment to, **3,** 279
bye-laws presumed to be known to, **3,** 295, 296
certificate of, **3,** 209, 218—220, 283, 284, 299. *See* CERTIFICATE, building contract.
in case of lessee's covenant to repair, **3,** 308; **25,** 349 n., 394
clerk of the works, responsibility for, **3,** 293, 299
commission paid to, **3,** 168, 299, 300
communications to the parties, duties as to, **3,** 220
contractor, duty, of, to obey, **3,** 208
liability of architect to, **3,** 291, 301
solvency of, architect's liability for, **3,** 298
copyright of, **8,** 188
corruption by, **3,** 168, 303
of, **3,** 168, 299—301; **9,** 710
criminal liability of, **3,** 168, 300, 303, 304
damages recoverable from, **3,** 297, 298
death of, **3,** 285, 293, 305, 306
default of, **3,** 202, 220, 221
design, liability for defective, **3,** 297
deviations, measuring up, **3,** 291, 300
dismissal
by, contractor, of, **3,** 290
of, **3,** 222, 294, 295, 305
drawings, rights and liabilities as to. *See* BUILDING CONTRACT.
duties of, **3,** 207, 291—299
death, illness etc., on, effect of, **3,** 293
delegation of, **3,** 293
duration of, **3,** 294
quasi-judicial, **3,** 292, 293
skill and care required for performance of, **3,** 291, 292
employer, solvency or conduct of, not warranted, **3,** 301, 302
estoppel, certificate acting as, **13,** 329
executor of, rights of, **3,** 305, 306
extras, power to order, **3,** 208, 219, 220, 228, 229, 233, 289, 290
for time being, **3,** 222, 294
forfeiture, ascertainment of right of, **3,** 256
foundations, examination of, by, **3,** 297
fraud of, **3,** 168, 201, 202, 215—218, 250, 289, 299, 300—303
employer's liability in case of, **3,** 202, 250, 289
fraudulent agreement by employer with, **3,** 201, 218
gratuitous services of, **3,** 304
illness of, effect of, **3,** 293
impartiality of, **3,** 215, 217, 218, 219
instalments, rights to, **3,** 305, 306
liability of, **3,** 295—304, 314
criminal, **3,** 300, 303, 304

ARCHITECT—*continued.*
licence to practise not required by, **3,** 160
lien of, **3,** 308; **19,** 13
limitation of actions against, **3,** 304
London County Council, to, **20,** 471
materials supplied, liability in respect of, **3,** 302
measurement of quantities by, **3,** 291, 299, 310, 311
mistake of, **3,** 216, 217, 219, 289, 292
naval, position of, **3,** 160
negligence on part of, **3,** 292, 295—299, 301, 302, 306; **21,** 368
dismissal for, **3,** 295
loss of right to payment by, **3,** 295, 306
manslaughter, indictment for, in case of, **3,** 304
measure of damages for, **3,** 297
non-employment of, **3,** 198, 238
notices, giving of necessary, by, **3,** 296
order of, **3,** 231, 279
writing, in, **3,** 232, 234—236
payment of, **3,** 304—308
conditional, **3,** 308
plans etc. to be furnished by, **3,** 160, 289, 297, 298 302
position of, **3,** 160
powers of, **3,** 288—291
prevention of work by, **3,** 202
probationary drawings of, **3,** 304, 305, 307, 308
qualification of, **3,** 160, 306
quantities, authority to take out, of, **3,** 291, 309, 310; **10,** 288
liability in respect of, **3,** 298, 302
quantity surveyor employed by, **3,** 309, 310, 314
remuneration of, **3,** 304—309
amount of, **3,** 306, 307
bankruptcy, in case of, **3,** 309
completed work, for, **3,** 304, 305
incomplete work, for, **3,** 305
lien for, **3,** 308; **19,** 13
payment, by whom to be made, **3,** 307, 308
time for payment, **3,** 308
work outside design and superintendence, for, **3,** 307
restrictive covenant in relation to, **27,** 568 n., 583
Royal Institute of British Architects, as member of, **3,** 160
secret
agreement with employer by, **3,** 218
commission taken by, **3,** 168, 299, 300
shareholder in employer company, as, **3,** 219
site, examination of, by, **3,** 297
must not infringe private rights, **3,** 296, 297
skill of, **3,** 160, 209, 216, 217, 219, 306
specialist, employment of, **3,** 290
specific performance of contract to employ, **3,** 294
sub-contractor employed by, **3,** 290
superintending, appointment and removal of, **20,** 471
duty of, as to determining the front or rear of buildings, **20,** 482
London Building Act, under, **16,** 210
supervision by, **3,** 298, 299
tender obtained by, **3,** 289, 290, 298, 305
unreasonableness of, **3,** 207, 221
usages affecting, **10,** 288
valuation by, **3,** 160, 210
mandatory order for, **3,** 211, 294
variation of contract by, **3,** 180, 228, 289, 290
warranty, by, **1,** 289, 291, 301—303, 314

ARCHIVES. *See* ANCIENT, document; PUBLIC DOCUMENTS; RECORDS (Public).

ARCHPRESBYTER,
dean as, **11,** 417 n., 439 n.

ARDENT SPIRITS. *See* ALCOHOL; INTOXICATING LIQUOR; SPIRITS.

AREA,
alteration of, generally, **3,** 505; **5,** 328; **19,** 323, 334, 377; **22,** 527
borough, of, alteration of, **19,** 322, 323
borough council, of, **12,** 17; **19,** 240, 293
burial authority, of, **3,** 446, 505
cause of action arising within, **1,** 6
City of London, of, **20,** 392, 400
City police, under control of, **20,** 430; **22,** 478
company's operations, of, alteration of, **5,** 328, 329
conveyance of land containing statement as to, discrepancy in, **3,** 138
county council, of, **12,** 17; **19,** 340
district insurance committee for National Health Insurance, for, **28,** 935
electric supply, of. *See* ELECTRICITY.
factory or workshop, of, *defined*, **14,** 443
intoxicating liquors' licence, estimation for purposes of, **18,** 57—60
local government purposes, for, **19,** 236—379
London county, of, **20,** 392, 401
measures of, **28,** 468
metropolis, in, protection of public by fencing and covering, **16,** 205; **27,** 287
metropolitan, extent of, **3,** 446, 501 n.; **20,** 392
government of, **20,** 393—418
parish, of, **19,** 237, 240, 377; **22,** 527
other than, for purposes of Burial Acts, **3,** 446
poor relief, for purposes of, **20,** 415; **22,** 527
restraint of trade, covered by, **27,** 549, 551, 558—561, 564, 573 n., 578—580
rural district council, of, **19,** 329 n., 334
street, fencing etc. of, **16,** 205; **27,** 285, 287
supply, of, Electric Lighting Acts, under, **12,** 550, 552, 566, 617
water supply, in case of, **28,** 276, 277
underground room, fronting, drainage of, **25,** 757
urban district council, of, **12,** 17; **19,** 240, 262, 291, 377

ARGUMENT,
barrister, of, **2,** 409, 410, 413
rule *nisi*, on, **2,** 413

ARMCHAIR RULE,
for construction of will, **28,** 641

ARMED. *See also* ARMS.
going, misdemeanour by, **9,** 468, 674
person, robbery by, **9,** 664

ARMORIAL BEARINGS,
archbishop, of, **11,** 388
assumption of, **21,** 353; **25,** 698 n.
change of, **21,** 353
College of Arms,
application to, for grant of, **21,** 353
exemplification in, of, **21,** 353
Earl Marshal, jurisdiction of, in regard to, **22,** 289
excise licence to wear or use, **24,** 684, 685, 688, 689
exemplification and record of, **21,** 353, 354

ARMORIAL BEARINGS—*continued.*
foreign state, of, use as trade mark of, **27,** 698
grant of, family interest in, **27,** 898 n.
licence, excise. *See* excise, *supra.*
royal, for assumption of, **21,** 353
royal, use of, **6,** 361, 362; **22,** 231, 232
trade mark, use as, **6,** 362; **27,** 698
trover or detinue in respect of grant of, **27,** 898 n.

ARMOUR,
as an heirloom, **22,** 240

ARMOUR BEARER,
and Squire of the Body, right at coronation of, **6,** 331

ARMS (WEAPONS). *See also* PISTOL.
For armorial bearings, see ARMORIAL BEARINGS.
assault by presenting at person, **27,** 873
exportation of, prohibition of, **6,** 448
forfeiture of, under Foreign Enlistment Act, 1870, **1,** 78
going with. *See* ARMED.
importation of, prohibition of, **7,** 15 n.
poacher carrying, effect on charge against confederate of, **15,** 234
penalty for, **15,** 230
sale of. *See* PISTOL.
unlawful purpose, for, **9,** 468
storing and sending, in aid of treasonable confederacy, **6,** 355

ARMS, COLLEGE OF. *See* COLLEGE OF ARMS.

ARMS, KINGS OF.
origin and functions of, **21,** 353; **22,** 288

ARMS, ROYAL.
use of, **6,** 361, 362; **22,** 231, 232

ARMY. *See also* MILITARY AUTHORITY; MILITARY LAW; MILITARY PURPOSES; SOLDIER.
The title ROYAL FORCES *is contained in Vol. XXV. pp.* 1 *et seq.*
agent, advance by, to infant, **17,** 69
alien, commission to, **25,** 38 n.
enlistment of, **1,** 309; **25,** 39, 67
animals, impressment of, **8,** 634; **25,** 48—53
annual maintenance of, **25,** 30 n., 37, 42
apprentice, enlistment of, **20,** 109 n.; **25,** 39
Army Act, 1881, and amendments thereto, **25,** 30 n., 42
arrest under, **9,** 301 n.
county court jurisdiction under, **8,** 634
offences punishable under, **25,** 32
army list, evidence, as, **25,** 38 n.
motor reserve, commission in, **25,** 59, 97
Order, force of, **25,** 42
arrest, privilege of soldier from, **25,** 94, 818
superior officer, of, **25,** 44 n.
assignment of pay, illegality of, **4,** 400—402; **25,** 48
Bill of Rights, maintenance of army under, **25,** 37
billeting, power of, **9,** 488; **25,** 53—58. *See* BILLETING.
births and deaths in, registration of, **24,** 454 n., 458; **25,** 98
canteen, licence for, **18,** 106; **24,** 654; **25,** 98

ARMY—*continued.*
carriages, impressment of, **25,** 48—53. *See* IMPRESSMENT.
chaplain. *See* CHAPLAIN.
Chelsea and Greenwich pensioners, **25,** 58
citizen rights of soldier in, **25,** 42
civil
courts, jurisdiction of, over, **25,** 89—91
rights of member of, **25,** 91—99
colonial forces, constitution of, **25,** 37
commanding officer, meaning of, **25,** 38
commission in, **25,** 38
advancement to infant for purchase of, **17,** 93 n.
appointment to, **7,** 21 ; **25,** 38
King's sign manual, under, **7,** 9 n., 21
resignation of, **25,** 38
trafficking in, **9,** 486 ; **25,** 34, 35, 38
common inclosure for purposes of, **4,** 512, 513
competent military authority, meaning of, **25,** 40 n.
compulsory military service, illegality of, **25,** 38 n.
constituent elements of, **25,** 37
corps, meaning of, **25,** 37
Council, administration by, **6,** 417—419 ; **7,** 21, 93, 94 ; **25,** 37, 38, 47, 51, 52, 63 n., 83—89 ; **28,** 984
National Health Insurance contribution by, **28,** 980, 983
county association, constitution etc. of. *See* COUNTY ASSOCIATION (Territorial Force).
court-martial, trial by, **9,** 100—105 ; **25,** 43—47, 61, 91. *See* COURT-MARTIAL.
criminal act by member of, **9,** 488 ; **25,** 92
Crown administration of, **6,** 380, 381, 417—421 ; **25,** 37
defamation by officer in, **18,** 684
desertion from, aiding, offence of, **9,** 465 n.
arrest in case of, **9,** 303 n.
court-martial for, **25,** 43
death penalty for, **9,** 103
duration of liability for, **25,** 43
forfeiture of service on, **25,** 40 n.
reserve, **25,** 61
false representation of, **25,** 61
inducing, offence of, **25,** 62
Director of Army Finance, duties of, **7,** 94
discharge of soldier in, **25,** 40 n., 41
discipline in, **6,** 421 ; **25,** 42—47
courts-martial in relation to, **25,** 44—46. *See* COURT-MARTIAL.
custody, taking into, **25,** 43
martial law, under, **25,** 43
military law, subjection to, **25,** 42, 43
military offences, meaning of, **25,** 43
punishments,
court-martial, by, **25,** 46
summary procedure, on, **25,** 45
redress of wrongs, **25,** 47
complaint to obtain, whether privileged, **25,** 92
summary procedure, **25,** 45
writ for purposes of, **25,** 38
discovery of documents in hands of officer of, **11,** 84, 85
district, chapel of, **11,** 443, 647, 790
enlistment in, **25,** 38—42. *See* ENLISTMENT.
estate duty, remission of, **13,** 182, 201 ; **25,** 96
estimates in Parliament, **21,** 768, 769 ; **24,** 538
explosives, stores for, in connection with, **25,** 98

ARMY—*continued.*
false statement or certificate in connection with, **25,** 99
finance connected with, **21,** 768, 769 ; **24,** 538
franchise rights, **12,** 165, 173, 311 n. ; **25,** 93
how affected by absence on service, **12,** 165 n.
friendly society members in, **15,** 182
impressment of vehicles, animals etc., **25,** 48—53. *See* IMPRESSMENT.
Indian, constitution of, **10,** 596 ; **25,** 37
native states, in case of, **10,** 599
invalided soldier, transfer of, **25,** 39 n.
jury service, exemption from, of members of, **18,** 232 ; **25,** 97 ; **27,** 815
King's Regulations and Orders for, **25,** 37 n. *et seq.*, 42
land, acquisition of, for purposes of, **4,** 512, 513 ; **6,** 158—160 ; **25,** 99—101
law governing, **25,** 42, 43
lunatic prisoner belonging to, **25,** 46
magazines or stores, destroying, **6,** 357 ; **9,** 773
maintenance of, **25,** 37
manœuvres, provisions as to, **6,** 160 ; **25,** 101, 102. *See* MANŒUVRES.
marriage of soldier in, **6,** 261 ; **25,** 93, 98
martial law, meaning of, **25,** 43
medical officer in, **20,** 338
Military Lands Acts, provisions of, **6,** 158—160 ; **9,** 304 n. ; **25,** 99—101
Manœuvres Acts, provisions of, **6,** 160 ; **25,** 101, 102
militia. *See* MILITIA.
transfer to army reserve of, **25,** 62 n.
motor reserve, exemption from licence duty of car employed in, **24,** 691 ; **27,** 334
municipal office, qualification for, of member of, **19,** 307 ; **25,** 96
mutiny in, inciting to, **6,** 359 ; **9,** 464, 465 ; **25,** 98 n.
National Health Insurance in relation to, **28,** 979—985. *See* SOLDIER.
Navy and Army Insurance Fund, investment of, **28,** 984
non-commissioned officer, meaning of, **25,** 38 n.
re-engagement of, **25,** 40 n.
oath by member of, **7,** 25, 26 n. ; **25,** 41
obedience to orders of superior officer in, as defence to proceedings, **9,** 488 ; **25,** 92
offences punishable
as military offences, **9,** 488 ; **25,** 43—47
by court of summary jurisdiction, **9,** 488 ; **25,** 53, 61, 62, 91
officer, *defined*, **25,** 38 n.
aggrieved, complaint to Army Council by, **25,** 38, 47
appointment as, **25,** 38
bankruptcy, appropriation of salary on, **2,** 190, 191
defamation by, privilege, **18,** 684
defendant, as successful, entitled to solicitor and client costs, **25,** 93
illegal billeting by, punishment, **9,** 488
offences by, **9,** 488
proceedings against as such, commencement within six months, **25,** 93
report on, production for inspection, **11,** 85 n.
retired, liability for service, **25,** 59
sheriff, exempt from office of, **25,** 795
wrongful dismissal of, **25,** 38 n.

ARMY—*continued.*
Parliament, disqualification of officer as member of, **21,** 660; **25,** 93
parliamentary control over, **6,** 380, 381, 419—421; **21,** 617; **25,** 37
pay in, **25,** 47, 48
assignment of, **4,** 400 *et seq.*; **25,** 48
pay warrant, **25,** 38, 47
pension. *See* PENSION.
personation of member of, **25,** 48
police powers under Army Act, 1881, **9,** 488; **22,** 502 n.; **25,** 49, 50, 56
post office employees, enlistment of, **25,** 60 n.
postal privileges of member of, **25,** 97
privileges of, **25,** 94—98
probate and administration in case of member of, **14,** 191; **25,** 95, 96
prolongation of service in, **25,** 41
railway
conveyance of, **7,** 69; **23,** 699; **25,** 52
men, enlistment of, **25,** 60 n.
rateable occupation of officer in, **24,** 15; **25,** 97
recruiting for, **25,** 38, 39, 42
re-engagement of soldier in, **25,** 40, 59
registration of births and deaths in, **24,** 454 n., 458; **25,** 98
regular forces, meaning of, **25,** 30 n., 36
reserve, annual training of, **25,** 60, 61
calling out of, **21,** 699; **25,** 60
composition of, **25,** 58
desertion from, false confession of, **25,** 61, 62
inducing, **25,** 62
enlistment in, **25,** 59, 60, 68
entry into, **25,** 40 n., 41, 59, 60, 67, 68
meaning of, **25,** 40 n., 58
offences in reference to, **25,** 61, 62
officers, of, **25,** 59
penalties for offences by civilians, **25,** 62
service in, **25,** 41, 60, 61, 67, 68
special, **25,** 62, 63, 67
territorial enlisting in, position of, **25,** 68
unemployment insurance in respect of member in, **28,** 889
retired officer, liability for service of, **25,** 59
returns, register of, **24,** 437
savings banks in connection with, **1,** 579; **25,** 98
Secretary of State, responsibility of, **6,** 418; **7,** 94
service in the,
domicil, effect on, **6,** 189
period of, **25,** 40, 41
settlement, poor law, of member of, **22,** 580; **25,** 98
sheriff, officer is exempt from office of, **25,** 96 n., 795
soldier. *See* SOLDIER.
special reserve, enlistment in, **25,** 62, 63, 67
summary civil jurisdiction, offences punishable by court of, **25,** 53, 61, 62, 91
Sunday, enlistment on, **25,** 41 n.
superior officer, arrest of, **25,** 44 n.
obedience to, as defence, **9,** 488; **25,** 92
taxes, how far member is exempt from, **25,** 97
Territorial Force. *See* TERRITORIAL FORCE.
toll, exemption from, **16,** 65
transfer from one corps to another, **25,** 39
uniform, offences connected with, wearing of, **25,** 98, 99
vote of member of, **12,** 165, 173, 311 n.; **25,** 93
will of member of, **14,** 161, 162; **17,** 104; **25,** 94—96; **28,** 547 n.

ARMY—*continued.*
Workmen's Compensation Act, 1906, whether within, **20,** 157, 205 n., 216, 223; **25,** 98
wreck receiver, officer acting as, **26,** 551

ARRAIGNMENT,
defined, **9,** 353
defendant standing mute on, **9,** 353, 354
inquisition of coroner, upon, after trial on indictment, **8,** 292

ARRAIGNS,
clerk of, duties of, **9,** 74, 89

ARRANGEMENT. *See also* DEED OF ARRANGEMENT.
bankruptcy, in, **2,** 79—85. *See also* COMPOSITION.
abuse of court, dismissed on grounds of, **2,** 82
acceptance of, **2,** 80
adjudication, after, **2,** 85
on failure of, **2,** 86
amendment of, **2,** 80
annulment of, effect of, **2,** 85
grounds for, **2,** 84
apart from Bankruptcy Acts. *See* DEED OF ARRANGEMENT.
appeal from order as to, **2,** 82, 83, 87, 302
approval of, abuse of process in obtaining, **2,** 82
application for, **2,** 80, 310
form of, **2,** 83
grounds and conditions of, **2,** 80, 81
security for unsecured debt when required, **2,** 81, 82
debts not released by, **2,** 83
disqualifications for office by, **2,** 89, 90
effect of, when approved, **2,** 83
enforcement of, **2,** 84
grantor of bill of sale, by, effect of, **3,** 69
proof of debts under, **2,** 84
proposal for, **2,** 79
release of debts, full disclosure of terms of, **2,** 81, 82
surety for composition under, **2,** 84, 85
trustee under, powers and duties of, **2,** 84
unreasonable, **2,** 82
company, by,
after winding up, **5,** 602—609
before winding up, **5,** 333, 602 *et seq.*
registration not necessary, **2,** 329; **5,** 546
committee of inspection, sanction by, **5,** 602
compromise, by way of, **5,** 334, 603, 604, 607
control of court, **5,** 603
creditors who may be bound by, **5,** 606
kinds of, which will be sanctioned, **5,** 604, 607, 608
liquidator's powers, **5,** 602 *et seq.*
meetings,
advertisements, notices etc. of, **5,** 605
majorities at, **5,** 606
order for, **5,** 604, 605
proxies at, **5,** 605
official receiver's report, **5,** 603
sanction by court, **5,** 602, 608, 609
voluntary winding up, in, **5,** 334, 574, 602, 603
deed of. *See* DEED OF ARRANGEMENT.
family. *See* FAMILY ARRANGEMENT.
parol. *See* PAROL CONTRACT.
pianoforte score, of, who is author of, **8,** 187

ARRANGEMENT—*continued.*
railway company, of, with creditors,
assent required to, **23,** 769
confirmation and enrolment of, **23,** 770, 771
filing and assent required to, **23,** 768, 769
notification in the *Gazette*, **23,** 771
objects of scheme of, **23,** 768
stay of pending proceedings, **23,** 768

ARRAY,
challenge to the, nature of, **9,** 359, 360 ; **18,** 246—249, 252. *See* CHALLENGE.

ARREARS,
affiliation proceedings, due under order in, recovery of, **2,** 451 n., 452
alimony, of, recovery of, **16,** 520, 521
annuity, of,
interest on, **14,** 274 ; **21,** 41 ; **24,** 508, 509
corpus of settled property, when raised out of, **25,** 619
gift of, validity of, **24,** 509
statutory remedy for, not available, **24,** 509
quia timet action by reversioner of land charged to keep down, **13,** 52
recovery of, **23,** 531 ; **24,** 520—522, 525, 526
husband and wife, as between, **16,** 452
what are recoverable,
covenant, when secured by, **19,** 76, 98 ; **24,** 523, 524
land, when charged on, **19,** 98, 99, 141 ; **24,** 523, 524
personal estate, when charged on, **19,** 85 ; **24,** 525
trust, in case of, **19,** 103, 141 ; **24,** 525, 526
call, of, effect on contributory's petition of, **5,** 402
forfeited shares, on, **5,** 167, 202, 203
interest on, **5,** 163 n., 167
dower, of, what recoverable, **19,** 103 ; **24,** 198
gas charges, of, liability in case of, **15,** 340, 341
general district rate, of, order for payment, **24,** 91
interest, of, what are recoverable,
acknowledgment, effect of, **19,** 103, 104
covenant, secured by, **19,** 76, 77, 98, 100, 101
guarantor, in case of, **19,** 46, 68 n.
interest on, **21,** 228
judgment, on, **19,** 99, 100
legacy, on, **14,** 275 ; **19,** 97, 99, 100
lien, on, **19,** 99
money charged on land, on, **19,** 97, 98, 100—103, 104
mortgage, in case of. *See* mortgage interest, *infra.*
part payment of interest in respect of land, effect of, **19,** 104
principal debt merged in judgment, when, **21,** 41
remainderman's rights in respect of, **25,** 618, 619
reversion, in case of charge on, **19,** 100
settlement, in case of charge upon the inheritance, **25,** 619
simple contract debt, on, **19,** 38
unpaid purchase money, on, **19,** 97
land tax, of, recovery of, **11,** 218 ; **18,** 319, 320
married woman's income, of, effect of restraint, **16,** 369
weekly sum payable under summary jurisdiction order, **16,** 601

ARREARS—*continued.*
mortgage interest, of,
acknowledgment that more than six years' are due, effect on puisne mortgage, **19,** 104
covenant in mortgage deed, action on, **19,** 98, 100, 101
in absence of, **19,** 101
discharge of principal, effect of, **21,** 41, 42
ejectment action, in, **19,** 100, 102
foreclosure action, in, **19,** 101, 104
interest on, **21,** 228
mortgagee in possession, in account when, **19,** 102
payment out of court, on petition for, **19,** 101
personalty, on mortgage of, **19,** 100, 173
prior incumbrancer, land in possession of, **19,** 102, 103
redemption action, in, **19,** 101
reversion in personalty invested on mortgage of land, **19,** 100
reversionary interest, mortgage of, **19,** 100
sale under power, on, **19,** 102
transfer of mortgage as affecting, **21,** 177
National Health Insurance contribution, of, calculation of, **28,** 926
married woman, in respect of, **28,** 978
medical benefit suspended on account of, **23,** 926
payment of, **28,** 918 n., 927
remission of, **28,** 925
poor rate, of, collection of, **24,** 66
rates, of, recovery of, **11,** 210—217. *See* DISTRESS FOR RATES AND TAXES.
receiver, appointment of, **16,** 369 ; **24,** 378, 520
rent, of, *defined*, **19,** 99
rent reserved, of,
acknowledgment in writing of, effect of, **19,** 103
action for recovery of, **18,** 486 ; **24,** 326
limitation of, **19,** 77, 97, 99, 100
claim for, in action to recover land, **23,** 109 ; **24,** 326
covenant, not secured by, **18,** 488 ; **19,** 97
when payable under, **18,** 488 ; **19,** 84, 97, 98
distress, recoverable by, **11,** 159. *See* DISTRESS FOR RENT.
grantee of reversion not entitled to, **18,** 597
interest on, effect on distress of agreement for, **11,** 153
mortgage, due at date of, right to, **21,** 161
transfer of mortgage, effect of, **21,** 177
mortgagee of tenant for life, recoverable against, **19,** 99, 100
mortgagee's rights in case of, **19,** 99, 100 ; **21,** 161, 177, 195, 196
part payment of, effect of, **19,** 104
payment by tenant under void lease after twelve years, effect, **19,** 127 n.
receiver, compound for, cannot without leave, **24,** 395
entitled to, **21,** 261 ; **24,** 378, 386
payment to landlord by, **24,** 381
surrender, accrued before, recovery of, **18,** 552
valuation payable to outgoing tenant, deducted from, **1,** 245—247
when rent becomes in arrear, **11,** 123, 148 ; **18,** 471 ; **19,** 99 ; **24,** 378
wife's realty, right of husband as to, **16,** 327
rentcharge, of, recovery of, **24,** 514—520. *See* RENTCHARGE.
what are recoverable, **24,** 524, 526

ARREARS—*continued.*
taxes, of, recovery of, **11,** 218—221. *See* DISTRESS FOR RATES AND TAXES; INCOME TAX; LAND TAX.
term limited to raise, **24,** 517
tithe rentcharge, of, recovery of, **11,** 217; **19,** 99 n.
water rate, of, recovery of, **28,** 349

ARREST,
defined, **9,** 296; **25,** 814 n., 816
Admiralty jurisdiction, under,
defendant's person, of, **1,** 60
property, of, **1,** 61, 71, 81—87, 130, 131. *See* ship, *infra.*
agent, arresting or giving in arrest, powers of, **1,** 165
ambassador, of, **6,** 429; **9,** 245
Army, privilege from, **25,** 94, 818
superior officer, of, **25,** 44 n.
Army Act, 1881, under, **9,** 301 n.
assault
case, as a defence in, **9,** 609
committed while resisting, **9,** 296
assistance, private person may be called upon for, **9,** 299, 300
reward for, **9,** 449
attachment, under, **7,** 319, 320; **25,** 815 *et seq.*
bankrupt, of, **2,** 55, 75; **25,** 818
bankruptcy proceedings, of person attending, **25,** 819 n.
barrister's immunity from, **2,** 380; **21,** 781; **25,** 819
battery during, justification of, **27,** 877 n.
bench warrant for, of defendant who does not appear, **9,** 351
breach of peace, for, **9,** 296—300; **27,** 876—879
breaking open doors to effect, **7,** 319; **9,** 307; **25,** 813—815
Canal Offences Act, 1840, under, **9,** 301 n., 304 n.
child under seven, of, **9,** 296
Children Act, 1908, for offence within, **9,** 304 n.; **17,** 168
City Police, powers of, **9,** 304 n.; **22,** 479
civil debt, for, **2,** 337 *et seq.*; **14,** 73. *See* IMPRISONMENT FOR DEBT.
justices, powers of, **19,** 609, 610
prisoner, of, **23,** 253 n.
civil process, on, **1,** 320—322; **25,** 811—820
custody of prisoner after, **25,** 816, 817
limits of, **2,** 327; **7,** 298 n.; **25,** 815—820
malicious, **19,** 693—695
manner of, **25,** 815, 816
privilege from. *See* PRIVILEGE FROM ARREST.
clergyman officiating, of, **11,** 555; **25,** 818
coinage offences, for, **9,** 300 n.
committal, upon, **2,** 343, 344; **7,** 219
common informer, no privilege in case of, **25,** 819
Companies Act, 1908, for offences under, **5,** 432, 562, 563
company officer, of, under Companies Clauses Acts, **5,** 716
compensation where person killed in attempting to execute an, **9,** 449
constable, by, **9,** 298, 299, 303 n.; **27,** 880, 881
breach of peace, for, **9,** 299
warrant, under, **9,** 307—310; **22,** 497. *See* warrant under, *infra.*
without warrant, **9,** 298—307; **22,** 497, 498; **27,** 880
statutory powers for, **9,** 301 n.—303 n.; **22,** 497

ARREST—*continued.*
contempt of court, for, **7,** 290, 319—321
contract made whilst under, whether voidable, **13,** 19 n.
contributory, of, **5,** 505, 562, 563
convict on leave, of, **9,** 303 n.; **22,** 472
coroner, powers of, to order, **8,** 251, 266, 267; **27,** 884 n.
privileged from, **8,** 250
corrupt practices at election, in case of, **12,** 536
court, person attending, privileged from, **7,** 321; **25,** 818, 819
Crown debt, for, **2,** 338; **9,** 414; **25,** 815
Cruelty to Animals Act, 1849, under, **1,** 414, 415; **9,** 303 n.
custody of prisoner, manner of, **25,** 816
debtor, of. *See* civil debt, *supra.*
Bankruptcy Act, under, **2,** 55, 75
deserter, of, **9,** 303 n.
Diseases of Animals Act, 1894, under, **9,** 304 n.
divine service, for disturbing, **9,** 302 n.
doors, breaking open. *See* breaking open doors, *supra.*
driver, when liable to, without warrant, **27,** 277, 324, 325
drunken person, of, **9,** 301 n.
escape of prisoner, after, **25,** 814. *See* ESCAPE.
liability in case of, **25,** 820
Explosives Act, 1875, under, **9,** 302 n.
extradition, for purpose of, **14,** 408, 409
false imprisonment in respect of. *See* FALSE IMPRISONMENT.
felony, for, **9,** 296, 299, 304; **25,** 811; **27,** 880
suspicion of, **9,** 298, 304
firing crops, gorse etc., for, **1,** 283; **9,** 774; **15,** 245
force, use of, on, **9,** 307, 309; **25,** 813, 814
foreign warrant, under, **14,** 411
fresh pursuit, **9,** 297 n., 305, 308; **22,** 497
fugitive criminal, of, **14,** 409, 411
gamekeeper, by, **9,** 301 n., 573; **15,** 234—236, 243—245
gaming house, of person in, **15,** 291
gas company's works, of person damaging, **15,** 374
handcuffs, use of, on, **9,** 309; **22,** 498
hawker, of, **9,** 302 n.; **20,** 56 n.
Highway Acts, for offences against, **9,** 302 n.; **16,** 168, 170; **27,** 277, 278
Hosiery Act, 1843, under, **9,** 303 n.
Houses of Parliament, of witness appearing before the, **21,** 781
hue and cry, **9,** 300 n., 304 n.; **25,** 811
illegal means, by, **25,** 814
Indecent Advertisements Act, 1889, under, **9,** 303 n.
infant under seven not liable to, **9,** 296
judgment, of, criminal proceedings, in, **9,** 375; **18,** 742
libel, in, **18,** 742
Mayor's Court, in, **20,** 298
judicial proceedings, of person attending, **7,** 321; **25,** 818, 819
justification for, **9,** 296, 307; **22,** 497; **23,** 320; **27,** 879, 880
king
by, **9,** 296
chaplain of, immunity from, **11,** 652 n.
immune from, **6,** 408, 409; **25,** 817
in presence of, **6,** 409; **25,** 816
knacker's yard, at, **23,** 560

ARREST—*continued.*
Larceny Act, 1861, under, **9,** 300 n., 301 n., 303 n., 306 n.
licensed premises, on, **9,** 303 n.
Lighting and Watching Act, 1833, under, **9,** 301 n.
loiterer, of, **9,** 303 n.
lunatic, of, **25,** 819
wandering, **19,** 508
magistrate, power of, **9,** 298 n., 299 n.
mail ship, of, **1,** 82 ; **26,** 356
on, **26,** 355, 356
malicious, on civil process, action for, **19,** 693, 694. *See* MALICIOUS PROCEEDINGS.
Malicious Damage Act, 1861, under, **9,** 296 n., 301 n., 303 n.
master of ship, by, **9,** 302 n. ; **26,** 329, 355 ; **27,** 883
member of Parliament exempt from, **21,** 779, 780 ; **25,** 818
mesne process, on, abolished, **9,** 133 ; **13,** 59
Metropolis Management Acts, under, **20,** 465
Metropolitan Board of Works Act, 1877, under, **9,** 302 n.
Metropolitan Police Act, 1839, under, **9,** 297 n., 301 n., 304 n.
mode of, **9,** 296 ; **25,** 816
naval officers, seamen and marines, exemption of, from, **25,** 94, 818
ne exeat regno, under writ of, **19,** 694
night, for indictable offence at, **9,** 300 n., 301 n. ; **14,** 591 ; **15,** 245
poaching by, **15,** 234, 235
officer of court, privilege of, from, **7,** 290, 321
Parliament, of member of, **7,** 321, 322 ; **21,** 779, 780 ; **25,** 818
passenger, of, by master of ship, **9,** 302 n. ; **26,** 329, 355, 356 ; **27,** 883
pawn, in case of illegal, **9,** 301 n.
peace officer, by, without warrant, **9,** 298—307
pedlar, of, **9,** 302 n. ; **20,** 59 n.
peer, privilege of, **7,** 320 n. ; **21,** 779, 780 ; **22,** 271 ; **25,** 817
personation at election, in case of, **12,** 526
place of, **6,** 409 ; **9,** 309 ; **25,** 816
poacher, of, **9,** 301 n., 307 n. ; **15,** 228, 234, 235, 238, 244
police supervision, of person under, **9,** 303 n. ; **22,** 472
posse comitatus, by, **9,** 300 n., 303 n. ; **25,** 811
private person, by, **9,** 296—298
breach of peace, in case of, **9,** 297, 298
breaking open door for, **9,** 307
constable, handing over prisoner to, **9,** 299, 306
detention of
prisoner, **9,** 306
property, **9,** 309
highway, for offences on, **27,** 277, 278
hue and cry, in case of, **9,** 300 n.
liability for, **27,** 879
statutory powers, under, **9,** 300 n.—303 n., 305 n.
liability for exceeding power, **9,** 305
privilege from. *See* PRIVILEGE FROM ARREST.
Prize Law, in cases under, **23,** 289
Profane Oaths Act, 1745, under, **9,** 303 n.
property, detention of, **9,** 309
public examination, of person whose attendance is required at, **5,** 432, 562
public meeting, at, **9,** 297 n.
Public Stores Act, 1875, under, **9,** 300 n., 304 n.
railway offences, for, **9,** 302 n. ; **23,** 735

ARREST—*continued.*
reformatory or industrial school, of youthful offender from, **9,** 301 n.
resisting, **9,** 296, 303 n., 506 ; **22,** 610, 614
revenue offences, for, **9,** 302 n.
reward for, granting of, **9,** 449
rioter, of, **9,** 297 n., 300 n., 474
river police, by, **9,** 304 n.
Royal Palace, in, **6,** 409 ; **9,** 309 n., **25,** 816
servant, by, on behalf of master, **9,** 296 n.
sheriff, by, **25,** 811 *et seq.* *See* civil process, *supra.*
attachment or committal, on, **7,** 318, 319
discharge of prisoner on security, **25,** 821 n.
felon, **25,** 811
resistance, in case of, **9,** 303 n.
rewards for assistance, **9,** 449
unlawful, liability in case of, **25,** 819, 820 ; **27,** 883
warrant justifies, **27,** 883
ship, of, Admiralty proceedings, in, **1,** 67, 68, 81 *et seq.*, 92, 95
old practice, under, **1,** 60, 61
appeal pending, **1,** 114
bottomry bond enforced by, **1,** 82 ; **26,** 73
capture distinguished from, **17,** 443 n., 444
cargo, for damage to, **1,** 73 ; **26,** 546, 621
caveat against, **1,** 83, 92 ; **23,** 289
collision case, in, **1,** 70—72, 81 n. ; **26,** 546
defendant, at instance of, **1,** 92
exemption from, **26,** 356, 533, 560, 561
foreign owned, **1,** 71, 81 ; **26,** 37 n., 67, 533, 546
collision, in case of, **1,** 71 ; **26,** 546
harbour rates dispute, in, **26,** 638, 639
King's, **1,** 71 ; **26,** 533, 560, 561
lien arising from, **1,** 68 ; **26,** 621
mail ship, **1,** 82 ; **26,** 356
majority or minority owners, by, **26,** 36, 37
malicious, **19,** 698
marine insurance, in, **17,** 438 n., 439, 443, 444
national ship, of, **1,** 71 ; **26,** 408 n., 546
necessaries, for, **1,** 67, 68 ; **26,** 67, 68
non-payment of tonnage rates, on, **26,** 638, 639
procedure on, **1,** 81 *et seq.*
release from, **1,** 88, 123, 132 ; **23,** 289
removal of property under, **1,** 86
contempt of court, as, **7,** 290
ship keeper, interference with, after, **1,** 86
warrant for, **1,** 81, 82. *See* WARRANT OF ARREST.
smuggling, for, **9,** 301 n., 522 n.
soldier, of, privilege, **25,** 94, 818
solicitor, privilege of, from, **25,** 818, 819 ; **26,** 726
special constable, by, **9,** 298 n. ; **22,** 493
Spirits Act, 1880, under, **9,** 300 n. ; **18,** 115
statutory powers of, **9,** 300—305 ; **26,** 546
street
betting, for, **9,** 304 n.
fighter, of, **9,** 297 n.
furious driving etc. in, for, **27,** 277
lamp, for damaging etc., **9,** 301 n. ; **16,** 123
Summary Jurisdiction Act, 1879, under, **9,** 306 ; **19,** 595, 596
Sunday, on, **7,** 319 ; **9,** 309 ; **25,** 813 ; **27,** 445
Territorial Force, of member of, **25,** 77
time for, **9,** 304, 309
tramcar, on, is within the street, **27,** 808
tramway offences, for, **9,** 302 n. ; **27,** 808
treason, for, **9,** 296, 304
trespasser after game, of, **9,** 301 n. ; **15,** 228, 243, 244

ARREST—*continued.*
Universities of Oxford and Cambridge, in, **9,** 298 n., 304 n.
unlawful, rights in case of, **9,** 305; **19,** 695; **25,** 819, 820; **27,** 880, 881, 883
unlawful drilling, in case of, **9,** 303 n.
Vagrancy Act, 1824, under, **9,** 300 n.; **22,** 615
warrant for, **9,** 307—310. *See* WARRANT OF ARREST.
production of, on, **9,** 309; **25,** 816
withdrawal of, **9,** 308 n.
warrant, under, **9,** 307—310
constable must have warrant with him, **9,** 309
extradition, in case of, **14,** 408, 409, 411
force, use of, **9,** 309
liability in case of, **22,** 499; **27,** 881
local limits, **9,** 308
time and place, **9,** 309
without, **9,** 296—307
constable, by, **9,** 298—307; **22,** 497, 498; **27,** 880
fugitive criminal, of, **14,** 409
highway, for offences on, **27,** 277, 278, 324
private person, by, **9,** 296—298; **27,** 277, 879, 880. *See* private person, *supra.*
railway offences, for, **23,** 735
water bailiff, by, **14,** 607, 608
water bailiff, by, **9,** 298 n., 304 n.; **14,** 607, 608, 609
witness, of,
bankruptcy, for private examination in, **2,** 140
coroner, by warrant of, **8,** 266, 267
liability of arresting officer etc., **13,** 588; **19,** 695; **25,** 819, 820
privilege from. *See* PRIVILEGE FROM ARREST.
workhouse offence, for, **9,** 302 n.
wreck receiver, by, **26,** 550

ARRIVAL,
ship, of, at port of
discharge, **26,** 254, 260—263
consignee's duty to discover, **26,** 263, 264
loading, charterparty provisions as to, **26,** 183, 184

ARSENAL,
Admiralty control of, **7,** 90
obtaining and communicating information as to, **7,** 31; **9,** 480
setting fire to, **6,** 357; **9,** 773; **25,** 15

ARSENIC,
arsenical soap, when not a drug, **15,** 6
beer, use in manufacture of, **24,** 631 n.
sale of, regulations affecting, **20,** 385, 386
works, meaning of, **23,** 405 n.
statutory provisions as to, **23,** 404—414. *For these provisions see under* ALKALI WORK.

ARSON,
defined, **9,** 770
building etc. of, **9,** 770—773
crops etc. of, **1,** 283; **9,** 774, 775; **15,** 245
dockyard, of, **6,** 357; **9,** 773; **25,** 15
felony, a, **9,** 770
fire insurance, liability in, in case of, **17,** 531, 532
Government arsenals etc. of, **6,** 357; **9,** 773; **25,** 15

ARSON—*continued.*
indictment for,
cock of hay, expression in, **9,** 774 n.
dwelling-house, of, gaol, described as, **9,** 771 n.
ownership, as to, **9,** 336 n., 769 n., 770 n.
person therein, as to, **9,** 771 n.
intent to defraud, necessary allegation as to, **9,** 339 n., 769 n.
Malicious Damage Act, 1861, under, **9,** 769 n., 770 n., 774 n.
misdescription of property in, **9,** 339 n.
owner of property injured, as to, **9,** 336 n., 769 n., 772 n.
mine, in respect of, **9,** 772, 773
punishment for, **9,** 770, 772—775; **25,** 15
ship, boat etc. of, **9,** 772, 773
statutory offence of, **9,** 770—773
trees etc. of, **1,** 283; **9,** 774
trespass, actionable as, **27,** 846
unfinished building, of, **9,** 771 n., 772 n.
unfurnished house, of, **9,** 771 n.
verdict of, on coroner's inquisition in City of London, **8,** 297

ART,
assurance of land for promotion of, **4,** 140
charitable purpose by reason of promotion of, **4,** 111
companies for promotion of, **5,** 13, 15, 16, 31, 77—79
copyright in relation to. *See* ARTISTIC WORKS.
education in, **12,** 6; **23,** 594
gallery, local authority's power to provide, **23,** 581
interpretation of terms of, **10,** 449; **27,** 134
manufacture distinguished from, **22,** 134—137
patented process, with reference to, **22,** 134—137
school for, acquisition of, **12,** 24; **23,** 594
society, borrowing powers of, for repairs, **4,** 236
charity trustees, grant of land by, to, **4,** 223
corporation duty, exemption from, **19,** 209; **24,** 735
friendly society, registration as, **15,** 125 n.; **19,** 197
Literary and Scientific Institutions Act, 1854, under, **19,** 196. *See* LITERARY AND SCIENTIFIC INSTITUTIONS.
money-lender, whether a, **21,** 45 n.
rates, exemption from, **4,** 212; **19,** 204; **24,** 21
union, lottery, whether a, **9,** 547 n.; **15,** 301
Privy Council and, **15,** 301 n.
work, copyright in. *See* ARTISTIC WORKS.
works of, London County Council's powers as to, **20,** 397

ARTICLE,
dangerous, negligence in relation to, **21,** 365, 370, 407—409
passenger carrying, **4,** 46
post, sending by, **22,** 662
design, with reference to, **27,** 727
domestic use or ornament, of, what is, **28,** 710
infected, disinfection of, **1,** 426; **23,** 456
manufacture, of, **14,** 437, 438
manufactured at private dwelling-house, payment for, **14,** 516
periodical, in, contract to appear in particular magazine, **23,** 217
copyright for, **8,** 147, 148
property in and alteration of, **23,** 218

ARTICLED CLERK. *See* ARTICLES.
apprentice, is an, **20,** 71 n.; **26,** 710 n.
bankruptcy of master as affecting, **2,** 125, 222; **26,** 713, 714
death of master as affecting, **26,** 714
defective articles, striking off the rolls on account of, **26,** 848
dismissal by master, rights on, **26,** 715, 716
employment, how far must be exclusive, **26,** 714, 715
number allowed, **26,** 713
premium, return of, **17,** 72 n.; **26,** 712, 716
qualification when taking articled clerks, **26,** 713
service of, barrister, with, **26,** 715
solicitor, with, **26,** 710—716
continuous, must be, **26,** 714, 715
defect in, ground for striking off rolls, **26,** 848
period of, **26,** 711

ARTICLES,
apprenticeship, of. *See* APPRENTICE.
association, of. *See* ARTICLES OF ASSOCIATION.
bankruptcy, payment on, to persons under indentures or, **2,** 125
Church Discipline Act, 1840, under, signature of counsel to, **2,** 379
ecclesiastical court, in citation before, **11,** 517
impeachment, of, **21,** 651
marriage, **25,** 538—548. *See* MARRIAGE ARTICLES.
partnership, of, **22,** 21
trust for third party may be created by, **13,** 97
peace, of the. *See* ARTICLES OF THE PEACE.
religion, of. *See* ARTICLES OF RELIGION.
ship's, **26,** 41—43. *See* SEAMAN, agreement with.
deposit of, on arrival at port in British possession or foreign country, **26,** 658, 659
rating of crew depends upon, **26,** 40
solicitor's clerk, of, **26,** 712 *et seq.* *See also* ARTICLED CLERK.
form of, **26,** 712
registration of, **26,** 713
restrictive covenant, **26,** 712 n.; **27,** 568 n., 573 n.
stamp on, **20,** 80 n.; **26,** 712 n.
war, of, naval offences punishable under, **25,** 10

ARTICLES OF ASSOCIATION,
defined, **5,** 35
acts requiring authority of, **5,** 71
alteration of, **5,** 70, 78, 82, 162, 207—209
calls on shares, liability for, defined by, **5,** 162
contract, as evidence of, **5,** 80, 298; **7,** 343; **22,** 322
copies of, special resolutions to be annexed to, **5,** 261
supply of, **5,** 69, 261
debentures, reissue of, restrained by, **5,** 66, 355
directors appointed by, **5,** 209, 213
effect of, **5,** 80—82; **7,** 343; **22,** 322
filing of, **5,** 77, 80
form and contents of, **5,** 66, 67, 77, 80, 90
guarantee company, of, **5,** 76, 77
inconsistent articles, construction of, **5,** 82
incorporated club, of, **4,** 408
invalid, **5,** 82, 206
meetings, provisions as to, in, **5,** 247
memorandum in relation to, **5,** 82
mistake in, rectification of, **5,** 208
number of members to be stated in, in certain cases, **5,** 144

ARTICLES OF ASSOCIATION—*contd.*
paragraphing of, **5,** 67, 77, 80
printing of, **5,** 66, 77, 80
reduction of capital in accordance with terms of, **5,** 107, 108
registration of, **5,** 66, 76, 79
not filing of contract by director to take qualification, **5,** 213 n.
rights of members under, **5,** 160
dividends, with reference to, **5,** 271
share transfer, restriction of, by, **22,** 322
signature and witnessing of, **5,** 67, 77, 80
special, **5,** 205—207
resolution, alterable by, **5,** 70, 78, 207
stamp duty in respect of, **5,** 66, 67, 77, 80; **24,** 706
Table A. as. *See* TABLE A.
third parties, rights of, in regard to, **5,** 80, 298, 301—303; **7,** 343
unlimited company, of, **5,** 79, 80

ARTICLES OF RELIGION,
defined, **11,** 372
clerk on institution to benefice, reading by, **11,** 372, 603, 635
maintenance of doctrine contrary to, **11,** 654
traditions and ceremonies, on, **11,** 359 n.

ARTICLES OF THE PEACE,
defined, **19,** 633
application for, counsel, when to be made by, **2,** 373
procedure on application for, **9,** 414; **19,** 633—635

ARTICLES OF WAR,
naval offences punishable under, **25,** 10

ARTIFICER,
defined, **14,** 524; **20,** 148; **27,** 443, 509 n.
agreement for hire of, not liable to stamp duty, **20,** 78
care required of, **21,** 367 n.
sale of commodities in cities by, **27,** 509 n.
Sunday Observance Act, affecting, **27,** 443

ARTIFICIAL
channel, fish in, rights in respect of, **14,** 581, 620
support, mining operations, in, **20,** 571
watercourse, rating of, **24,** 8
rights in case of, **11,** 311, 315—317; **20,** 589. *See* CANAL; WATERCOURSE.

ARTILLERY RANGE,
marking of boundaries of, **28,** 375
regulation by bye-law when over sea or shore, **6,** 160; **28,** 374, 375

ARTISAN. *See* WORK AND LABOUR; WORKING CLASSES; WORKMAN.

ARTISAN DWELLINGS. *See* HOUSING OF THE WORKING CLASSES.

ARTISTIC WORKS. *See also* DRAWING; ENGRAVING; LITHOGRAPH; PAINTING; PHOTOGRAPH; PRINT; SCULPTURE.
copyright, in relation to, **8,** 188—208
defined for purposes of, **8,** 188
assignee of, rights of, **8,** 188

ARTISTIC WORKS—*continued.*
copyright, in relation to—*continued.*
author, rights of, **8,** 188
who is, **8,** 188
breach of confidence by bailee of, **8,** 190
commencement of copyright, **8,** 189
commission, executed on, **8,** 193
copy of, what is, **8,** 196
false signature on, summary proceedings, **8,** 199, 200
fraudulent alteration of, summary proceedings, **8,** 199, 200
immoral, no copyright in, **8,** 191
infringement of copyright in,
painting, drawing, or photograph, **8,** 196—200. *See* PAINTING.
print, engraving, or lithograph, **8,** 203—206. *See* PRINT.
sculpture, model or cast, **8,** 208
international copyright, **8,** 142, 188, 189
libellous, no copyright in, **8,** 191
non-copyright work, right to copy or use, **8,** 194, 195
obscene, destruction of, **8,** 191 n.
no copyright in, **8,** 191
painting, drawing, or photograph, copyright in, **8,** 191—200. *See* DRAWING; PAINTING; PHOTOGRAPH.
period of copyright, **8,** 190
print, engraving or lithograph, copyright in, **8,** 200—203. *See* ENGRAVING; LITHOGRAPH; PRINT.
published, where, **8,** 188—196, 200—203, 206—208
registration of copyright, **8,** 190, 195, 197
sculpture, model or cast as, **8,** 206—208. *See* CAST; SCULPTURE; MODEL.
subject of, no copyright in, **8,** 197
unpublished, where, **8,** 188
manual work in relation to, **28,** 908 n.
National Health Insurance with reference to, **28,** 908 n.
piracy of, apart from copyright, **8,** 190

ARTS, FINE. *See* FINE ARTS.

ARUNDEL,
local court of, **9,** 139

AS OF RIGHT,
enjoyment, *defined,* **4,** 489; **11,** 262 n., 271
common, for acquisition of right of, **4,** 489
easement, for acquisition of, **11,** 262, 263, 271
light, not necessary in case of, **11,** 305
water in artificial channel, **11,** 316
profit à prendre, for acquisition of, **11,** 344, 345

ASCENSION DAY,
school attendance on, **12,** 30 n.

ASCENT,
fief, of, **11,** 10 n.

ASCERTAINED
goods, as contrasted with specific goods, **25,** 174 n.

ASCERTAINMENT. *See also* DETERMINATION.
class, of. *See* CLASS GIFT.
contract, of parties to, **7,** 335, 370—372; **25,** 291, 292

ASCERTAINMENT—*continued.*
donee under will, of, **28,** 536, 688, 689. *See* ALTERNATIVE, gift; DESCRIPTION.
parol evidence for, **28,** 637 *et seq.*
time for, **28,** 713—735
alternative donees, **28,** 728—735
classes, **28,** 714—724. *See* CLASS GIFT.
groups of individuals, **28,** 724
individuals, **28,** 714
survivorship, **28,** 724—728

ASHANTI,
protectorate of, **10,** 503 n., 522

ASHDOWN FOREST,
rights of commoners in, **7,** 190

ASHES, *See also* ASHPIT.
disposal after cremation of, **3,** 574
church disused for burial, in, **3,** 526; **11,** 777
faculty and fee for, **3,** 526; **11,** 541 n., 777
nuisance arising from, **21,** 540; **27,** 280
removal of, from house, **23,** 568, 606

ASHPIT.
defined, **23,** 420 n., 599 n., 606 n.
bye-laws of London County Council as to, **23,** 420 n.
cleansing of, in metropolis, **23,** 606
infectious rubbish cast into, offence in respect of, **23,** 450, 451
nuisance from, abatement of, **21,** 538; **25,** 758 n.
provision of, in metropolis, **23,** 599, 600
outside metropolis, **23,** 596

ASPHYXIATION,
whether within Workmen's Compensation Act, 1906, **20,** 169 n.

ASPORTATION,
larceny, in case of, **9,** 630, 664
trespass, in, **27,** 864 n.

ASS,
flesh of, as horseflesh, **15,** 69
hiring of, licence by urban authority for, **27,** 274

ASSART,
meaning of, **4,** 474 n.; **9,** 113 n.

ASSAULT,
defined, **9,** 606; **27,** 873
accidental, liability in respect of, **9,** 608; **27,** 862
action for, **27,** 872, 874
barred by lapse of time, **19,** 38; **27,** 872, 877
defence to, **27,** 874—877
arrest, committed while resisting, **9,** 296
lawful, as a defence in, **9,** 609
bailiff, by, liability for, **25,** 827 n.
bankruptcy, proof in, for damages for, **2,** 198
battery and, **9,** 606; **27,** 871, 873
bodily harm, causing, **9,** 610
boxing, blow struck in, may be, **27,** 874. *See* prize fight, *infra.*
church or churchyard, in, **3,** 423; **11,** 470, 539, 663
consent in case of, **9,** 239, 607, 619; **27,** 874
constable, on, **9,** 505; **15,** 237 n.; **22,** 494, 499, 500
special, on, **22,** 494
convict's liability for, **23,** 232

ASSAULT—*continued.*
conviction for, on indictment for more serious offence, **9,** 610, 617, 663
corporation, liability of, **8,** 386
correction, lawful, is not usually, **9,** 608; **27,** 876
county court official, on, **8,** 427
criminal proceedings for, **9,** 606, 610; **22,** 449, 500, 545; **27,** 846, 874
damages for, measure of, **27,** 874
deerkeeper, on, **15,** 263
defence against, when use of weapon justified, **9,** 609
dismissal of charge of, effect of, **13,** 353 n.; **27,** 872
driving, by collision in, **27,** 873 n.
false imprisonment may be, **9,** 607 n.; **27,** 884 n.
father, by, in defence of child, **17,** 114; **27,** 875
felony, with intent to commit, **9,** 610
firearms, by presenting, **27,** 873
fist clenched, element in, **27,** 873
imprisonment in case of, **9,** 610; **19,** 603
indecent. *See* INDECENT ASSAULT.
infection, communication of, as, **27,** 874 n.
justifiable, when, **9,** 609; **17,** 114; **20,** 126, 276; **27,** 498 n., 875, 876
King, on the, **6,** 358; **9,** 459
letter carrier, false declaration by, that he has been the victim of, **22,** 663
limitation of action for, **19,** 38; **27,** 877
master, by, in defence of servant, **9,** 609; **20,** 126, 276; **27,** 875
medical practitioner, by, **9,** 607
peace officer, on, **9,** 505; **15,** 237 n.; **22,** 494, 499, 500
poacher, by, **15,** 234
poor law officer, on, **22,** 545
preservation of order, in furtherance of, **27,** 876
prize fight, aiding and abetting, as, **9,** 470, 607
property, in defence of, **9,** 609; **27,** 875
punishment for, **9,** 610
railway passenger, by, action against company, **4,** 53, 60
on, **4,** 60
remedies for, **9,** 610; **27,** 846, 872, 874
resistance justifiable in case of, **9,** 609; **27,** 874, 877
rob, with intent to, **9,** 610, 663
schoolmaster, by, **9,** 608; **12,** 124; **27,** 876
seaman's liability for, **26,** 60.
self-defence, committed in, **9,** 609; **27,** 498, 861, 862, 870
servant, by, defence of master, in, **9,** 609; **20,** 126, 278; **27,** 875
master's liability in case of, **1,** 212; **4,** 64; **20,** 256; **27,** 800 n., 872 n.
right to chastise, **9,** 608, n.
ship in distress, on person endeavouring to succour, **9,** 559
special constable, on, **22,** 494
tort, as, **20,** 256; **27,** 474, 475
tramway company's servant, by, **27,** 800 n.
trespass, actionable as, **27,** 846, 871, 874
trespasser, by, **15,** 234 n., 237 n.
on, **4,** 63; **27,** 871, 875
wife, in defence of, **9,** 609; **27,** 875
on, by husband, **9,** 608 n.; **16,** 596
words do not amount to, **9,** 606
Workmen's Compensation Act, 1906, covers injury by, **20,** 176 n.

ASSAY,
gold and silver plate, of, **24,** 592, 593

ASSEMBLY. *See also* CROWD.
smuggling, for purpose of, **9,** 522
unlawful, **9,** 469—471

ASSENT. *See also* ACQUIESCENCE; CONSENT.
company, of members of, to registration of, **5,** 61
copyhold, to devolution of, by lord of manor, **11,** 6
creditors, by, arrangement with insolvent debtor, to, **2,** 334, 335
continuance of testator's business, to, **14,** 295
devisee or legatee, by, in testator's lifetime to parol trust, **13,** 75; **28,** 21, 22
equitable assignment, of debtor or fundholder to, **4,** 379, 380
executor, of,
before probate, effect of, **14,** 267; **28,** 583
not affected by his death, **14,** 267
bequest of legacy, to, **14,** 265; **28,** 583
compulsion to secure, **14,** 268
condition attached to, **14,** 265, 266
effect of, **14,** 266
gift to himself, to, **14,** 267
implication, by, **14,** 266
life interest, to, **14,** 267
question of fact, **14,** 267
real estate, in case of, **14,** 265, 268
subject to charge for debts etc., **14,** 266
registered land, in respect of, **14,** 266 n., 267
release of debt by will, to, **14,** 265
residuary bequest, to, **14,** 265
stamping of, **14,** 268
sufficiency of, where gift to one of several representatives, **14,** 267
explosives, to magazine etc. for, on part of local authority, **14,** 367
guarantee, by parties to, **7,** 354; **15,** 448
personal representative, of, devise or bequest, to, **28,** 583. *See* executor, *supra.*
Royal, to Act of Parliament, **6,** 390; **21,** 616, 723—725
passing of Act refers to date of, **27,** 156
sale of goods, on, appropriation of goods, to, on sale of unascertained, **25,** 168—170
unpaid seller, by, to disposition of goods by buyer, **25,** 259

ASSESSABLE VALUE. *See also* RATEABLE VALUE.
borrowing by urban and rural authorities, limited by, **23,** 383
income tax in respect of landed property (Sched. A), for purposes of, **16,** 620, 623
allowances,
drainage etc. rates, **16,** 627
ecclesiastical dues, in respect of, **16,** 627
fines on leases, in case of, **16,** 624
land tax, in respect of, **16,** 627
maintenance etc. on five years' average, **16,** 622, 623
manorial income, in case of, **16,** 624
repairs, in respect of cost of, **16,** 622, 627, 628
tithe rentcharge, in respect of, **16,** 623
incorporeal hereditaments, of, **16,** 623
land and buildings, of, **16,** 620, 621
occupation of land, of profits from, **16,** 637
inhabited house duty, for, **17,** 186 *et seq.* *See* INHABITED HOUSE DUTY.

ASSESSED
costs, power of the judge as to, **23,** 183
taxes. *See* ASSESSED TAXES.
value, income tax purposes, for. *See* ASSESSABLE VALUE.

ASSESSED TAXES,
collector of. *See* COLLECTOR.
income tax. *See* INCOME TAX.
inhabited house duty. *See* INHABITED HOUSE DUTY.
land tax. *See* LAND TAX.
landlord and tenant, payment as between, **18,** 488—492
officers for receipt of, **16,** 616
property tax. *See* INCOME TAX, land ; Sched. A
recovery of, **11,** 218—221
income tax, **11,** 218—221 ; **16,** 283—285
inhabited house duty, **11,** 218 ; **17,** 189
land tax, **11,** 238 ; **18,** 319
property tax, **11,** 218—221 ; **16,** 283—285

ASSESSIONABLE MANOR,
Duchy of Cornwall, in, commissioners' inquiry respecting, **7,** 261 n.
conventionary tenements in, **7,** 267 ; **8,** 133
enumeration of, **7,** 261 n., 262 n.
mining rights in, **7,** 261—266

ASSESSMENT,
Admiralty reference, of damages in, **13,** 624
assessor, appointment and duties of. *See* ASSESSOR.
boundaries, as evidence of, **3,** 146
committee for rates, appeal from, **24,** 57—65, 122. *See* RATING APPEAL.
appointment and functions of, **20,** 437, 438 ; **24,** 46, 47, 49—51
clerk of, duties of, **24,** 47, 72
counsel's right of audience, at **2,** 377
meetings of, **24,** 47
metropolis, in, **20,** 434, 437, 438 ; **24,** 117, 118
rate-books, production before, **24,** 47
compensation on compulsory acquisition of land, of, mode of, **6,** 69, 70, 76—96 ; **8,** 249, 250. *For considerations affecting the amount, see* COMPENSATION.
absence of owner, in, **6,** 95, 96
after entry, **6,** 104—106
arbitration, by, **6,** 69, 70, 78—86, 104
after entry by promoters, **6,** 104
arbitrator, **6,** 78 *et seq.* *See* ARBITRATOR, compulsory purchase.
award in, **6,** 82, 83
costs in case of, **6,** 83—86
hearing, **6,** 82
injurious affection, in case of, **6,** 104
umpire, **6,** 80, 81
customs, where land hired for, **6,** 161, 162
drainage purposes, where land taken for, **6,** 172, 174, 175
High Court, in, **6,** 94, 95
Highway Act, 1835, under, **6,** 171
injurious affection, for, **6,** 104—106
jurisdiction of assessing tribunals, **6,** 76
effect of excess of, **6,** 83, 91, 92
jury, by, **9,** 70, 86—94, 104, 105 ; **9,** 120
choice of tribunal in case of, **6,** 86
coroner, substitution of, for sheriff, **6,** 87 ; **8,** 249

ASSESSMENT—*continued.*
compensation—*continued.*
jury, by—*continued.*
costs of inquiry in case of, **6,** 93
taxation and recovery of, **6,** 93, 94
evidence, **6,** 90
injurious affection, in case of, **6,** 105
issue of warrant for jury in case of, **6,** 86—88 ; **8,** 249
judgment, entering, enforcing, and vacating, **6,** 76, 91—93
juror, non-appearance of, **6,** 89 ; **18,** 267, 268
payment of jury, **18,** 265
procedure with reference to, **6,** 86—94
relief of jury after service, **18,** 266
sheriff, duty of, **6,** 87, 88, 89 ; **25,** 808
fees of, **25,** 840 n.
summoning of jury in case of, **6,** 88—90, 105 ; **25,** 808
swearing of jury in case of, **6,** 90
warrant for jury in, **6,** 86—88
justices, by, where claim does not exceed £50, **6,** 69, 77, 78, 95, 104, 163, 173
Local Government purposes, where land acquired for, **6,** 171—174
military purposes, where land taken for, **6,** 158, 159
naval purposes, where land taken for, **6** 160, 161
principles of, **6,** 76
surveyor, by, **6,** 95, 96
unexpired term, in respect of, **6,** 149, 150
copyhold fine, of, **8,** 31, 32
corporation duty, of, **8,** 377, 378 ; **24,** 736
covenant in lease to pay, **18,** 489—496
increase through additions to buildings, **18,** 491
local authority, in case of works by, **18,** 491 492
meaning of, in covenant, **18,** 492, 493, 495
nuisances, in respect of abatement of, **18,** 492 **21,** 559, 560
paving expenses in metropolis, for, **18,** 491, 49
damages, of, **10,** 308—310, 348—350 ; **17,** 214 **20,** 732—734 ; **27,** 107
Admiralty suit, in, **1,** 102, 103, 117, 118, 136
affidavit for purposes of, **13,** 620, 623, 624
witness abroad, of, **13,** 623
appeal against, **10,** 349, 350 ; **17,** 214, 215
consolidated action, in, **18,** 729
continuing, **10,** 309, 310
contract, for breach of, **10,** 313—317
conflict of laws in case of, **6,** 305
deceit, for, **20,** 732—735
defamation, for, **18,** 719, 720, 729, 730
default of appearance or pleading, in, **10,** 349 ; **18,** 185
Fatal Accidents Acts, under the, **21,** 462
inquiry, without, **17,** 214
matrimonial suit, in, **13,** 432, 433 ; **16,** 542, 543
Mayor's Court, London, in, **20,** 295
misrepresentation, for, **20,** 733—735
modes of, **1,** 102, 103 ; **10,** 348, 349 ; **17,** 214, 215
negligence, for, **21,** 462, 481—490
once and for all, **10,** 309
prospective, **10,** 309, 310
question of law for judge, **10,** 348
reference to master or referee, **10,** 349

ASSESSMENT—*continued.*
damages, of—*continued.*
review of, **10,** 349, 350
tort, in, **10,** 317
trespass, in case of, **27,** 858 n.
evidence of seisin etc., as, **3,** 146; **13,** 475
income tax purposes, for, abatement or exemption allowed on. *See* ALLOWANCE (Income Tax); ASSESSABLE VALUE.
additional, **16,** 679, 680
agent, when chargeable, **16,** 632
amendment of, **16,** 635, 680
annual interest or annuity, on, **16,** 651
appeal, counsel's right of audience at, **2,** 376
assessor. *See* ASSESSOR.
burial board, of, **16,** 626, 644
company, of, under Sched. D, **16,** 649
double relief in case of, **16,** 677, 678
errors of technical description in relation to, **16,** 635, 680
evidence for purpose of, power to call for, **16,** 635
excessive, burden of proof as to, **16,** 681
farmhouse and buildings, as to, **16,** 622
flats and apartments, in respect of, **16,** 631
foreign
investments, in respect of income from, **16,** 659—661
undertaking, of, **16,** 626, 643, 646
functionaries concerned in, **16,** 612, 635
general commissioners, duties as to, **16,** 635
houses and buildings, of, **16,** 619—623
unoccupied house, **16,** 631
incorporeal hereditaments, of, **16,** 623, 624
insurance company, of, **16,** 655
land and farmhouses, of, deductions in case of, **16,** 622
mines, quarries, etc., of, **16,** 624—627
municipal corporation trading, of, **16,** 625, 626
occupier's liability to, **16,** 631—634
partnership, in case of, **16,** 648, 649
place of, **16,** 630, 665, 669
preliminaries to, **16,** 613—618
procedure on, **16,** 617, 635, 637, 638, 665, 666, 668, 679—685
notice, **16,** 617
properties exempt from, **16,** 632
public revenues, in respect of interest etc. out of, **16,** 639, 641
publican, in regard to, **16,** 633
railway company, of, **16,** 626
relief in case of house or land of small value, **16,** 622
returns for purposes of, **16,** 617, 618, 635, 665, 669
salaries, pensions etc. of, **16,** 667—670
Schedule
A, under, **16,** 620, 621, 623, 624, 626, 631, 632, 635
five years' average, **16,** 623
B, under, **16,** 636—638
C, under, **16,** 639, 641
D, under, **16,** 643, 647—654, 656—665
E, under, **16,** 666, 668
super-tax, of, **16,** 689
supplementary, **16,** 679, 680
surcharges, **16,** 679
time of making, **16,** 676
tithe rentcharge, of, **16,** 623
increment value duty, of, **24,** 559—563, 569, 570. *See* INCREMENT VALUE DUTY.

ASSESSMENT—*continued.*
indirect, in case of abatement of nuisances etc., **18,** 492
inhabited house duty, for purposes of, **17,** 186—189
basis of, **17,** 188
commissioners controlling, **17,** 181, 182, 186, 187
method of, **17,** 187
new house, in case of, **17,** 190
passing of, **17,** 187
period of, **17,** 188; **27,** 434
poor rate, effect of, on, **17,** 188
premises liable to, **17,** 182—185
procedure subsequent to, **17,** 189
rectification of, **17,** 189
tied rent, when disregarded in, **17,** 189
unoccupied house, of, **17,** 190
jury of, issue and, **18,** 228, 244—263. *See* JURY.
number of, **18,** 226
land tax, of, **18,** 308, 309, 314—317, 320
appeal as to, **18,** 317
commissioners, by, **13,** 529 n.; **18,** 313—317
costs of action against collector defrayed by, **18,** 320
delivery of assessments, **18,** 316, 317
determination of dispute as to, **18,** 317
evidence, as, **3,** 146; **13,** 475
illegal action in respect of distress following on, **18,** 319
two distinct bodies of commissioners, by, **18,** 315
legacy duty on specific legacies, of, **13,** 261
mine support, of compensation for loss of, **20,** 580
mineral rights duty, of, **24,** 579—581
rates, of
asylum, of, **19,** 488
borough rate, **11,** 217; **24,** 79
clergyman, in case of non-residence of, **11,** 623
committee. *See* committee, *supra.*
county
police rate, of, **24,** 77
rate purposes, for, **24,** 71—74
election commissioners' expenses, for, **12,** 481, 482
erroneous, effect of, on franchise value, **12,** 161
general
district rate, **24,** 83—87. *See* GENERAL DISTRICT RATE.
rate in metropolis, **24,** 129
sewers rate, **24,** 105—107
highway rate, **11,** 216; **24,** 96—98. *See* HIGHWAY RATE.
increased, lessor's liability for, **18,** 491
lighting rate, **24,** 99
metropolis, in the, **24,** 115—126, 129, 130. *See* METROPOLITAN RATES.
overseers' duty as to, **24,** 46, 65, 101, 116
owner of tenement, of, **24,** 87
poor rate, for purposes of, **11,** 210; **24,** 25—66
appeal against. *See* RATING APPEAL.
assessment committee, **24,** 46, 47. *See* committee, *supra.*
basis of, **24,** 25—45, 54. *See* RATEABLE VALUE.
evidence of seisin, as, **3,** 146
how far binding in other cases, **17,** 188; **24,** 71, 72
method of, **24,** 46—52
overseers, duties of, **24,** 46

ASSESSMENT—*continued.*
rates, of—*continued.*
poor rate—*continued.*
valuation list for, **24,** 47—52. *See* VALUATION LIST.
private improvement rate, **24,** 98, 99
sewers rate, **24,** 107, 114
special, expenses rate, **24,** 95
tithe rentcharge, on, **11,** 749
Union Assessment Acts, application of, **24,** 45
watch rate, of, **24,** 81, 82
works by local authority, in regard to, **18,** 491 *et seq.*
reversion duty, of, **24,** 571—573
salvage reward, of, **26,** 575—579, 588
salved property, of value of, **26,** 587—589
stamp duty, of, **24,** 716
appeal against, **24,** 717
succession duty, of, **13,** 297
appeal to county court if under £50, **8,** 687; **13,** 303
separate, for separate properties, **13,** 297, 300
taxes, of, overseers' power of inspection of, **12,** 198
tithes, of, **11,** 749
undeveloped land duty, of, **24,** 575, 576
valuation list. *See* VALUATION LIST.

ASSESSOR,
Admiralty suits, in, **1,** 100, 101, 125. *See* TRINITY MASTERS.
clergyman, at trial of, **11,** 507, 525
commons, inclosure of, assistant commissioner as, **4,** 555 n.
compulsory acquisition of land, in case of disputed compensation on, **6,** 88
consistory court, to, **11,** 507, 525
county court, in, **8,** 523—525
maritime cause, in, **1,** 136
criminal appeal, in, **9,** 439
ecclesiastical
appeal to Privy Council, in, **9,** 49; **11,** 511
courts, of, **11,** 507 n., 511, 525, 528; **9,** 636
Employers' Liability Act, 1880, under, **20,** 152
income tax, appointment of, **16,** 615, 616
duties of, **16,** 616—618, 635
list of persons served by, **16,** 618
precepts to, **16,** 617
inhabited house duty, duties outside metropolis of, **17,** 187
judge sitting with, **23,** 171
evidence rejected in case of, **13,** 480
is not bound to follow, **1,** 101; **13,** 433
land tax, appointment of, **18,** 314, 315
duties of, **18,** 315, 316, 320
penalties, liability to, **18,** 314, 315
protection of, **18,** 313
mercantile, assistance of, in Admiralty, **1,** 117, 118, 136
nautical. *See* NAUTICAL ASSESSOR.
Privy Council, summoned to Judicial Committee of, in ecclesiastical appeal, **11,** 511
referee sitting with, **23,** 171
registrar sitting with, in case involving question of navigation, **1,** 119; **23,** 171
Workmen's Compensation Act, 1906, under, **20,** 221

ASSETS,
absence of, refusal of receiving order on ground of, **2,** 58, 59

ASSETS—*continued.*
admission of, by executor, **14,** 326—328
charitable legacy, for payment of, **4,** 349
costs of action to recover legacy, extends to, **14,** 327
effect of, **14,** 327, 328
part payment not an admission of ability to pay in full, **14,** 327
submission to arbitration as, **14,** 327
what constitutes, **14,** 326, 327
bankruptcy, absence in, of, **2,** 58, 59
distribution in, of, **2,** 143, 235—241, 300, 301; **14,** 244, 347. *See* DISTRIBUTION OF ASSETS.
company liquidation, distributable on, **5,** 78, 119, 336, 523—533; **25,** 610. *See* DISTRIBUTION OF ASSETS.
liquidator's power of sale, **5,** 505, 506
unclaimed or undistributed on, **5,** 456—458; **25,** 610
share of, cannot be attached, **5,** 529; **14,** 94 n.
company's power to deal with, limits on, **5,** 119, 120, 335, 336
deceased person, of,
administrator in relation to. *See* executor, *infra*; ADMINISTRATOR.
admission of. *See* admission of, *supra.*
application, order of. *See* order etc. *infra.*
appointment under power renders the property, **14,** 222; **23,** 44
co-executor, lost while in hands of, **14,** 319
distribution of. *See* DISTRIBUTION OF ASSETS.
equitable, **13,** 33—35; **14,** 244—247. *See* EQUITABLE ASSETS.
executor in relation to. *See* executor, *infra*; EXECUTOR.
future, judgment against, **14,** 331, 332
Indian, executor's right to commission on, **14,** 321
land as, **13,** 34, 35; **14,** 245, 246
Land Transfer Act, 1897, as affecting the nature of, **14,** 246
legacy, for payment of, **4,** 349; **14,** 275—280, 290, 291
legal. *See* LEGAL ASSETS.
lessor, right of, to follow, **14,** 255
marshalling of, **13,** 70, 144, 145; **14,** 291—293. *See* MARSHALLING.
pur autre vie estate as, **8,** 75; **11,** 12, 13; **14,** 231; **24,** 180, 181, 182 n.
real estate as, **13,** 34, 35; **14,** 245—247, 291
receiver, appointment of, effect of, **14,** 254; **22,** 77
rents and profits accruing after death as, **14,** 246
secured debt, for payment of, **14,** 288—290
tort of deceased person, available by way of remedy for, **14,** 312, 313
unsecured debt, for payment of, **14,** 285—288. *See* order of affiliation, *infra.*
wasting of, rights on, **14,** 255, 290, 317
distribution of. *See* DISTRIBUTION OF ASSETS.
executor, accidental loss by, **13,** 27; **14,** 317, 319
admission of. *See* admission, *supra.*
bankruptcy of, protection in case of, **14,** 140; **17,** 252
disposal by, **14,** 296—300
distribution by, **13,** 34—37; **14,** 246, 254, 255, 285—290. *See* DISTRIBUTION OF ASSETS.

ASSETS—*continued.*
executor—*continued.*
employment by, in carrying on
own business, **14,** 323, 324
testator's business, **14,** 294
get in, duty to, **14,** 242
interrogated as to, **11,** 98
mortgage by, **14,** 296
retainer by, **14,** 244, 256—261. *See* RETAINER.
following. *See* FOLLOWING.
goodwill is included in, **5,** 348 n.; **22,** 104—107
industrial society, of, distribution of, **17,** 36, 37
injunction against
company dealing with, **17,** 229
executor parting with, **17,** 252, 253
partner dealing with, **22,** 82
jurisdiction, without the judgment in administration action applies to, **14,** 338
limited partnership, of, realisation and distribution of, **22,** 118—120
mortgage of, by
executor, **14,** 296
partner, **22,** 27, 98
order of application in payment of debts and legacies, **13,** 37; **14,** 285—293
beneficiaries, as between, **13,** 37; **14,** 291—293
exoneration of personalty by realty, **14,** 286
lapsed gift of personalty, effect in case of, **14,** 287
legacies payable out of realty, when, **14,** 287, 290, 291
marshalling, **13,** 144; **14,** 291—293. *See* MARSHALLING.
mixed fund of realty and personalty, **14,** 287
personal estate primary fund, **14,** 285, 286
real estate, position of, **14,** 286
secured debts, personalty, charged on, **14,** 288
land, charged on, **13,** 145; **14,** 288—290
specific fund appropriated, **14,** 286
unsecured debts, **14,** 285—288
completion of uncompleted buildings, **14,** 288
partnership, account of, duty as to, **22,** 73
distribution of, **13,** 39; **22,** 101—107. *See* DISTRIBUTION OF ASSETS.
equitable doctrines as to, **13,** 39
execution against, for debt of partner, **22,** 55
goodwill as, **22,** 104; **26,** 843
improper use of, **22,** 82, 99
infant partner's rights on distribution, **17,** 53, 55, 61
pledge of, **22,** 27, 98
profits made after dissolution, **22,** 63, 99—101
realisation of, **22,** 102, 103; **24,** 340
receiver appointed to preserve, **22,** 77
unsaleable, to be charged in accounts, **22,** 103

ASSIGN. *See* ASSIGNEE; ASSIGNS; TRANSFEREE.

ASSIGNEE *See also* ASSIGNMENT; ASSIGNS; TRANSFEREE.
action by, in own name,
building contract, in case of, **3,** 267
chose in action, in case of, **4,** 367, 373, 391; **6,** 218
county court, in, **8,** 461
contract, in case of, **7,** 496; **25,** 378
life policy, of, **17,** 558, 560, 561
marine policy, in case of, **17,** 361
patent, in case of, **22,** 214
set-off, in case of, **25,** 494, 496, 497

ASSIGNEE—*continued.*
bankruptcy, in, conversion by, **27,** 898 n.
repealed statutes, under, **2,** 324
bankruptcy, assignor, of, rights on, of, **2,** 64, 186, 289; **3,** 55, 268
effect on, covenant for indemnity of, **18,** 594
petition by, **2,** 37; **4,** 392
rights of assignee of proved debt against trustee in, **2,** 238, 239
beneficiary, of a. *See* CESTUI QUE TRUST.
bill of exchange, of, position of, **2,** 514; **4,** 391. *See* BILL OF EXCHANGE, holder.
bonâ fide and for value, validity of moneylending agreement, **21,** 52
bond, of, obligations of, **3,** 97; **4,** 387
building contract, of, **3,** 270—272
prevention of completion by, **3,** 271
burdensome contract, of, **4,** 390
cestui que trust, of. *See* CESTUI QUE TRUST.
charging order, by virtue of, **4,** 379; **26,** 825
chose in action, of, rights and liabilities of, **4,** 365—399; **25,** 496, 497. *See* CHOSE IN ACTION.
company, petition for winding up of, by, **5,** 399
securities issued by, position as to, **4,** 387; **5,** 359, 360
copyright, of, *defined*, **8,** 137, 139
registration of, **4,** 395, 396; **8,** 159
rights of, **4,** 396; **8,** 137, 139, 158—161
debt, of. *See* CHOSE IN ACTION.
county court action by, form of plaint, **8,** 461
default summons, not entitled to, **8,** 466
due on contract for work done, of,
building contract, under, **3,** 266, 267
set-off against, **25,** 496, 497
guaranteed, of, **15,** 504
petition by, winding up of company, for, **5,** 399
bankruptcy, in, **2,** 37; **4,** 392
discharge of original debtor by, **4,** 393; **7,** 496
drawing, of, rights of, **8,** 191
equitable, agreement to take assignment, under, **13,** 97 n.
liabilities of, **4,** 386—391; **18,** 589
petition in bankruptcy by, **2,** 37
rights of, **2,** 37; **4,** 376, 379—386, 391—393
equities affecting original contract, takes subject to. *See* EQUITIES.
execution creditor as, **13,** 79
executor, from, purchase money, when bound to see to application of, **14,** 298, 299
fire insurance policy, of, rights of, **17,** 543
foreclosure by, in case of building contract, **3,** 268
foreign immovable, of, enforcement of mortgage against, **6,** 205
freight, of, rights of, as affected by mortgage, **26,** 29, 303
garnishee proceedings by, **4,** 379; **14,** 91
guaranteed debt, of, rights of, **15,** 504
indemnity of assignor by,
lease, in case of. *See* lessee, *infra.*
shares in company, in case of, **5,** 193; **27,** 73, 240, 242, 253
injunction to preserve securities of, **17,** 252
judgment
creditor as, **13,** 79
debt, of, garnishee proceedings by, **14,** 91
lessee, of, acceptance by lessor of, **14,** 306; **18,** 581, 582
administrator of lessee as, **14,** 306; **18,** 598
attornment by, **18,** 595
bankruptcy of, proof in, **2,** 209

ASSIGNEE—*continued.*
lessee, of—*continued.*
company as, **11,** 173 n.
consent to assignment by, not required, **18,** 592
covenants in lease, liability to observe, **18,** 588—592
negative covenants, **18,** 590
re-assignment, after, **18,** 592
executor of lessee as, **14,** 306; **18,** 598
forfeiture, relief from, **18,** 545
franchise qualification of, **12,** 154, 155
indemnity by, to lessee, **7,** 466; **18,** 592—594; **20,** 562; **25,** 431
justices' licence, transfer of, to, **18,** 28, 29
liability of, **14,** 306; **18,** 581, 584, 588—594; **25,** 431
re-assignment, after, **18,** 592
rent, to pay, **18,** 590, 592, 593
option to renew or determine lease exercisable by, **18,** 393
part of premises, of, **18,** 590
personal representative as, **14,** 306; **18,** 598
persons liable as, **18,** 589
registration of, **18,** 400, 583
representative of, liability and duty of, **14,** 306, 307
who are liable as, **18,** 589
without consent of lessor, **18,** 581
lessor, of, liabilities not transferred to, **18,** 597
rights and liabilities of, **18,** 393, 573
life policy, of, rights of, **17,** 546, 556, 558—560, 562
marine insurance policy, of, action in own name by, **4,** 395; **17,** 361
rights of, **17,** 361
defendant in action by, **17,** 361; **25,** 497
notice
perfecting title of, **4,** 379—386. *See* CHOSE IN ACTION.
taking
with, of limitations etc., **13,** 78; **15,** 83; **21,** 52; **22,** 185, 186
without, of defect, **21,** 52
painting, of, rights of, **8,** 191
partner, of, rights and liabilities of, **22,** 57, 58, 68
set-off against, **25,** 502
patent, of, registration of, **22,** 214, 215
rights of, **22,** 185—187
pendente lite, rights in redemption action, **21,** 140
personal representative as, **3,** 273; **11,** 5; **14,** 306; **18,** 598
photograph, of, rights of, **8,** 191
purchaser for value with notice takes subject to equities, **13,** 78. *See* PURCHASER FOR VALUE.
receiver as, **4,** 379; **24,** 377
release of equities in favour of, **4,** 390
rent, of, rights of, **11,** 151; **18,** 473
representor, of, liability of, **20,** 753, 754
rights of, **20,** 753, 758
rescission on ground of misrepresentation as against, **20,** 753, 754, 758, 759
restraining covenant, enforcement of, by, **27,** 562 n.
reversion, of,
covenants, right to enforce, **18,** 573, 595—597; **25,** 453, 454
licensed premises, may enforce covenants as to, **18,** 573

ASSIGNEE—*continued.*
reversion, of—*continued.*
option to purchase, how far bound by, **18,** 391; **25,** 454 n.
recovery of rent by, **11,** 127, 151; **18,** 473, 597
re-entry, has benefit of proviso for, **18,** 535
renew, takes with notice of option to, **18,** 393, 461 *et seq.*
rights accruing before assignment, cannot enforce, **18,** 597
set off against, of claim against assignor, not allowed, **25,** 500
sale of land of, contract for, rights of, **2,** 289; **25,** 378
set-off against, of claim against assignor, **4,** 387; **13,** 103; **25,** 496, 497
building contract, in case of, **3,** 269
marine policy, in case of, **17,** 361; **25,** 497
mortgage debt, in case of, **21,** 177
partnership, in case of a, **25,** 502
plea that plaintiff is suing as assignee is no defence to, **25,** 494
reversion, in case of, not allowed, **25,** 500
solicitor's costs, of, right to taxation of, **26,** 782
specific performance, right to enforce, **27,** 81, 82
tied house covenant, how affecting, **4,** 369; **18,** 573, 574
title of, notice perfecting, **4,** 379—386. *See* CHOSE IN ACTION.
taking
with notice of limitations etc., **13,** 78; **15,** 83; **21,** 52; **22,** 185, 186
without notice of defect, **21,** 52
tort, right to sue for, **27,** 491
trustee in bankruptcy as, **4,** 379, 381; **13,** 79; **18,** 393
volunteer as, **4,** 379; **13,** 78, 97
wife's equity to a settlement as against husband's, **16,** 339, 340
winding-up petition by, **5,** 399

ASSIGNMENT. *See also* ASSURANCE; CONVEYANCE OF LAND; TRANSFER.
absolute, of chose in action, **4,** 368, 370, 371; **13,** 103
act of bankruptcy by, **2,** 14—20, 39, 332. *See* ACT OF BANKRUPTCY.
action, of, to judge in the Chancery Division, **22,** 420
action, right of. *See* right of action, *infra.*
administration bond, of, **4,** 393; **13,** 31 n.; **14,** 209
administrator, by, of office, **14,** 141
after-acquired property, of, **2,** 19, 64; **3,** 29; **10,** 496; **13,** 64 n., 74, 104; **22,** 409, 410; **27,** 491 n.
agent, by, for principal, **4,** 371
money in hands of, of, **1,** 224
agreement for, enforcement of, **8,** 158; **10,** 418 496; **23,** 221; **27,** 7 n., 39 n., 81, 82
alimony, of, **4,** 402; **16,** 520, 564
annuity, of, **24,** 479 n.
assignee, rights and liabilities of. *See* ASSIGNEE
assignor, rights and liabilities of. *See* ASSIGNOR
assigns in conveyancing. *See* ASSIGNS.
attachment of debt, by, **4,** 399; **14,** 96
priority of, with reference to, **3,** 274; **14,** 97
avoidance of, bankruptcy, in, **2,** 20, 26; **18,** 220
fraud, on ground of, **20,** 739 n., 753, 758. *See also* FRAUDULENT CONVEYANCE.
lease, of, **18,** 576
partners, between, as fraudulent, **15,** 80

ASSIGNMENT—*continued.*
bail bond, of, **4,** 393
balance due to assignor, of, **4,** 368, 369
bank balance, of, **4,** 368
bankruptcy, in relation to. *See* BANKRUPTCY.
adjudication in, effected by, **2,** 87, 88; **4,** 366, 399; **7,** 503; **18,** 577, 600
bill of exchange, of, **2,** 509; **4,** 391, 394, 397; **20,** 758
whether amounting to, **3,** 267; **4,** 378
bill of lading, of, **4,** 395; **20,** 758; **26,** 157 *et seq.* *See* BILL OF LADING.
bill of sale, by way of, **3,** 6, 8, 16, 259; **6,** 215; **22,** 410
of, **3,** 72, 73; **21,** 176
renewal of registration not necessary on, **3,** 52, 72
bond, of. *See* BOND.
book debt, of, bill of sale, in, **3,** 22
creditor, to, in bankruptcy, **2,** 118, 289
future, **4,** 375 n.
partner, by, **4,** 371 n.
breach of a bond, of, by a plaintiff, **3,** 94, 102; **15,** 502 n.
building
agreement, of, including plant and materials, **3,** 259; **10,** 497
contract, contractor, by, **3,** 227, 266, 267, 269—271, 275. *See* BUILDING CONTRACT; CONTRACTOR.
acquiescence of employer, **3,** 271
employer, by, **3,** 267, 269, 271
money due under, of, **3,** 267, 268
burial, of exclusive right to, **3,** 520, 521
champerty, whether. *See* CHAMPERTY.
charge, by way of, of chose in action, **4,** 367, 370, 375
consideration required to support, **13,** 103
chattels, of, **22,** 404—406, 409, 410. *See* CHATTELS.
bill of sale, by, **3,** 21—30. *See* BILL OF SALE.
cheque, of. *See* CHEQUE.
cheque is not an, **1,** 585, 605 n.; **4,** 371
chose in
action, of, **4,** 365—399; **15,** 411. *See* CHOSE IN ACTION.
possession, of, misrepresentation with reference to, **20,** 759
collateral securities, of, **21,** 172, 176
common law, at, chose in action, of, **4,** 365 n.; **13,** 102
contract, of benefit and burden of, **7,** 495
possibility or contingent right, of, **13,** 102,
company, of contract by or to, **5,** 304
debt due from, of, **4,** 368, 369, 395
debt due to, **4,** 369
compensation under Lands Clauses Act, of, **4,** 369
composition, of property as security for, **2,** 327
condition against, contract, in case of, **4,** 403; **7,** 502
lease, in, **18,** 533, 542
void as repugnant, when, **15,** 422; **22,** 410; **28,** 29, 772
conditional, of chose in action, **4,** 370
conflict of laws with reference to,
chose in action, in case of, **4,** 366
contract, of, **6,** 245
debt, of, by judicial process, **6,** 246
immovable, of, **6,** 205, 207—211, 273, 274, 277
life policy, in case of, **6,** 217; **17,** 560
marriage, on, **6,** 273—280

ASSIGNMENT—*continued.*
conflict of laws with reference to—*continued.*
movables, of, **6,** 213—216, 220 n.
reversionary interest, of, **6,** 246
consent to, by other party to original contract, **7,** 495, 506; **18,** 579, 580
consideration not necessary to validity, **10,** 418; **13,** 103
contingent right, of, **10,** 369; **13,** 102; **16,** 332; **24,** 289
contract,
benefit of, of,
building contract, in case of. *See* BUILDING CONTRACT.
common law, at, **7,** 495, 496
company, in case of, **5,** 304
conflict of laws as to, **6,** 245
enforcement of, **27,** 81
equity, at, **7,** 496—500
impossible, when, **7,** 501, 502
lend money, to, **4,** 369, 378
novation, by, **7,** 505—509. *See* NOVATION.
operation of law, by, **7,** 502—505. *See* operation of law, *infra.*
statute, under powers of, **7,** 500
liability under a contract, of, **7,** 495
operating as, charge, in case of, **13,** 103
future property, in case of, **4,** 375; **13,** 74, 104
copyholder, by, of leasehold interest, **18,** 346
copyright, of, **4,** 395, 396; **8,** 155, 157—161, 181, 192, 195, 202, 206. *See* COPYRIGHT.
registration of, **8,** 152, 155, 182, 195
counsel, of, in particular cases, **2,** 386, 387; **9,** 352
covenant
against, in lease. *See* COVENANT IN LEASE.
operating by way of, **10,** 496, 497
running with the land, **7,** 504; **13,** 100; **18,** 584—588
creditor, by. *See* debt, of, *infra*; CHOSE IN ACTION.
remedies, of, to debtor who has paid on, **15,** 535 n.
to, by debtor, of debt from third party, **15,** 557 n., 562 n.
creditors, for benefit of, **2,** 14, 15, 39, 327—337. *See* ASSIGNMENT FOR BENEFIT OF CREDITORS.
crops, of, **1,** 275; **3,** 23, 37
Crown, by or to, **4,** 366, 397, 398; **7,** 496
current account at bank, of, **1,** 585; **4,** 368
damages, of right to, **4,** 369, 402; **27,** 491 n.
debenture, of, **4,** 377, 380, 387, 394; **5,** 357—359, 579. *See* DEBENTURE.
debt
book, of, **2,** 118, 289; **3,** 22; **4,** 371 n., 375 n.
champerty not constituted by, **1,** 55
extent, after date of writ of, **10,** 16
future, of, **2,** 64; **3,** 268; **4,** 368, 375; **13,** 74
guaranteed, of, **15,** 507, 510, 562
interpleader in relation to, **4,** 374; **17,** 584, 628
mortgage of chattels arising under unregistered, of, **3,** 22; **21,** 77, 78
notice necessary to complete, how far, **4,** 379 *et seq.*; **21,** 77, 78. *See* CHOSE IN ACTION.
part of, of, **4,** 368, 375; **11,** 121; **13,** 103
set-off of debt acquired by, **13,** 163 n.; **25,** 496
settlement, by, **25,** 531
third person's, of, as security, **15,** 562 n.
unascertained, of, **4,** 368, 375
deed, of, as a chattel, **3,** 22; **24,** 240

References in thick type are to volumes; small type to pages.

ASSIGNMENT—*continued.*
deed required in case of,
chattel interest in land, **10,** 368 ; **18,** 582 ; **21,** 174
gratuitous gift of chattels not delivered, **10,** 364 ; **15,** 410 ; **22,** 406
incorporeal hereditaments, **10,** 361
patent, **4,** 396 ; **10,** 364 ; **22,** 184
right of entry, **4,** 397 ; **24,** 289
deposit as security, whether an, **18,** 576
deposit receipt with banker, of, **1,** 589 ; **4,** 377 ; **13,** 98 n.
design, registered, of, **10,** 423 ; **27,** 744
document of title, of, **6,** 217, 245. *See* DOCUMENT OF TITLE TO GOODS, transfer.
donatio mortis causa as, **7,** 498
dower, of, **24,** 196, 197. *See* DOWER.
dramatic performing rights, of, **8,** 181 ; **10,** 423
drawing, of copyright in, **8,** 192, 193, 196 ; **10,** 423
East India bond, of, **4,** 393
engraving, of copyright in, **4,** 396 ; **8,** 202 ; **10,** 423
entry, of right of, **4,** 397 ; **10,** 369 n. ; **24,** 289
equitable. *See* EQUITABLE ASSIGNMENT.
chose in action, of, **4,** 374—393 ; **7,** 497 ; **13,** 9, 103. *See* CHOSE IN ACTION.
equitable interest in property, of. *See* EQUITABLE ESTATES AND INTERESTS, assurance.
equities of original contract as affecting. *See* EQUITIES, assignee.
execution, to assignee having notice of, **15,** 83
expectancy, of, **4,** 376 ; **13,** 9, 10 ; **15,** 409
farm lettings etc., of, **3,** 23
fidelity bond, of breach of, **15,** 502 n.
fire insurance, how affected by assignment of property, **17,** 529
policy, of, **4,** 403 ; **7,** 499 ; **17,** 517, 543
fixtures, of, **3,** 24 ; **21,** 128
foreigner, by, according to foreign law, effect of, **2,** 14 ; **4,** 366 ; **6,** 207, 214 ; **17,** 560
form of, chose in action, in case of, **4,** 366, 371, 375 ; **10,** 422
copyright, in case of, **8,** 159 ; **10,** 423
debt, in case of, **7,** 497
equitable, **4,** 375 ; **7,** 497 ; **13,** 103 ; **21,** 77
Judicature Act, 1873, s. 25 (6), under, **4,** 366, 367, 371 ; **21,** 77
land, in case of, **6,** 207 ; **24,** 301. *See* ASSURANCE ; CONVEYANCE ; GRANT.
mortgage, in case of, **10,** 422 ; **21,** 77, 171, 174
patent, in case of, **10,** 422 ; **22,** 184
policies of insurance, in case of, **10,** 423 ; **17,** 360, 562
shares, in case of, **5,** 191 ; **10,** 422
trade mark or design, in case of, **10,** 423 ; **27,** 718, 719, 744
trust or confidence, in case of, **10,** 374, 422 ; **15,** 414 ; **28,** 112, 113, 122
fraudulent, bankruptcy law, in, **2,** 15—20, 39 ; **15,** 80. *See* FRAUDULENT CONVEYANCE.
creditors, against, **15,** 78 *et seq.* *See* FRAUDULENT CONVEYANCE.
preference by, **2,** 20
freight, of, effect of, **26,** 301—303
Friendly Societies Acts, under, **7,** 501 ; **15,** 151
future, debt payable in the, of, **2,** 64 ; **3,** 268 ; **4,** 368, 375 ; **13,** 74
property, of, **2,** 19, 64 ; **10,** 496 ; **13,** 64 n., 74, 104 ; **22,** 409, 410 ; **27,** 491 n.
garnishee order as, **4,** 378
balance after satisfying, of, **4,** 368
Government stock, of, **4,** 394

ASSIGNMENT—*continued.*
guarantee, of, **15,** 504
guaranteed debt, of, **15,** 507, 510, 562
hire purchase contract, of interest in, **1,** 556 ; **3,** 13, 22
holder in due course, of negotiable instrument to, **2,** 513, 514 ; **20,** 758
husband, by, of wife's choses in action, **16,** 331—333, 377
illegal, of contract, contract not enforced, **27,** 82
immovable, of, law governing, **6,** 207—211, 220, 275. *See* IMMOVABLES.
implied, copyright, of, from relationship of parties etc., **8,** 158
improvement charge, of, **18,** 296, 298
incomplete, act of bankruptcy by, **2,** 15, 20
completion after bankruptcy, **2,** 289
contract, of rights under, **7,** 498
gift, in case of, **13,** 97, 98 ; **15,** 428—430
indictment, in, of criminal acts, **9,** 493 n.
indorsing in blank, by, **2,** 505 ; **4,** 377, 395
instalments under building contract, of, **3,** 267, 268
interesse termini, of, **18,** 404
interpleader with reference to, **4,** 374 ; **17,** 584, 628
invalid in point of form, binding in equity, **6,** 208 ; **10,** 418
leaseholds, in case of, **18,** 582
joint-tenant's share, of, **24,** 204
judgment debt, of, **4,** 368 ; **15,** 512, 557 n.
land, contract relating to, of, **7,** 496, 504 ; **21,** 175 ; **25,** 377
land improvement charge, of, **18,** 296, 298
Land Transfer Acts, under, **21,** 175 ; **24,** 318—320
law, by operation of. *See* operation of law, by, *infra.*
law merchant, by, **4,** 397 ; **7,** 496
lease, of, **18,** 575 *et seq.* *See* LEASEHOLD.
legacy whether an, **18,** 577
legatee, of balance due to, **4,** 369
lex loci contractus governs assignability of contract, **6,** 245
lex loci rei sitæ governs assignment of immovable, **6,** 207—209, 213—216, 220, 275
movables, in case of, **6,** 214
licence, of a, land in relation to, **18,** 338, 339
patent, to use, **22,** 195
licensed premises, of, transfer of licence on, **18,** 28, 29
life estate, of, effect on Settled Land Act powers, **25,** 628 n., 636, 637, 672, 673, 685 n.
possession by assignee, **25,** 597
waste in case of, **25,** 603
life policy, of, **17,** 558—562. *See* LIFE INSURANCE POLICY.
attestation of, **10,** 429 n.
limitation of actions in case of trust for creditors, **19,** 167, 168
local loan debenture, of, **4,** 394
lunacy, on occurrence of, **7,** 503
lunatic's committee, of allowance to, **4,** 402
man of straw, to, **3,** 271
marine insurance policy, **17,** 360. *See* MARINE POLICY.
marriage, by virtue of, **4,** 399 ; **6,** 275—280 ; **7,** 503 ; **16,** 325
mine, of share in, **20,** 512 n., 513
misrepresentation, of right to sue or liability to be sued for, **20,** 735, 736, 753, 758
void on account of, **20,** 739 n., 753, 758

ASSIGNMENT—*continued.*
money had and received, of claim for, **20,** 753
mortgage, by way of. *See* MORTGAGE.
of, **4,** 368, 394; **7,** 499; **21,** 78, 169—180. *See* TRANSFER OF MORTGAGE.
ship, of, **21,** 176; **26,** 30
mortgage debt, of. *See* MORTGAGE DEBT.
movables, of, law governing, **6,** 213—216, 276
musical composition, of performing right in, **8,** 181; **10,** 423
mutual insurance policy, of, **17,** 508 n.
National Health Insurance benefits, of, **28,** 931
naval officer, seaman or marine, of pay or pension of, **4,** 400; **25,** 34
negotiability, by what law determined, **6,** 214, 217, 245; **7,** 496
negotiable instrument, of, **2,** 502—515; **4,** 391, 394, 397; **20,** 758, 759
newspaper, of property in, **23,** 221
notice of, chose in action, in case of. *See* CHOSE IN ACTION.
death of assignee, after, **4,** 382
equitable assignment, in case of, **4,** 376, 379—386; **13,** 103; **21,** 77. *See* CHOSE IN ACTION.
equities existing at time of, **3,** 227, 267; **4,** 373, 380; **21,** 77, 78.
essential, in what cases, **3,** 267; **4,** 372, 376, 379; **21,** 77, 78; **25,** 378
form of, **3,** 267; **4,** 372, 381, 382
guarantee, in case of, **15,** 504 n.
life policy, in case of, **17,** 559—562
mortgagee, to, **21,** 77, 78
mortgagor, to, **21,** 179
posting of, operates from, **4,** 376
priority gained by, **4,** 366, 367, 372, 381, 386; **13,** 103
to whom to be given, **4,** 382—385
notice of execution to assignee, effect of, **14,** 44 n., **15,** 83
novation, by, **7,** 505—509. *See* NOVATION.
operation of law, by,
chose in action, of, **4,** 399; **7,** 502—505; **8,** 157; **20,** 735, 753
contract, of benefit of, **7,** 502—505
bankruptcy, on, **2,** 139, 162, 164 *et seq.*; **7,** 503; **25,** 381—385
covenants running with the land, in case of, **7,** 504; **18,** 584—588
death, on, **7,** 502; **14,** 305—310; **25,** 378
lunacy, on, **7,** 503
marriage, on, ante-nuptial debts of wife, **16,** 408, 409, 410
copyright, of, **8,** 137, 139
rescission after, **20,** 753
painting, of copyright in, **8,** 192, 193; **10,** 423
part of
copyright, **8,** 161, 182
debt, **4,** 368, 375; **11,** 121; **13,** 103
partners, between, avoidance of, **15,** 80; **18,** 577; **22,** 58
partnership, of share in, **3,** 22; **22,** 57—59, 68; **27,** 718, 719, 749
past debt, as security for, act of bankruptcy, **2,** 16
patent, of, **4,** 396; **10,** 422; **13,** 87 n.; **22,** 183—189. *See* PATENT.
licence to use, of, **22,** 195
pauper, of choses belonging to, **4,** 399
pawnee, by, of his rights in thing pledged, **22,** 244
payment into court by debtor in case of, **4,** 374
pension, of, **4,** 400, 401, 402; **25,** 34, 48

ASSIGNMENT—*continued.*
performing right in dramatic or musical work, of, **8,** 181; **10,** 423. *See* PERFORMING RIGHT.
personal contract, of, **4,** 370, 403; **5,** 304; **7,** 502; **27,** 81, 82
personal property, of, **22,** 404—412. *See* PERSONAL PROPERTY.
pew, of, to parishioner, **11,** 471 n.
photograph, of copyright in, **8,** 192, 193; **10,** 423
plant used under building contract, of, **3,** 22, 23
pledge, by way of, **6,** 214. *See* PAWN; PLEDGE.
policy of insurance, of,
fire policy, **4,** 403; **7,** 499; **17,** 543
life policy, **17,** 558—562. *See* LIFE INSURANCE POLICY.
marine policy, **17,** 360, 361. *See* MARINE POLICY.
possibility, of a, **10,** 369; **13,** 102; **24,** 289
posting, time of, with reference to, **4,** 376, 377 n.
principal, by, of money in agent's hands, **1,** 224
print, of copyright in, **8,** 202; **10,** 423
priority in respect of, assignee, of, **2,** 64, 289; **4,** 366, 372—374, 380; **13,** 103
attachment, as against, **3,** 274; **14,** 93
sheriff, of assignment by, **14,** 44 n.
trustee in bankruptcy, of, **4,** 381
promissory note, of, **2,** 509; **4,** 394, 397; **6,** 245; **20,** 758
public policy, against, **4,** 400—403; **7,** 501
contract, of, contract not enforced, **27,** 82
receiver, on appointment of, **4,** 399
rent, of,
accrued due, **4,** 368; **21,** 177
direction to pay to assignee, as equitable, **18,** 473
future, chose in action as, **4,** 368
mortgagee, by, arrears, of, to whom payable, **21,** 177
rent reserved on, **11,** 124; **18,** 469
rentcharge, of divided portion of, **11,** 121; **24,** 168
replevin bond, of, **4,** 393
restrictive covenant passing by, **27,** 562, 569
retention money, of, in case of building contract, **3,** 268
reversion on lease, of. *See also* ASSIGNEE,
effect of,
covenants in lease, as regards, **4,** 397; **7,** 504; **18,** 595—597
rent, in regard to, **11,** 151; **18,** 473, 597
rent accrued due, as regards, **11,** 151
right of distress, **11,** 127, 151; **18,** 473
set-off of claim of damages in case of, **25,** 497 n., 500
reversionary interest, of,
Bills of Sale Act inapplicable to, **3,** 22
chose in action, as a, **3,** 22; **4,** 369
conflict of laws as to, **6,** 246
settlement, so as to bring it into, **25,** 531
wife, belonging to, **16,** 332, 333
right of action, effect of assignment of right on, **1,** 31; **23,** 107
of, **4,** 402; **7,** 501; **8,** 452; **23,** 107. *See also* CHOSE IN ACTION.
champerty in regard to, **7,** 501
right of entry, of, **4,** 397; **10,** 369 n.; **24,** 289
salary of public office, of, **4,** 400; **7,** 501
sale of
goods, of contract for, **25,** 110
land, of contract for, **25,** 376—378
salvage, of, by seaman, **26,** 54

ASSIGNMENT—*continued.*
sculpture etc., of copyright in, **8,** 206, 207
seal, how far necessary. *See* deed required in case of, *supra.*
seaman, by, of wages or salvage, **26,** 54
security, by way of, **4,** 367, 370, 371; **15,** 562 n.
of, **4,** 394; **7,** 499; **21,** 171
surety, to, **15,** 509—512, 524 n.
service, of contract of, **7,** 502, 509
set-off, etc. by fund-holder against assignee, **4,** 387, 388; **13,** 103, 104; **21,** 177; **25,** 494, 496, 497, 500, 502
debt acquired by, of, **13,** 163 n.
setting aside of. *See* avoidance of, *supra.*
settlement constituted by, **25,** 530, 531, 532
share in company, of, **4,** 369, 387, 394; **5,** 184, 186—196; **10,** 418 n., 422. *See* SHARE IN COMPANY.
solicitor, of costs due to a, **4,** 368; **26,** 782 n.
specific enforcement of, **10,** 418, 496; **23,** 221; **27,** 7 n., 39 n., 81, 82
spes successionis, of, **4,** 376; **15,** 409; **24,** 289 n.
stamp duty in respect of, chose in action, **3,** 267; **4,** 372, 379; **7,** 499
copyright, in case of, **8,** 155, 159
mortgage debt, in case of, **21,** 174
policy, in case of, **17,** 516
statutes, by virtue of particular, **7,** 500, 501
chose in action, **4,** 393—397
life policy, **17,** 560—562
mortgage or charge, **21,** 175
statutory powers, of, prohibition of, **25,** 636; **27,** 188, 801, 802
Stock Exchange, by passing name on, **4,** 377; **27,** 242
successive interests in personal property, creating, **13,** 96 n.; **22,** 413, 414
surety, to, compounding debt, on, **15,** 512, 524 n.
payment of debts, on, **15,** 509—512, 524 n.
tenant for life, by, effect of. *See* TENANT FOR LIFE.
third person's debt, of, as security, **15,** 562 n.
tied house covenant, of benefit of, **4,** 369; **18,** 573, 574
tort, of right to damages in, **4,** 369; **27,** 491 n.
trade
machinery, of, **3,** 25, 26
mark, of, **10,** 423; **27,** 709, 718, 719
name, of, **27,** 749, 756, 764
tramway company's highway powers, of, **27,** 801, 802
trust, assignor, in favour of, effect of, **4,** 370
declaration of, by, **7,** 498; **10,** 418; **13,** 10, 96 n.; **28,** 10, 11, 13
bill of sale, **3,** 8, 9; **28,** 12
chose in action, of, **4,** 377; **13,** 98
form of, of, **10,** 374; **15,** 414; **28,** 112, 122
leaseholds, of, **18,** 576
property, of. *See* TRUST PROPERTY.
underlease operating by way of, **11,** 125; **18,** 406, 407
vendor, by, auctioneer's lien subsists notwithstanding, **1,** 517
injunction by purchaser to restrain, **25,** 376
verbal, when allowed, chose in action, of, **4,** 371, 375
equitable assignment, **4,** 375; **7,** 497
novation, in case of, **7,** 508
possession, on change in character of, **22,** 405
void, covenant not to assign not broken by, **18,** 534

ASSIGNMENT—*continued.*
voluntary
bond, of interest in, **15,** 425. *See* VOLUNTARY CONVEYANCE.
chose in action, of, **4,** 371, 374, 376; **13,** 103
wages, of, **7,** 502; **26,** 54; **28,** 872
whole property, of, act of bankruptcy, **2,** 16—19
wife's choses in action, of, by husband, **16,** 332
will, by, **4,** 366; **28,** 511—513
work and labour, of claim to remuneration for, **28,** 872
workman's compensation, of, **20,** 208
writing, when to be in,
chose in action, in case of, **4,** 367, 371, 375; **21,** 174
copyright, **8,** 159, 181, 192
insurance policy, **17,** 559 n.
land, in case of, **4,** 375 n.; **7,** 497 n.
mortgage debt, **21,** 174
trust, **10,** 374; **13,** 94 n.; **15,** 414; **28,** 41 n.

ASSIGNMENT FOR BENEFIT OF CREDITORS, **2,** 327—337. *See also* DEED OF ARRANGEMENT.
accounts in case of, **2,** 334
act of bankruptcy, is, **2,** 14, 15, 332
avoidance of, bankruptcy, on, **2,** 328, 332
fraud, for, **2,** 336
barred debt included, when, **19,** 168
bill of sale
void in case of, **3,** 55; **11,** 118
whether amounting to an, **3,** 6, 16
construction of, **2,** 337
creditor party to, cannot petition, **2,** 15, 39
creditors, *cestuis que trustent*, become, **2,** 333
rights and obligations of, **2,** 334—336
effect of, **2,** 328
enforcement of, **2,** 328; **19,** 167; **28,** 38, 39
when not communicated to creditors, **19,** 167; **28,** 38
escrow, delivered as, effect of, **2,** 14
mode of assigning, **2,** 328
registration of, **2,** 329—332. *See* DEED OF ARRANGEMENT.
revocation of, **2,** 328; **28,** 38, 39
surplus property, rights in, **28,** 39
trustee under, **2,** 332—334. *See* DEED OF ARRANGEMENT.

ASSIGNOR, *See also* ASSIGNEE; ASSIGNMENT.
copyright, of, rights as to sales after assignment, **8,** 160
death of, specific enforcement on, **27,** 7 n.
equitable, joinder in action of, **4,** 391, 392
judgment debt, of, bankruptcy notice by, **2,** 26
indemnity of, by assignee,
lease, in case of, **7,** 466; **18,** 592—594; **20,** 562; **25,** 431
shares in company, in case of, **5,** 193 n.; **27,** 73, 240, 242, 253
lease, of, distress upon goods of, **11,** 133 n.
indemnity of. *See* indemnity, *supra.*
lessee as, **18,** 575, 576
patent, of, estoppel from denying validity, **22,** 218, 219
title of, defective but subsequently made good, **13,** 104 n., 373, 374

ASSIGNS. *See* ASSIGNEE.
easement, in grant of, who are, **11,** 293
estate not enlarged by use of word, **24,** 165, n.

ASSIGNS—*continued.*
justices' licence, of, rights of, **18,** 49, 50
power of appointment implied from use of word, **23,** 7
powers exercisable by, **23,** 16 n.
word of limitation, as, **11,** 293 n.; **18,** 577, 578; **24,** 165 n.; **28,** 771 n.

ASSISTANCE. *See* AID; AIDING AND ABETTING.
arrest, to effect, private person may be called on for, **9,** 299, 300
reward for, **9,** 449
collision at sea, duty after, to render, **9,** 558; **26,** 371, 372, 535
crime, in committing. *See* ACCESSORIES; ACCOMPLICE.
pauper, to. *See* POOR RELIEF.
police forces, as between, in case of emergency, **22,** 491
trespasser in pursuit of game, to, offence by giving, **15,** 230
writ of,
possession of chattel obtained by, in action of detinue, **27,** 917
practice relating to, **14,** 9, 75; **27,** 917 n.
receiver's possession of chattels, to bring about, **24,** 376

ASSISTANT,
officers of various kinds. *See main words denoting respective principal officers.*

ASSIZE,
clerk of. *See* CLERK OF ASSIZE.
commission of. *See* COMMISSION, assize.
judge of, jurisdiction of, **9,** 72
marshal of, **9,** 74
mort d'ancestor, of, **24,** 146 n.
novel disseisin, of, **24,** 146 n.
rent of, distress in respect of, **8,** 58; **11,** 120

ASSIZES. *See also* CIRCUIT; COMMISSION, assize.
assize court, holding of, **9,** 72, 87, 266, 267; **25,** 806
income tax, not liable to, **7,** 120
mandamus against, **10,** 93
rating of, **24,** 14
Assizes Relief Act, 1889, trial at quarter sessions under, **9,** 267 n., 326
calendar of prisoners at, **25,** 806
commission day at, **9,** 73
cost of holding, **19,** 364, 365; **20,** 439, 450 n.; **25,** 842 n.
county council's duty to provide accommodation for, **19,** 364, 365
entry for trial at, of civil action, **23,** 175
fines imposed at, recovery of, **25,** 822
foreman of grand jury at, choice of, **18,** 243, n.
going special at, **2,** 367
highway non-repair, prosecution for, **16,** 143, 144
holding of, **9,** 72, 73, 87, 266, 267; **25,** 806
advertisement of, **25,** 806
juror, non-appearance of, effect of, **18,** 267—269
jury, relief of, after service at, **18,** 265, 266
special, at, **18,** 261
summoning of, to, **18,** 237, 238; **25,** 806, 809
metropolis, in, cost of, **20,** 439, 450 n.
night poaching, trial for, at, **15,** 234, 235
officers of, **9,** 73

ASSIZES—*continued.*
proclamation of, **25,** 806
quarter sessions, offence usually triable at, not generally to be tried at, **9,** 267 n., 326
removal of proceeding from, for trial at assizes, **9,** 268 n., 326; **10,** 183
receiving judges of, expenses of, **25,** 842 n.
recognisances, forfeited, recovery of, **25,** 822
sheriff's duties in regard to, **25,** 805, 806, 842 n.

ASSOCIATE,
assize action may be entered with, **23,** 175, 176
default of, in recording appearance of juror, **18,** 269
salvors, of, rights of, **26,** 565, 583

ASSOCIATION. *See also* COMPANY; CORPORATION; PARTNERSHIP; SOCIETY.
defined, **5,** 12
approved societies, of, **28,** 970
charitable. *See* CHARITABLE CORPORATION; CHARITABLE INSTITUTION; HOSPITAL (Eleemosynary).
club, as distinguished from, **7,** 341; **15,** 127; **22,** 4 n.
company, as distinguished from, **5,** 12 n.
contract with voluntary, **7,** 340, 341; **28,** 865, 866
criminal, whether trade union is, **27,** 613 n.
diocesan, formation of, **11,** 802
dissolution of, resulting trust arising on, **28,** 53
illegal, **5,** 44, 764—768; **17,** 339. *See* ILLEGAL COMPANY.
literature and science, for purposes of. *See* LITERARY AND SCIENTIFIC INSTITUTIONS.
members, for benefit of, are not charitable, **4,** 119
winding up of, **4,** 119
mutual insurance, **17,** 504—508. *See* MUTUAL INSURANCE ASSOCIATION.
partnership, as distinguished from, **22,** 4, 5
political, agency of, **12,** 272, 273
registration of, under
Companies Act, 1908, **5,** 44—46
Friendly Societies Act, 1896, **15,** 123—127
traders, of, complaint to Railway Commissioners by, **23,** 756
unregistered, position of, **5,** 45, 765, 767; **15,** 127. *See* ILLEGAL COMPANY.
winding up under Companies Acts not applicable, **5,** 394, 768; **22,** 18
workmen's. *See* TRADE UNION.
arrangement with, as to unemployment insurance, **28,** 897—900
youthful criminals, of, with adult criminals, prevention of, **17,** 176

ASSORTMENT,
cargo, of, shipowner's duty as to, **26,** 270, 281

ASSUMED NAME. *See also* NAME.
act of bankruptcy by taking, **2,** 22
forgery by signature or indorsement of bill of exchange in, **9,** 729
signature of instrument in, effect of, **2,** 494; **9,** 729; **21,** 350; **28,** 548

ASSUMPSIT,
balance of account due, for, **13,** 27; **19,** 61
breach of partnership agreement, for, **13,** 38
remedy by, **1,** 36; **19,** 61

ASSURANCE. *See* ASSIGNMENT; CONVEYANCE OF LAND; GRANT; INSURANCE.
boundary, of, by deed, **3,** 110, 111
charity, for. *See* CHARITY.
common law, at, **10,** 361; **24,** 290, 293
rule against perpetuities as applied to, **22,** 330
company. *See* ASSURANCE COMPANY.
copyhold, of, **8,** 89 *et seq.*; **25,** 429, 430
Crown, by the. *See* CROWN GRANT.
disentailing. *See* DISENTAILING ASSURANCE.
easement, of. *See* GRANT OF EASEMENT.
freehold property, of, **24,** 165, 166, 290—301; **25,** 421—429
grant, by. *See* CROWN GRANT; GRANT; GRANT OF EASEMENT.
incorporeal hereditament, of, **4,** 483 n.; **10,** 361; **15,** 219; **24,** 161 n. *See* INCORPOREAL HEREDITAMENT.
land, of. *See* CONVEYANCE OF LAND.
bargain and sale, by, **10,** 364; **24,** 293
capacity to make, **24,** 298
common law, at, **10,** 361; **24,** 290—293
corporation, to, **8,** 367—371; **11,** 773, 774; **24,** 166 n.
deed of grant, by, **24,** 294. *See* GRANT.
exchange, by, **24,** 295—297. *See* EXCHANGE.
form and contents of, **24,** 301; **25,** 413—415, 421—433
lease and release, by, **24,** 294
parties to, **25,** 415—421
statute, under, **24,** 293; **25,** 414
lease included in the term, **8,** 367 n.; **18,** 342 n.
leasehold, of, **18,** 575—584; **25,** 430—432. *See* LEASEHOLD.
lunatic, executed on behalf of, **10,** 394; **19,** 456; **25,** 427
Mortmain Act, 1888, meaning in, **8,** 367 n.; **18,** 342 n.
perpetuities, rule against, as applied to, **22,** 330
preparation of, **25,** 412—415
purchaser's right to prepare, **25,** 412, 413
registered land, of, **24,** 318—320; **25,** 432
spiritual purposes, for, nature of, **11,** 773, 774
Statute of Uses, under, **24,** 281
trustee, necessary to complete title of, **28,** 75
will, by. *See* BEQUEST; DEVISE; GIFT BY WILL; WILL.

ASSURANCE COMPANY,
defined, **5,** 618, 621, 622
Act of 1909, under, **5,** 621—642
action, defending in defendant's name, liability of, for costs, **21,** 489
actuarial report in case of, **5,** 631
advances by, on security of life policies, **17,** 564
agent's acts, binding on, when, **4,** 385; **17,** 549
alteration of forms to suit particular circumstances, **5,** 641
amalgamation or transfer of, **5,** 633—636
injunction to restrain, **5,** 634
inspection of agreement for, **5,** 635
notice of, **5,** 635
sanction of court to, **5,** 634, 635
annual statements etc. of, **5,** 631—633
audit of accounts of, **5,** 624
Board of Trade, jurisdiction of, **5,** 632, 633, 636, 641; **15,** 129, 164, 483 n.; **27,** 513
business of, **5,** 616—642; **17,** 512
bond investment business of, **5,** 623

ASSURANCE COMPANY—*continued.*
capital of, publication of statements as to, **5,** 641
classification of, **5,** 616—618
collecting societies, *defined,* **5,** 625; **15,** 128
position of, **5,** 625, 626; **15,** 129
Companies (Consolidation) Act, 1908, in relation to, **5,** 618, 619; **17,** 512
deed of settlement, copies of, in case of unregistered, **5,** 624
deposit
of documents with Board of Trade, **5,** 642
with Paymaster-General by, **5,** 627—629
Employers' liability insurance business, meaning of, **5,** 622
fire insurance business, meaning of, **5,** 622. *See* FIRE INSURANCE.
foreign, position of, **5,** 627, 760
friendly society, position of, **5,** 625; **15,** 164
guarantors of trustees, liability as, **15,** 483
income tax, assessment of, to, **16,** 655, 656
indemnity association, position of, **17,** 507
industrial, position of, **5,** 625, 626
county court jurisdiction in respect of, **8,** 643
inspection of deposited documents, **5,** 642
interrogatory as to practice of, **11,** 102, 103
law applicable to, **5,** 621—642; **17,** 512
legality of, **5,** 618; **17,** 339, 340
liability, limit of, by policy, **5,** 619
life assurance business, for. *See* LIFE INSURANCE.
defined, **5,** 621
not a trader, **27,** 510 n.
moneylenders, are not, **21,** 45
mutual insurance association, position of, **5,** 45, 46; **17,** 504—508. *See* MUTUAL INSURANCE ASSOCIATION.
policy, execution of, by, **17,** 339
holders, notices to, in, **5,** 641
moneys, not a trustee in respect of, **17,** 565; **28,** 59
relief to, where two claims for same, **17,** 565, 587
protection association, position of, **17,** 507
quinquennial valuation to be made, **5,** 631
reduction of contracts of, **5,** 641
separate funds in case of separate classes of business, **5,** 629, 630
shareholders address book in case of unregistered, **5,** 624, 625
slate club as, **15,** 122. *See* SLATE CLUB.
statutory statement of, **5,** 618, 619
subsidiary, winding up of, **5,** 640
trade union, position of, **5,** 625; **27,** 669, 670
transfer of, **5,** 633—636; **17,** 558 n. *See* amalgamation, *supra.*
valuation of policies in winding up of, **5,** 637, 638
winding up of, **5,** 636—640. *See* WINDING UP.

ASSURED UNDER FIRE POLICY.
insurer must sue in name of, on subrogation claim, **17,** 519
negligence or wilful act of, fire caused by, **17,** 531, 532
notice of loss by fire, duty as to, **17,** 538

ASSURED UNDER MARINE POLICY,
abandonment, effect of, on liability of, **17,** 490
right of, when lost by, **17,** 487, 488
act of assured or his agent, underwriters not liable for, **17,** 432, 438—440
apportionable contract, under, **17,** 460

ASSURED UNDER MARINE POLICY —*continued.*
broker's
authority to bind, **17,** 353
liability to, for money received to his use, **17,** 354
concealment by, **17,** 404—412, 416
constructive total loss, position in case of, of, **17,** 478, 483, 484
description of, in policy, **17,** 359
double insurance, rights and liabilities in case of, **17,** 380, 381
election by, affecting right to claim for total loss, **17,** 477
freight, loss of, when not recoverable by, **17,** 392
fully insured, when, **17,** 463
illegal insurance, under, **17,** 354
insurable interest of, **17,** 367—374, 392
knowledge of, circumstances deemed to be within, **17,** 407
misconduct of, insurer's liability in case of loss through, **17,** 432, 433
misrepresentation by, **17,** 406, 412—416
negligence of, underwriter's liability in case of loss occasioned by, **17,** 438
non-disclosure of material circumstances by, **17,** 404—412, 416
premium, liability to broker for, of, **17,** 349
return of, to, **17,** 497, 498
private information of, non-disclosure of, **17,** 410
recovery back from, of loss paid by mistake, **17,** 353, 354
re-insurance, not interested in, **17,** 375
settlement of loss on behalf of, **17,** 352, 353
subrogation of insurer to rights of, **17,** 490—495, *See* SUBROGATION.
suing and labouring clause, duty under, of, **17,** 457
time policy, under, when loss irrecoverable by, **17,** 438
under-insurance, liability in case of, **17,** 462, 463
underwriter, as his own, **17,** 462, 463
warranty by, **17,** 416—422. *See* WARRANTY.

ASTERISKS,
use in will of, **28,** 561
voters list, use in, **12,** 234 n., 235, 243, 244

ASYLUM,
defined, **19,** 479 n.
accommodation, deficiency in, supplying, **19,** 482
duty of local authorities to provide, **19,** 479 *et seq.*
accounts of receipts and expenditure of, **19,** 484
alteration and enlargement of, **19,** 482
arbitration with regard to disputes affecting, **1,** 492
assessment of, **19,** 488
borough, provision and management of, **19,** 479—488
borough council, contract by, for reception of lunatics, **19,** 486
contribution to cost of county asylum, **19,** 485
burial of patients and officers, powers as to, **3,** 541, 542, 545, 546; **19,** 482, 491
chaplain, appointment etc., of, **11,** 650; **19,** 483
charitable purpose constituted by establishment of, **4,** 110
chronic lunatics, reception of, **19,** 513, 514
clerk to, duties of, **19,** 468, 484
visiting committee, to, **19,** 468

ASYLUM—*continued.*
Commissioners in Lunacy, approval to contract, etc., of, **19,** 488
interference of, as to provision of, **19,** 480
visitation by, of, **19,** 466, 470; **23,** 270
contract, plan, etc., Secretary of State's approval of, **19,** 488
contract for reception of pauper lunatics in, **19,** 486, 487
conveyance of land for, **19,** 481
enrolment in case of, **4,** 132 n.
county, provision and management of, **19,** 479—488; **22,** 528
county court summons, service of, in, **8,** 471
criminal lunatics, for, **23,** 270
death in, burial after, **3,** 545, 546; **19,** 482
coroner's inquest after, **8,** 242
district, extra-district patients, reception of, **19,** 487
provision of, **19,** 484—488
situation of, for purposes of paupers' burial, **3,** 541, 542
expenses in relation to, payment of, **19,** 488
expenses of maintaining lunatic in, payment and recovery of, **19,** 493—495
regulation of, **19,** 488—492
franchise rights of patient confined in, **12,** 164
jury service, exemption of officers from, **18,** 232
land, acquisition of, for purposes of, **19,** 480—482
licensed house. *See* LICENSED HOUSE (Lunatics).
local authority, provision by, of, **19,** 479; **22,** 528
agreements of local authorities to unite to provide or maintain, **19,** 484, 485
outside limits of, control in case of, **19,** 488
London, City of, provision of, in, **19,** 479 n.
lunatic in, care and treatment of, **19,** 514—526
absence on trial of, **19,** 517
diet of, **19,** 483
discharge of, **19,** 523, 524
escape of, **19,** 525
mechanical restraint of, **19,** 516
medical report regarding, **19,** 514
out-county, reception of, **19,** 487
removal of, to or from asylum, **19,** 519—521
visits of friends to, **19,** 516 n.
workhouse, transfer to, **19,** 513, 514
medical officer of, appointment of, **19,** 483
mental defectives, for, provision of, **19,** 480
metropolis, in. *See* METROPOLITAN ASYLUMS BOARD.
notices to be posted up in, **19,** 516
officers of, appointment of, **19,** 483
pauper lunatics, for, provision of, **19,** 479—499. *See* PAUPER LUNATIC.
private. *See* LICENSED HOUSE (Lunatics).
private patient, reception of, **19,** 480, 482, 487
visitation of, **19,** 514
provision of, **19,** 479—488
rating of, **4,** 212; **19,** 488; **24,** 16
reception order with a view to detention in, **19,** 499—514. *See* RECEPTION ORDER.
removal of pauper lunatic to or from, **19,** 519—521
repairs to, visiting committee's right to order, **19,** 482
rules and regulations of, **19,** 483
Secretary of State, approval to contract, etc., of, **19,** 488
interference of, as to provision of, **19,** 480
visitation of, **19,** 466, 470; **23,** 270
private patient, **19,** 514

ASYLUM—*continued.*
visiting committee for, action by or against, **19,** 468
annual report by, **19,** 471
appointment and duties of, **19,** 467, 468, 470, 479—482, 483, 488. *See* VISITING COMMITTEE.

AT ALL RISKS,
effect of agreement to take, **20,** 728

AT ALL TIMES OF THE TIDE,
shipowner's obligation in case of stipulation for, **26,** 181

AT ANCHOR,
defined, **26,** 404, 405
collision with vessel, **26,** 488, 515, 516
driving when, precautions against, **26,** 490

AT AND FROM,
insurance of
freight, effect of, **17,** 392, 393
ship, effect of, **17,** 388—390, 419

AT ANY TIME,
determination of tenancy, **18,** 445

AT HOME,
money said to be, **13,** 115, 116

AT LEAST,
as a limitation in regard to time, **27,** 449

AT THE BEST RENT. *See also* BEST RENT.
lease under power to be, **18,** 363; **23,** 77, 78
agricultural land, of, improvements, **1,** 268
Settled Estates Act, under, **25,** 677
Settled Land Acts, under, **25,** 654

AT THE PLACE OF DELIVERY,
sample of food may be taken for analysis, **15,** 13

ATHEISM,
affirmation instead of oath in case of atheist, **11,** 824 n.; **13,** 591
deprivation of clergyman for, **11,** 538
gift to promote, **4,** 123

ATLAS. *See also* MAP.
as evidence of fact within public knowledge, **3,** 144

ATTACHE,
foreign, action by or against in England, **6,** 232, 233
immunity of, **6,** 432
position of, **6,** 432

ATTACHMENT,
court of, in Royal forest, **7,** 183; **9,** 112
debts, of. *See* ATTACHMENT OF DEBTS.
goods, on, foreign, injunction to restrain enforcement, **17,** 264 n.
persons, of. *See* ATTACHMENT OF PERSONS.

ATTACHMENT OF DEBTS,
defined, **14,** 90
accruing debts subject to, **14,** 91, 92, 94 n., 98
admission of debt by garnishee, effect of, **14,** 98

ATTACHMENT OF DEBTS—*continued.*
affidavit, applicant, by, requirements as to, **8,** 571; **14,** 95
garnishee, by, as to his indebtedness, **14,** 98
judgment debtor, by, upon order *nisi,* **14,** 98 n.
alimony
enforced by, **16,** 589
protected from, **14,** 95; **16,** 520, 564, 568. *See also* Divorce Division, *infra.*
amount of debt attached, **14,** 98
annuity subject to, in regard to, **14,** 94 n.
appeal, Court of Appeal, to, from judge in chambers, **14,** 100; **23,** 194 n.
master, from, Divisional Court, to, **14,** 100
judge, to, **14,** 100
assignee of judgment debt, by, **4,** 373; **14,** 91
leave necessary in case of, **14,** 91 n.
assignment, equitable, order is not, **4,** 378
priority of, **3,** 274
assignment of debt before proceedings, effect of, **14,** 93
bank, current account of customer at, effect on, **1,** 585, 606; **14,** 96 n., 99 n.
deposit account, effect on, **1,** 588
bankruptcy, dividends payable by trustee in, protected from, **2,** 238; **14,** 93
petition in, by judgment creditor having order for, **2,** 37
retention by creditor as against trustee in, of benefit of, **2,** 65, 271, 274
surplus assets in hands of official receiver in, protected from, **14,** 94 n.
bankruptcy notice, garnishee, served upon, effect of order *nisi,* **14,** 97
judgment debtor, by, effect of order absolute, upon, **14,** 101
to, effect of order *nisi* upon, **2,** 29
bankruptcy of judgment debtor, failure of creditor to obtain payment before, effect of, **2,** 65, 271
payment to judgment creditor
after order made absolute, **2,** 186
before order made absolute, **2,** 185
postponement of enforcement of order, effect upon, **2,** 186, 274
service of order *nisi,* after, effect on priority of security, **14,** 98 n.
building contract, money due under
assignment of, priority in regard to, **3,** 267, 274
forfeiture, effect of, upon, **3,** 274
subject to, **3,** 274
retention money, as to, **3,** 274
charge upon debt, effect of, **14,** 97, 99, 100
cheque given in payment to judgment debtor before, effect of, **14,** 93
chose in action, right to, transferred to judgment creditor, by, **4,** 399
company, debentures of, effect upon, of order absolute, **5,** 325, 351; **14,** 97 n.
unclaimed assets paid to liquidator of, protected from, **14,** 94 n.
winding-up, payments by liquidator, protected from, **14,** 93
judgment creditor secured after service of order *nisi,* **14,** 96 n.
petition for, on refusal to obey order, **14,** 96 n.
compulsory sale of land, money due under, when subject to, **6,** 67

ATTACHMENT OF DEBTS—*continued.*
condition, debt dependent upon performance of, **14,** 92
conveyance, payment dependent upon completion of, as to, **6,** 67 ; **14,** 92 n.
corporation, money owing by, subject to, **14,** 91 n.
costs, execution, of, against garnishee payable out of proceeds, **14,** 101 n.
included in judgment or order subject to, **14,** 91 n., 92 n.
order, of, appeal from refusal of judge to allow, leave required for, **14,** 101 n.
garnishee, when payable by, **14,** 100, 101
judgment creditor, retention by, **14,** 101
master's discretion as to, **14,** 99, 101
trial of an issue, in case of, **14,** 101
counterclaim by garnishee against debtor, effect of, **14,** 99 n.
county court, affidavit in regard to debt attachable, **8,** 571
amounts paid by garnishee, entry of, by registrar, **8,** 575, 576
costs, application for, on summons, **8,** 571
discretion of court as to, **8,** 574, 575
garnishee, allowed to, **8,** 572, 575, 576
liable for, when, **8,** 572, 575, 576
garnishee, discharge of, after payment or execution levied, **8,** 573
hearing of, as to liability, **8,** 574
judgment against, in default of payment, **8,** 574
instalments, debt payable by, provision in case of, **8,** 575
judge, discretion of, in allowing proceedings, **8,** 575
judgment obtained in one court, proceedings in another, **8,** 574
judgment or order against debtor set aside, effect of previous satisfaction, upon, **8,** 576
jurisdiction of, **8,** 430, 570
garnishee out of, procedure in case of, **8,** 571
order was not a decision in the action for appeal under earlier Acts, **1,** 5
partnership, debts owing by, member residing abroad, **8,** 576, 577
payment into court, acceptance of, effect on costs, **8,** 572
notice to be given upon, **8,** 572, 573
debtor of judgment debtor, by, procedure to obtain money so paid, **8,** 576
garnishee, by, **8,** 572, 574
order, by, protected from, **14,** 94 n.
payment out of court to creditor, procedure in case of, **8,** 573
registrar, money in hands of, protected from, **14,** 94 n.
setting aside of, effect of, on previous satisfaction, **8,** 576
summons issued in, procedure for, **8,** 570, 571
service of, by whom made, **8,** 571
effect of, upon debts due, **8,** 571
personal, when necessary, **8,** 571
third party claiming debt, hearing of, **8,** 573, 574
cover money, whether attachable, **14,** 98 n.
debts subject to, **14,** 91—95
denial of liability by garnishee, contents of affidavit as to, **14,** 98
deposit money may be subject to, **14,** 98 n. *See also* bank, *supra.*

ATTACHMENT OF DEBTS—*continued.*
discovery against garnishee, **14,** 126
Divorce Division, in, alimony, for, **16,** 589
costs, for, **16,** 589
earnings, in regard to, **14,** 94
enforceable debt, necessary for, **14,** 93
entries to be made in regard to, **8,** 575, 576 ; **14,** 101
copy of, persons entitled to, **14,** 101
excess over amount due, assignment of, after service of order *nisi*, effect of, **14,** 98 n.
attachable unless restricted in order, **14,** 98
execution, equitable, in lieu of, **14,** 95 n., 117 n., 118, 119
judgment debtor, by, after, order absolute, **14,** 101
ordinary methods of, inapplicable to, **14,** 4, 90
payment to sheriff after levy, effect of, **14,** 97 n.
stay of, order absolute as, **2,** 29
service of order *nisi* is not, **14,** 97
executor, at instance of, **14,** 91
private liability of, debt to testator's estate attached for, effect of, **14,** 101 n.
proceedings against, in regard to, **14,** 91 n.
fieri facias, writ of, by person entitled to, **14,** 91
foreigner, in case of, **14,** 99, 100 n.
forfeiture, whether garnishee order causes, **14,** 94 n.
friendly society, money due to member from, protected from, **15,** 148
future indefinite debts, in case of, **14,** 92
garnishee, *defined*, **14,** 90
discharge of, execution levied, after, **8,** 575 ; **14,** 101
payment, upon, **8,** 575 ; **14,** 100, 101
examination of as to means, order absolute, in case of, **14,** 126
order *nisi*, in case of, **14,** 126 n.
money found by, subject to, **14,** 91 n.
garnishee order, *defined*, **14,** 90
payment by receiver under, disallowed, **24,** 406 n.
sequestration, not enforceable by, **14,** 80 n.
instalments, future, payment by, as to, **14,** 92
payment by, protection of provision for, **8,** 575
interpleader proceedings after order made, **17,** 585
joint debt due to debtor and another, as to, **14,** 91 n., 93 n.
joint judgment, in case of, **14,** 91 n.
judgment, effect of, upon time for taking proceedings, **14,** 95 ; **18,** 206
High Court, enforced in county court, in case of, **14,** 91 n.
reversal of, effect on previous satisfaction of, **14,** 101
Scottish or Irish, in case of, **14,** 90 n.
transferred to High Court, in case of, **14,** 90 n.
judgment debtor, legal or equitable debt owing or accruing to, subject to, **14,** 91
money attached at suit of, protected from, **14,** 93, 94
jurisdiction, garnishee within, as to, **14,** 95
leave unnecessary for taking proceedings, **14,** 95
legacy, whether subject to, **14,** 92 n.
lien, effect of, upon, **14,** 97, 99
liquidated sum essential for, **14,** 91 n., 92
married woman, in case of, **14,** 90 n.
restraint upon anticipation, effect of attachment upon, **14,** 90 n., 91 n., 92 n.

ATTACHMENT OF DEBTS—*continued.*
Mayor's Court, London, foreign attachment procured in, **19,** 699
jurisdiction of, **20,** 297
mistake, setting aside of order made under, **14,** 100
mortgagee, surplus in hands of, as to, **14,** 96 n.
order absolute
enforceable, action, by, **14,** 100
judgment creditor made co-plaintiff, when, **14,** 100 n.
bankruptcy petition, not by, **2,** 37; **14,** 100
execution, by, when, **14,** 100
final judgment, is not for bankruptcy notice, **2,** 26
garnishee liable upon, **14,** 100
judgment debtor's rights over debt after, **14,** 101
order *nisi*, appearance to, by garnishee, **14,** 98
result of not making, **14,** 98 n.
application for, *ex parte*, **14,** 95
affidavit in support of, **14,** 95
issue of, *ex parte*, **14,** 95
master, by, **14,** 95, 96
made absolute, effect of, **14,** 100
failure to appear, upon, **14,** 98
hearing third person, after, **14,** 99
reference to master before, **14,** 99
special case ordered before, **14,** 99
trial of issue as to debt before, **14,** 99
county court, cannot be remitted to, **14,** 99 n.
payment under, to judgment creditor, effect of, **14,** 97 n.
service of, bankruptcy notice served before, effect of, **14,** 97
disposition of debt before, effect of, **14,** 96
notice in lieu of, when sufficient, **14,** 96 n.
payment by garnishee after, how made, **14,** 98
payment of debt before, effect of, **14,** 96
rights over debts after, **14,** 96
upon whom made, **14,** 96
where may be made, **14,** 96 n.
partnership, debts owing by, subject to, **8,** 576; **14,** 91 n., 95 n.
debts owing to, subject to, **22,** 47
interest of debtor in, effect of uncompleted attachment upon bankruptcy of debtor, **2,** 273
member residing outside jurisdiction, in case of, **8,** 576, 577; **14,** 95 n.; **22,** 47
pay of officers in the public service protected from, **14,** 94
payment into court, garnishee, by, **14,** 98
judgment creditor, right to, after order made absolute, **14,** 100
money provided for, not subject to, **14,** 94, 96 n.
order for, enforcement of, **14,** 91 n.
representatives of deceased debtor, by, protected against order, **14,** 302
pensions, old age, protected from, **14,** 95
commuted, in regard to, **14,** 95 n.
pensioner, after payment to, **14,** 94 n.
police, protected from, **14,** 95
public funds, out of, protected from, **14,** 94
personal representative of deceased judgment creditor, by, **14,** 91
leave necessary in case of, **14,** 91 n.

ATTACHMENT OF DEBTS—*continued.*
police, money in hands of, found on prisoner, protected from, **14,** 94 n.
Post Office savings banks, deposits in, protected from, **1,** 580
postponement of enforcement of order, effect of bankruptcy of debtor upon, **2,** 274
priority by, **3,** 274; **14,** 97
promissory note, payment by, as to, **14,** 101 n.
security for debt, by, as to, **14,** 93
receiver, appointment of, in lieu of, **14,** 117
money in hands of, whether subject to, **14,** 94 n.; **24,** 380, 383
relationship of debtor and creditor requisite to, **14,** 93
rent due to judgment debtor subject to, **18,** 473
salary, clerk, in case of, **14,** 94 n.
medical officer, in case of, **9,** 94 n.
public vaccinator, in case of, **14,** 94 n.
secretary of a limited company, in case of, **14,** 94 n.
when subject to, **14,** 94
set-off by garnishee, creditor, against, **14,** 99
debtor, against, extent of, **14,** 98, 99
setting aside of, effect of, on previous satisfaction, **14,** 101
sheriff, money in hands of, whether subject to, **14,** 94
payment to, upon execution, discharge of garnishee by, **14,** 97 n.
solicitor's charging order, priority over judgment creditor of, **14,** 97 n.; **26,** 825
special case by master before order *nisi* made absolute, provision for, **14,** 99
third person, claim on debt, by, in regard to, **14,** 99
rights of, how affected by order, **14,** 97, 99, 100 n.
time limit in regard to, **14,** 95
trust money, procedure in case of, **14,** 99 n.
solicitor, held by, costs as set-off against, **25,** 503
trustee, accrued income in hands of, whether forfeiture of, by order, **14,** 94 n.
money due to, protected from, **14,** 93
unclaimed share of assets of company in liquidation not liable to, **5,** 529
unliquidated sum, in case of, **14,** 92
void, payment under, liability of garnishee in case of, **14,** 101 n.
wages, seamen, of, protected from, **14,** 94
servants, labourers, workmen, protected from, **14,** 94
Workmen's Compensation Act, 1906, weekly compensation not subject to, **20,** 208

ATTACHMENT OF PERSONS.
The title CONTEMPT OF COURT, ATTACHMENT AND COMMITTAL *is contained in Vol. VII., pp.* 279 *et seq.*
defined, **7,** 307
administrator in default, of, **7,** 300
Admiralty claim enforced by, **1,** 84—86
advertising for evidence, for, **16,** 585 n.
agent in default, of, **1,** 192, 193
appeal from order for, **7,** 322, 323
criminal contempt, in, **7,** 281, 282, 322
application for, **2,** 373; **7,** 307, 309, 310; **13,** 289; **17,** 294, 295
affidavit in support of, **7,** 310, 311, 313—315; **13,** 589
service of, **7,** 314; **17,** 295 n.

ATTACHMENT OF PERSONS—*contd.*
application for—*continued.*
chambers, in, **7,** 310
Chancery Division, in, **7,** 309
costs of, **7,** 317, 318, 324; **16,** 586
Divorce Division, in, **16,** 585
form of, **7,** 309, 310; **17,** 295 n.
King's Bench Division, in, **7,** 310
notice of, service of, **7,** 311, 314, 315
arrest under, **7,** 318, 319, 320; **25,** 815 *et seq.*
privilege from, **7,** 320—322
award enforced by, **1,** 474; **7,** 282 n.
bail in case of, **7,** 307 n., 316
caution to be employed in exercise of power of, **7,** 281
certiorari, for disobedience to, **8,** 611; **10,** 202
Chancery Division, in, **7,** 309, 316
Charity Commissioners, for disobedience to order of, **4,** 303, 309
costs in case of, **4,** 347
committal distinguished from, **7,** 281 n., 307 n., 308
company, in case of, **5,** 326; **7,** 306, 313; **8,** 396. *See* director, *infra.*
conditional order for, **7,** 317
conduct money, person served with notice of motion for attachment not entitled to, **16,** 586
contempt of court, for, **7,** 284, 307—325; **8,** 577, 578; **9,** 501, 502; **17,** 616; **26,** 828
appeal from order for, **7,** 322, 323; **16,** 559; **26,** 829 n.
application for. *See* application for, *supra.*
bailable, when, **7,** 307 n.
criminal contempt, for, **7,** 280—297, 307; **9,** 501; **16,** 585
default, proof of, **7,** 314
discharge from custody after, **7,** 320, 323—325; **8,** 578
duration of imprisonment in case of, **7,** 318
evidence and procedure in case of, **2,** 310; **5,** 554, 555; **7,** 308, 310—315; **17,** 294—297
execution of writ of, **7,** 318—320; **25,** 813
inferior court, of, **7,** 297; **8,** 433, 515, 577
injunction in lieu of, **7,** 308; **17,** 270
notice of motion for, **7,** 315; **13,** 589; **17,** 295
order for, **7,** 315—318
conditional, **7,** 317
origin of, **7,** 281
privilege from arrest, when claimable, **7,** 320—322
quasi-criminal contempt, for, **25,** 813
submission to, effect of, **7,** 317
writ for, issue of, **7,** 307
coroner, of, **7,** 308 n.
corporation, of director or officer of, **5,** 326; **7,** 303; **8,** 396; **17,** 292 n.
costs, for non-payment of, **7,** 282 n.; **16,** 586
English information, in case of, **10,** 26
of application for, **7,** 317, 318, 324
Divorce Division, in, **16,** 586
counsel alone can apply in open court for, **2,** 373; **7,** 310
county court jurisdiction as to, **8,** 433, 577
discovery, to enforce order for, **8,** 515
Crown debt, to enforce payment of, **7,** 302
Crown side, on, **7,** 308
application, **7,** 310
notice of, **7,** 314
costs, **7,** 318
order, **7,** 316

ATTACHMENT OF PERSONS—*contd.*
custody of person attached, **25,** 816
debt, for. *See* payment, *infra.*
committal under Debtors Act is not, **25,** 816 n.
debtor, of, **7,** 298—302, 308 n.
Crown debt, for, **7,** 302
evidence on application, **7,** 311
solicitor, of, **7,** 301, 302
trustee or fiduciary person, of, **7,** 299—301; **28,** 189
deed, for refusal to execute, **7,** 317
default in complying with order, proof of, **7,** 314
two acts ordered, one by mistake, **7,** 317
director of company, of, **5,** 326 n.; **7,** 306, 313; **17,** 292 n.; **23,** 761
discharge from custody, **7,** 318, 320, 323—325; **16,** 586. *See* DISCHARGE, custody, from.
discovery, for non-compliance with order for, **7,** 302; **8,** 515; **11,** 56; **14,** 127
disobedience to order, for, **7,** 302—305, 308, 311; **8,** 515, 577, 578; **14,** 127; **17,** 616; **22,** 76 n.
money, for payment of, **7,** 298—302, 308 n.
Divorce Court, in, **7,** 300, 309 n.; **16,** 568, 585, 586
English information, of defendant to, **10,** 23
estate duty, in case of non-payment of, **13,** 226
evidence in support of application for, **7,** 310, 311, 315
examination, where
judgment debtor refuses to undergo, **14,** 127
lunatic refuses to undergo, **19,** 421 n., 422 n.
execution of writ of, **7,** 318—320; **25,** 815 *et seq.*
stay of, **7,** 320
executor, of, for disobeying citation to accept probate, **14,** 143 n.
friendly society trustee or officer, of, **15,** 145, 163
gaoler, of, **7,** 296
habeas corpus, for disobedience to writ of, **7,** 304; **10,** 72, 73
imprisonment in case of, **7,** 316 n., 318—320
indictment, as alternative to, **7,** 281
injunction, for breach of, **7,** 307 n., 312; **17,** 291
in lieu of, **7,** 308; **17,** 270
restraining foreign, **17,** 264 n.
interpleader order, for disobedience to, **17,** 616
interrogatories prior to, **7,** 316; **10,** 23
Irish court, to enforce order of, **7,** 313
judge of inferior court, of, **7,** 296
judgment enforced by, **7,** 297, 307, 308
jurisdiction as to, **7,** 280, 281, 307, 308, 315
county court, **8,** 433, 515, 577
jurors, of, **7,** 296
King's Bench Division, in, **7,** 308, 310, 314, 316, 318; **14,** 7 n.
leave of court required in case of, **7,** 307, 309; **14,** 9
lunatic, of alleged, on disobedience to order for examination, **19,** 421 n., 422 n.
mandamus, for disobedience to writ of, **10,** 123
married woman, in case of, **7,** 300; **14,** 14 n.; **16,** 457
master in lunacy, order by, **7,** 315
mistake in spelling of defendant's name, effect of, **16,** 586
order enforced by, **7,** 307, 308 n., 310; **8,** 515, 577, 578; **17,** 616; **22,** 76 n.
order for, conditional, **7,** 317
effect of, **7,** 282, 316
making of, **7,** 315—318
nature of contempt, should show, **7,** 315, 316
origin of jurisdiction as to, **7,** 281 n., 307 n.

ATTACHMENT OF PERSONS—*contd.*
pardon as discharge of, **7,** 282 n.
parliament, of member of, **7,** 320 n., 321; **17,** 291 n.; **21,** 780 n.
partner failing to pay into court, of, **22,** 76 n.
payment
into court, for disobedience to order for, **7,** 300; **22,** 76 n.
of money, enforcement of order for, by, **7,** 298—302, 308 n., 311
personal representative, of, **7,** 299, 300, 301; **14,** 340
poundage, sheriff not entitled to, **25,** 833 n., 836
practice as to, **7,** 308, 309, 311—320; **16,** 585
prison treatment, **7,** 319
Railway and Canal Commissioners, power of, to issue writ of, **23,** 761
receiver, of, **7,** 295, 299; **24,** 361 n., 400, 401, 413, 414
payment to, to enforce, **7,** 301; **24,** 377, 378, 379
possession of, interference with, for, **6,** 207; **7,** 289; **24,** 281 n., 387, 388
order for, enforced by, **7,** 289; **24,** 376, 377
sentence in case of, **7,** 316, 317
servant, of, for assisting master's disobedience, **20,** 276 n.
service of order to be enforced by, **7,** 311—315
substituted service, **7,** 313
sheriff, for interfering with, when executing a writ, **14,** 77
of, **7,** 308 n.; **25,** 831 n., 841 n.
sheriff's duties in case of, **7,** 282, 307, 316, 318; **25,** 815 *et seq.*, 833 n., 836
ship, in case of person breaking arrest of, **1,** 86
solicitor, of, **7,** 294, 306
assault of another solicitor, for, **7,** 289
breach of undertaking, for, **1,** 85; **7,** 306
default in payment of money or costs, **7,** 301
failure to notify client of order for discovery, for, **11,** 57
suspension or striking off, instead of, **26,** 852
taking proceedings without authority, for, **26,** 742
unqualified person acting as, **7,** 294, 319
stay of execution where order obeyed, **7,** 320
submission to order as waiving protection of Bankruptcy Act, 1883, s. 9., **7,** 317
subpœna, for failure to obey. *See* witness, *infra.*
Sunday, execution of writ on a, **7,** 319; **25,** 813
time during which in force, **7,** 318
trustee, of, **7,** 299—301; **28,** 189
undertaking, for breach of, **7,** 305, 306
ward of court, interference with, **7,** 292
removal out of jurisdiction of, **7,** 292; **17,** 147
witness, for interference with, **7,** 290; **16,** 585 n.
of, in case of disobedience to subpœna, **7,** 303, 304; **13,** 579, 583, 589, 590, 616 n.
writ of, execution of, **7,** 318—320
directed to lie in office for time to comply, **7,** 317
Divorce Division, in, **16,** 585, 586
form of, **7,** 307
injunction, issue on breach of, **17,** 291
issue of, **7,** 307, 318
order for issue of, to be drawn up, **18,** 203
second writ after discharge, **7,** 320

ATTAINDER,
Act of, **21,** 727
Bill of, procedure in case of, **6,** 353; **9,** 20; **21,** 727
co-heir, of, effect of, **22,** 276
descent traced through attainted person, **11,** 26 n.
forfeiture on, **9,** 428 n.; **11,** 26 n.; **22,** 275, 276; **24,** 330
peerage forfeited on, **22,** 275
restitution of blood corrupted by, **22,** 276
reversal of, Act for, **21,** 727
successor to dignity, when not affected by, **22,** 275, 276

ATTEMPT,
assault, to commit, **27,** 873
carnal knowledge, to have unlawful, **9,** 259 n., 613—615, 618
crime, to commit, **9,** 258, 259
imputation of, when actionable, **18,** 639
murder, to, **9,** 593—595
obtain property by false pretences, to, **9,** 702
rape, to commit, **9,** 611, 613, 614
suicide, to commit, **9,** 259 n., 593

ATTENDANCE,
church, at, prescribed by Act of Uniformity, **11,** 361 n., 367 n., 481, 737, 789
school children, by, **12,** 29
medical. *See* MEDICAL ATTENDANCE.
order, local education authority, in favour of, **12,** 56, 57
public elementary school, at, duty to enforce, **12,** 56, 57
agriculture, child employed in, **12,** 61, 62, 63
average, aid grant based on, **12,** 12, 50
necessity for school, in relation to, **12,** 29
Board of Education, bye-laws may be made by, **12,** 13
bye-laws as to, **12,** 55, 58—62, 66
limitations on, **12,** 61
canal boat, child in, **12,** 67
Children Act, 1908, provisions of, as to, **12,** 56; **17,** 173
day of religious observance, on, **12,** 61
defective child, **12,** 60, 61
employer, agent of, liability of, **12,** 64
duty of, **12,** 62—64, 67—70
false representation as to age of child by parent to, **12,** 64
ignorance of, **12,** 64
liability of, **12,** 64—66
penalty on, for employing child, **12,** 64
exemptions, **12,** 61, 63
factory, in case of, **12,** 68
factory, child in, **12,** 67—70. *See* EDUCATION.
inspector, when enforced by, **12,** 64
history of, **12,** 58 n.
law as to, **12,** 7
local education authority, duty of, **12,** 13, 17, 24, 25, 56, 58
order for, **12,** 56—58, 65
parent, duty of, **12,** 55, 56, 59, 60, 68, 69
liability of, **12,** 64—66
what constitutes causing to attend by, **12,** 59 n., 60 n.
proceedings for non-attendance, **12,** 56, 57, 58, 65, 66
double proceedings for same act or omission, **12,** 66
evidence on, **12,** 66
production of child ordered, **12,** 65

ATTENDANCE—*continued.*
public elementary school, at—*continued.*
reasonable excuse for non-attendance, **12,** 55—57, 60
religious instruction not to be made condition, **12,** 29, 61
search for child employed, **12,** 65
twelve, child over, **12,** 61
solicitor's remuneration in respect of, **26,** 803
winding-up proceedings, of parties at, **5,** 556, 557
witness, of. *See* ATTENDANCE OF WITNESS.

ATTENDANCE OF WITNESS, 13, 577—590
Admiralty proceedings, in, **13,** 577 n.
before trial, **1,** 97, 98
affiliation proceedings, at, **2,** 449
arbitration, at, **1,** 461, 462; **7,** 304
action etc. referred, where, **13,** 579 n.
England, witness in, **1,** 458 n., 461
United Kingdom, witness in, **1,** 461, 462
Workmen's Compensation Act, under, **20,** 210, 211
assizes, at, **13,** 577 n.
bankruptcy proceedings, at, **2,** 318; **13,** 577 n.
private examination, at, failure, arrest for, **2,** 140, 141
Central Criminal Court, at, **13,** 577 n.
chambers, at, **13,** 577 n.
cross-examination, for, **23,** 127 n., 128 n.
Chancery master, before, **7,** 304
non-attendance, **7,** 304
Charity Commissioners, before, **4,** 309; **12,** 13 n.
non-attendance, **4,** 309
coroner, before, **8,** 265—267. *See* inquest, *infra.*
county court, in, **8,** 529—531
examination before trial, **8,** 516—518
non-attendance, **8,** 530
criminal cases, in, **9,** 321, 322; **13,** 577, 579, 580
defendant, **13,** 577 n.
husband or wife of, **13,** 577 n.
justices, before, **9,** 314 n.; **19,** 598, 599
Crown side, King's Bench Division, in, **13,** 577 n.
deponent for cross-examination, **13,** 577 n.; **23,** 127 n., 128 n.
divorce proceedings, in, **13,** 577 n.; **16,** 531, 532
ecclesiastical court, at, **11,** 518; **13,** 577 n.
examiner, before, **7,** 304; **13,** 577 n., 615
non-attendance, attachment for, **13,** 616 n.
certificate of examiner, **7,** 304; **13,** 616 n.
officer of the court, **13,** 615 n.
failure to attend, **7,** 303, 304; **8,** 267, 530; **13,** 579—590, 615
action for damages, **13,** 579, 590
breach of contract, when, **13,** 579 n.
contempt of court, as, **7,** 303, 304; **13,** 588—590, 615
witness not called, even if, **7,** 304
excuses for, **13,** 589
expenses, on non-payment of, **13,** 579, 583—585
punishment for, **7,** 303, 304; **13,** 579, 583, 590
attachment, **7,** 303, 304; **13,** 579, 583, 589, 590, 616 n.
court to inflict, **13,** 579 n.
fine in, **8,** 266, 267; **13,** 590
order to attend, **13,** 616 n.
statutory penalty, **13,** 590
fugitive offenders, in proceedings against, **14,** 429
gas undertaking, on inquiry as to, **15,** 316 n.

ATTENDANCE OF WITNESS—*contd.*
habeas corpus ad testificandum, under, **13,** 580. *See* HABEAS CORPUS AD TESTIFICANDUM.
impossible, where, **13,** 46
inferior court, at, **13,** 577 n., 590
criminal, at, **9,** 314 n.; **13,** 577 n.
inquest, at, **8,** 264—267; **13,** 577 n.
jurisdiction, outside, where, **8,** 267
medical witness, **8,** 269
non-attendance, **8,** 266, 267
arrest on, **8,** 266, 267
contempt of court, as, **8,** 266, 267
fine for, **8,** 266, 267, 269
prisoner, where, **8,** 266
Judicial Committee of the Privy Council, before, **13,** 577 n.
jurisdiction of court, where outside, **13,** 579, 580
justices, before, **9,** 314 n.; **13,** 577 n.; **19,** 598, 599
licensing, **18,** 38
Latin Information, on, **10,** 11
licensing justices, before, **18,** 38
lunatic asylum, where detained in, **13,** 580 n.
magistrate, before, **9,** 314 n.; **19,** 598, 599
master, before, **7,** 304
municipal election petition, at, **12,** 489 n., 513, 514, 520, 523
officer, military or naval, **13,** 580 n.
order, under,
Attendance of Witnesses Act, under, **13,** 579 n.
Clerk of the House, signed by, House of Commons, in, **21,** 781 n.
Clerk of the Parliaments, signed by, House of Lords, in, **21,** 781 n.
commissioner, of, municipal election petition, **12,** 489 n.
county court, in, before trial, **8,** 517, 518
document, for production of, **13,** 582
master in Chancery, before, **7,** 304 n.
parliamentary election petition, at, **12,** 440
prisoner, of. *See* prisoner, *infra.*
Secretary of State, of, **13,** 580; **23,** 251
Parliament, before, **13,** 577 n.; **21,** 781 n.
Parliament, where member of, **21,** 781 n.
parliamentary election petition, at, **12,** 440, 442
failure to attend, **12,** 440
preliminary examination in criminal proceedings, at, **9,** 314 n.
prisoner, where, **10,** 75, 76; **13,** 580; **23,** 251. *See* HABEAS CORPUS AD TESTIFICANDUM.
county court, in, **8,** 530
Divorce Court, at, **16,** 532
Prize Court, at, **23,** 289
probate proceedings, in, **14,** 152, 153
quarter sessions, at appeal to, **18,** 81
recognisance to appear at trial, under, **8,** 280; **9,** 321, 322; **18,** 81. *See* RECOGNISANCE.
referee, before, **1,** 485; **7,** 304; **13,** 577 n.
revising barrister, before, **12,** 222
subpœna, under. *See* SUBPŒNA.
summary jurisdiction, at court of, **9,** 82; **19,** 598
summons, for,
Chancery master, by, **7,** 304
colonial, **14,** 429
commission to take evidence in Admiralty, by, **1,** 98
coroner, **8,** 265, 266
county courts, in, **8,** 529
justices. *See* justices, *supra.*
letters of request in Admiralty, for, **1,** 98
Parliament, in, **21,** 781 n.

ATTENDANCE OF WITNESS—*contd.*
summons, for—*continued.*
preliminary criminal proceedings, at, **9,** 314 n.
revising barrister, before, **12,** 222
summary jurisdiction court, before, **9,** 82; **19,** 599 n.
winding-up court, before, **5,** 474
taxing officer, before, **13,** 577 n.
umpire, before, **1,** 461, 462; **7,** 304
waiver of due service, as, **13,** 579 n.
warrant to compel, affiliation proceedings, **2,** 449
coroner, of, **8,** 266, 267
licensing appeal, at, **18,** 81
preliminary criminal proceedings, at, **9,** 322
summary jurisdiction, before court of, **9,** 82; **19,** 599 n.
winding-up proceedings, at, **5,** 474, 475; **13,** 577 n.
non-attendance, costs of, **5,** 475
order on, **5,** 475, 476

ATTENDANT TERM,
purpose of, **24,** 270, 271
satisfaction of, **24,** 271; **25,** 414
surrender of, **24,** 271 n.

ATTENUATION CHARGE,
on spirits, nature of, **24,** 623

ATTESTATION,
administration bond, of, **14,** 207
affidavit evidence with regard to, admissibility of, **13,** 623; **14,** 167
agreement, of, when necessary, **10,** 428, 429
attesting witness. *See* ATTESTING WITNESS.
bill of sale, of, **3,** 43, 45, 46
affidavit as to, **3,** 45, 46, 48, 49
attesting witness in case of, **3,** 35, 43
avoidance of, for want of, **3,** 53—55
building society's annual account, of, by auditors, **3,** 344
charity, of deed of conveyance to, **4,** 129
clause, deed, in case of, **10,** 387 n.
exercising powers, **10,** 395, 396
will, in case of, **14,** 167; **28,** 552—555
codicil, of, by legatee under will, effect of, **28,** 556, 557, 580 n.
copyright in sculpture, in case of assignment of, **10,** 398
coroner's inquisition, of, **8,** 277
deed, of, necessity for, **10,** 386, 387, 398—400; **18,** 395 n.
power, exercising, **10,** 395, 396
registration, required for, **18,** 395 n.
friendly society, bond of officer of, **10,** 399
glebe, of deed relating to, **10,** 399
guardian, appointment of, **10,** 399
holy orders, deed of relinquishment of, **10,** 399
honour, of, taking by notary public of, **21,** 501
inquisition, of coroner's, **8,** 277
instrument under hand, of, when necessary, **10,** 428, 429
lease, of, **18,** 395 n.
life policy, of assignment of, **10,** 429 n.
lodger's claim to vote, annexed to, **12,** 207, 208
London Hackney Carriages Act, 1843, of agreement under, **10,** 429 n.
power of attorney to transfer inscribed stock, **10,** 398
proof of, **10,** 387 n.; **13,** 467, 511, 604—606, 623; **14,** 167, 177; **28,** 555

ATTESTATION—*continued.*
proof of—*continued.*
attesting witness
deceased, in case of, **13,** 467, 605 n.; **14,** 167, 213 n.
in contradiction to, **13,** 605
Probate Division, in the, **14,** 152, 167, 177, 213
when unnecessary, **13,** 606; **14,** 167, 213
registered land, of deed relating to, **10,** 399
registration, of deed which requires, **18,** 395 n.
rule of a court, required by, **13,** 606
sale of land, liability in respect of attested copies, for purchaser in case of, **25,** 434
secondary evidence of, **13,** 511
share transfer, of, **10,** 429 n.
ship, bill of sale of, **10,** 398; **26,** 22
mortgage of, **10,** 398
soldier on enlistment, in case of, **25,** 41, 42
solicitor, by, when required, **13,** 511
Territorial Force, on joining, **25,** 66
trustee, appointment under Trustee Appointment Act, **10,** 399
warrant of attorney, of, **10,** 394
will, of,
alterations, of, **28,** 561
capacity of witnesses in case of, **28,** 537, 552, 555—557
codicil, of, by legatee, **28,** 556, 557, 580 n.
description of witnesses in case of, **28,** 554
executor, by, **14,** 322
form of, **28,** 553, 554
intention to attest, **28,** 554
legacy to witness who joins in, **14,** 322; **28,** 537, 556, 557
mode of, **28,** 552—555
place of, **28,** 553
presence of testator, what amounts to, **28,** 552, 553
presumption in favour of validity of, **28,** 555
proof of, **14,** 167, 177; **28,** 555
affidavit, when by, **13,** 623; **14,** 167, 177
not necessary after probate, **13,** 512
solicitor authorised to charge professionally, by, **14,** 322; **28,** 556 n.
superfluous, effect on legacies of, **28,** 557

ATTESTING WITNESS,
agent, signature by, as, **25,** 137 n.
ancient document, to, **13,** 511—515, 606
appointment under power, to, **10,** 394; **22,** 18
assignment, copyright in print etc. of, **10,** 429 n.
life policy, of, **10,** 429 n.
authentication by signature of, **10,** 429 n.
bank stock, power of attorney to transfer, two witnesses, **10,** 398, 399
bill of sale, to, **3,** 35, 43, 45, 46
absolute, must be a solicitor, **3,** 45, 46
name etc., of material parts of form, **3,** 35, 43
blind, still to be called, **13,** 605
British ship, of transfer, etc. of, **10,** 398
called to testify, **13,** 511, 512, 604—606
blind, though become, **13,** 605
lost, cancelled, or destroyed, even if document, **13,** 511, 605
not called in case of ancient document, **13,** 511, 512, 606
attestation unnecessary, **13,** 604
execution of document admitted, **13,** 511 606
instrument enrolled, **13,** 606
interest claimed by opponent, **13,** 606

ATTESTING WITNESS—*continued.*
called to testify—*continued.*
not called—*continued.*
Merchant Shipping Act, under, **13,** 511, 605
opponent estopped, **13,** 606
production refused after notice, **13,** 511, 606
public officer, **13,** 511, 606
secondary evidence, **13,** 511
validity of instrument recognised by court, **13,** 606
one only of several, **13,** 511
charitable uses, assurance for, **4,** 129
cognovit, to, solicitor as, **10,** 394 ; **13,** 511
competency as, **13,** 511, 605
party to bill of sale, not, **13,** 511
party to deed, not, **13,** 511
proxy, not, **13,** 511
contradiction of his denial, **13,** 511, 605
copyright in sculpture, deed assigning, **10,** 398
corporation seal, to prove affixing of, **13,** 510, 511
deceased, inadmissible statements by, **13,** 467
statements by, **13,** 467, 605 n. ; **14,** 167, 213 n.
deed, to, **10,** 386, 387, 394, 395, 399
cognovit actionem, **10,** 394
execution proved by, **10,** 387 n.
Glebe Exchange Act, under, **10,** 399
guardian, to appointment by father of, **10,** 399
holy orders, relinquishing, **10,** 399
party, not to be, **10,** 387 n.
power of appointment, exercising, **10,** 394, 395 ; **22,** 18
registered land, in case of, **10,** 399
warrant of attorney to confess judgment, **10,** 394
when needed, **10,** 386, 387, 394, 398—400
fictitious person named as, **13,** 605, 606
forgery of signature of, **9,** 734
Friendly Societies Act, to bond under, **10,** 399
guarantee, of, surety as, **15,** 469
instrument under hand only, none usually, **10,** 428, 429
London Hackney Carriage Act, agreement under, **10,** 429 n.
power of attorney to transfer bank stock, two witnesses to, **10,** 398, 399
share transfer, of, **10,** 429 n.
solicitor as,
bill of sale, absolute, to, **3,** 45, 46
cognovit, to, **10,** 394 ; **13,** 511
warrant of attorney, to, **13,** 394, 511
will, to, **14,** 322 ; **28,** 556 n.
Trustee Appointment Act, to appointment under, **10,** 399
two or more witnesses required
bank stock, power of attorney to transfer, **10,** 398, 399
bond under Friendly Societies Act, **10,** 399
charitable uses, assurance for, **4,** 129
deed, to
assigning new copyright in sculpture, **10,** 398
exercising power, **10,** 394, 395 ; **22,** 18
Glebe Exchange Act, under, **10,** 399
guardian, appointment of, **10,** 399
one only examined, **13,** 511
Prints Copyright Act, to assignment under, **10,** 429 n.
Trustee Appointment Act, under, **10,** 399
will, to, **28,** 552, 557
realty, of, both called to testify, **13,** 605 n.
unknown to parties, where name of, **13,** 605, 606

ATTESTING WITNESS—*continued.*
unnecessary, where, mode of proof of instrument, **13,** 511, 512, 604
warrant of attorney, to, solicitor as, **13,** 394, 511
will, to, **28,** 551—557
affidavit by, **13,** 623
attendance of, at Probate Court, **14,** 152 n.
capacity to be, **14,** 322 ; **28,** 537, 555—557
denial of execution by, **28,** 555 n.
description of, **28,** 554
gift to, effect of, **28,** 556, 557
superfluous, when witness is, **28,** 557
intention to attest, **28,** 554, 557
marriage to devisee, effect of, **28,** 557
number required, **28,** 552, 557
presence of both, signature or acknowledgment by testator in, **28,** 551, 552
presence of each other, need not sign in, **28,** 553
presence of testator, must attest in, **28,** 552, 553
production of signed will by testator to, effect of, **28,** 551, 552
sanity of testator, impeaching, **13,** 604
solicitor-trustee as, **14,** 322 ; **28,** 556 n.

ATTORNEY. *See also* SOLICITOR.
company, on behalf of, to execute deed abroad, **5,** 292
corporation, for, on trial by indictment, **9,** 351 n.
criminal trial, appearance on, by, **9,** 351
power of. *See* POWER OF ATTORNEY.
solicitor as. *See* SOLICITOR.
warrant of. *See* WARRANT OF ATTORNEY.

ATTORNEY-GENERAL,
absence of, judgment in, **6,** 411 n. ; **7,** 74 n.
action by, defence of charitable trust, in, **4,** 202, 286, 312, 313, 318—330
delay, effect of, **27,** 191 n., 195 n.
infringement of public right, in case of. *See* public right, *infra.*
joinder in, of, charity, in case of, **4,** 318, 319, 325—328
Crown, in case of, **3,** 118 ; **6,** 411, 412 ; **7,** 73 ; **28,** 405
nuisance, in case of, **21,** 553
public right, in case of, **23,** 101
administrative functions of, **7,** 75 ; **22,** 169, 178
admission by, how far binding on Crown, **7,** 73
appointment of, **7,** 72
Bar, as head of the, **7,** 72
boundaries, joinder in suit respecting, where Crown rights involved, **3,** 118
building out of line, proceedings in respect of, by, **16,** 246, 248
certiorari by, **9,** 349 ; **10,** 164, 177, 189 ; **19,** 661
charities, in relation to,
administration action, as party to, **4,** 327, 330, 341
appeal by, **4,** 328
county court order, against, **8,** 641, 642
arbitration, sanction to, **4,** 319
beneficiaries, relation to, **4,** 326
certificate of, court may act on, **4,** 323
sanctioning petition, **4,** 333, 334
charitable gift, party to proceedings as to, **4,** 326, 327
Charity Commissioners, appeal against, **4,** 316, 317
proceedings by, with sanction of, **4,** 202, 313 322

ATTORNEY-GENERAL—*continued.*
charities—*continued.*
compromise, sanction of, **4,** 326
consent to proceedings, **4,** 189, 313, 318, 321, 322, 333—335
construction of documents by, **4,** 323
costs of, **4,** 340—343, 353
memorial to, **4,** 342
counsel, appearance by, **4,** 325
defendant, as, **4,** 319, 327, 328
fiat of, **4,** 313, 318, 325, 342
information by, **4,** 313 n., 318 n., 320
inquiry under Charities Procedure Act, 1812, **4,** 334
necessary party, when he is, **4,** 318, 319, 325—328
when he is not, **4,** 326, 327
not bound if not a party, **4,** 326
payment into court, notice as to, **4,** 328
petition by or by authority of, **4,** 313 n., 319 n., 332—334
plaintiff, as, **4,** 318, 319, 321
private charity, jurisdiction in case of, **4,** 326
reference by court to, **4,** 323
refusal to act of, **4,** 319
relator, relation to, **4,** 318 n., 319, 320, 323, 324, 325, 341. *See* RELATOR.
sanction necessary, when, **4,** 321, 322
commissioners, to proceedings by, **4,** 202, 313, 322
compromise, to, **4,** 326
scheme, powers with regard to settlement of, of, **4,** 185, 189, 338
stay of proceedings by, **4,** 319
strict legal rights, need not insist on, **4,** 319
trusts, powers with a view to protection of, **4,** 202, 286, 312, 313, 318—330, 334
company, restraining *ultra vires* acts of, at instance of, **17,** 227, 234; **23,** 740
consent of, in case of certain proceedings, **7,** 75. *See also* FIAT.
charity, in relation to, **4,** 189, 313, 318, 321, 333—335
money-lender, prosecution of, **21,** 47 n.
nuisance, **21,** 552
Official Secrets Act, proceedings under, **7,** 33
Public Health Act, 1875, for penalty under, **1,** 23; **21,** 554; **23,** 369
Seditious Meetings Act, to prosecution under, **9,** 467
Vexatious Indictments Act, in case of, offences mentioned in, **9,** 332. *See* VEXATIOUS INDICTMENTS ACT.
corporation, restraining *ultra vires* acts of, at instance of,
action, by, **8,** 365; **17,** 227, 234
information, by, when public right affected, **17,** 234
quo warranto, by information in nature of, **10,** 135
railway, in case of, **23,** 740
relator present, where, **4,** 341; **8,** 365
costs of, charity, in case of, **4,** 340—343
courts, position in, **7,** 72
criminal matters, jurisdiction in, of, **7,** 74; **9,** 292, 329 n.; **12,** 462, 535 n.; **19,** 557
Crown, action against, with consent of, **23,** 315
joinder in suit against, of, **3,** 118; **6,** 411, 412; **7,** 73; **28,** 405
representative of, as, **4,** 286, 327; **6,** 411, 412; **7,** 71, 73; **28,** 405

ATTORNEY-GENERAL—*continued.*
damages, undertaking as to, not required of, **17,** 285; **19,** 661
discontinuance of proceedings by, **6,** 411 n.; **7,** 74 n.
Durham, of County Palatine of, **7,** 76; **9,** 127
election judges' and commissioners' reports to be laid before, **12,** 462, 469, 519
fiat of. *See* FIAT.
friendly society action, as party to, **15,** 191
game, taking of, without a licence, information for, **15,** 247
gas company, offences by, jurisdiction in case of, **15,** 368 n., 383 n.
head of the Bar, **7,** 72
highway nuisance, jurisdiction in case of, **16,** 158
House of
Commons, acting for, **7,** 74
Lords, acting for, **7,** 74
summons to, **7,** 73
incest, prosecution for, sanction to, **9,** 619
income tax duties and penalties, recovery of, at suit of, **16,** 683, 688
indictment by, in case of infringement of public right, **1,** 9; **27,** 190
information by,
application made only by counsel, **2,** 373
charities, in respect of, **4,** 313 n., 318 n., 320
Game Licences Act, 1860, under, **15,** 247
Income Tax Acts, under, **16,** 683, 688
nature of, **1,** 3; **4,** 318 n.; **9,** 329 n. **27,** 190
nuisance, for, **21,** 553
injunction, claim for, by, **17,** 227, 228, 234, 271; **20,** 602
Ireland, for, **7,** 75
justice of the peace, as, **7,** 74
justices, criminal information against, by, **19,** 557
Lancaster, of Duchy of. *See* LANCASTER, DUCHY OF.
local authority, acting at the relation of, **4,** 319; **7,** 73; **28,** 265 n., 443, 444
proceedings in case of nuisance by, by, **21,** 552—554; **25,** 741
lotteries, recovery of penalties for, at instance of, **15,** 287 n., 304
lunatic, illegitimate, attendance at proceedings in case of, **19,** 423
mandamus to compel fiat of, **7,** 75
market held on unlawful day, power to suppress, **20,** 15, 16
mine, working of, power to restrain, **20,** 602
money-lender, consent to proceedings against, of, **21,** 47 n.
navigation, abatement of obstruction to right of, at instance of, **28,** 404, 405
nolle prosequi by, **6,** 411 n.; **7,** 74; **9,** 350, 351
nuisance, public, powers in case of, **16,** 158; **21,** 509, 550, 552, 553; **23,** 610; **25,** 741
office of, **7,** 71, 72
Official Secrets Act, 1889, consent to prosecution under, **7,** 33
patents, jurisdiction with respect to, **7,** 75; **22,** 169, 178
peerage case, report in, of, **7,** 73
petition of right, function with respect to, **7,** 75 n.; **10,** 31, 32
political position of, **7,** 75, 76
precedence among counsel of, **2,** 387, 388, 413 **7,** 72
prohibition against, **7,** 71

ATTORNEY-GENERAL—*continued.*
Public Health Act, 1875, consent to proceedings under, of, **1,** 23 ; **21,** 554 ; **23,** 369
public right, proceedings in case of infringement of, by, **1,** 9 ; **4,** 318, 319 ; **7,** 73 ; **17,** 271 ; **23,** 100 ; **27,** 464 n.
breach of statutory duty, **27,** 190, 483
charity, **4,** 318
highways, **16,** 158
navigation, **28,** 405
nuisance, **21,** 509, 552
public companies, **17,** 227—229
compulsory acquisition of land by, **17,** 234
trespass by, **17,** 234
quo warranto, filing of, by, **10,** 135
railway company, proceedings against, by, **23,** 740, 741
receiver in respect of public trust, a party to appointment of, **24,** 357
re-election as member of Parliament on appointment, **7,** 75, 76
relators, relation to, **4,** 318 n., 320, 323, 324, 341 ; **7,** 73 n. ; **8,** 365 ; **17,** 228 ; **21,** 553. *See* RELATOR.
reply, right of, by, **2,** 411, 414, 416 ; **7,** 72 ; **9,** 369
salary of, **7,** 72
Seditious Meetings Act, 1846, consent to prosecution under, **9,** 467
Solicitor-General in relation to. *See* SOLICITOR-GENERAL.
statutory duty, interference in case of breach of, **27,** 190, 483
trial at bar, right to demand, **7,** 74, 75 ; **9,** 350
trust, non-charitable, powers in case of, **4,** 326
undertaking as to damages etc. not required of, **17,** 285 ; **19,** 661
Vexatious Indictments Act, consent of, to indictment preferred under, **9,** 332, 333 n.
vexatious proceedings, must not take, **7,** 72
restrained at the instance of, **1,** 30
water pollution, proceedings in case of, **28,** 433, 443, 444
well or cistern, action relating to public access to, **28,** 265 n.
witness, examination as, of, **7,** 73

ATTORNMENT,
defined, **18,** 335 n., 337 n.
bailee, by, to third person, **1,** 563 ; **13,** 406—408
buyer of goods, to, **25,** 132, 210, 251
carrier, by, to buyer of goods, **4,** 97 ; **25,** 251
clause, bill of sale constituted by, **3,** 14 ; **11,** 127 ; **18,** 336
mortgage deed, in. *See* mortgage deed, *infra.*
Crown, to, in case of escheat, **10,** 36
distress, right of, following upon, **3,** 14 ; **11,** 124 n., 126, 127, 130, 133 n. ; **18,** 336 ; **21,** 159
dock warrant, issue of, is not, **13,** 408 n. ; **25,** 210 n.
document of title to goods, upon, **25,** 210 n.
estoppel created by,
bailee, in case of, **13,** 406—408
mortgagor to puisne mortgagee, **21,** 160
receiver to, **11,** 130, 131 n. ; **18,** 358
tenant, by, **18,** 336, 358
mortgage deed, clause in,
Bills of Sale Acts, whether within, **3,** 14, 15 ; **11,** 127 ; **18,** 336 n.
creation of tenancy by, **11,** 127, 175 ; **21,** 159, 160
distress on chattels under, **3,** 14, 15 ; **11,** 127 ; **18,** 336 ; **21,** 159

ATTORNMENT—*continued.*
mortgage deed—*continued.*
execution on goods after, **11,** 175
fixtures, mortgagee's right to, unaffected, **2,** 293 n.
recovery of possession under, **21,** 123, 159, 191 ; **24,** 326
mortgagee, to, mortgagor, by. *See* mortgage deed, *supra.*
tenant, by, **11,** 128 ; **21,** 166
receiver, to, mortgagor, by, **21,** 264 ; **24,** 338
right of distress, effect on, **11,** 130, 131 ; **24,** 338
tenancy by estoppel created by, **18,** 358
tenant, by, **21,** 263, 264 ; **24,** 389, 391
order for, **21,** 263 ; **24,** 377
sale of goods, on, by third party to buyer, **25,** 210, 251
seller, by, **25,** 132 n., 206, 243 n.
seller's lien as affected by, **25,** 132 n., 243 n.
warehouseman, by, **13,** 408 ; **25,** 132 n., 210
tenancy by, distress under, **3,** 14 ; **11,** 126, 127 ; **21,** 159
effect of, **18,** 335, 336 ; **21,** 159, 160
tenant, by, act of party, by, **18,** 337 n.
change of landlord, on, **18,** 335, 595 ; **24,** 289, 293
Crown on escheat, to, **10,** 36
estoppel created by, **18,** 336
form of, **18,** 335 n., 337 n.
grantee of reversion, to, **18,** 595 ; **24,** 293
misrepresentation, void for, **18,** 337 n.
mistake, void on account of, **18,** 337 n.
mortgagee of reversion, to, **11,** 128 ; **21,** 166
receiver, to, **11,** 130, 131 n. ; **18,** 358 ; **21,** 263 ; **24,** 338, 377
reversion, on devise or grant of, **18,** 595 ; **24,** 293
stamp duty in respect of, **18,** 336
writing, in, **18,** 335
tenant by *elegit*, by, distress without, **11,** 126

AUCTION. *See* AUCTIONEER.
The title AUCTION AND AUCTIONEERS *is contained in Vol. I., pp.* 499 *et seq.*
defined, **1,** 500
Admiralty suit, sale of property arrested in, **1,** 123
advertisement of, legal effect of, **1,** 509, 520 ; **20,** 717 n. ; **25,** 289
obligation of, **1,** 507 ; **14,** 57
sale of unredeemed pledges, **1,** 507
bailiff, sale by, **1,** 501
bidding at,
acceptance of, what is, **1,** 511 ; **7,** 349 n. ; **25,** 280, 289, 319
conditions of sale as to, **1,** 508, 510 ; **25,** 319, 320
fraudulent, **1,** 509
legal incidents connected with, **1,** 508—512 ; **21,** 10 n. ; **25,** 280, 281
partner, by, at sale of assets, **22,** 103
receiver authorised to bid, **24,** 397
reservation of right as to, **1,** 508 ; **25,** 280, 319
retraction of, right as to, **1,** 511 ; **25,** 280, 319
sale under order of court, at, **25,** 316
solicitor conducting sale by court, by, **26,** 750, 751
trustee authorised to bid, **28,** 167 n
vendor's right as to, **1,** 508, 509 ; **25,** 280, 281, 319, 320
bill of
exchange, payment of deposit by, **1,** 503
sale, contract signed by auctioneer as, **1,** 506 ; **3,** 10

AUCTION—*continued.*
bonâ fide, as defence in case of inadequacy of price, **13,** 21 n.
buying in at, **1,** 508; **25,** 280, 281, 319
cattle, sale of, by, **1,** 508
clause, insertion in special Act of water company of, **28,** 327
company's assets, sale of, by, **5,** 506
completion of sale
by fall of hammer, **1,** 503, 504, 510, 518; **25,** 280
vendor preventing, **1,** 511
conditions of sale at. *See* CONDITIONS OF SALE.
absence of, specific performance in case of, **27,** 27
communication to bidders of, **1,** 509
sale of goods, in case of, **1,** 509; **25,** 116 n.
land, in case of, **25,** 318, 319
conduct of sale by, **1,** 506—512
contract, note or memorandum requisite, **1,** 504, 505; **25,** 320
sale in lots, **1,** 505; **25,** 280
signature of, auctioneer, by, **1,** 504, 505, 515, 518, 519
purchaser, by, **25,** 320
stamp on, **1,** 506
conversion by
auctioneer of goods sent for sale by, **1,** 520, 521, 556; **27,** 893, 896 n., 898 n.
sending goods for sale by, **27,** 899 n.
correction of misdescription in catalogue at time of sale, **1,** 510
court, sale under order of, **1,** 501; **23,** 190; **25,** 317
Crown lands, of, auction duty, **7,** 155
damaged goods out of ship, of, **17,** 463—466
damages in case of
conversion of goods, **1,** 521
withdrawal of property from sale, **1,** 511
damping the sale, effect of, **1,** 512
delivery of goods, liability as to, **1,** 518
deposit, auctioneer's rights and duties as to. *See* AUCTIONEER.
bill of exchange in payment of, **1,** 503
cheque, payment by, **1,** 503
forfeiture of, **25,** 320
interest on, whether auctioneer liable for, **1,** 513
loss of, **1,** 512
premature payment of, **1,** 512
return to purchaser of, **1,** 512
description of property, correction at time of sale of wrong, **1,** 510; **25,** 318, 319; **27,** 105
land, on sale of. *See* land, of, *infra.*
distress for
rent, sale in case of, by, **1,** 501, 516; **11,** 184, 185 n., 186 n., 225
taxes, sale in case of, by, **11,** 220
distress on goods delivered for sale, **1,** 520; **11,** 135
duty, Crown lands, on sale of, **7,** 155
payment of, not part performance of contract of sale, **27,** 35
repeal of statutes imposing, **7,** 155 n.
excisable articles, sale of, by, **1,** 502
factor, delivery of goods by, for sale by, **1,** 520, 521
fish, sale of, by, licence not required, **1,** 501
gas company's shares, sale of, by, **15,** 370, 371, 377

AUCTION—*continued.*
hammer, fall of. *See* knocking down of property, *infra.*
horse, sale of, by, **1,** 392; **20,** 679 n.; **27,** 898 n.
interference with goods by third person, action in respect of, **1,** 520
knocking down of property, effect of, **1,** 503, 504, 510, 511, 518; **25,** 280
knock-out, legality of, **1,** 512
land, of, **25,** 289
auctioneer's authority
conditions of sale, as to, **1,** 509
contract, to sign, **1,** 504
deposit, to receive, **1,** 503
purchase money, in regard to, **1,** 503
conditions of sale, **1,** 509; **25,** 319—341. *See* CONDITIONS OF SALE.
description of property, **25,** 318, 319
conditions as to, **25,** 328—332. *See* MISDESCRIPTION.
lots, sale in, **25,** 337, 349, 431. *See* LOTS, SALE IN.
letting by, minute signed by auctioneer as to, **18,** 377, 378
lots, sale of
goods in, **1,** 505; **25,** 280
land in, **25,** 337, 349, 431. *See* LOTS, SALE IN.
lunatic, sale of property of, by, permission necessary, **19,** 444
market
overt, room whether, **1,** 521; **20,** 54 n.
rights, infringement of, by, **1,** 506; **20,** 45 n.
misrepresentation as to authority
by advertisement of, **1,** 509
effect of, **1,** 510; **20,** 679 n.
misstatement by auctioneer at, effect of, **1,** 510
mistake made at, **1,** 49; **21,** 9, 10 n.; **27,** 48 n.
mock, effect of, **1,** 509
name and address etc. of auctioneer, exposure of, **1,** 506, 507
note or memorandum, bill of sale constituted by, **1,** 506; **3,** 10
requisite, **1,** 504, 505; **25,** 320
stamp on, **1,** 506
offer and acceptance at, how made, **1,** 511; **25,** 289
officer of court, sale by, by, **1,** 501
owner, claim by true, effect of, **1,** 519—521
part performance, effect on requisite as to note or memorandum, **1,** 505
particulars of sale, boundaries, as evidence of, **3,** 148
contents of, **25,** 318, 319
settlement of, **1,** 509
partition, sale in case of, by, **21,** 863, 864
payment, court, into, by auctioneer, **1,** 514; **25,** 317 n.
money received, of, duty as to, **1,** 513—515; **25,** 317 n.
place of sale by, **1,** 506, 521; **20,** 54 n.
pledges, sale of unredeemed, by, **1,** 507; **22,** 252
possession of goods prior to payment of price, right to, **1,** 514, 520
presentation, sale of right of, by, **11,** 583
price of goods, action for, **1,** 519
inadequacy of, **13,** 21 n.
printer's name, appearance on documents of, **23,** 213
private contract, sale by, after, **1,** 504

AUCTION—*continued.*
public, advowson not to be sold by, **11,** 583
court sale by, **25,** 315—317
distress, taxes, for, of goods taken in, **11,** 220
Summary Jurisdiction Acts, under, of goods taken in, **11,** 223
house when held a place of public resort within Vagrancy Act, **1,** 506; **22,** 612 n.
pledges over ten shillings value to be sold by, **1,** 507; **22,** 252
puffer, employment of, at, **1,** 508, 509; **25,** 281, 319, 320; **27,** 47, 104, 680. *See* PUFFER.
purchaser's
liability, in case of, **1,** 503, 519
rights after, **1,** 512, 518, 519
receipt of auctioneer, relied on as contract, **27,** 27
re-delivery of property to vendor in proper case, **1,** 514, 515
resale at, by mistake, action for, **1,** 49
rescission of contract by auctioneer, **1,** 503
reserve price, bidding under, **1,** 503, 511, 518
condition as to, **1,** 502, 508, 511 n.; **25,** 280 n., 281, 317, 319
prohibitive, **1,** 516
room, market overt, whether, **1,** 521; **20,** 54 n.
place of public resort for purpose of vagrancy prosecution, **1,** 506; **22,** 612 n.
removal of goods distrained to, **11,** 184
sale of
goods by, **1,** 504; **25,** 116 n., 280, 281
land by, **1,** 503, 508; **25,** 289, 319—321, 337, 349, 431
seller's right to bid at, **1,** 508, 509; **25,** 280, 281, 319
set-off between vendor and purchaser, **1,** 519
settlement between vendor and purchaser, **1,** 519
solicitor's costs in connection with, **26,** 766
specific performance of sale by, **1,** 503, 510
defences to, **1,** 509; **27,** 48 n.
stamp on contract signed by auctioneer, **1,** 506
Statute of Frauds, application of, **1,** 504
statutory regulations affecting sales by, **1,** 506—508
summons in Chancery Division as to sale by, **23,** 190
Sunday, sale on, by, **1,** 506
third persons, rights and liabilities of, **1,** 515, 520, 521; **20,** 717 n.; **27,** 48 n.
time of sale by, restrictions as to, **1,** 506
title, warranty of, on sale under distress warrant, **11,** 185 n.
vendor's
behalf, signature by auctioneer on, sufficiency of, **1,** 504, 518; **27,** 25 n.
contract with auctioneer, **1,** 502
obstruction of sale, **1,** 511
right to bid at, **1,** 508, 509; **25,** 280, 281, 319
verbal statements of auctioneer, effect of, **1,** 510; **7,** 523 n.
warranty at, effect of, **1,** 392, 393, 503, 519
on sale under distress warrant by, **11,** 185 n.
withdrawal of
bid at, **1,** 511
property, rights as to, **1,** 509—511; **25,** 280 n.
wrong
lot, bidding for, specific performance in case of, **27,** 48 n.
party, premature payment to, **1,** 512

AUCTIONEER. *See* AUCTION.
The title AUCTION AND AUCTIONEERS *is contained in Vol. I., pp.* 499 *et seq.*
defined, **1,** 153, 500
account, duty to, of, **1,** 513, 515
action against,
fraudulent misrepresentation, for, **1,** 509
money had and received, for, **7,** 480
purchaser, by, **1,** 518
resale in error, for, **1,** 49
action by, conversion etc., in respect of, **1,** 520
price, for, **1,** 519
advance by, on security of goods sent to him, **22,** 240 n.
advancing money to obtain business not a money-lender, **1,** 501 n.; **21,** 44 n.
advertisement of sale which does not take place by, **1,** 520
agency of, **1,** 153, 502—505; **25,** 289; **27,** 25 n.
appraiser's licence, need not take out, **1,** 501; **28,** 228
authority of, **1,** 502—506. *See also* licence, *infra.*
breach of warranty of, **1,** 519
delegation of, **1,** 502, 505
exclusion of, **1,** 503
interest, coupled with, **1,** 504
land, on sale, of,
conditions of sale, as to, **1,** 509
contract, to sign, **1,** 504
deposit, to receive, **1,** 503
purchase-money, in regard to, **1,** 503
revocation of, **1,** 230 n., 504, 505, 516
termination of, **1,** 503
bailee for reward, is, **1,** 514
bailiff as, **1,** 501
bankruptcy of, loss through, **1,** 512, 513
bill of exchange,
does not bind his firm by giving, **1,** 521
payment of deposit to, by, **1,** 503
care and diligence, duty to use, **1,** 509, 514, 516
cheque, may receive payment of deposit by, **1,** 503
clerk of, authority of, **1,** 505
commission of, **1,** 514—516; **11,** 186 n.; **17,** 465 n.
where no sale takes place, **1,** 516
conditions of sale settled by, **1,** 509
contract, signature of, by. *See* signature, *infra.*
contract between
purchaser and, **1,** 515
vendor and, **1,** 153, 502
conversion by, **1,** 520, 521, 556; **27,** 892, 893, 896 n., 898 n.
third person, action in respect of, by, **1,** 520
custody of goods by, **1,** 514
damages, measure of, against, **1,** 521
delivery of goods, liability as to, **1,** 518
deposit, authority to receive, **1,** 503, 512, 513; **25,** 320, 399 n.; **28,** 59, 143 n.
interest on, whether liable for, **1,** 513
liability in respect of, of, **1,** 513; **25,** 317 n.
lien on, **1,** 517
lost by, **1,** 512, 513
payment over of, by, **1,** 512, 513; **25,** 317 n.
position as to, **1,** 515; **7,** 480; **25,** 320; **28,** 59
premature, **1,** 512
security for, **25,** 317 n.
stakeholder in respect of, as, **1,** 512; **25,** 320 n.
trustee of, as, **1,** 515; **28,** 59
distress, privilege from, as regards goods for sale, **1,** 520; **11,** 135
sale after, by, **1,** 501, 516; **11,** 184, 185 n., 186 n.

AUCTIONEER—*continued.*
duties to vendor of, **1,** 514, 515 ; **25,** 317 n.
estoppel of, from setting up *jus tertii*, **1,** 515 ; **13,** 406 n.
executor *de son tort*, as, **1,** 521
expenses of, where authority revoked, **1,** 516 ; **27,** 896 n.
fiduciary position of, **1,** 515
fraud, liability for, of, **1,** 509, 519
hawker as, **1,** 502
house agent, as, **1,** 501
indemnity by vendor to, **1,** 517
interpleader by, **1,** 513, 514
knowledge as to true ownership of property, **1,** 520, 521
lease by, stamp necessary to minute of, **18,** 377, 378
liability of, **1,** 503, 518—521
licence of, **1,** 151, 500—502, 507 ; **11,** 184 ; **24,** 648—650
acting without, penalty in case of, **1,** 501 ; **24,** 649
exemptions from, **1,** 501 n. ; **11,** 184 ; **24,** 650
failure to produce, **1,** 507 ; **24,** 649
intoxicating liquors, in respect of sale of, **1,** 502 ; **18,** 21
premises, irrespective of, **24,** 627
sale under order of court, in case of, **1,** 501
lien of, **1,** 515, 517, 519, 520 ; **19,** 13 ; **27,** 986 n.
misconduct of, liability in case of, **1,** 512, 516
misrepresentation by, as to his authority, **1,** 509
misstatement by, **1,** 510
mistake of, effect of, **1,** 49 ; **27,** 48 n.
money had and received, action for, against, **7,** 480
name and address of, publication of, **1,** 506
negligence, liability for, of, **1,** 514, 516 ; **21,** 368
note or memorandum, authority to sign, of, **1,** 505
officer of court as, **1,** 501
ordinary calling of, what constitutes, **27,** 510 n.
particulars of sale, settlement of, by, **1,** 509
parting with goods by, **1,** 514, 515
partnership, in, **1,** 501, 521
payment into court by, **1,** 514 ; **25,** 317 n.
pledge, goods sent as, to, **22,** 240 n.
possession, right to, of, **1,** 514, 520
price, action for, **1,** 519
principal, disclosed, acting for, **1,** 518
undisclosed, acting for, **1,** 505, 518
property in goods, nature of, **1,** 520 ; **27,** 867
purchase by, acquiescence of vendor in, **1,** 515
purchase money on sale of goods, action for, by, **1,** 518, 519
authority to receive, of, **1,** 503
lien on, **1,** 517
purchaser, finding, remuneration for, **1,** 516 ; **25,** 317 n.
purchaser, liability to, **1,** 518, 519
rights against, **1,** 519
receipt of, contract by, **27,** 27
re-delivery of goods to vendor by, **1,** 514, 515
remuneration of, **1,** 515, 516 ; **11,** 186 n. ; **17,** 465 n.
court, when sale ordered by, **25,** 315, 317
rescission of contract by, **1,** 503
reserve price, rights in case of prohibitive, **1,** 516
restrictive covenant affecting, **27,** 579 n., 580 n., 584
retention of goods by, duty as to, pending payment of price, **1,** 514
sale of his own property by, **1,** 502, 505
security for deposit by, **25,** 317 n.

AUCTIONEER—*continued.*
set-off against claim of, **25,** 495 n.
settlement between vendor and purchaser, effect of, against, **1,** 519
signature of, effect on action against purchaser of, **1,** 519
on behalf of vendor, effect of, **27,** 25 n.
requisites as to, **1,** 504, 505, 515, 518
skill and knowledge implied in case of, **1,** 514
stakeholder, as, **1,** 512 ; **25,** 320 n.
stamp on licence of, **1,** 500
statements by, **1,** 510 ; **7,** 523
statutory regulations affecting, **1,** 506—508
third persons, rights against, **1,** 519, 520
distress, exemption of goods from, **1,** 520
trespass, action of, by, **1,** 519, 520
trover, **1,** 519, 520
true owner, claim by, **1,** 519—521
trespass, action of, by, **1,** 520 ; **27,** 867
liability in, of, **27,** 846 n.
trover by, **1,** 520
trustee, acting as, in respect of trust estate, **1,** 516
deposit money, in respect of, is, **1,** 515 ; **28,** 59
employing, liability of, **28,** 144
undisclosed principal, for, position of, **1,** 505, 518
usages of, **10,** 288
valuer, acting as, **1,** 501 ; **28,** 228
vendor, rights against, **1,** 516, 517
authority revoked, when, **1,** 516
commission, for, **1,** 516
indemnity, **1,** 517
lien, **1,** 517
remuneration, **1,** 515, 516
verbal statements of, effect on contract, **1,** 510 ; **7,** 523 n.
warranty by, authority to give, **1,** 503, 519
liability for, **1,** 519
woman as, **1,** 501

AUDIENCE,
counsel's right of, **2,** 359, 360, 370—378
affiliation proceedings, in, **2,** 448
appeal, on, **2,** 371, 372, 376, 406, 407, 416 ; **16,** 681
arbitration, at, **1,** 461 ; **2,** 376 ; **3,** 383 ; **15,** 179
assessment committee, before, **2,** 377
appeal from, **2,** 376 ; **16,** 681
bankruptcy proceedings, in, **2,** 372, 415
chambers, in, **2,** 372 ; **23,** 128
Chancery Division, before, **2,** 414
Charity Commissioners, before, **2,** 376
company liquidation proceedings, in, **2,** 415 ; **5,** 476
comptroller of patents, on appeal from, **22,** 210
contempt, on behalf of party in, **2,** 377 ; **7,** 282
coroner's court, in, **2,** 374 ; **8,** 258
county council licensing meeting, at, **2,** 377
county court, in, **2,** 374, 407, 417, 418 ; **8,** 525, 608
Court for Crown Cases Reserved, in, **2,** 414
court-martial, before, **2,** 375
Court of Appeal, in, **2,** 416, 417
court's discretion as to, **2,** 374, 376
criminal court, in, **2,** 373, 389, 407, 415, 416 ; **9,** 352
disciplinary proceedings, at, **2,** 378 ; **20,** 323
Divisional Court, in, **2,** 413 ; **23,** 134
ecclesiastical court, in, **2,** 375 ; **11,** 504, 509
election petition, on, **2,** 377 ; **12,** 137, 138, 442, 443, 462 n.

AUDIENCE—*continued.*
counsel's right of—*continued.*
gas examiner, on appeal from, **2,** 376
grand jury, before, **2,** 376
House of Commons, before, **2,** 371 ; **21,** 706 n., 747, 781
committee of, before, **2,** 371 ; **21,** 683, 754
House of Lords, in, **2,** 370, 371, 387, 417 ; **21,** 649 n., 706 n., 747, 781
impeachment proceedings, at, **2,** 370, 387 ; **21,** 652
income tax appeal, at, **2,** 376 ; **16,** 681
inferior court, in, **2,** 373, 374, 417, 418
inquest, at, **2,** 374 ; **8,** 258
inquiry, public, at, **2,** 389
Judicial Committee of the Privy Council, before, **2,** 371, 417
King's Bench Division, before, **2,** 409—414
Law Society, before committee of, **2,** 375
licences, at county council meetings for considering, **2,** 377
local government inquiry, at, **2,** 376
mandamus, in case of, **2,** 372 ; **10,** 111
Mayor's Court, London, in, **2,** 374 ; **20,** 294
member of the Legislature, when, **2,** 371 ; **12,** 138, 442, 464
motions, on, **2,** 372, 373 ; **23,** 134
non-judicial proceedings, at, **2,** 377, 378
origin of, **2,** 359, 360
Parliament, in, **2,** 370, 371 ; **21,** 649 n., 683, 706 n., 747, 754, 781
petty sessions, at, **2,** 374, 418
practice as to, **2,** 372, 374, 409—418
private bill proceedings, at, **2,** 371 ; **21,** 755
Privy Council, before the, **2,** 371, 417
Probate, Divorce, and Admiralty Division, before, **2,** 414
quarter sessions, at, **2,** 367, 374 ; **19,** 641
Railway Commissioners, before, **23,** 760
on appeal from, **23,** 763
revising barrister's court, in, **2,** 377 ; **12,** 222, 442, 443
Royal Commission inquiry, before, **2,** 377
sheriff's court, in, **2,** 374
solicitor, in case of charges against, **2,** 375
summary jurisdiction court, before, **19,** 596
Supreme Court of Judicature, in, **2,** 371, 372
Vice-Chancellor's Court at Oxford, in, **2,** 376
court of, **11,** 509
litigant's right of, county court, in, **8,** 525
criminal proceedings, in, **2,** 373
High Court, in, **2,** 372 ; **23,** 134
mandamus, in regard to, **10,** 111
Mayor's Court, London, in, **9,** 188 ; **20,** 294
peer's right of, in civil and criminal causes, **22,** 272
solicitor's right of, **26,** 723—725
absence of counsel, in, **26,** 723
arbitration on workmen's compensation, at, **20,** 222 ; **26,** 725
bankruptcy matter, in, **2,** 141, 372 ; **26,** 723
chambers, in, **23,** 128 ; **26,** 724
coroner's court, in, **8,** 258
county court, in, **8,** 525, 526 ; **26,** 724
ecclesiastical court, in, **11,** 504, 516 ; **26,** 724
High Court, in, **2,** 372 ; **23,** 128 ; **26,** 724
income tax appeals, at, **16,** 681
inquest, at, **8,** 258, 259
Mayor's Court, London, in, **20,** 294 ; **26,** 725
petty sessions, at, **19,** 596 ; **26,** 724
quarter sessions, at, **19,** 641 ; **26,** 724

AUDIENCE—*continued.*
solicitor's right of—*continued.*
Railway Commissioners, before, **23,** 760 ; **26,** 725
theatre, in, right to applaud or hiss, **27,** 409

AUDIT,
allotments, of council's accounts relating to, **1,** 359
assurance company's accounts, of, **5,** 624
banking company's accounts, of, **1,** 582 ; **5,** 613
bankruptcy, accounts of trustee in, of, **2,** 130, 131, 132, 133, 240
unclaimed funds in, of, **2,** 325
Board of Trade's accounts relating to winding up of companies, of, **5,** 437
borough accounts, of, **19,** 325, 476
building society's accounts, of,
accountant, one auditor must be, **3,** 343
attestation by auditors on, **3,** 344
rules as to, **3,** 332, 343, 344
burial board's accounts, of, **3,** 458, 488
City of London Corporation's accounts, of, **20,** 451, 452
civil list, of, **7,** 272
company winding up accounts, of, **5,** 437, 452
company's accounts, of, **5,** 267—270. *See* AUDITOR.
county council's accounts, of, **12,** 492 n. ; **19,** 363
electrical undertaking's accounts, of, **12,** 605
Exchequer accounts, of, **24,** 538, 539
friendly society's accounts, of, **15,** 138, 173
guardians' accounts, of, **22,** 551
industrial and provident societies' accounts, of **17,** 11, 27
joint committee's accounts, of, **19,** 325
judicial trustee accounts, of, **28,** 212
library authority's accounts, of, **23,** 595
light railway accounts, of, **27,** 830
liquidator's accounts, of, **5,** 435, 452, 454
local authority's accounts, of, **12,** 554 ; **23,** 387
metropolis, in, **20,** 451
local education authority's accounts, of, **12,** 47, 52, 88
London County Council's accounts, of, **20,** 451
metropolitan borough council's accounts, of, **20,** 451, 452
municipal corporation's accounts, of, **19,** 324, 325
negligence in, effect of, **15,** 548
overseers' accounts, of, in relation to burial board, **3,** 476
parish council's accounts, of, **19,** 244
allotments, relating to, **1,** 359
parish meeting's accounts, of, **19,** 260
post-office accounts, of, **22,** 634
public accounts, of, **21,** 776 ; **24,** 765
quarter sessions accounts, of, **18,** 73
railway company's accounts, of, **23,** 645
no dividend declarable without auditors' certificate, **23,** 645
rural district council's accounts, of, **19,** 337, 338
allotments, relating to, **1,** 359
school district board's accounts, of, **12,** 88
sheriff's accounts, of, **25,** 842
small holdings, of accounts relative to, **26,** 693
Territorial Force county association's accounts, of, **25,** 89
trade union accounts, of, **27,** 633
Treasury, by, civil list, of, **7,** 272, 273
friendly societies, accounts of, **15,** 173
industrial and provident societies, accounts of, **17,** 27, 30

AUDIT—*continued.*
Treasury, by—*continued.*
National Health Insurance, accounts of, **28,** 961
winding up of companies, Board of Trade accounts in relation to, **5,** 437
trust accounts, of, by Public Trustee, **28,** 217
urban district council's accounts, of, **19,** 284—286
allotments, relating to, **1,** 359
burial board, as, **3,** 488
working men's club's accounts, of, **4,** 409

AUDITA QUERELA,
action of, nature of, **1,** 39; **13,** 51 n.
contribution enforced by writ of, **13,** 30 n.

AUDITOR,
Board of Trade, of, **23,** 645, 646
borough, casual vacancy in office of, **19,** 325
classes of, **19,** 324, 325
elective, **12,** 355, 356, 492; **19,** 324
mayor's, **12,** 355; **19,** 324
powers and duties of, **19,** 325
remuneration of, **19,** 325
building society, of, appointment and duties of, **3,** 332, 343, 344
Chancery Court of York, of, **11,** 509
company, of, access to books and accounts on part of, **5,** 268
appointment and duties of, **5,** 124, 267—270
Companies Clauses Acts, under, **5,** 717, 723, 724
casual vacancy in office of, **5,** 267
liability for improper payments of, **5,** 269
misfeasance proceedings against, **5,** 275, 478, 482
officer of the company, as, **5,** 478
remuneration of, **5,** 268
report to general meeting of, **5,** 268, 269
debenture-holder's right, **5,** 357
retiring, appointment of, **5,** 267, 268
statutory report to be certified by, **5,** 248, 249
county council, of, appointment and duties of, **12,** 492 n.
district, duties of, overseers' accounts, in relation to, **3,** 476
elective, in municipal corporation,
duties of, **12,** 492 n.; **19,** 325
election of, procedure at, **12,** 355, 356; **19,** 324
questioning of, **12,** 492
friendly society, of, appointment and duties of, **15,** 142, 146, 173
valuation by, **15,** 171 n.
industrial and provident society, of, appointment and duties of, **17,** 11, 16, 27
land revenues of the Crown, of, **7,** 137
local authority, of, remedy in case of surcharges etc., **10,** 174; **19,** 286, 287
Local Government Board, of, accounts of local education authorities, and, **12,** 47
duties of, **12,** 88
surcharge etc. by, appeal from, **10,** 174; **19,** 286, 287
railway company, of, appointment and duties of, **23,** 637, 645
no dividend declarable without certificate of, **23,** 645
rural district council, of, **19,** 337
savings bank, of, **1,** 578

AUDITOR—*continued.*
trustee, whether a, **19,** 167 n.; **28,** 60 n.
urban district council, of, appointment and duties of, **19,** 284—287

AUDITOR-GENERAL,
accounting officer's accounts passed by, **24,** 541, 765
advances by Banks of England and Ireland authorised by, **24,** 542
appointment of, **24,** 541
assistant, **24,** 541
balance sheets, departmental, power to call for, **24,** 543
books and vouchers, examination of, by, **24,** 543
consolidated fund, credits granted out of, by, **24,** 748
county court accounts to be submitted to, **8,** 418
credits granted by, on requisition, **24,** 542
development fund, accounts of, transmitted to, **24,** 763
duties of, **21,** 767, 776, 777; **24,** 539, 541—543
Exchequer accounts, report as to, **24,** 539
grants, duty to supervise, **24,** 542, 543
road improvement fund, accounts of, transmitted to, **24,** 764
salary of, charged on consolidated fund, **24,** 745
subordinates, authority over, **24,** 541
supply services met by grants of, **24,** 748
Treasury bills, warrant for, countersigned by, **24,** 548
Treasury control over, **24,** 541

AUGMENTATION,
benefice, of, by college or hospital, **11,** 723, 727, 755
Crown, by, **11,** 722
Ecclesiastical Commissioners, by, **11,** 752, 774, 783, 800
ecclesiastical corporation, by, **11,** 725, 727
impropriator, by, **11,** 727
incumbent, by, **11,** 727, 752, 755
limited owner, by, **11,** 725
private benefaction, by, **11,** 722, 725, 727, 774
public officer, by, **11,** 723, 755
Queen Anne's Bounty, by, **11,** 781; **18,** 328
chapel of ease, of, **11,** 727, 752, 789
easement as, of ownership, **11,** 298

AUNT,
marriage with, prohibited, **16,** 284 n.
succession to intestate by, **11,** 23

AUSTRALASIA,
Federal Council of, **10,** 551

AUSTRALIA, COMMONWEALTH OF.
constitution of, **10,** 506—508, 519
alteration of, **10,** 508
customs duties in, **10,** 552
election expenses in, **10,** 519
executive power in, **10,** 507
Governor-General of, **10,** 507
High Court of, **10,** 507, 554, 583
appeal to Privy Council from, **10,** 583, 584
law prevails over State law, **10,** 551
naval defence in, **10,** 520; **25,** 27
Parliament, of **10,** 507
disallowance of laws passed by, **10,** 542
powers of, **10,** 549—551

AUSTRALIA, COMMONWEALTH OF
—*continued.*
Parliament of—*continued.*
proportionate representation of States in, **10,** 507
alteration of, **10,** 508
reservation by government of law, **10,** 543
port usages of, **10,** 295
States of, position of, **10,** 508—510, 540, 551. *See under names of various States.*

AUTHENTICATION,
award under inclosure of commons, of, **4,** 586
Board of Trade, of documents of, **5,** 437 ; **7,** 102 ; **12,** 609 ; **23,** 741
company's documents and proceedings, of, **5,** 301, 678, 679 ; **10,** 431
electricity undertaking, of orders and documents in relation to, **12,** 608, 609
friendly societies' documents at registry, of, **15,** 130
Local Government Board audit, for purposes of, **19,** 285
metropolitan borough council's documents, of, **20,** 436
Public Health Acts, under, **23,** 370, 371
will, of, for purposes of construction, **28,** 628, 629

AUTHOR,
defined, **8,** 137
artistic work, of, rights of, **8,** 188
assignment by, contract by or with publisher, of, **4,** 403 ; **23,** 217
copyright, of, **8,** 157—161. *See also* COPYRIGHT.
bankruptcy of, **8,** 158
compilation, of, rights of, **8,** 145
contempt of court by refusal to disclose name of, **23,** 223
contract with publisher, **8,** 148, 162 ; **23,** 215, 217
assignment of, **4,** 403 ; **23,** 217
determination of, **23,** 217
copyright of, assignment of, **8,** 157, 158. *See also* COPYRIGHT.
published work, in, **8,** 139—142
unpublished literary composition, in, **8,** 136—138
when employed by publisher, **8,** 148, 149, 158
custody of manuscript, right to, **8,** 137 ; **23,** 217
death of, compulsory licence after, **8,** 163
devolution of copyright on, **8,** 140, 157
unpublished work, rights in regard to, on, **8,** 137
design, of a, who is, **27,** 727 n.
dramatic piece, of, rights of, **8,** 176—179. *See* DRAMATIC PIECE.
drawing, of, rights of, **8,** 188, 191, 201 n. *See* DRAWING.
executors of,
devolution of copyright to, **8,** 140
not liable on contract to write book, **8,** 157 n.
failure to supply manuscript, liability on, **23,** 217
foreign, copyright of, **8,** 138, 139, 140—142. *See also* BERNE CONVENTION.
injunction against, in case of breach of covenant, **17,** 240
invention compared with authorship, **22,** 127
joint, of dramatic piece or musical composition, **8,** 176
licence by, to print and publish **8,** 161—163
literary work, of, who is, **8,** 137

AUTHOR—*continued.*
magazine article, of, rights of, **8,** 148, 149 ; **23,** 217
manuscript, rights as to, **8,** 137 ; **23,** 217, 218
musical composer whether an, **8,** 137
musical composition, of, rights of, **8,** 175—179
name of, unauthorised use of, **8,** 144 n.
painting, of, rights of, **8,** 191
particular publication, contract for articles in, **8,** 148 ; **23,** 217
passing off of book as written by, **8,** 143 n., 159, 165
periodical, of work published in, rights of, **8,** 148, 149 ; **23,** 217
photograph, of, rights of, **8,** 191, 194
pirated copies, right to, **8,** 167
price of book, right to fix, **23,** 217
print, engraving or lithograph, of, who is, **8,** 200, 201
publisher, employed by, implied assignment of copyright, **8,** 148, 158
relationship to, of, **8,** 148, 162 ; **23,** 215, 217
restrictive covenant in relation to, **27,** 583, 584
royalties of, liability of assignee of copyright for, **8,** 160
sculpture, model or cast, of, rights of, **8,** 206, 207
second edition, rights as to, **8,** 161, 162 ; **23,** 217
separate form, right of publication in, **8,** 148, 149 ; **23,** 218
translation, right of, **8,** 149, 150
unpublished work, rights in, after death of, **8,** 137, 157

AUTHORISED,
defined, **12,** 552, 628
excuses and exceptions for corrupt or illegal practices. *See* AUTHORISED EXCUSES.
municipal elections, in, **12,** 407, 408, 508
parliamentary elections, in, **12,** 398—407
explosive, *defined,* **14,** 358
investments by trustees, **28,** 130, 131, 137
person, provisions relating to marriage by, **16,** 302, 303 ; **24,** 448, 454
undertakers, Electric Lighting Acts, in, meaning of, **12,** 619, 628
version of the Bible, copyright in, **8,** 173
works, railway construction, in, **23,** 653—655
notice of accidents occurring on, **23,** 749, 750
substitution by certificate of Board of Trade, **23,** 744

AUTHORISED EXCUSES.
municipal election, in case of, **12,** 407, 408
application as to, **11,** 407, 506 n., 508
costs of, **12,** 522
parliamentary election, in case of,
application to court as to, **12,** 399 n., 402 n., 403 n., 506 n.
costs of, **12,** 476, 477
conditional order, **12,** 406
corrupt practice, in respect of, **12,** 398, 399
date of allowance of, **12,** 407
disputed claim, in respect of, **12,** 404
employment or hiring, in respect of, **12,** 399—404
payment made after prescribed time, **12,** 404
payment of expenses, in respect of, **12,** 404
return and declaration not transmitted or inaccurate, in case when, **12,** 405, 406

AUTHORITY. *See also* LICENCE; SANCTION.
agent, of, **1,** 160—169, 201—203; **2,** 494, 495
ambiguity of terms, in case of, **1,** 164
bankruptcy of principal or agent, effect of, **1,** 234, 235
bill or note, in case of, **2,** 494, 495
breach of warranty of, **1,** 221—223; **5,** 146, 147, 233
deed, given by, **1,** 161—163, 228
delegation of, **1,** 169—173, 183. *See* DELEGATION.
disclaimer of, **1,** 222
estoppel, by, **1,** 158, 159, 201, 202, 203; **13,** 390, 394; **17,** 359 n.
exercise of, **1,** 168
express, **1,** 201
extent of, **1,** 148, 160, 161, 164—168; **13,** 392
general, **1,** 148, 164, 201
implied,
from conduct of principal, **1,** 147 n., 158, 159, 173—181; **13,** 390; **17,** 359 n.
generally, **1,** 160, 164—168; **15,** 470; **25,** 137
irrevocable, when, **1,** 228—230
limitation of, **1,** 161, 201, 202
non-disclosure of, effect of, **1,** 169, 219; **5,** 146; **16,** 418
parol evidence as to, **13,** 566; **15,** 470
principal's bankruptcy in relation to, **1,** 224, 234, 235
prosecution, in relation to, **19,** 673, 675
ratification of, effect of, **1,** 173—181; **5,** 147, 297; **15,** 470; **25,** 137. *See* RATIFICATION
renunciation of, **1,** 232
revocation of, **1,** 228—231; **17,** 355; **25,** 137 n. *See* REVOCATION.
not available after, **1,** 230, 231
scope of, apparent, principal's liability in relation to, **1,** 201, 202; **5,** 293; **19,** 673, 675
secret withdrawal of, estoppel on, **13,** 391
termination of. *See* termination, *infra.*
unauthorised agent, principal not liable unless by estoppel, **1,** 202, 203
verbally given, **1,** 164; **25,** 137
warranty of, **1,** 221—223
written, interpretation of, **1,** 163
arbitrator, of, **1,** 457—459, 488
architect or engineer, of, under building contract, **3,** 291, 301, 302, 314
auctioneer, of, **1,** 500—506. *See* AUCTIONEER.
breach of warranty of, **1,** 519
bailiff, to act as, **11,** 160—163
county court, of, **1,** 152
banker, of, termination of, **1,** 585; **2,** 516
barrister, of, **2,** 397—401. *See* BARRISTER.
bill of exchange, to sign, **1,** 169, 221; **2,** 491—495
bill of lading, to sign, **26,** 165
breach of warranty. *See* BREACH OF WARRANTY.
canon law, of, **11,** 375 n., 379, 394
club committee, of, **4,** 420—422, 423—425
company's agent, of, **1,** 169; **2,** 491, 492; **5,** 233, 291—297, 324, 325
counsel, of, **2,** 397—401. *See* BARRISTER.
coupled with an interest, irrevocability of, **1,** 228, 504
Crown, of, no defence to action for tort, **1,** 225 n.; **6,** 383, 414, 415; **23,** 308, 309, 316
defence of want of, pleading of, **22,** 447 n.

AUTHORITY—*continued.*
delegation of, **1,** 169—173, 502; **5,** 224; **26,** 758. *See* DELEGATION.
delegatus non potest delegare, **1,** 169—171
director, of, **5,** 220, 292; **15,** 470
breach of warranty of, **5,** 233
distress, to levy, **1,** 167; **11,** 160—163, 187 n.
estoppel, established by, **1,** 201—203; **13,** 390—398
executive, of the Government of Great Britain, **6,** 318
ground game, given by occupier to take, **15,** 222—224
highways, for. *See* HIGHWAY AUTHORITY.
house agent, of, **1,** 166; **18,** 372
husband's, to wife to act for him, **16,** 415, 417, 418, 422, 423. *See* IMPLIED AUTHORITY.
implied. *See* IMPLIED AUTHORITY.
income tax purposes, for, **16,** 612
insurance agent, of, **17,** 359, 360
insure, to, **17,** 354, 355
interest, coupled with, **1,** 228, 504
interpretation of written, **1,** 163
irrevocable, **1,** 228, 504, 505
judges, of, **6,** 318; **9,** 17, 18
licensing, for intoxicating liquors, **18,** 17, 21, 34
lighting of highways and streets, for, **16,** 120—124. *See* LIGHTING AUTHORITY.
local. *See* LOCAL AUTHORITY.
officer of, of, **15,** 14
master, of, to servant to act for him, **20,** 244 *et seq.*; **27,** 897. *See also* IMPLIED AUTHORITY; MASTER; SERVANT.
mercantile agent selling without, purchaser's title in case of, **1,** 205; **25,** 200 n.
misrepresentation of, effect of, **1,** 509; **20,** 723, 724
owner, of, as defence in case of trespass, **27,** 860
Parliament, of, **6,** 317, 318; **21,** 616—618
partner, of, **22,** 24, 25, 32, 33; **26,** 758, 759
power of attorney, under, **1,** 161—163. *See* POWER OF ATTORNEY.
ratio decidendi of legal decision as, **6,** 316; **18,** 210
receiver, of, liability for acts in excess of, **24,** 400
representation, to make, **20,** 712
revocation of, **1,** 230—236, 504. *See* REVOCATION.
sanitary. *See* SANITARY AUTHORITY.
scope of. *See* SCOPE OF AUTHORITY.
servant, of, to act for master, **20,** 244 *et seq.*; **27,** 897. *See also* IMPLIED AUTHORITY; MASTER; SERVANT.
shipmaster's. *See* MASTER OF SHIP.
cargo, over, **26,** 228—231, 240, 247, 248
passengers, over, **26,** 329, 330
solicitor, of, to act for client, **26,** 741—746, 833
death etc. of client, effect of, **26,** 742, 833
delegation of, **26,** 758
partnership, in case of, **26,** 746, 758—760
special, when required, **26,** 741, 745, 833
sovereign, of. *See* PREROGATIVE.
statutory. *See* STATUTORY AUTHORITY.
stockbroker, of, **27,** 222, 223
termination of,
auctioneer, in case of, **1,** 503
bankruptcy, by, **1,** 234, 235
death, by, **1,** 233, 234
grounds for, during term, **1,** 230
impossibility of continuance, by, **1,** 232, 233

AUTHORITY—*continued.*
termination of—*continued.*
notice of revocation, by, **1,** 230, 231
when necessary, **1,** 235, 236
parties, by act of, **1,** 230, 231
performance, by, **1,** 232
renunciation of authority, by, **1,** 232
solicitor, in case of, **26,** 743
time, effluxion of, by, **1,** 232
will, at, **1,** 231
verbal, construction of, **1,** 164
want of, as a defence, **22,** 447 n.
warranty of. *See* WARRANTY OF AUTHORITY.
wife's, to act for husband, **16,** 415, 417, 418, 422, 423. *See* IMPLIED AUTHORITY.
effect of adultery on, **16,** 423, 427, 428, 431
wreck, to deal with, **26,** 552—555
writing, in, construction of, **1,** 163

AUTOMATIC MACHINE,
excise licence to sell tobacco by, **24,** 679
gaming by means of, **15,** 288 n.
lottery by, **15,** 301 n.
sale of cigarettes to children by, **17,** 175

AUTOMATIC WORK INDICATOR,
provisions relating to, **14,** 512, 513

AUTOMOBILE. *See* MOTOR CAR.

AUTRE VIE, PUR. *See* PUR AUTRE VIE.

AUTREFOIS ACQUIT,
plea of, in criminal law, **9,** 355—358 ; **19,** 598

AUTREFOIS CONVICT,
plea of, in criminal law, **9,** 355—358 ; **19,** 598

AUXILIARY FORCES, *See* RESERVE FORCES ; ROYAL NAVAL RESERVE ; ROYAL NAVAL VOLUNTEER RESERVE ; TERRITORIAL FORCE.
as to definition of, **25,** 54 n.
oath by member of, **7,** 25

AUXILIARY HOMES,
certification of, **12,** 74 n.

AUXILIARY JURISDICTION,
Court of Chancery, of the, nature of, **11,** 38 ; **13,** 6, 42, 43

AVAILABLE
act of bankruptcy, *defined,* **2,** 13, 290, 291

AVERAGE,
defined, **26,** 311
adjuster, duty of shipowner to employ, **26,** 325
usages of, **10,** 298
adjustment of, **17,** 452, 453, 471 ; **26,** 323—325. *See* ADJUSTMENT.
notarial protest in, **21,** 499, 500
usage, judicial notice of, **10,** 274
agreement, notary public's duties with regard to, **21,** 499
attendance at school for purposes of grant, **12,** 12
calculation of, deductions in case of, **10,** 273 ; **17,** 467, 468
clause, charterparty, in, **26,** 136, 323
fire insurance policy, in, **17,** 540, 541
mining lease, in, **20,** 561

AVERAGE—*continued.*
contribution,
bond for, **17,** 450 n.
cargo owner's right to, **26,** 75
master's lien for, **26,** 246
equitable doctrine of, foundation of, **13,** 70
general. *See* GENERAL AVERAGE.
income tax, of years for purpose of, **16,** 623, 627, 647, 656, 659, 667. *See* INCOME TAX.
instalments, delivery of goods sold by, **25,** 218
lost or not lost policy, in case of, **17,** 367
notary public, employment of, in connection with, **21,** 499, 500
particular, **17,** 448, 455. *See* PARTICULAR AVERAGE.
primage and, accustomed, **26,** 311
weekly earnings, under Workmen's Compensation Act, 1906, calculation of, **20,** 203, 205, 206

AVERIA CARUCÆ,
distress upon, **11,** 142 n.

AVERMENT,
defective, in indictment, **9,** 343
exemption, negativing, in indictment for statutory offence, **9,** 338
prefatory, in action for defamation, not necessary **18,** 646

AVOIDANCE. *See also* RESCISSION ; SETTING ASIDE.
assignment, of, bankruptcy, in, **2,** 20, 26, 328, 332 ; **18,** 220
fraud, on ground of, **20,** 739 n., 753, 758
lease, of, **18,** 576
partners, between, as fraudulent, **15,** 80
award, of. *See* AWARD, setting aside.
allotments, in case of, **1,** 358 n.
bankruptcy, in,
assignment for benefit of creditors, of, **2,** 328, 332
execution, of, **2,** 271—275 ; **14,** 43, 44
preference, of, **2,** 279—287. *See* FRAUDULENT PREFERENCE.
settlement, of, **2,** 150, 151, 182, 275—279, 310
benefice, of, cession, by, **11,** 633—635
cognisance of, **11,** 627 n.
cure of souls during, **11,** 635, 636
dean, on admission as, **11,** 634
exchange for another, by, **11,** 632, 633
incumbent, death of, by, **11,** 627
deprivation of, by, **11,** 635
preferment of, by, **11,** 634
resignation of, by, **11,** 627—632
modes of, **11,** 627
sequestration on, **11,** 624
bill of sale, of, **3,** 53—64
apparent possession, by reason of, **3,** 56, 57
bankruptcy rules as to, in winding up, **5,** 513
execution creditor, as against, **3,** 61
frauds for, **3,** 61, 62, 67 ; **15,** 89
partial, **3,** 29, 31, 45, 54, 55
possession under void bill, effect of, **3,** 54
rates and taxes, as against, **3,** 63
registration, for want of, **3,** 53, 54
reputed ownership, by doctrine of, **3,** 59—61
successive bills, in case of, **3,** 64
trustee in bankruptcy, as against, **3,** 57—59, 61
winding up, in, **5,** 513
charity lands, of lease of, **4,** 227, 228 ; **13,** 53 n.

AVOIDANCE—*continued.*
chose in possession, of assignment of, for misrepresentation, **20,** 759
company's dissolution, of, in winding-up, **5,** 569, 593
condition, of, to gift by will, **28,** 583—585, 588, 591
contrary to public policy, as, **28,** 585
contract, of, affirmation after, **5,** 220, 260, 285; **15,** 113, 114; **20,** 749, 750
alteration, material, on the ground of, **7,** 424, 426
cancellation, by, **7,** 425
drunkenness, on ground of, **7,** 342; **13,** 16
fraud, for, **5,** 289—291; **7,** 393, 485; **10,** 359; **20,** 737, 738, 762
illegality, for, **7,** 390—406; **10,** 360
misrepresentation, for, **10,** 359, 360; **20,** 730, 737—740, 742, 754, 755
mistake, on ground of, **7,** 354, 355; **10,** 359, 405—407; **21,** 9, 10, 17—20
statutory confirmation after, **7,** 407
undue influence, by reason of, **7,** 356—360; **10,** 360; **15,** 103—113
deed, of, alteration, on ground of, **10,** 411
cancellation, by, **10,** 409
disability, for, **10,** 360
disclaimer, by, **10,** 408, 409
drunkenness, on ground of, **10,** 360
duress, for, **10,** 360
felon, of, **9,** 429; **10,** 360; **25,** 559
forgery, for, **10,** 405
fraud, for, **10,** 359; **15,** 78—100. *See* FRAUDULENT CONVEYANCE.
illegality, for, **10,** 360
infant, of, **10,** 360; **15,** 402; **17,** 78; **25,** 560
lunatic, of, **10,** 360; **19,** 396
misrepresentation, for, **10,** 360
mistake, for, **10,** 359, 405—407; **13,** 25; **21,** 18—20
non est factum, plea of, **10,** 404—408; **22,** 432 n., 448 n. *See* NON EST FACTUM.
trustee's sale to himself, on, **10,** 360. *See* trustee, *infra.*
ultra vires, by corporation acting, **8,** 360; **10,** 360
undue influence, by reason of, **10,** 360; **15,** 103—113
election, of, bribery, for, **12,** 286, 345
contracts, securities etc., to secure return of member as a ground of, **12,** 333
corrupt or illegal practices, for, **12,** 299, 322, 345, 471, 483, 484, 524, 525
corruption, for, **12,** 279, 345
Election Commissioners' report on account of, **12,** 471
equality of votes, for, **12,** 455
fraud of agent, on account of, **12,** 293, 299
honest mistake, in case of, **12,** 307 n.
illegal issue of writ, for, **12,** 257
illegal payments, for, **12,** 337
incorrect ballot paper, on account of, **12,** 312, 313
intimidation, for, **12,** 280, 345
irregularities, for, **12,** 261, 299, 302 n., 322, 398
non-compliance with rules, for, **12,** 322
returning officer, through wrong person acting as, **12,** 260
execution, of, trustee in bankruptcy, as against, **2,** 65, 271—275; **14,** 43, 44
winding up of company, after commencement of, **5,** 534, 535; **14,** 12

AVOIDANCE—*continued.*
felon, of legal act on part of, **7,** 342; **9,** 429; **10,** 360; **25,** 559
gift, of, **15,** 418—421; **28,** 166
drunkenness, on ground of, **15,** 403
mortis causâ, **15,** 431, 432, 434
guarantee of, **15,** 539—546
alteration of, by, **15,** 544
cancellation by, **15,** 543; **13,** 52, 62
conditions precedent, non-fulfilment of, **15,** 545
consideration, failure of, **15,** 450 *et seq.*, 545
contract not *uberrimæ fidei*, **15,** 479, 480, 539
fraud, effect of, **15,** 487, 539
fraudulent concealment, effect of, **15,** 539
infant's legal act, of, **10,** 360; **17,** 46 n., 48, 63, 64, 76, 78, 138 n.; **18,** 348; **25,** 559
lease, charity lands, of, **4,** 227, 228
infant on coming of age, by, **18,** 348
lunatic, of act of, **10,** 360; **19,** 396—398; **25,** 559
marine policy, of, **17,** 402—416. *See* MARINE POLICY.
married woman, of contract of, **10,** 360; **16,** 411, 416; **25,** 559
royal grant, of, **6,** 481—483
settlement, of, **25,** 558—560
bankruptcy, on, **2,** 150, 151, 182, 275—279, 310
administration of deceased's estate, rule not applicable to, **2,** 96
creditors, by, **15,** 78—92. *See* FRAUDULENT CONVEYANCE.
purchaser, by, **15,** 92—102. *See* VOLUNTARY CONVEYANCE.
undue influence, for, **15,** 103—116. *See* UNDUE INFLUENCE.
trust, of, bankruptcy on, **2,** 150, 151; **28,** 46
creditors, in fraud of, **15,** 78 *et seq.*; **28,** 46
trustee's sale to himself, of, **10,** 360; **13,** 156; **28,** 93, 119, 121
ultra vires acts of corporation or company, of, **5,** 285—289; **8,** 359—365; **10,** 360

AVOIRDUPOIS WEIGHT,
defined, **28,** 468 n.
sales by, **28,** 470

AWAITING TRIAL, 23, 244—247. *See* PRISONER AWAITING TRIAL.

AWARD,
act of bankruptcy resulting from enforcement of, **2,** 24, 27
agreement not to impeach, effect of, **1,** 481; **20,** 729 n.
agricultural compensation, with reference to, **1,** 265
allotment, of compensation with respect to, **1,** 358
alteration of, **1,** 470
ambiguous or uncertain, **1,** 468, 477, 479
appeal from, **1,** 481; **15,** 202; **20,** 237; **26,** 589
arbitrator, admission by, that award improper, **13,** 462 n.
position of, after making, **1,** 459, 470
remuneration of, provision as to, in, **1,** 472
avoidance of, **1,** 358 n., 459, 466, 474, 476—481; **15,** 183; **27,** 72
boundaries, as evidence of, **3,** 112, 145, 146
breach of contract, as a defence to action for, **7,** 461

AWARD—*continued.*
building
contract, as condition precedent to payment under, **3,** 209, 284, 286
certificate compared with, **3,** 209, 284
society's dispute, in, **3,** 383—385
dissolution effected by, of registrar, **3,** 394
collateral writings, reference to, **1,** 468
common inclosure, on, **4,** 560, 586, 587. *See* INCLOSURE OF COMMONS.
compulsory acquisition of land, in case of, **6,** 70, 80—83
delivery up of, **6,** 82
enforcement of, **6,** 76, 83 ; **19,** 49
setting aside, **6,** 83
taking up of, **6,** 82
time for, **6,** 70, 80
condition precedent to right of action, as, **1,** 22, 445 ; **3,** 286
conditional, validity of, **1,** 469, 470
contempt of court by refusal to comply with, **1,** 474 ; **7,** 303
copyhold, declaring boundary of, **3,** 112
enfranchisement, of, **8,** 125, 126
proof of, **8,** 126 ; **25,** 351, 352
entry on court rolls of, **8,** 15, 126
stamp duty on, **8,** 126 ; **24,** 724
correction of clerical errors etc. in, **1,** 265, 458, 470, 477 ; **20,** 223 n.
costs
of, **1,** 458, 467, 490 ; **6,** 83—86
power to award, in, **1,** 471
date of, presumption as to, **1,** 470
defence to action for breach of contract, as a, **7,** 461
effect of, **1,** 470 ; **23,** 718
enforcement of, **1,** 173 *et seq.*
action, by, **1,** 475 ; **27,** 72
attachment, by, **1,** 474, 475 ; **7,** 303
compulsory purchase, in case of, **6,** 76, 83 ; **19,** 49
county court, in, **15,** 180, 181 ; **17,** 29 n. ; **20,** 212, 225
justices' jurisdiction as to, **15,** 183
originating summons, by, **1,** 473, 474 ; **2,** 24, 27
out of time, when made, **1,** 358 n.
promoter, by, **6,** 83
specific performance, by way of, **6,** 83 ; **27,** 40, 60 n., 72, 73
Workmen's Compensation Act, 1906, under, **20,** 223, 228
enlargement of time for making. *See* time for making, *infra.*
estoppel from objecting to, **1,** 463
evidence, as, **13,** 545, 552 ; **15,** 479
fresh, discovery of, **1,** 477, 478
execution of, **1,** 470 ; **13,** 552
finality of, **1,** 265, 358 n., 447 n., 469, 470 ; **15,** 201 ; **20,** 237 ; **26,** 589
form of, **1,** 358, 466, 468 ; **6,** 83
agricultural compensation, in respect of, **1,** 265
Workmen's Compensation Act, 1906, under, **20,** 222, 223
formality, want of, effect of, **1,** 358 n. ; **6,** 83
fraud, agreement not to question on ground of, valid, **7,** 399
obtained by, relief in case of, **1,** 478, 480 ; **20,** 761, 762
friendly society,
arbitration, in, **15,** 180, 181, 183
dissolving, **15,** 201, 202

AWARD—*continued.*
hardship, on submission involving, whether enforceable, **27,** 40
industrial or provident society, with reference to, **17,** 29 n.
invalid, avoidance of, **1,** 358 n. ; **27,** 72
waiver of, **27,** 72 n.
judge's decision distinguished from, **1,** 442
jurisdiction, outside arbitrator's, effect of, **1,** 358 n., 469 ; **6,** 83 ; **27,** 72
legal assistance in framing, **1,** 459
lien on, **1,** 472 ; **19,** 13
limitation of action upon, **19,** 38, 49
mala fides in connection with, **1,** 478, 480 ; **15,** 183 ; **20,** 761, 762
misconduct of arbitrator, remission or setting aside for, **1,** 265, 358 n., 459, 466, 478—481 ; **6,** 83
mistake in, correction of, **1,** 265, 458, 470, 477 ; **6,** 83.
part performance of, effect on claim for specific performance of, **27,** 72 n.
partition of land, for, **1,** 469 n. ; **21,** 814, 815
patent defect in, effect of, **1,** 477
plurality of, power to make, **1,** 468
power to make, **1,** 457
public officer, of, validity of, **13,** 552, 553
publication of, **1,** 470 ; **15,** 202
Railway and Canal Commissioners, of, **23,** 754, 755
railway arbitration, in, **23,** 718
recitals in, **1,** 468
reconsideration of, by arbitrator, **1,** 478
reduction into possession by, in favour of husband, **16,** 331
reference under order of court, in, **1,** 489, 490
refusal or neglect of arbitrator to make, **1,** 456, 460 ; **3,** 383, 384
remission to arbitrator of, for reconsideration, **1,** 459, 464, 470, 476—478 ; **6,** 83
salvage, Court of Appeal, by, **26,** 582
finality of, **26,** 589
scope of, **1,** 469 ; **27,** 72
setting aside of,
appeal from order, **1,** 477
application with a view to, **1,** 476 ; **11,** 40, 68 n. ; **13,** 509 n.
arbitrator's rights in case of, **1,** 459
compulsory purchase of land, in case of, **6,** 76, 83
costs of, **1,** 477
grounds for, **1,** 478
improperly procured, as, **1,** 265, 474, 478 ; **6,** 83 ; **27,** 72, 73
misconduct of arbitrator, on account of, **1,** 265, 358 n., 459, 466, 474, 478—481 ; **6,** 83
reference for trial, in case of, **1,** 491
specific performance with reference to, **27,** 60 n., 73
time, made out of, **1,** 358 n.
Workmen's Compensation Act, 1906, under, **20,** 229, 237
several arbitrators, of, **1,** 470, 480 n.
special case, stated in form of, **1,** 458, 466—468, 489 ; **15,** 179
specific performance of, **1,** 475 n. ; **6,** 83 ; **27,** 40, 60 n., 72, 73
stamp duty on, **1,** 470
time for making, **1,** 462—464
compulsory purchase, in case of, **6,** 70
enlargement of, compulsory purchase, in case of, **6,** 70, 81

AWARD—*continued.*
time for making—*continued.*
enlargement of—*continued.*
consent in writing, by, **1,** 463
court, by the, **1,** 464
fresh submission, may amount to, **1,** 463
mode of, **1,** 463
reference for trial, in case of, **1,** 489
statutory power, **1,** 458
railway arbitration, in case of, **23,** 718
reconsideration by arbitrator, in case of, **1,** 478
reference for trial, in case of, **1,** 489
remittal by court, in case of, **1,** 464
umpire, where made by, **1,** 463 ; **27,** 450 n.
tithe rentcharge, of, **11,** 746
umpire, by, time for, **1,** 463 ; **6,** 81
uncertainty in, **1,** 468, 477, 479 ; **6,** 83 ; **27,** 72
verdict of jury, regarded as equivalent to, **17,** 206 n.
waiver of invalidity of, **1,** 481 ; **27,** 72 n.
Workmen's Compensation Act, 1906, under,
agreement as to, before time for proceedings, effect on, **20,** 213
committee, of, **20,** 198, 199, 210—212
correction of, **20,** 223 n.
county court jurisdiction as to, **20,** 212, 213, 227
declaration of liability of, when arbitrator must make, **20,** 207
enforcement of, **20,** 223, 227, 228
form of, **20,** 207, 222, 223
inconclusive, **20,** 237
nominal, **20,** 207, 231, 236
preparing and settling, **20,** 222, 223
prospective, **20,** 207
registration of memorandum of, **20,** 211, 212, 225, 227, 228
review of, **20,** 230—237. *See* WORKMEN'S COMPENSATION ACT.
setting aside of, **20,** 229, 237
submission to, **20,** 219, 220
subsequent proceedings, **20,** 213
suspensory or nominal, **20,** 207, 231, 236 n.
termination of weekly payments not fixed by the, **20,** 207
variation of, **20,** 208, 229, 231 n.
writing, when required to be in, **1,** 468

AWAY-GOING CROPS,
assignment of right to, **1,** 295
custom excluded, when, **1,** 247
proof of, **1,** 244
entry by tenant to take, after determination of tenancy, **1,** 247
tenant entitled by custom to possession till crop removed, **1,** 242, 247
trespass or trover in relation to, **1,** 247

AWNING
over footway, restrictions as to, **27,** 283, 287

AXE,
distress upon, **11,** 142

AXLE WEIGHT
of heavy motor cars, *defined*, **27,** 330 n.

BABY FARM,
regulations for, **17,** 158—162. *See* NURSE, infant, of.

BACCARAT,
game of, legality of, **4,** 436 ; **9,** 546 ; **15,** 285 n.

BACHELOR,
Knights, Order of, **22,** 287

BACK PAYMENTS,
building society, in case of, **3,** 326

BACK-TO-BACK DWELLINGS,
restrictions as to, **23,** 528 n.

BACKGAMMON,
game of, legality of, **4,** 436 ; **9,** 546, 691 ; **15,** 285, 286

BACKING,
bill of exchange, of, **2,** 520, 522
warrant,
distress beyond the jurisdiction, in case of, **11,** 221
offender beyond the jurisdiction, in case of, **9,** 308 ; **14,** 428, 429

BACKWARDATION,
Stock Exchange, on, *defined*, **27,** 217

BACTERIOLOGICAL EXAMINATION,
duty of Metropolitan Water Board as to, **28,** 342

BAD DEBTS,
income tax deductions allowed in respect of, **16,** 653

BAD FAITH. *See* MALA FIDES.

BAD WEATHER,
navigation, in relation to,
anchoring too close in, **26,** 489 n.
crew, insufficient, **26,** 495
getting under way in, **26,** 484
lights on small vessel in, **26,** 390
precautions to be taken in, when anchored or tied up, **26,** 490, 495
standing too close in, **26,** 488
tug assistance, neglecting to use, **26,** 485
non-performance of building contract by reason of, **3,** 200

BADGER
fighting or baiting, penalty in case of, **1,** 412 ; **15,** 285

BADGERING,
offence of, **27,** 526 n.

BAG
containing money, distress upon, **11,** 138
trover or detinue for, **27,** 889 n.

BAGATELLE,
licence for, grant of, **19,** 569 ; **27,** 424, 425
police powers as to, **22,** 502
offences relating to, **27,** 425, 426
public table without a licence, keeping, **27,** 425
room for, constable's power to enter, **27,** 426
licence for, **27,** 424, 425
unlicensed, penalty for keeping, **27,** 425

BAGGAGE. *See* LUGGAGE.

BAHAMAS,
government of, **10,** 504 n., 534

BAIL,
Admiralty, in, caveat against arrest, by person entering, **1,** 84
default in regard to, **1,** 100
county court, in, **1,** 131, 132
possession and control of ship, in suit for, **1,** 63; **26,** 37
release of arrested ship, on application for, **1,** 88, 90, 91
amount of, **1,** 90, 91
money paid into court in lieu of, **1,** 91
objections to sureties, **1,** 91
sureties, **1,** 90, 91
alien's expulsion order, pending, **1,** 325
arrest on civil process, privilege from, when on, **25,** 819
attachment, in case of, **7,** 307 n., 316
bond, assignment of, **4,** 393
bankrupt's discharge does not release from, **2,** 270
forfeiture of, sureties' liabilities on, **15,** 557 n.; **19,** 608, 609
revenue offence, for appearance to answer, bankrupt's discharge does not release from, **2,** 270
salvage case, in, **1,** 90, 91, 132, 133; **26,** 580 n.
sureties to, **1,** 90, 91
sheriff's fees in case of, **25,** 830, 838 n.
ship's safe return, for, **1,** 63 n.; **26,** 37
cancellation of, **1,** 63
surety's liability on, **9,** 323 n.; **15,** 557 n.
capias, under writ of, **10,** 8
certiorari to bring up depositions with a view to, **10,** 166
Children Act, 1908, in case of arrest for offence under, **17,** 168, 176
collision case, in, **1,** 91
committal, in case of, **7,** 307 n.; **10,** 52
commitment for trial, after, **9,** 325
contempt, in case of, **7,** 307 n.; **10,** 52
coroner's power to accept or refuse, **8,** 289, 290
criminal proceedings, in, **9,** 246 n., 319, 323—327; **19,** 574, 596, 600
appeal as to, **9,** 326 n.
appeal, on, **9,** 438
dismissal, computation of term of sentence, in case of, **9,** 441
estreatment of, **9,** 351
excessive, **9,** 325 n.
expenses of, **15,** 523 n.
fugitive criminal, in case of, **14,** 414
habeas corpus with a view to, **9,** 246 n., 326; **10,** 51, 52
indemnity against. *See* indemnity, *infra.*
prison visit to provide, **23,** 245
prisoners in default of, **9,** 325 n.; **23,** 245
procedure on application for, **9,** 325, 326; **10,** 51, 52, 166
recognisance, procedure as to, **9,** 325 n.
remand, during, **9,** 319; **19,** 600
sureties in case of, **9,** 323 n.—326
discharge of, **15,** 557
powers of, **9,** 323 n.; **15,** 523 n.
who are sufficient, **9,** 325 n.
time allowed for application for, **9,** 325
customs offence, in case of, **10,** 8
discretion as to, High Court, of, **9,** 326; **10,** 52; **14,** 414
justices, of, **9,** 246 n., 319, 323—327; **10,** 52; **14,** 414; **19,** 574, 596, 600
ecclesiastical court, power of, as to, **13,** 60

BAIL—*continued.*
equitable, writ *ne exeat regno* as a species of, **13,** 60
estreatment of, **9,** 351
expenses of, recovery of, **15,** 523 n.
extradition, pending, **10,** 51; **14,** 410, 414
felony, in case of, **9,** 246 n., 319, 323, 326 n.; **10,** 52. *See* criminal proceedings, *supra.*
fugitive criminal, in case of, **14,** 414, 430
habeas corpus, in case of person brought up on, **10,** 71
to admit to, **9,** 246 n., 326; **10,** 51, 52
indemnity against, by defendant, illegality of, **5,** 564; **7,** 398; **9,** 323 n.; **15,** 446, 453 n., 461 n., 462, 518
justices,
liability for refusing, **9,** 325 n.; **23,** 326
power to accept or refuse, **9,** 246 n., 319, 323—325; **10,** 52; **14,** 414; **19,** 574, 596, 600
King's Bench Division, application to, for, **8,** 290; **9,** 325, 326; **10,** 52 n.; **14,** 414
metropolitan police magistrate, powers as to, **19,** 576
misdemeanour, in case of, **9,** 246 n., 320 n., 323, 324 n., 326 n.; **10,** 52; **14,** 414
ne exeat regno, writ, as a species of equitable, **13,** 60
piece, form, etc. of, in case of customs offence, **10,** 8, 9 n.
police powers as to, **17,** 168, 176; **19,** 608; **22,** 502, 505, 506
prize, delivery to captor of, on, **23,** 289
recognisance in case of, **9,** 319, 323 n., 325 n.
inquest, in case of, **8,** 289
peace, to keep the, **19,** 607—609
remand, during, **9,** 319; **19,** 600
misdemeanour, no right in case of, **9,** 320 n.; **14,** 414
salvage case, in, **1,** 84, 88, 90, 91, 131, 132; **26,** 580 n.
commission of appraisement to ascertain amount of, **1,** 91
money paid into court in lieu of, **1,** 91
sentence, not reckoned in term of, when during appeal, **9,** 441
sheriff's duty with regard to, **10,** 8; **25,** 830
ship. *See* Admiralty, *supra.*
safe return of, for, **1,** 63; **26,** 37
sureties, Admiralty, in, **1,** 90, 91, 132
criminal matter, in, **9,** 324—326
discharge of, **15,** 557
indemnity of, by defendant, **5,** 564; **7,** 398; **9,** 323 n.; **15,** 446, 453 n., 461 n., 462, 518
liability of, **9,** 323 n.; **15,** 557 n.
powers and duties of, **9,** 323; **15,** 523 n.
who are sufficient, **9,** 324, 325 n.
treason, in case of, **9,** 246 n., 323

BAILEE. *See also* BAILMENT; BAILOR.
defined, **1,** 525; **20,** 67
act of God, plea of, by, **1,** 533; **27,** 494 n.
action against owner by, **1,** 539, 550—552; **27,** 869, 906
approval, sale or return, holding on, **25,** 178 n., 180
attornment by, buyer of goods, to, **25,** 132 n., 210, 251
third person, to, **1,** 563; **13,** 406—408. *See* ATTORNMENT.
auctioneer as, **1,** 514
bailor, liability of, to, **1,** 537, 539, 550—552
title of, cannot in general be questioned by, **1,** 562, 563; **13,** 324, 406; **27,** 914

BAILEE—*continued.*
banker as, **1,** 533, 547, 627
bill of sale, possessed of goods belonging to grantor of, **3,** 56
borrower, liability of, **1,** 538, 539, 541
breach of orders by, **1,** 531, 534, 544
building society's officer as, **3,** 346
bulk breaking by, when constituting larceny, **9,** 631
buyer of goods may be, of seller, **25,** 131, 178 n., 179, 191
cabdriver as, **20,** 67 n. ; **21,** 415 n. ; **27,** 302 n.
care and diligence required of, **1,** 526. *See* negligence, *infra.*
borrower, **1,** 538, 541
carrier, **4,** 4, 5
custodian for reward, **1,** 544—546
gratuitous, **1,** 531, 532
mandatory, **1,** 535, 536
pawnee, **22,** 243, 254. *See* PAWNEE.
reward, for, **1,** 514, 552, 560
carriage, for purposes of, **1,** 526 ; **4,** 2—5 ; **17,** 471 ; **20,** 67 ; **26,** 326
carrier, right to sue, **4,** 94
cattle, injury to, right of action for, **3,** 133
collision caused by negligence of, bailor's liability, **26,** 526 n.
conversion by, **1,** 529, 563 ; **13,** 406 ; **19,** 50 ; **27,** 866, 899, 914
co-owner, from, liability to other co-owner of, **1,** 565 ; **27,** 898 n.
custody, for, **1,** 525, 543—549, 564 ; **27,** 899. *See* HIRE OF CUSTODY.
damage by, **1,** 531—534
detinue not remedy, **27,** 888
damages recoverable from, **1,** 546, 560, 564
delegation of obligation by, **1,** 537, 540, 560
delivery by, wrongful, remedies for, **27,** 899
delivery to, with option to purchase, **25,** 178 n., 179, 180
demand, joint bailors, in case of, **1,** 565
deposit, by, **1,** 526—534
banker, in case of, **1,** 533
diligence required of, **1,** 531, 532
obligations of, **1,** 531—534
special contract, by, **1,** 532
detention of chattel by, **1,** 539, 565 ; **13,** 406, 407 ; **19,** 50, 51 ; **27,** 888, 895 n., 899, 907 n., 914
detinue, when liable in, **1,** 42 ; **27,** 899
distress on premises of, **1,** 546, 555 ; **11,** 201, 206
drover as, **20,** 67
ejus est periculum, cujus est dominium, **1,** 541, 550
estoppel of, **1,** 562, 563 ; **13,** 324, 406 ; **27,** 869. *See* ESTOPPEL BY CONDUCT.
expenses of, recovery of, **1,** 537, 539
finder of chattel as, **1,** 528—531 ; **9,** 630. *See* FINDER.
fraud of, **1,** 531, 542
friendly society's treasurer as, **15,** 146
gratuitous, **1,** 525—543
accident or mistake, by, **1,** 527—531, 542
banker, **1,** 533
bare licensee, position as, **21,** 393
carriage, for, **4,** 5
commodatum, under contract of, **1,** 525, 537—540. *See* COMMODATUM.
deposit, under contract of, **1,** 525—534. *See* DEPOSIT, chattels.
mandate, under contract of, **1,** 535—537. *See* MANDATE.

BAILEE—*continued.*
gratuitous—*continued.*
mutuum, under contract of, **1,** 540, 541
nature of chattel as affecting responsibility of, **1,** 532, 538
necessity, under stress of, **1,** 527
negligence of, **1,** 531, 538 ; **21,** 430 ; **26,** 526 n.
obligation on part of, **1,** 527, 531—537
pro-mutuum, under contract of, **1,** 541, 542
use, for, **1,** 537—540. *See* LOAN, chattels.
infant as, **1,** 553 n. ; **9,** 631 ; **17,** 75
innkeeper as, **1,** 543 n., 551 ; **17,** 314, 524
insurable interest of, **1,** 545 ; **17,** 369, 471, 524
insurance against fire by, **1,** 545 ; **17,** 369, 471, 494, 524, 525
insurer, as, **1,** 533, 534, 540, 544, 559, 560 ; **17,** 524, 525
intermixture of chattels, in case of, **1,** 542 ; **17,** 317 n.
interpleader by, **1,** 562, 563 ; **13,** 56, 57, 407 ; **17,** 583 ; **22,** 247
joint, position of, **1,** 565
joint bailors, liability in case of, **1,** 565 ; **27,** 895 n.
jus tertii, setting up plea of, **1,** 562 ; **13,** 324, 408 ; **27,** 869
larceny
by, **1,** 529 ; **9,** 631—633
goods in the possession of a, of, **9,** 635
lien of, hire of custody, in case of, **1,** 547—549
hire of work and labour, in, **1,** 561, 562
seller of goods, in case of, **25,** 243
waiver of, **27,** 907 n.
limitation of actions as affecting, **1,** 541, 565 ; **19,** 50
negligence of, **1,** 526
carriage, for, **4,** 5
deposit, in case of, **1,** 531, 532
goods on approval, etc., **25,** 180
gratuitous loan for use, **1,** 538 ; **21,** 430 ; **26,** 526 n. ; **17,** 317 n.
hire of chattels for use, in case of, **1,** 552, 553
hire of custody, in case of, **1,** 544—546 ; **21,** 430
hire of work and labour, in case of, **1,** 560
joint bailees, in case of, **1,** 565
reward, for, **21,** 431
obligations of, in hire of,
chattels for use, **1,** 552—554
custody, **1,** 544—546. *See* HIRE OF CUSTODY.
work and labour, **1,** 559—561
part owner's rights against, **1,** 565 ; **27,** 895 n.
pawnee or pledgee as, **1,** 525, 562 ; **22,** 234, 235, 243, 254. *See* PAWNEE ; PLEDGEE.
taking bailed goods into pawn, **22,** 256
payment by, as evidence of damage, **27,** 910 n.
possession of,
deemed that of owner, when, **1,** 541
goods in,
conversion of, **27,** 906
distress, exempt from, when, **1,** 206, 520, 546, 547 ; **11,** 134—136
in transitu, when are, **25,** 249
larceny of, conversion, by, **9,** 631, 635
lien, essential to preservation of, **1,** 548
nature of, **22,** 392—394
servant receiving for master, in case of, **22,** 392
trespass, right to sue in, conferred by, **27,** 866, 867, 906
warranty of peaceable, by owner, **1,** 551

BAILEE—*continued.*
property of, in chattels bailed, determination of, **9,** 631
extent of, **1,** 540, 541, 563, 564 ; **3,** 133 ; **11,** 201 ; **22,** 243, 394
railway cloakroom, position of, **1,** 548, 549
replevin by, **11,** 201
reputed ownership of, **2,** 177
reward, for, **1,** 525, 543—562 ; **22,** 234 *et seq.* ; **25,** 191
liability for negligence of, **1,** 544, 545, 552, 560 ; **21,** 368, 430, 431
sale of goods
by, **1,** 549 ; **25,** 191, 243 ; **27,** 906. *See* PAWNEE.
to, **25,** 131, 178 n., 179, 180, 191
secret profit by, **1,** 536
seller of goods may be, of buyer, **25,** 191, 243
servant, acts of, liability for, **1,** 545, 553, 564 ; **22,** 392
distinguished from, **1,** 556 *et seq.* ; **20,** 67
master's goods, of, **22,** 392
ship, of, right of action in, **26,** 542
shipowner's liability as, **26,** 325, 326
special contract affecting, **1,** 532, 533, 539, 544, 546, 549, 562
stockbroker as, **1,** 547
stoppage *in transitu*, necessary for, **25,** 249
taxicab driver as, **20,** 67
third person, act of, liability for, **1,** 532, 538, 564 ; **27,** 910 n.
action for damages against, by, **1,** 564 ; **10,** 344
attornment to, by, **1,** 563 ; **13,** 406—408
claim to the chattel bailed by, **1,** 562 ; **13,** 406—408
delivery over to, for, **1,** 527
estopped from setting up title of, **1,** 562 ; **13,** 324, 428 ; **27,** 869
liability to, of, **1,** 564
trader as, **1,** 533
trespass, action for, by, **27,** 866
trover
against, **27,** 899
by, **1,** 564 ; **27,** 906, 910 n.
trustee for owner, as, **1,** 546 ; **17,** 524
use, for, **1,** 525, 537—540, 550—554
user of chattel by, deposit, in case of, **1,** 534
hire of chattels for use, in case of, **1,** 553 ; **27,** 899
hire of custody, in case of, **1,** 544
loan, in case of, **1,** 540
mandate, in case of, **1,** 536
valuable consideration, for. *See* reward, for, *supra.*
warehouseman as, **1,** 547, 549 ; **13,** 408
wharfinger as, **1,** 547
work or labour, to do, **1,** 525, 546, 556—562. *See* HIRE OF WORK AND LABOUR.

BAILIFF,
account, liability to, of, **13,** 27
bound or special, **14,** 18 ; **25,** 803
city, of a, as charity trustee, **4,** 258
commissioner of sewers, as, **25,** 776
county court, of, appointment of, **1,** 152 ; **8,** 421
appraiser, as, **8,** 565 ; **28,** 228
assault by, liability in case of, **25,** 827 n.
assault on, **8,** 427
authority of, **1,** 152
bill of exchange, seizure of, by, **2,** 510
broker, acting as, **1,** 152 ; **8,** 565

BAILIFF—*continued.*
county court, of—*continued.*
duties of, **8,** 422
execution by, **8,** 558—560
extortion by, **8,** 424
false statement by, **8,** 426
high bailiff, not the servant of, **20,** 65 n.
insults to, **8,** 615
irregularity by, **25,** 812 n.
judgment creditor's claim, promise to pay, to, **15,** 462 n.
killing by, while executing civil process, **9,** 573
misconduct of, **8,** 424, 426
negligence of, **8,** 425
protection of, **8,** 426, 427
sale by, auctioneer's licence not required for, **1,** 501
security by, **8,** 662
service of summons by, **8,** 468, 475, 476
special, appointment of, **8,** 421
trespass by, **25,** 812 n.
trover against, **25,** 812 n.
court baron, of, admittance to copyhold, **8,** 105
duties in connection with copyholds of, **8,** 65
distress, to levy, agent of landlord, **11,** 162, 187 n.
appointment of, **8,** 661, 662 ; **11,** 131, 162
appraiser, as, **11,** 171 n.
authority of, **1,** 167 ; **11,** 160—163, 187 n.
certificate of, **1,** 152 ; **8,** 661 ; **11,** 162
corporation, for, **11,** 131
excessive
charges by, **11,** 215 n.
distress by, **11,** 163, 205
exercise of duties by, **11,** 160—166, 186, 215 n.
fees and charges of, **11,** 186, 187, 215 n.
Agricultural Holdings Acts, under, **1,** 256
sale to recover, **11,** 160, 182
illegal act of, ratification by landlord, **11,** 162, 204
indemnity in case of, **11,** 161
irregular distress by, **11,** 147, 187 n., 204, 205, 215
landlord's remedy against, for excessive distress, **11,** 163, 205
misconduct of, **8,** 662 ; **11,** 147, 163
mortgagor as, **11,** 129
possession of impounded goods by, **11,** 170
receiver
acting as, **11,** 131 n.
acting for, **24,** 392
rent, authority to receive, **1,** 167 ; **11,** 163
rescue and pound breach in case of, **11,** 195
sale by, **11,** 180—186. *See* DISTRESS FOR RENT.
fees and expenses, for, **11,** 160, 182
security by, **8,** 662
tender of rent to, **11,** 154
wrongful act of, **11,** 147, 187 n., 205, 215
execution of judgment, for, **14,** 18, 19
farm, master or servant, whether, **20,** 65 n., 78 n.
notice of dismissal in case of, **20,** 98 n.
fishery, **14,** 603, 607—609. *See* water, *infra.*
franchise, of, *defined*, **25,** 798, 799
duties of, **25,** 799, 800 n., 805 n., 806 n., 812
execution within, **14,** 18, 19 ; **25,** 811, 812
forfeiture of, by lord, for default in arrest of felons, **25,** 811 n.
liability for acts of, **25,** 815, 830, 832
non-return to writ by, **25,** 815
writs appertaining to, **25,** 802

BAILIFF—*continued.*
high, actions by or against, **8,** 423, 424, 426
appointment of, **8,** 421
conversion by, **17,** 634, 638 n.; **25,** 812 n.
damages, liability in, of, **8,** 425; **17,** 638; **25,** 812 n.
deputy, appointment of, **8,** 421
directions to, application for, **8,** 507
distress for rent by, **8,** 564, 661, 662; **11,** 162
duties of, **8,** 422
execution by, **8,** 422, 557—560
out of jurisdiction, **8,** 567, 568
interpleader by, **17,** 627—641
expenses in case of, **17,** 631, 632, 636, 640, 641
inventory and appraisement by, **8,** 570
negligence or misconduct on part of, **8,** 425, 426; **17,** 635, 636; **25,** 812 n.
possession fees of, **17,** 631, 632, 636, 638, 640, 641
registrar of county court as, **8,** 421
replevin, duties in connection with, **11,** 201, 202
salary of, **8,** 422
sale by, duty in case of, **17,** 633—635
vessel under order of county court, **1,** 138
security to be given by, **8,** 423
service of summons, duties as to, of, **8,** 475, 476
solicitor, may not act as, **8,** 423
Southwark, of, election of, **25,** 799 n.
surety for party to action, may not be, **8,** 423
withdrawal from possession by, when justifiable, **17,** 631, 632
infant cannot act as, **11,** 163; **17,** 47; **25,** 803
manor, of, appointment of, **8,** 65
cannot make grant of copyholds, **8,** 84
powers and duties of, **8,** 65
surrender of copyholds to, **8,** 97, 104
Salford Hundred Court, of, interpleader relief to, **17,** 642
sheriff's officer, admission by sheriff, evidence against, **25,** 830
appointment of, **25,** 803, 804
arrest by, **25,** 814 n.
authority of, **14,** 18; **25,** 803
bailiff of liberty as, **14,** 19
breach of duty by, **25,** 803, 826—830
bribery of, **25,** 830, 833
contempt of court by, **7,** 295; **25,** 831
Crown debt, receipt of sheriff for, **25,** 820
declaration of office by, **25,** 800 n., 803
deputy, appointment of, **25,** 803
disqualification of, **25,** 804
excise on-licence, to hold, **18,** 13, 14, 54
justices' licence, to hold, **18,** 56
duties of, **25,** 803, 804
executing writ, authority of, **14,** 18
extortion by, **9,** 482; **25,** 803, 830, 833
false imprisonment by, **25,** 827 n.
fees and poundage of, **14,** 37; **25,** 832—840
accounting for, **25,** 803, 804
fieri facias improperly executed by, **25,** 826 n., 827, 828 n.
fraud of, **25,** 826 n.
interference with, **14,** 22
jury service, exempted from, **18,** 231 n.; **25,** 804
servant of, **25,** 804
knowledge of, when notice to sheriff, **25,** 830
liability for acts of, **25,** 826—830
London, City of, in, **25,** 803
misconduct of, **25,** 830—832
nature of office of, **25,** 803

BAILIFF—*continued.*
sheriff's officer—*continued.*
neglect of duty by, **9,** 487
negligence of, **21,** 368 n.; **25,** 826 n., 828
non omittas clause, acting under writ containing, **14,** 19
notice to, of act of bankruptcy not notice to execution creditor, **2,** 291
overcharge, unintentional, by, **25,** 831
partnership not possible between bailiffs, **25,** 803
pretending to be, **25,** 832
prohibition of sale or letting by, **25,** 803
public act of, who can ratify, **1,** 173
refusal to arrest felon by, **25,** 811
rights to fees of, **14,** 37; **25,** 832—840
salary of, **25,** 803, 804
sale of office by, **25,** 803
security by, **25,** 803
sheriff's liability for acts of, **23,** 322 n.; **25,** 826—830
Sheriff's Act, application of, **25,** 807 n.
trespass by, **25,** 812 n.
trover against, **25,** 812 n
warrant to, **14,** 18, 19
writ for parliamentary election, offences in connection with, **12,** 538
wrongful
act of, **25,** 826—830
assumption of office of, **25,** 832
special, appointment etc. of, **8,** 421, 661; **14,** 37; **25,** 804, 828, 829
water, **14,** 607—609
appointment of, board of conservators, by, **14,** 603, 607; **22,** 496
private owner, by, **14,** 607
arrest without warrant by, illegal fishing, for, **14,** 608
private fishery, in, **14,** 607
powers of, **14,** 607—609; **22,** 496
proceedings by, Salmon etc. Fisheries Acts, under, **14,** 609
search of fishing vessels by, **14,** 608
search warrant, obtaining of, by, **14,** 608
seizure of forfeited articles under Fishery Acts, by, **14,** 608
warrant of appointment, production of, on demand, **14,** 608
weirs, etc., examination of, by, **14,** 608

BAILIFFS' COURT,
of Llandovery, **9,** 176

BAILIWICK,
defined, **25,** 798

BAILMENT. *See also* BAILEE; BAILOR.
The title BAILMENT *is contained in Vol. I., pp.* 523 *et seq.*
defined, **1,** 524
abandonment of chattel, effect of, **1,** 529
accident, inevitable, effect of, **1,** 533, 545, 559, 560
account, mandatory's liability to, **1,** 536
acquiescence, effect of, **1,** 551, 558
ambiguous contract of, **1,** 535
animal, of,
dangerous, **27,** 465 n.
diseased, **1,** 419
auctioneer, innocent conversion by, **1,** 520, 521, 556
bailee, obligations of. *See* BAILEE.
bailor, obligations of. *See* BAILOR.

BAILMENT—*continued.*
bill of sale, as distinguished from, **1,** 554, 555
borrower, obligations of, **1,** 538, 539, 541
care and diligence required in, **1,** 526
auctioneer, in case of, **1,** 514
carrier, in case of, **4,** 4, 5; **26,** 326
deposit, in case of, **1,** 532
gratuitous bailee, in case of, **1,** 531, 532; **7,** 389
gratuitous loan for use, in case of, **1,** 538, 541
hire for use, in case of, **1,** 552
hire of custody, in case of, **1,** 544
mandatory, in case of, **1,** 535, 536
nature of chattel bailed as affecting, **1,** 532, 538
pawn, in case of, **22,** 243, 254
workman (hire of labour), in case of, **1,** 560
carriage, of, **1,** 551; **20,** 67
carrier of goods, in case of, **1,** 526; **4,** 2—5; **17,** 471; **20,** 67
classes of, **1,** 525, 526
cloak-room accommodation, position of, **1,** 548, 549
collateral contract, effect of, **1,** 546
commodatum, nature of, **1,** 525, 537, 540. *See* COMMODATUM; LOAN.
confidential relationship, breach of, **1,** 534
conversion of chattel bailed, **1,** 528—530, 556, 563; **13,** 406; **19,** 50; **27,** 866, 899, 914
damages, conversion by bailee, in case of, **1,** 563
negligence, for loss through, **1,** 546, 553, 560
third party, in bailee's action against, **1,** 564; **10,** 344
defective goods, liability in case of, **1,** 539, 540, 544, 550, 551
delegation, powers as to, **1,** 537, 540, 560, 561
demand
joint bailors, in case of, **1,** 565
limitation of action, as affecting, **1,** 541, 565; **19,** 50
quasi-bailment, in case of, **1,** 541, 542
when required, **1,** 541, 542, 564, 565
depositum, **1,** 525—534
accidental, **1,** 527—531
consideration for, **1,** 533
finder, in case of, **1,** 528—531. *See* FINDER.
involuntary, **1,** 528
mistake, by, **1,** 527, 542
necessity, by stress of, **1,** 527
opening receptacle, **1,** 534
place of deposit, liability in regard to, **1,** 534
return of chattel to bailor, **1,** 533
undertaking to keep safely, **1,** 533
user of chattel, **1,** 534
depreciation of chattel bailed, damages in case of, **1,** 553
determination of, on misuse, **1,** 534; **27,** 899
distress on chattel bailed, effect of, **1,** 546, 555; **11,** 206
ejus est periculum, cujus est dominium, **1,** 541
estoppel by acceptance of, **1,** 562; **13,** 324; **27,** 869
factor, lien of, **1,** 197, 547
finder of chattel, position of, **1,** 528—531. *See* FINDER.
fire insurance, rights as to, **1,** 545, 546; **17,** 369, 471, 494, 524, 525
loss by, liability in case of, **1,** 545; **17,** 524
gift, as distinguished from, **15,** 432 n.
gratuitous, deposit, by way of, **1,** 525—534
mandate, **1,** 535—537
nature of, **1,** 531—534
quasi-bailment, **1,** 541—543
use, for, **1,** 537—540. *See* LOAN, chattel.

BAILMENT—*continued.*
hire of
chattel, by way of, **1,** 550—554; **27,** 906
custody, by way of, **1,** 543—550
work and labour, by way of, **1,** 556—561
hire purchase agreement, position of, **1,** 554—556; **25,** 180
horse, of, **1,** 551
impossibility as excuse for non-return of goods, **1,** 553, 559
infant's liability on contract of, **1,** 553 n.; **9,** 240, 631; **17,** 75
inherent vice, loss through, **1,** 560
innkeeper, position of, **1,** 543 n., 551; **17,** 314, 524
inspection by hirer of chattel, effect of, **1,** 551
insurance against fire in case of, **1,** 545, 546; **17,** 369, 471, 494, 524, 525
insurer, bailee as, **1,** 533, 534, 540, 544, 559, 560; **17,** 524, 525
intermixture of chattels, effect of, **1,** 542, 543; **17,** 317 n.
interpleader relief in case of, **1,** 562; **13,** 56, 57, 407; **17,** 583; **22,** 247
interrogatories in cases of, **1,** 562; **11,** 99
joint, rights and liabilities in case of, **1,** 565; **27,** 895 n.
King's enemies, effect of acts of, **1,** 533
labour, lien acquired by, **1,** 547
larcency by finder of chattel, **1,** 529; **9,** 631—633
lien of bailee in case of, **1,** 547—549, 551, 561, 562; **25,** 243; **27,** 907 n. *See* BAILEE.
third party over chattel bailed, **1,** 553
limitation of actions in case of, **1,** 541, 565; **19,** 50
locatio
conductio, nature of, **1,** 525
custodiæ, nature of, **1,** 525, 543—550
operis faciendi, nature of, **1,** 525, 556—561; **28,** 861, 862
operis mercium vehendarum, nature of, **1,** 526; **4,** 4
rei, nature of, **1,** 525, 550—554
loss of chattel bailed, liability in case of, **1,** 541, 544, 545, 560
luggage, railway company's liability for, **1,** 549; **4,** 40—44
mandatum, nature of, **1,** 525, 535—537. *See* MANDATE (Bailment).
material, of, in case of hire of work and labour, **1,** 557, 558
misuse of chattel bailed, effect of, **1,** 536, 537, 540
mortgage, as distinguished from, **1,** 554; **22,** 235; **27,** 232
mutuum, nature of, **1,** 540, 541
negligence, liability in respect of. *See* BAILEE.
novation, effect of, **1,** 560, 561
opening of receptacle by depository of chattel, **1,** 534
pawn, nature of, **1,** 525, 562; **22,** 235
pawnbroker taking goods subject to, **22,** 256. *See also* PAWN; PLEDGE.
payment, hire of chattel for, reduction on premature return in case of, **1,** 552
material used, for, **1,** 557, 558
mistake, by, arising out of, **1,** 542
work and labour, for hire of, **1,** 557—559
performance of work, workman's liability for, **1,** 559
place of deposit, breach of duty as to, **1,** 534

BAILMENT—*continued.*
pledge, nature of, **1,** 525, 556, 562; **22,** 234, 235; **27,** 232. *See* PAWN; PLEDGE.
pledgee, conversion by, **1,** 556; **22,** 243
possession of bailee, nature of, **1,** 541; **22,** 243, 392—394; **25,** 249. *See* BAILEE.
privity of contract in work and labour, **1,** 560, 561
pro mutuum, nature of, **1,** 541, 542
profit made in respect of chattel bailed, right to, **1,** 536
proof of negligence, in hire of custody, **1,** 545
purchaser finding concealed property, position of, **1,** 529, 530
quantum meruit, liability for, in hire of work and labour, **1,** 558
quasi, nature of, **1,** 540—543
intermixture of chattels by
accident, **1,** 542, 543
act of God, **1,** 542
agreement, **1,** 542
fraud, **1,** 542
mutuum enhancement of value, effect of, **1,** 541
mutuum obligations of borrower, **1,** 541
pro-mutuum obligation of recipient to return equivalent, **1,** 542
quiet enjoyment, implied promise of, **1,** 551
railway company, with reference to, **1,** 548, 549; **4,** 40—44
real estate, none in case of, **1,** 537
reduction of price of hire in case of premature return of chattel bailed, **1,** 552
remuneration of workman, loss of right to, **1,** 560
repairs, liability in respect of, **1,** 552, 553
return of chattel bailed, liability for, **1,** 527, 533, 537, 539, 553, 560, 564
reward, for, **1,** 526, 543—562
Roman law, based on, **1,** 525
sale, approval, on, in case of, **25,** 178 n., 180
distinguished from, **1,** 524
right of, **1,** 549
servant, accompanying bailed chattel, warranty of fitness of, **1,** 551
negligence of, liability for, **1,** 545, 553, 564; **22,** 392
skill, mandatary's implied warranty of, **1,** 536
special contract for, construction of, **1,** 544, 547, 548, 552
effect of, **1,** 532, 533, 539
strays found on private property, **1,** 531
subcontract, privity in case of, **1,** 560, 561
tender by bailor, in case of excessive lien being claimed, **1,** 548
termination of, delegation, by, **1,** 540
user, by, **1,** 534, 563; **27,** 899
third party, delivery over to, for, **1,** 527
lien acquired by, over chattel repaired at request of, **1,** 553
rights and obligations as regards, **1,** 563, 564. *See also* BAILEE.
timber, accidental deposit of, **1,** 528
treasure trove found on private property, **1,** 531. *See* TREASURE TROVE.
trespass, right to sue in, how affected by, **27,** 866
trover, action in, by bailor or bailee, **1,** 563, 564; **27,** 899, 906, 910 n.
trustee, bailee as, **1,** 546; **17,** 524
user of chattel by bailee, effect of, **1,** 534, 536, 540, 544, 553, 563; **27,** 888, 899. *See* BAILEE.
vadium, nature of, **1,** 525
valuable consideration, for, **1,** 526, 543—562

BAILMENT—*continued.*
value, increase in, of chattel bailed, **1,** 541
vice, inherent, loss through, **1,** 560
voluntary service, position of, **1,** 557
waifs on private property, **1,** 531
waiver of breach of duty of workman, **1,** 560
warehouseman, position of, **1,** 547, 549; **13,** 408
warranty of fitness in case of, **1,** 536, 550, 551
wear and tear, liability for, **1,** 538, 552
wharfinger, position of, **1,** 547
work and labour, hire of, **1,** 556—561. *See* HIRE OF WORK AND LABOUR.
workman, breach of duty by, **1,** 560
writing unnecessary for hire of custody, **1,** 543

BAILOR. *See also* BAILEE; BAILMENT.
defined, **20,** 67
bailee
cannot question title of, in conversion or detinue, **13,** 406; **27,** 914
negligence of, liability for collision caused by, **26,** 526 n.
ejus est periculum, cujus est dominium, **1,** 541
employer, as distinguished from, **20,** 67
estoppel of bailee as against, **1,** 562; **13,** 324, 406; **27,** 869
insurable interest of, **17,** 524
interrogatories to, as to title, **1,** 562; **11,** 99
joint, rights and liabilities of, **1,** 565; **27,** 895 n.
negligence of bailee, liability for, of, **1,** 564; **26,** 526 n.
nominee of, delivery to, **1,** 526, 527
obligations of, **1,** 539, 550—552, 557—559
reversion, action for injury to, **1,** 563; **27,** 866 n.
taxicab owner as, **20,** 67 n.
tender by, where excessive lien claimed, **1,** 548
third party, action against, for injury to chattel bailed, **1,** 563
title of, bailee estopped from questioning, **1,** 568; **13,** 324, 406; **27,** 914
interrogatories as to, **1,** 562; **11,** 99
pledgee, against, **1,** 556
trespass, action for, by, **27,** 866, 869
trover by, **1,** 563; **27,** 906

BAIT,
fishing for, licence not required for, **14,** 613 n.
poisoned, liability for using, **15,** 227
roe not to be used as, **14,** 612

BAITING,
animal, penalty in case of, **1,** 412; **15,** 285, 286 n.
bull, of, offence and penalty, **1,** 412; **27,** 276
horse, payment for, during election, **12,** 294

BAKEHOUSE,
defined, **14,** 440
construction of, regulations affecting, **14,** 458—460
employment of male person over sixteen in, **14,** 504, 505
factory inspector or district council, proceedings by, **14,** 459
hours of employment in, **14,** 504
insanitary, **14,** 458, 459; **20,** 404
painting and limewashing of, **14,** 458, 459
penalties, for breach of regulations affecting, **14,** 458, 459, 460
retail, *defined*, **14,** 460
provisions relating to, **14,** 460, 461
sleeping places to be separated from, **14,** 459
underground, **14,** 459, 460

BAKER,
ingredients other than statutory, liability for use of, **15,** 47, 48
justice of the peace, acting as, in bread offences, **15,** 53
offences by, punishment of, **15,** 46—53
restrictive covenant affecting, **27,** 554 n., 574 n., 584
scales and weights, provision of, by, **15,** 50, 51
search on premises of, **15,** 48
servant of, liability of, **15,** 47 n., 53
Sunday Observance Act, observance of, **15,** 46, 47 n.
trade implements of, distress upon, **11,** 142

BAKING POWDER,
is not an article of food, **15,** 5 n.

BALANCE,
account, of, county court action for, **8,** 429
promise to pay, **7,** 489
admission of, by trustee, effect of, **7,** 490
assignment of a, **4,** 368, 369
bank, at, attachment of, **1,** 585
bankruptcy, effect of, **1,** 585
limitation of action in respect of, **1,** 586
two or more branches, at, drawing on, **1,** 606
building contract, due under, ascertainment of, **3,** 214, 215
convenience, of, court guided by, **17,** 221, 222
order, in winding up of company. *See* BALANCE ORDER.
partnership, due by and to partner, **22,** 75
receiver's duty to pay into court, **24,** 412
tender of, not legal tender, **7,** 419
weighing, for. *See* WEIGHING MACHINE.

BALANCE ORDER,
application for, **5,** 502
enforcement of, **5,** 504, 547
final judgment for bankruptcy purposes, is not, **2,** 26 ; **5,** 504
right of action not merged in, **5,** 504
voluntary liquidation, in, **5,** 581

BALANCE-SHEET,
assurance company, of, **5,** 631, 632
Board of Trade powers as to, **5,** 632, 633
banking company, of, signature of, **5,** 266
bankrupt, acknowledgment of debt by, **19,** 63, 80, 93
collecting societies, of, regulations as to, **15,** 174
Companies Clauses Consolidation Acts, under, **5,** 722
company, of, audit of, **5,** 267, 268
capital stated in, **5,** 722
commissions paid to be stated in, **5,** 95
copies for shareholders of, **5,** 267, 633
debenture holder's rights, **5,** 357
director's liability for, **5,** 266
falsification of, **5,** 313 ; **9,** 660, 661
foreign company, of, **5,** 760
inspection of, **5,** 74, 267, 357, 722
making out of, **5,** 266 n., 631, 722
signatures to, **5,** 266, 632, 722
falsification of, **5,** 313 ; **9,** 660, 661 ; **15,** 187 ; **17,** 32
friendly society, of, exhibition of, **15,** 174
falsification of, **15,** 187

BALANCE-SHEET—*continued.*
industrial society, of, exhibition of, **17,** 27
falsification of, **17,** 32
members' rights as to, **15,** 148
partnership, of, deceased partner's share ascertained by, **22,** 73, 107
goodwill, in relation to, **22,** 107
railway company, of, **23,** 644

BALCONY,
safety of, provision for, **23,** 430

BALK,
defined, **4,** 536 n.
common field, in, ploughing up, **4,** 536
division of commonable lands by, **4,** 479
ownership of boundary, **3,** 124, 125

BALL,
occasional excise licence in respect of, **18,** 98

BALL-ROOM,
licence for, **27,** 415 *et seq.* *See* DANCING.

BALLAST,
provision of, with reference to time for loading ship, **26,** 185
removal from shore of, prohibition of, **28,** 383, 384
Thames, power to dredge out of, **28,** 409, 410

BALLCOCK,
provision of, in case of water supply, **28,** 324

BALLET,
as stage play, **27,** 414

BALLOON,
trespass by, **27,** 848 n.

BALLOT,
box, construction of, **12,** 316
interfering with, **12,** 531 n.
opening of, **12,** 326
provision of, election of rural district councillors, at, **12,** 379, 380
election of urban district councillors, at, **12,** 372
returning officer, by, **12,** 311
sealing and custody of, **12,** 320
building society, advances of, received by, **3,** 334, 335, 363, 364
dispute, arbitrators elected by, **3,** 382
distribution of land by, **17,** 6
criminal offences relating to, **9,** 762 ; **12,** 530, 534, 535, 538, 539
distribution by, co-operative building society, **17,** 6
forgery of nomination paper, **9,** 762
House of Commons, in, for precedence of private member's Bill, **21,** 675
Jewish Sabbath, on, provision as to, **11,** 828
loan society, advances received by, **19,** 223
London, City of, in, **12,** 394
false answers to statutory questions at, **12,** 532
minister elected by, **4,** 251
paper, account, meaning of, **12,** 320
county court jurisdiction in respect of, at municipal elections, **8,** 635
criminal offences connected with, **9,** 762 ; **12,** 530 n., 531 n.
custody of, by Clerk of Crown in Chancery, **12,** 329

BALLOT—*continued.*
paper—*continued.*
disposal of, **12,** 320, 329—331, 350, 351
formal requirements of, **12,** 316
improperly marked, effect of, **12,** 458
inspection of, **12,** 330, 428, 511
official mark on, **12,** 313
omission of withdrawn candidate's name from, **12,** 312, 313
production of, as evidence, **8,** 635; **12,** 428, 511
rejected, **12,** 316 n., 317 n., 328—330
sealing of, during or after counting, **12,** 320, 326, 327, 329
spoilt, **12,** 319, 320
striking off vote improperly recorded on, **12,** 458
tendered, **12,** 317
void, **12,** 313
wrongful application for, **12,** 292, 293
secrecy of, **12,** 318, 531, 534
infringing, **12,** 535
municipal election, in, **12,** 517
tampering with, **12,** 530, 532
trade union, by members of, **27,** 609—611
urban district council, chairman cannot be elected by, **12,** 375
councillors elected by, **12,** 368

BALTIC,
meaning of, in commercial language, **17,** 344

BANBURY,
local court of, **9,** 139

BANDS,
election, at, illegal payment for, **12,** 301, 347
public parks, provision of, in, **20,** 397; **21,** 589

BANISHMENT. *See* EXPULSION.

BANK. *See* BANKER.
The Title BANKERS AND BANKING *is contained in Vol I., pp.* 567, *et seq. For the general law relating to banking, see* BANKER.
defined, **1,** 568
absorption or amalgamation of, effect of, **1,** 642
acceptance of bill of exchange payable at, **1,** 614
action against officer of, **5,** 612 n.; **27,** 170 n.
advance to customer by. *See* ADVANCE.
amalgamation of, effect on guarantees of, **1,** 642; **15,** 500
assignment of current account at, **1,** 585; **4,** 368
attachment of deposit in, **1,** 585, 588, 606
Post Office Savings Bank, in, **1,** 580
balance at, assignment of, **1,** 585; **4,** 368
attachment of, **1,** 585
lien of bank on, **1,** 620, 622
limitation of action in regard to, **1,** 586; **19,** 47
money, included in gift of, **1,** 585; **28,** 705
two or more branches, at, drawing on, **1,** 606; **2,** 516
Bank of England. *See* BANK OF ENGLAND.
Bank of Ireland. *See* BANK OF IRELAND.
banking society under Industrial and Provident Societies Act, 1893, **17,** 4, 5, 22, 31
borrowing, bank overdraft, by means of. *See* OVERDRAFT.
branch of, balance at two or more branches, drawing on, **1,** 606; **2,** 516
duty in respect of customers' cheques, **2,** 516

BANK—*continued.*
business of banking, **1,** 568, 583—647; **27,** 509. *See* BANKER.
chartered, position of, **1,** 570, 581; **5,** 612
cheque, holding in its own right, when, **1,** 592, 596. *See* CHEQUE.
clearing bank, presentment of cheques by, **1,** 590
status of, **1,** 568
clearing house, practice of, **1,** 568, 590
position of, **1,** 568
colonial, position of, **1,** 583
Commissioners of Woods, account of, **7,** 125, 126
company for banking, application of various Acts to, **1,** 581—583; **5,** 28, 35, 612—616
audit of accounts of, **1,** 582; **5,** 613
balance-sheet, signature of, **5,** 266
Board of Trade inspection of, **5,** 270, 613
classification of, **5,** 612
constitution of, **5,** 612—616
formation of, **1,** 581—583; **5,** 28, 29, 44, 62, 612—614; **22,** 16, 108
incorporation of, **5,** 613
proceedings against, **5,** 479
registration under Act of 1908, existing bank, of, **5,** 614, 621
when necessary, **5,** 44, 613
returns by, **1,** 582; **5,** 614
sale of shares in, **5,** 615, 616; **7,** 404; **9,** 758; **10,** 268 n.
shareholders of, liability to execution, **14,** 13
statement, annual, **1,** 583
before commencing business, **5,** 613
trustee savings bank as, **5,** 614
constitution of, **1,** 570—583; **5,** 612—616
co-operative bank, registration of, **17,** 4 n.
deposit with. *See* BANKER.
directors, proof of appointment of, **13,** 443
draft, *See* BANKERS' DRAFT.
foreign or colonial, **1,** 583
holiday. *See* BANK HOLIDAY.
illegal association to carry on, **1,** 581; **5,** 44, 613, 765; **22,** 6
income tax with reference to, **16,** 653
industrial and provident society as, **17,** 4, 5, 22, 31
Ireland, in, issue of notes by, **1,** 576. *See also* BANK OF IRELAND.
joint stock. *See* company for banking, *supra.*
limitation of action in regard to cash at, **1,** 586; **19,** 47
liquidator of company, account by, **5,** 454, 458, 460, 461
military savings bank, **1,** 579
money-lender, prohibition of use of term by, **21,** 47, 57
naval savings bank, **1,** 579
note. *See* BANK NOTE.
overdraft on. *See* OVERDRAFT.
partners in, limit as to number of, **5,** 613; **22,** 16, 108
post bill, property in, on banker's insolvency, **2,** 172
Post Office Savings, **1,** 579, 580
private, **1,** 583
returns, failure to make, effect of, **5,** 766 n.
sale of shares etc. of, **5,** 615, 616; **7,** 404
false entry on, **9,** 758
savings bank, **1,** 576—580. *See* SAVINGS BANK.
Scotland, in, note issue by, **1,** 575
seamen's savings bank, **1,** 579
stock, power of attorney to transfer, **10,** 398

BANK—*continued.*
trustee savings bank, **1,** 576 –578. *See* TRUSTEE SAVINGS BANK.
winding up of, **5,** 614
weekly statements of note issue by, **1,** 573

BANK (stream etc. of). *See also* BALK.
defined, **27,** 351
canal, of, protection of, **23,** 782, 784
ditch, of, what included in, **27,** 351
fishing rights with respect to, **14,** 575, 582
navigation company, statutory duty to maintain, **28,** 457
non-tidal water, of, rights over, **28,** 358, 396—400
raising of, to confine flood water, **28,** 456, 457
river, of. *See* RIVER.
seashore. *See* FORESHORE ; SEASHORE.
tidal navigable water, of, right of landing etc. on, **28,** 372, 373, 391—395

BANK HOLIDAY,
defined, **14,** 446, 447 ; **27,** 442
days appointed to be, **27,** 442
last day of grace falling on, **2,** 477, 478

BANK NOTE,
defined, **1,** 569 ; **2,** 566
alteration, forging etc. of, **1,** 571, 575 ; **7,** 426 n. ; **9,** 715, 716
Bank of England, of, **1,** 570—575 ; **2,** 566
amount which may be issued, **1,** 571
compensation payable by, to banks for relinquishing right to issue **1,** 571, 572
holder of, rights of, **1,** 571
imitating, **9,** 717
legal tender, as. *See* legal tender, *infra.*
periodical statement as to issue, **1,** 571
stamp duty exemption, **1,** 571
Bank of Ireland, of, **1,** 575, 576
bank stopping payment, payment by note of, **1,** 575
carrier's liability for loss of, **4,** 23
compensation for relinquishment of right to issue, **1,** 572, 573
conversion of lost, **27,** 912
country bank, of, accepting payment by, **1,** 574 ; **15,** 536
issue of, **1,** 571—573
donatio mortis causâ of, **15,** 433
engraving, **9,** 717, 718
forgery etc. of, **1,** 575 ; **9,** 715, 716—719
gift of, **15,** 433 ; **28,** 696
half-note, **1,** 574
holder for value of, rights of, **1,** 571 ; **2,** 566
indictment, how described in, **9,** 340 n.
interest payable on, **1,** 575
Ireland, of bank in, **1,** 575, 576
legal tender, as, **1,** 570, 574 ; **2,** 566, 567 ; **6,** 461 ; **7,** 419 n.
Ireland, in, **1,** 570, 576 ; **6,** 461 n.
Scotland, in, **1,** 570, 575 ; **6,** 461 n.
liability for issue of, **5,** 62
licence for issuing, **1,** 573
locality of, description by reference to, **28,** 696
loss of, conversion in case of, **27,** 912
whole or half note, of, recovery of amount on indemnity, **1,** 474
negotiability of, **2,** 566, 567
one pound, for, **1,** 574
paper for, sale of, **9,** 717

BANK NOTE—*continued.*
payment by, **1,** 570, 574—576 ; **2,** 566
personal estate, as, **22,** 389 ; **28,** 696
presentation of, must be within reasonable time, **1,** 574
printer's name need not appear on, **23,** 213
railway company's liability for loss of, **4,** 41
re-issue after payment of, **1,** 574
right to issue, **1,** 568, 571, 572 ; **2,** 566
Scotland, of banking company in, **1,** 575
Scots and Irish, circulation in England, **1,** 574
stamp duty on, **1,** 571, 573 ; **24,** 704 n.
value of, **1,** 570, 574 ; **2,** 566
weekly statement of issue of, **1,** 573

BANK OF ENGLAND,
advances by, on account of revenue, **24,** 542
branches of, **1,** 570
building society, deposits of, paid into, **3,** 379
stock in, transfer of, **3,** 380
capital of, **1,** 570
charging order affecting, **14,** 107 n., 109 n.
charter of, **1,** 570 ; **5,** 612
Commissioners of Woods, account of, **7,** 125
company in liquidation, payment of money due to, into, **5,** 473
compulsory acquisition of land, deposit of purchase money on, with, **6,** 99—101, 107—110, 114—124. *See* COMPULSORY PURCHASE OF LAND.
costs in case of, **6,** 124—135. *See* PROMOTERS OF UNDERTAKINGS.
consols etc., duties with regard to, **1,** 570 ; **24,** 757
constitution of, **1,** 570 ; **24,** 757
distringas against, in Divorce Division, **16,** 588, 589
notice in lieu of, **14,** 113—115
dividends paid by, **24,** 758
election petition security
deposited in, **12,** 422, 495
payment out of, **12,** 479, 495
embezzlement by officer of, **9,** 654
evidence of death accepted by, **13,** 503 n.
exchequer account at, duties as to, **16,** 767 ; **24,** 541, 542
executor selling or transferring stock at, prevention of, **17,** 265
falsification of accounts of stock, etc. at, **9,** 755
friendly society's funds payable into, **15,** 161, 168, 170
Government revenues appropriated to, **1,** 570
income tax, commissioners of, governor and directors are, **16,** 615
deduction of, from dividends paid by, **16,** 639 ; **24,** 537 n.
industrial society's stock at, transfer of, **17,** 21
injunction against transfer of stocks or shares at, **17,** 265, 266
inspection of books of, **11,** 91 n.
lunacy credit at, **19,** 461
Municipal Corporations Act, 1882, Security Fund, at, **12,** 495, 496
National Debt Commissioners' account at, **1,** 576, 577 ; **3,** 379 ; **15,** 168, 170
National Debt Stock accounts kept at, **24,** 737
note issue of. *See* BANK NOTE.
periodical statement as to issue department of, **1,** 571
revenue, payment of, into, **24,** 541
seal of, judicial notice of, **13,** 496

BANK OF ENGLAND—*continued.*
settlement of funds transferable in books of, **25,** 530
stock, transfer of, **3,** 380; **24,** 758
trustee investment, as, **28,** 132 n.
transfer of securities at, **1,** 570; **27,** 245
Treasury bills, issue of, **24,** 548

BANK OF IRELAND,
advances on account of revenue by, **24,** 542
building society's stock, transfer of, **3,** 380
Commissioners of Woods, account of, **7,** 125, 126
constitution of, **1,** 575
embezzlement by officer of, **9,** 654
Exchequer account at, duties as to, **24,** 541, 542
friendly society's funds paid into, **15,** 168, 170
industrial society's stock at, transfer of, **17,** 21
National Debt Commissioners' account at, **15,** 168, 170
note issue of, **1,** 576
revenue, payment of, into, **24,** 541
stock of, transfer by building society of, **3,** 380
trustees' investment in, **28,** 132 n.

BANK POST BILL, 2, 172

BANKER. *See also* BANK.
The title BANKERS AND BANKING *is contained in Vol. I., pp.* 567 *et seq.*
defined, **1,** 568
acceptance of documentary bill by, **1,** 624
acceptor of cheque, not an, **2,** 465
access to books, knowledge presumed from, **13,** 448
account with, current. *See* CURRENT ACCOUNT.
deposit, **1,** 588—590, 596, 622; **19,** 47. *See* DEPOSIT ACCOUNT.
infant, of, **17,** 61
intimation as to purpose of, **1,** 584
liquidator of company, of, **5,** 458—461
set-off in case of, where several in number, **25,** 497, 498
action by, in respect of bill or note etc. deposited as security, **1,** 634, 636
administrators or executors, payment of cheque drawn by one of several, **1,** 605
advance by, **1,** 569, 630—639; **3,** 19. *See* ADVANCE.
agency of customer, effect of knowledge of, **1,** 635
ambassador's account, control by injunction over, **6,** 430 n.; **17,** 267 n.
and company, crossing to, **1,** 569; **2,** 480
appropriation of payments by, **1,** 586; **7,** 450; **15,** 537 n.
assignment, balance of account, in regard to, **4,** 368
deposit receipt, in regard to, **4,** 377; **13,** 98 n.
authority of, termination of, **1,** 585; **2,** 516, 517
bailee of valuables deposited, as, **1,** 533, 547, 627; **21,** 433
balance with, assignment of, **1,** 585; **4,** 368
attachment of, **1,** 585
lien of banker on, **1,** 620, 622
limitation of action in regard to, **1,** 586; **19,** 47
money, included in gift of, **1,** 585; **28,** 705
two or more branches, at, drawing on, **1,** 606; **2,** 516.
bank post bill, position of, on remitter's insolvency, **2,** 172
Bankers' Books Evidence Act, 1879. *See* BANKERS' BOOKS.

BANKER—*continued.*
bankruptcy, banker, of, **2,** 171
customer, of. *See* customer, *infra.*
payee of cheque, effect of, **1,** 603
bill of exchange, accepted payable by, **1,** 614; **2,** 550; **13,** 394, 395; **21,** 432
acceptor of cheque, is not an, **2,** 465
acting for customer without title to, **1,** 599
authority in relation to, **1,** 614, 615; **2,** 515—517
bearer bill, **1,** 614
collection of, **1,** 598
cheques, in case of. *See* CHEQUE.
discounting distinguished from, **1,** 629
lien on bills held for collection, **1,** 622
payment to true owner after crediting customer, **1,** 619
customer, acceptances of, not bound to pay, **2,** 550
signature of, not bound to know, **1,** 617; **2,** 550, 551
defective title of customer to, liability in case of, **1,** 599, 619; **27,** 894 n.
deposited as security, **1,** 634
discounting for customer, rights of, **1,** 629, 630; **2,** 498, 499
discretion in relation to, **1,** 615; **2,** 516
duties in relation to, **1,** 598, 599, 606, 622, 629; **2,** 515—517
employment of sub-agents in relation to, **1,** 598
indorsement by customer, **1,** 598, 629; **26,** 162
insolvency of banker in relation to, **2,** 171
issue of, disability in regard to, **2,** 489
liability in respect of, **2,** 465, 515—517
lien on, **1,** 598, 622, 623; **2,** 171, 499
negotiation of, discounted bill, **1,** 629
indorsed bill held under lien, **1,** 622
paid in for collection, when, **1,** 599
security, bill held as, **1,** 634
payable at office of, **1,** 614, 615
payable on demand, disability as to issue of, **1,** 572; **2,** 489
payment by banker, **1,** 614; **2,** 550; **13,** 394, 395
presentation of, by, **1,** 598, 622
prohibition in regard to issuing, **1,** 572
remedies against customer on, **1,** 629
bill of lading indorsed to, **26,** 162
Board of Trade inspection of affairs of, **5,** 613
bonâ fide dealing with money deposited, **1,** 584
borrowing by stockbroker from, **27,** 218, 231
business of, **1,** 568, 583—647; **27,** 509 n.
charges and commission of, **1,** 643
charity trustees, overdraft by, **4,** 235
chattel, deposit of, with, **1,** 533
cheque. *See* CHEQUE.
circular note issued by, **1,** 626, 627
Clayton's case, rule in, **1,** 586; **15,** 537 n.; **28,** 90, 208 n.
collection by, bankers' drafts, of, **1,** 602
bills of exchange, of. *See* bill of exchange, *supra.*
cheques, of. *See* CHEQUE.
dividend warrants, of, **1,** 600
orders for payment, of, **1,** 599
post office money orders, of, **1,** 601; **22,** 649
combination of different accounts of customer by, **1,** 587, 606

BANKER—*continued.*
commission of, **1,** 643
company for banking. *See* BANK.
contract with customer implied, **2,** 465
conversion by, **1,** 225; **27,** 894 n.
copy of entry in books of, as evidence, **1,** 644; **9,** 387; **11,** 91; **13,** 478, 554, 555
crossing of cheque by and to, **1,** 593; **2,** 480. *See* CHEQUE.
current account with. *See* CURRENT ACCOUNT.
custody of valuables by, **1,** 533, 627, 628; **21,** 433
customer *defined*, **1,** 590, 596,
bankruptcy of, authority to pay cheques determined by, **1,** 607; **2,** 516
balance cannot be drawn against, **1,** 606
balance must be paid to trustee, **1,** 585
contempt of court by refusal to deliver up property of, **2,** 189
guaranteed interest, no claim to, after, **1,** 642
notice of, as closing account, **21,** 251 n.
reopening account after, **1,** 607
death of, effect of, **1,** 578, 580, 585, 607; **2,** 516
deposit account, by virtue of, **1,** 590
duty of, **1,** 616; **21,** 432, 433
estoppel of, **1,** 619; **13,** 385, 400—402; **21,** 432
financial position of, disclosure of, **1,** 640, 643; **15,** 457 n., 501 n.
receipt of payment for, **1,** 595
relationship with, nature of, **1,** 584; **2,** 516; **13,** 156 n.; **19,** 166; **21,** 432, 433; **28,** 5 n.
remedies against customer on bill of, **1,** 629
set-off by or against, **25,** 489 n., 497, 498
signature of, presumed known to, **1,** 617; **2,** 550, 551
title of, in regard to, **1,** 584
damages against, for injury to credit, **1,** 608; **10,** 323
debiting customer by, after accounting for negotiable instrument to true owner, **1,** 619
debtor of customer, as, **1,** 584, 588, 597, 619; **2,** 516; **13,** 156 n.
defective title of customer to bill of exchange, **1,** 599, 619; **27,** 894 n.
pledgor of goods or documents, **1,** 638
deposit, husband, by, in wife's name, **16,** 394, 395
mortgage, by way of, **1,** 632—639. *See* EQUITABLE MORTGAGE.
negotiable securities, of, **1,** 634—639
stock certificate, of, **1,** 636, 637
title deeds, of, **1,** 632—634
valuables, of, **1,** 533, 628, 629; **21,** 433
deposit account, **1,** 588, 590. *See* DEPOSIT ACCOUNT.
deposit receipt. *See* DEPOSIT RECEIPT.
depositor, death of, trustee savings bank, **1,** 578, 580
married woman as, **1,** 577, 580; **16,** 349—351, 394, 395
disclosure of customer's account by, **1,** 640, 643
discounting bill, **1,** 599, 606, 622, 629, 634; **2,** 499
dividend warrant, collection of, by, **1,** 600, 601

BANKER—*continued.*
document of title to goods, advance on security of, **1,** 624, 638
documentary bill drawn on, **1,** 624—626
draft on, **1,** 602, 612, 613. *See* BANKERS' DRAFT.
employee of, restrictive covenant affecting, **27,** 584
estoppel, customer, of, **1,** 619; **13,** 385, 400—402; **21,** 432
forged signature, in respect of, **1,** 616, 617; **13,** 394, 395
representation to customer, by, **13,** 386 n.
title made good by, **1,** 633, 635
evidence, access to books, derived from, **13,** 448
Bankers' Books Evidence Act. *See* BANKERS' BOOKS.
pass book as, **1,** 619, 620; **13,** 388 n.
executor, account of, with, **1,** 605; **14,** 243
false answer to inquiry, liability in respect of, **1,** 643, 644
fictitious document, negotiation of, effect of, **13,** 394
fictitious payee, duty in case of, **1,** 608, 614
fiduciary agent for customer, whether a, **1,** 643; **13,** 156 n.
forgery, acceptance of bill, of, in regard to, **1,** 614; **2,** 550; 13, 394, 395
cheque, of, in case of, **1,** 608—612, 615—618; **2,** 550; **27,** 894 n.
document, of, recovery of money paid under, **1,** 617—619; **13,** 394, 395; **27,** 894 n.
indorsement, of, liability in respect of, **1,** 601, 608—610, 614, 617, 618; **2,** 550; **27,** 893 n., 894 n.
power of attorney, of, in regard to, **27,** 245, 246
signature, of, payment in case of, **1,** 612, 617—619; **2,** 550; **13,** 394, 395
transfer of stock or shares, of, right conferred by, **1,** 637
friendly society, of, **15,** 143 n., 163, 170 n.
funds not available for drawing on, **1,** 606
garnishee order, effect of, **1,** 585, 588, 606. *See* ATTACHMENT OF DEBTS.
good faith of, **1,** 594, 609; **27,** 894 n.
goods, hypothecation of, with, **1,** 638, 639
guarantee *See* GUARANTEE.
holder in due course, as, **1,** 592
husband's claim on wife's deposit with, **17,** 587
hypothecation of goods with, **1,** 638, 639
income tax, retention of, **16,** 639, 640, 661 n., 662
indorsement, cheque, of, at request of banker, effect of, **1,** 610
collection, necessary for, **1,** 629
forged. *See* forgery, *supra.*
per pro. See per pro, infra.
seller of goods in bill of lading, by, **26,** 162
indorser discharged by failure of, to present for payment, **1,** 591
industrial or provident society as, **17,** 4, 5, 22, 31
infant, customer of bank, as, **1,** 587, 590, 631; **17,** 61
depositor in savings bank, **1,** 577, 580; **17,** 49 n. 61
payee of cheque, **1,** 603
Inland Revenue Commissioners, yearly return to, **5,** 614, 615
inquiries of, customer's position, as to, **1,** 643; **15,** 457 n., 501 n.
employment by him of customer's money, as to, **1,** 584

BANKER—*continued.*
insolvency of, **2,** 171, 172
inspection, accounts kept with, of, **1,** 646, 647
books, of, **1,** 645; **13,** 554, 555
insurable interest in customer's life, **1,** 637
insurance money, collection of, by, **28,** 142
interest, loan, on, guarantee of, **1,** 642
rate of, **21,** 228
overdraft, on, **1,** 631, 643
warrant, nature of, **1,** 601
interpleader by, in case of rival claims, **17,** 587
interrogatories as to matters within knowledge of, **11,** 108 n.
investment, receipt of money for, by, **14,** 243; **22,** 31 n.
joint account, payment of cheque drawn on, **1,** 604, 607
set-off in case of, **25,** 498
guarantee, effect of, **1,** 641
legal representative, payment of money on current account to, **1,** 585
letter, credit, of, **1,** 623, 624
indication, of, **1,** 626
liability of, bailee, as, **1,** 533, 627
crossed cheque, in respect of payment of, **1,** 225, 593—597, 610—612; **27,** 894 n.
forged cheque, in respect of, **1,** 608—612, 615—618; **2,** 550; **27,** 894 n.
forged power of attorney, acting on, **27,** 245, 246
lost negotiable instrument, on, **27,** 894 n.
lien of,
advance for future debt, in regard to, **1,** 623
bill of lading, in case of, **1,** 624
bills, over, **1,** 598, 621, 622, 623; **2,** 171, 499
banker's bankruptcy as affecting, **2,** 171
bonds and coupons, in regard to, **1,** 621 n., 623
cheques paid in for collection, over, **1,** 593, 622
combined accounts, in regard to, **1,** 622
coupons, in regard to, **1,** 621
current account, over, **1,** 585
customer's balance, for, **1,** 622; **15,** 454 n.
deposit account, over, **1,** 589
deposited securities or valuables for safe custody, in regard to, **1,** 621
funds not available owing to, **1,** 606
general lien by usage, **1,** 547; **10,** 273; **19,** 7
goods represented by documents, over, **1,** 624, 625
holder as transferee excludes, **1,** 622
holder of instrument for value in respect of, **1,** 622; **2,** 498
insolvency of both banker and customer, rights of holder of bill in case of, **2,** 171
insurance policy, on, **1,** 621, 637, 638; **17,** 563
judicial notice of, **1,** 569, 620; **10,** 273
law merchant, derived from, **1,** 620
lease, on, **1,** 621
money for discounted bills, in regard to, **1,** 623
mortgage to banker does not give rise to, **1,** 632
overdraft, crossed cheque held for, **1,** 597
pledge, as, **1,** 622, 623
presentation of bill held under, **1,** 622
sale of securities, in regard to, **1,** 623
securities, over, **1,** 620—622; **10,** 287; **15,** 454 n.
share certificate, on, **1,** 621
specific purpose, payments in for, in regard to, **1,** 621
surplus over specific advance, in case of, **1,** 621, 622

BANKER—*continued.*
lien of—*continued.*
trust account, in regard to, **1,** 584, 621; **19,** 8 n.
life policy, deposited as security with, **1,** 637, 638
effected by, **1,** 637
limitation of action, current account, in case of, **1,** 586; **19,** 47, 166
deposit account, in case of, **19,** 47
forged transfer, in case of, **1,** 637
guarantee of current account, in case of, **1,** 642
in favour of, **19,** 47, 166
money, preventing application of, **1,** 606
liquidator's account with, restrictions with regard to, **5,** 454, 458—461
loan by, **1,** 630—639. *See* ADVANCE.
local authority, of, overdraft, **23,** 382 n.
married woman, customer of, as, **1,** 587, 590, 631
depositor in savings bank, position of, **1,** 577, 580; **16,** 349—351, 394, 395
mistake of fact, paying under, **1,** 617, 619; **2,** 550, 551
mixture of trust and other money in account, **2,** 130, 169; **14,** 243; **28,** 208
money-lender, registration of, as, **21,** 47, 57
whether a, **21,** 45, 47, 57
mortgage, registration of, by, **21,** 338
security for advance, as, **1,** 631—634
mortgagee, as, **1,** 632—639; **21,** 228, 251 n.
bills and notes, in respect of, **1,** 634
documents of title to goods, in respect of, **1,** 624, 638
effect of notice of charge or assignment, **1,** 632
equitable mortgage, under, **1,** 632—634, 636, 638
floating balance, for, **1,** 631, 632
interest in case of, **1,** 631; **21,** 228
legal mortgage, under, **1,** 632
negotiable instrument other than bills and notes, in respect of, **1,** 635
policy of life assurance, in respect of, **1,** 637, 638
sale on notice of closing of account by insolvency, **21,** 251 n.
stocks and shares, in respect of, **1,** 635—637; **27,** 218, 231
subsequent advances, **1,** 632
negligence of, **1,** 591, 594; **15,** 541, 542; **21,** 432, 433
negotiable securities deposited by way of security with, rights in respect of, **1,** 634—639
note issue by. *See* BANK NOTE.
notice of dishonour by, **1,** 591, 598, 618
officer of company, is not, **5,** 479
order for payment with form of receipt attached, nature of and dealing with, **1,** 599, 613
overdraft. *See* OVERDRAFT.
partner's authority to open account with, **22,** 33
partnership account, cheque drawn on, **1,** 604
pass book, **1,** 619. *See* PASS BOOK.
payment by, bill accepted payable at bank, of, **1,** 614, 615; **2,** 550; **13,** 394, 395
cheque, of, **1,** 602—617; **2,** 465, 515. *See* CHEQUE.
forged cheque, of, **1,** 608—612, 615—617; **2,** 550; **27,** 894
forged indorsement, on, **1,** 608—610, 614, 617, 618; **2,** 550, 551; **27,** 893 n., 894 n.
order with receipt attached, of, **1,** 599, 613
what amounts to, **2,** 551

BANKER—*continued.*
per pro, indorsement, position with regard to, **1,** 594, 610, 612
signature, duty with regard to, **1,** 594, 604
pledge of security with, **1,** 634 ; **27,** 218, 231
post, presentment through the, **1,** 590
post bill. *See* bank post bill, *supra.*
Post Office money orders etc., collection of, **1,** 601 ; **22,** 649
presentment by, of cheque with forged indorsement, **27,** 894 n.
production of books of. *See* BANKERS' BOOKS.
protection of, collection of cheques etc. in case of, **1,** 593, 600—602
documents of title, in case of borrowing on, **1,** 638
forged document, in case of payment on, **1,** 617—619 ; **13,** 394, 395 ; **27,** 894 n.
payment of cheques etc., in case of, **1,** 608—615
receipt for goods as security for advance by, **3,** 19
receipt of money, crossed cheque for customer, on, whether conversion, **1,** 225 ; **27,** 894 n.
current account, on, **1,** 583—588
deposit account, on, **1,** 588—590
receiver's duty with regard to account with, **24,** 399
receiving order against customer, effect of, **1,** 606
recovery of money paid by, **2,** 551
forged document, on, **1,** 617, 618
reference to, as to customer's position, **1,** 640, 643 ; **15,** 457 n., 501 n.
registration, memorandum of deposit of title deeds, of, **1,** 633
transfer of stocks as security, of, **1,** 636
representation likely to be passed on to customer of, liability on, **20,** 715 n.
returns, yearly, to Commissioners of Inland Revenue, **5,** 614, 615
secrecy, duty as to, **1,** 640, 643 ; **15,** 457 n., 501 n.
security, advance, for, **1,** 632—639. *See* ADVANCE.
current balance with, limitation of liability, **15,** 499
set-off by or against, **25,** 489 n., 497, 498
settled estate account, trustees' liability, **25,** 670
share certificate, registration of deposited, **1,** 636
special juror, as, **18,** 260
specific performance of agreement for loan by, **1,** 632
stamp, adhesive, use of, on unstamped cheque, **1,** 603
stockbroker's deposit of securities with, **27,** 218, 231
stocks and shares deposited with, by way of security, **1,** 635—637 ; **27,** 218, 231
sub-agent, negligence of, **1,** 590, 598
surety for customer of, liability of, **1,** 586, 639—643 ; **15,** 537, 538 n., 541, 547 n. *See* GUARANTEE.
title, customer's, not in general concerned with, **1,** 584
deeds deposited as security with, **1,** 633
transfer by, of securities deposited **1,** 634, 637
trover against, in respect of presentment of cheque with forged indorsement, **27,** 894 n.
trust account with, **1,** 584, 605, 607, 621 ; **2,** 169 ; **14,** 243 ; **28,** 90, 208
trust, funds of, following, **1,** 583, 621
money, receipt of, by **22,** 31 n. ; **28,** 90, 208
notice of, effect of, **1,** 584, 621
trustee, agent of, as, **1,** 171, 584 ; **28** ,142

BANKER—*continued.*
trustee—*continued.*
bankruptcy, in, rights in regard to, **1,** 585, 607 ; **2,** 189
separate account to be kept by, **2,** 115, 129, 130
customer, of, as, **1,** 584, 588 ; **28,** 59
usages of, **10,** 273, 287
valuables deposited with, **1,** 533, 628, 629 ; **21,** 433
valuation of security held by, whether a representation, **20,** 665 n.
weekly statement as to note issue by, **1,** 573
wife, deposit by, husband's claim in respect of, **17,** 587
name of, deposit by husband in, **16,** 394, 395

BANKERS' BOOKS,
defined, **1,** 644
banks to which the Bankers' Books Evidence Act applies, **1,** 647
copies of entries in, admissible as evidence, **1,** 644 ; **13,** 478, 554
order for, instead of inspection, **11,** 91
inspection of, order for, **1,** 645—647 ; **13,** 554, 555
Bank of England, in case of, **11,** 91 n.
costs, **1,** 646
criminal case, order in, **9,** 387
discovery, rules as to, not altered, **1,** 645, 646
grounds for making order, **1,** 646
procedure to obtain, **1,** 645 ; **13,** 555 n.
service of order, **1,** 646
third person, accounts of, **1,** 646
production of, company in liquidation, of person indebted to, **5,** 644
originals, when bank is party, **1,** 644
subpœna duces tecum to produce, **1,** 644, 645 ; **13,** 554

BANKERS' DRAFT,
drawn by bank on another is a cheque, **1,** 602, 613
head office and branch, drawn between, **1,** 602, 612
Bills of Exchange Act does not apply to, **1,** 612 n.
crossed, cannot be, **1,** 612
negotiability of, **1,** 602
protection in case of forgery, **1,** 612

BANKING. *See* BANK ; BANKER.

BANKRUPT. *See* BANKRUPTCY.
absconding, act of bankruptcy committed by, **2,** 20
felon, as, **2,** 349
account books of, no lien upon, **2,** 117
account by, committal for untrue, **2,** 75
acknowledgment of debt by balance sheet of, **19,** 63, 80, 93
action for damages by, **2,** 137—139
administrator, estate of, of, service of petition on, **2,** 94
holding property as, **2,** 168
after-acquired property of, affidavit verifying statement of, **2,** 268
assignment of, rights of assignee, **2,** 64
bankrupt's rights over, **2,** 139, 159, 160, 164, 166, 183, 184 ; **21,** 93 ; **25,** 192 n.
creditor's rights over, **2,** 144, 164
discharge, after, **2,** 268

BANKRUPT—*continued.*
after-acquired property of—*continued.*
scheme, in case of, **2,** 84
trustee's right to, **2,** 84, 152, 164—168, 183, 184 ; **21,** 93, 94
agent of, trustee's rights as against, **2,** 189
alderman, disqualified to be, **2,** 88 ; **19,** 307
allowance to, **2,** 76, 115
appeal by, right to go on with, **23,** 195
appointor of fund as, **2,** 145, 146 ; **28,** 621
arrest of, **2,** 55, 75 ; **5,** 62, 63 ; **25,** 818
barrister, disqualified to become, **2,** 363
bill of sale by, **3,** 65
certificate of, creditor's signature of, **15,** 561 n.
civiliter mortuus, whether, **21,** 93
committal of,
administration in lieu of, **2,** 297
application for, **2,** 75, 76, 105, 299, 310, 338—340
statutory offence, for, **2,** 352
time and place of, **2,** 63, 319
conduct of, discharge, with reference to, **2,** 80, 81, 245, 255—258, 263
investigation of, **2,** 80, 81, 100
official receiver's report on, **2,** 242, 243
rescission of administration order for, **2,** 299, 300
constable as, **22,** 512, 513
contempt of court by, **2,** 71, 74, 75, 84, 140, 189, 267, 310, 377 ; **7,** 304, 305
contracts of, rights in regard to, **2,** 138, 139, 162 ; **28,** 864
county councillor, disqualified to be, **2,** 89
criminal liability, effect of discharge on, **2,** 270
criminal offences by, **2,** 75, 345—351 ; **9,** 710
criminal proceedings, statements of bankrupt as evidence in, **2,** 71, 73 ; **9,** 399 n., 657 n.
death of, administration in case of, **2,** 93—98, 114 ; **15,** 522 n.
effect of, **2,** 47, 51
deceased, administration in case of, **2,** 93—98, 114 ; **14,** 280, 344—347 ; **15,** 522 n. ; **22,** 408. *See* ADMINISTRATION OF DECEASED'S ESTATE, insolvent estate.
third parties' rights in case of, **2,** 213, 271, 272, 294
declaration of, as evidence, **13,** 464
default of, in obeying official receiver, **2,** 105
discharge of, **2,** 241—271. *See* ORDER OF DISCHARGE IN BANKRUPTCY.
discovery of property by, failure to make, **2,** 140—143, 345, 346
disqualification for various offices, **2,** 4, 88—90, 269, 310 ; **11,** 459 ; **19,** 307 ; **21,** 622, 658, 789, 790 ; **25,** 85
distribution of assets of. *See* DISTRIBUTION OF ASSETS.
district councillor, disqualified to be, **2,** 89
earnings, right to, **2,** 166, 167, 267
evidence of, **9,** 657 n. ; **13,** 459 n., 464, 574, 576
examination of, **2,** 70—74, 140—143. *See* EXAMINATION, bankruptcy.
felony by, **2,** 247, 349, 352
fiduciary position, in, property held by, **2,** 168, 169
fire insurance by, **17,** 525
fraudulent debtor, offending as, **2,** 345—355. *See* FRAUDULENT DEBTOR.
frivolous or vexatious proceedings by, effect of, **2,** 139, 251, 258
gambling on part of, effect of, **2,** 255, 256

BANKRUPT—*continued.*
gift by or to, **2,** 276, 350 ; **15,** 403
goods acquired by, right to, **2,** 183, 184 ; **14,** 218
goods in possession, order or disposition of, rights in regard to, **2,** 144, 173 ; **17,** 55
guardian, disqualified to be, **2,** 89
heriot due on death of, **8,** 41
Highway Board, disqualified for membership on, **2,** 89
indictment, description of bankrupt's property in, **9,** 646 n.
infant, as, **2,** 11, 12 ; **17,** 54, 55
insurable interest of, **17,** 525
justice of the peace, disqualified to be, **2,** 88 ; **19,** 551
libel, action for, by, **18,** 611, 612
maintenance of, allowance for, **2,** 76, 115
settlement provisions for, **2,** 148, 149
management of estate of, **2,** 8
married woman as, exercise of power of appointment by, **2,** 75
mayor, disqualified to be, **2,** 88 ; **19,** 307
medical examination for life policy, in regard to, **2,** 75
misconduct of, effect of, **2,** 100, 242, 243, 245, 263, 299, 300
mortgaging powers of, **2,** 239 ; **21,** 93, 94
municipal councillor, disqualified to be, **2,** 88 ; **19,** 307
offences by, **2,** 75, 345—351 ; **9,** 710 ; **17,** 55
official receiver, failure to obey, **2,** 74, 75, 105
overseer of the poor, disqualified to be, **2,** 89
parish councillor, disqualified to be, **2,** 89
parliamentary disqualification of, **2,** 12, 88 ; **7,** 321 ; **21,** 622, 623 n., 658, 789, 790
pension, right to, of, **2,** 191 ; **4,** 402 ; **22,** 512 ; **25,** 35
personal representative of, rights of, **14,** 218
petition in bankruptcy by undischarged, **2,** 37, 38
power of appointment of, exercise of, **2,** 145, 146 ; **28,** 621
private examination of, **2,** 140—143. *See* EXAMINATION, bankruptcy.
property, power to deal with, of, **2,** 115, 144, 183, 184 ; **25,** 192, 308
trust for other persons, held on, position in case of, **2,** 168, 169
prosecution of, **2,** 8, 75, 302, 351—355
public examination of, **2,** 70—74. *See* EXAMINATION, bankruptcy.
rating of, **24,** 11
real estate, transaction in, by, **2,** 165 ; **25,** 308
receiving order, duties of debtor after, **2,** 74, 75
release of, on discharge, **2,** 267—271 ; **5,** 136, 482 ; **11,** 172
royalties of, right to, **2,** 161
salary of, in regard to, **2,** 37, 38, 190, 191, 267, 338 ; **4,** 402 ; **23,** 350 n.
sanitary authority, disqualified to be member of, **2,** 89
security for costs by, **17,** 608 n., 609 n.
select vestry, disqualified for membership on, **2,** 89 ; **11,** 459
services of, contract for, rights in regard to, **2,** 138, 139, 162 ; **28,** 864
settlement of. *See* BANKRUPTCY, settlement.
soliciting customers by, after sale of business by trustee, **27,** 596 n.
special manager of estate of, appointment of, **2,** 76
duration of appointment of, **2,** 76

BANKRUPT—*continued.*
special manager of estate of—*continued.*
powers of, **2,** 76, 77
removal of, **2,** 77
remuneration of, **2,** 77
security to be given by, **2,** 77
status of, legal proceedings affecting, **23,** 195
surplus property, right to, **2,** 239
tools of, right to, **2,** 143, 144, 299
trading by, estoppel of trustee in case of, **2,** 166; **13,** 389; **27,** 596 n.
right to profits resulting from, **2,** 166, 167
undischarged bankrupt made bankrupt for the second time, **2,** 13
wearing apparel of, right to, **2,** 143, 299
witness on behalf of creditor, as, **13,** 574 n.
work and labour, rights in respect of contract for, **2,** 138, 139, 162; **28,** 864
wrongful dismissal of, **20,** 95

BANKRUPTCY.
The title BANKRUPTCY AND INSOLVENCY *is contained in Vol. II., pp.* 1 *et seq.*
defined, **2,** 4
abroad, debtor, stay of proceedings against, **2,** 63
property situated, rights in respect of, **2,** 153; **6,** 304
absconding debtor, act of bankruptcy, commits an, **2,** 20—23
adjudication against, **2,** 86, 295
arrest of, **2,** 55, 75, 342, 349
detention of, prerogative of Crown, as to, **6,** 446
guilty of felony in certain cases, **2,** 349
judgment summons against, **2,** 342
small bankruptcy, in, **2,** 295
abuse of process, proceedings annulled on ground of, **2,** 46, 59, 78, 90
scheme of arrangement as an, **2,** 82
accident insurance, rights in respect of, **2,** 216
accommodation bill, acceptance of, for insolvent person, **2,** 255
accounts, bankrupt's partners, by, **2,** 161
debtor, by, **2,** 103, 104, 161
official receiver, by, **2,** 103, 124, 125
trustee, by, **2,** 131—133, 296, 334
audit of, **2,** 132, 133, 240
acquiescence in assignment by debtor, effect of, **2,** 15
act of. *See* ACT OF BANKRUPTCY.
action, bankrupt's rights of, how dealt with, **1,** 21, 31; **2,** 120, 136—139, 164; **23,** 195
arising after adjudication, **2,** 167, 168
contract, for breach of, how affected by, **2,** 137, 138; **7,** 462
costs of, trustee's liability for, **2,** 128, 129, 135
creditor under arrangement, by, **2,** 335
creditors' right where trustee refuses to bring, **2,** 135
debtor, against, stay of, **2,** 55, 62
by, intervention of trustee in, **1,** 31; **2,** 120, 136—139, 164, 167; **7,** 457
non-continuance by trustee of, **1,** 21; **2,** 136; **13,** 346 n.
defence to, as a, **1,** 21; **2,** 184; **27,** 502
enforcement of order in, with a view to, **18,** 220
frivolous or vexatious, by bankrupt, **2,** 139, 258
trustee, by or against, **1,** 21; **2,** 122, 133—139, 164, 167, 168; **13,** 346

BANKRUPTCY—*continued.*
adjudication order in. *See* ADJUDICATION ORDER.
administration in, county court, in, **2,** 296—301. *See* SUMMARY ADMINISTRATION OF BANKRUPT'S ESTATES.
deceased insolvent's estate, of, **2,** 93—98. *See* ADMINISTRATION OF DECEASED'S ESTATE.
administrator, bankrupt, of, service on, **2,** 94
dealing with estate before intervention of trustee, **2,** 96, 98; **14,** 210
administrator, of, injunction granted, **17,** 252
admissions. *See* evidence, *infra.*
advertisement, adjudication order, as to, **2,** 87, 91
trustee, as to appointment of, **2,** 111, 117
affidavit
evidence in, **2,** 52, 313, 314, 317, 318; **13,** 624
filed with petition, **2,** 52
office copy of, who entitled to, **2,** 311 n.
verification of petition by, **2,** 50
affiliation order, how affected by, **2,** 83, 269, 441, 451
after-acquired property
affidavit verifying statement of, **2,** 268
assignment of, not act of bankruptcy, **2,** 19
bankrupt and trustee, rights as between, **2,** 152, 164—168, 183, 184
bonâ fide dealings with protected, **2,** 139; **25,** 192 n.
discharge, acquired after, **2,** 268
expectancies whether, **2,** 144, 145
mortgage of, when protected, **21,** 93
personal earnings as, **2,** 166, 167
scheme, in case of, **2,** 84
agency, effect on, of, **1,** 234, 235; **2,** 162 n., 189
agent, of, principal's rights in case of, **1,** 203, 235; **2,** 169, 170
secret profits, effect on discharge of, **2,** 251, 260
aggrieved person, appeal by, **2,** 301, 302, 333
agisted animals not within reputed ownership clause, **1,** 387; **2,** 181 n.
agreement contemplating fraud on law of, effect of, **7,** 393, 394
agricultural tenant, of, covenants how affected in case of, **1,** 275
disclaimer by trustee, **1,** 275, 276
hay and straw, covenant to leave in last year, **1,** 275
notice to quit in case of, **1,** 241
rent in case of, **1,** 247, 256; **2,** 292 n., 293 n.
reputed ownership in case of, **1,** 276
stock taken at valuation in lieu of rent, **1,** 256
trustee carrying on tenancy in case of, **1,** 275
alien, in case of, **1,** 308; **2,** 6 n., 9, 32, 38, 43, 345
alimony, non-payment of, as a ground for, **2,** 26; **16,** 521, 568
proof for, in, **2,** 62, 199; **24,** 499
ambassador, privilege of, **2,** 12
annuitant, how affected by donor's, **24,** 498—501
annuities provable in, **2,** 203, 204; **16,** 451; **24,** 498, 499
annulment of, effect of, **2,** 85, 90—93; **25,** 571 n. *See* ANNULMENT.
scheme of arrangement, of, **2,** 84, 85
antecedent transaction, effect on, **2,** 271—294
distress, **2,** 291—294. *See* distress, *infra.*
executions, **2,** 271—275. *See* execution, *infra.*
fraudulent preference, **2,** 279—287. *See* FRAUDULENT PREFERENCE.
settlements, **2,** 275—279
transactions unaffected, **2,** 288—291
appeal in. *See* APPEAL.

BANKRUPTCY—*continued.*
appearance, debtor, of, **2,** 52
petitioning creditor, of, at hearing, **2,** 52
solicitor or counsel at private examination, **2,** 141
appellant, of, effect, **23,** 195
apprentice, right of, in case of employer's, **2,** 125, 222; **17,** 71
appropriation, salaries and pensions, of, **2,** 190, 191; **4,** 402; **25,** 35
securities, of, **2,** 226
arbitration, effect on submission to, of, **1,** 442, 444, 449—451
architect or engineer, of, with reference to building contract, **3,** 309
arrangement, deed of. *See* DEED OF ARRANGEMENT.
effect of bankruptcy on, **2,** 332
previous, with creditors, effect on discharge, **2,** 251, 259
scheme of. *See* ARRANGEMENT, bankruptcy, in.
arrest, privilege from, of persons attending **25,** 819
articled clerk, right of, on employer's, **2,** 125, 222; **26,** 713, 714
assault and battery, proof for damages for, **2,** 198
assets, absence of, receiving order refused, **2,** 58
concealment of, **2,** 345—347, 350
distribution of, in. *See* DISTRIBUTION OF ASSETS.
expectation of, order of discharge made in, **2,** 251
husband, of, when wife's property, **3,** 159; **16,** 345 n., 434
under ten shillings, discharge refused where, **2,** 251
assignee, of, effect upon covenant for indemnity of, **18,** 594
rights of, in case of, **2,** 37, 64, 186, 238, 239, 289, 324; **3,** 55, 268
assignment, act of bankruptcy, constituting, **2,** 14—20, 39, 288, 332
book debt, of, **2,** 118, 289; **4,** 375 n.
contract, of, on, **2,** 162
creditors, for benefit of, effect of, **2,** 14, 15, 327—329, 332. *See* ASSIGNMENT FOR BENEFIT OF CREDITORS.
deed of, payment under, no discharge against trustee in, **2,** 288
incomplete, act of bankruptcy by, **2,** 15, 20
completion after bankruptcy, **2,** 289
property, of, after adjudication, **2,** 160
setting aside of, **2,** 20, 26; **18,** 220
assignor, equitable, of judgment debt, bankruptcy notice by, **2,** 26
assumed name, use of, **2,** 22
attachment of debt, retention by creditor as against trustee of benefit of, **2,** 65, 271, 274
auctioneer, of, vendor's loss by, **1,** 512, 513
audience, counsel's right of, in, **2,** 372, 415
author, of, effect on copyright, **8,** 158
avoidance of
preference on, **2,** 279—287
settlement on, **2,** 275—279, 310
trust on, **28,** 46
award, enforcement of, with reference to, **2,** 24, 27
balance sheet in, as an acknowledgment of debt, **19,** 93

BANKRUPTCY—*continued.*
bank
account, effect on, of, **1,** 585, 606, 607
mixture of trust and other money in, **2,** 129, 130, 169
overdrawing, effect of, **2,** 254, 255
receipt of notice as closing, **21,** 251 n.
trustee's, **2,** 115, 129, 130, 169
guarantee, effect on, of customer's, **1,** 642
payment by trustee into local, **2,** 115, 129
post bills, trustee's right to, on banker's insolvency, **2,** 172
savings, preferential claims of officer of, **2,** 216
securities at, delivery up to trustee of, **2,** 189
banker, act of bankruptcy of customer, effect of notice of, **1,** 606
duty on customer's bankruptcy, **1,** 585, 607; **2,** 189, 516
intention to commit act of bankruptcy, effect of notice of, **1,** 607
lien, effect on, of customer's, **1,** 623
opening account after adjudication, **1,** 607
banker, of, **2,** 171, 172
bankrupt, position of. *See* BANKRUPT.
bankruptcy estate account, payment into, **2,** 121, 125, 129, 295, 325
payment out of, **2,** 130, 241
bankruptcy notice. *See* BANKRUPTCY NOTICE.
bare trustee, petition by, **2,** 36
bedding, right to, on, **2,** 143, 144, 299
benefice, right of nomination to, whether property available on, **2,** 144
sequestration of, on, **2,** 189; **11,** 617, 620
payment for duties performed before receiving order, **2,** 190
beneficiary, of, position of alienee of personalty on, **28,** 42, 43
bill of exchange
accommodation acceptance, contracting a debt by, **2,** 255
accommodation party, of, **2,** 207, 208
creditor's vote in respect of, **2,** 68
deposited with insolvent banker, **2,** 171
drawee of, of, **2,** 528
drawer or indorser of, of, **2,** 513, 545
holder of, of, **2,** 170—172, 511
petition by holder of, **2,** 38
production of, on payment of dividend, **2,** 239
proof for, **2,** 205—209, 226, 230, 231, 513, 522
special delivery of, **2,** 170
title to, how affected by, **2,** 511
transfer of, during, **2,** 511
vendor, in hands of, where purchaser is bankrupt, **2,** 163
bill of sale,
act of bankruptcy by giving, **3,** 58
grantee of, in possession, protection of **3,** 58
payments by, recoupment, **3,** 59
secured creditor, as, **3,** 57
grantor of, distress on goods assigned by, in relation to, **3,** 70
justifies seizure, **3,** 69
holder, appeal against receiving order by, **2,** 301
invalid under Bills of Sale Acts, how far void on, **3,** 55
payment in discharge of, effect of, **2,** 290
substituted, validity of, **3,** 59, 64
trustee's right to avoid, **3,** 58, 59
Board of Trade, accounts and audit, powers as to, **2,** 129—133

BANKRUPTCY—*continued.*
Board of Trade—*continued.*
certificate of, to trustee, registration as conveyance, **2,** 88
contempt of order of, **7,** 305
costs, review of taxation of, may order, **2,** 128
gazetting and advertising of orders by, **3,** 87, 295
notice of adjudication order to, **2,** 87
official receiver, jurisdiction over. *See* OFFICIAL RECEIVER.
trustee in bankruptcy, jurisdiction in regard to, **2,** 108—113, 115, 126—133
bonâ fide transactions protected, after-acquired property, with, **2,** 164
before receiving order, **2,** 288
bond of assurance company for trustee in, liability on, **15,** 483 n.
book debts, assignment of, effect of, **2,** 118, 289
meaning of, **2,** 121
sale by trustee of, **2,** 119, 121
books of bankrupt, account books, lien on, **2,** 117
concealment of, **2,** 347, 348
destruction of, **2,** 347
evidence, as, **2,** 52
how dealt with on, **2,** 53, 55, 75, 104, 188
offences with regard to, **2,** 346—348
omission to keep, **2,** 251, 252
seizure of, **2,** 55, 75
trustee's duty to take over, **2,** 188
books of trustee, keeping and audit of, **2,** 130, 131
borrowing. *See* loan, *infra.*
building contract, architect or engineer under, of, **3,** 309
contractor, of, completion by trustee on, **3,** 252, 254, 255, 268, 269, 272
incidental effects of, **3,** 262, 263, 265, 268
employer, of, **3,** 272, 273
forfeiture clause in, taking effect on, **2,** 152; **3,** 252, 254, 272
reputed ownership in case of, **2,** 177
building society,
advanced member, of, proof in, **3,** 370
lender to, of, set-off in case of, **3,** 375
officer, of, effect of, **3,** 346, 347
trustee, of, effect of, **3,** 380
call on share, proof in respect of, **2,** 209; **5,** 167
set-off as against, **2,** 213
carrying on
business, books required for, **2,** 252
meaning of, **2,** 173, 252
reputed ownership, with reference to, **2,** 173
trustee, by, **2,** 122
cestui que trust, creditor under deed of assignment as, **2,** 333
following trust property by, **2,** 169
joinder in petition of, **2,** 26, 36, 37
proof by, **2,** 210
secured creditor, how far a, **2,** 225
chambers, appeal from, **2,** 304
jurisdiction in, **2,** 310
charging order, payment to get rid of, **2,** 273
protection of, in, **2,** 274, 289; **14,** 107
solicitor's rights in case of, **2,** 239, 292
chattels, licence to seize, as security for debt, revoked by, **2,** 65, 155 n.; **3,** 10 n.
cheque, of
drawer of, **1,** 607
payee of, **1,** 603
chose in action, assignment subsequent to adjudication of, **2,** 165, 189 n.; **4,** 399

BANKRUPTCY—*continued.*
chose in action—*continued.*
debtor's rights over, after act of, **2,** 184; **4,** 399
married woman's, right of husband's trustee to, **2,** 157, 158
petition by assignee of, **2,** 37; **4,** 373, 392
reputed ownership in respect of, **2,** 173, 174
trustee's rights with regard to, **1,** 21, 31, 55; **2,** 120, 136—139, 164, 167, 168, 188, 189; **4,** 399; **7,** 457; **23,** 195
Christmas day, time with reference to, **2,** 306, 319
circular letter to creditors, notice of insolvency by, **2,** 33, 34
civil service clerk, availability of salary of, **2,** 190, 191
clergyman, sequestration of benefice of, **2,** 153, 189, 190; **11,** 617, 620
clerk, articled, right on employer's bankruptcy of, **2,** 222
preferential payment to, **2,** 217
co-debtors, costs incurred in case of, **2,** 115
collateral purpose, discovery for, **2,** 143
petition presented for, **2,** 39, 60
private examination for, **2,** 142
collusion, judgment obtained by, reopening, **2,** 57
colonies, jurisdiction of court in, **10,** 561
property in, **2,** 6
commencement of, **2,** 181; **11,** 171 n.
commission, proof for, **2,** 211
commissioner of, protection of, **23,** 325 n.
commitment in default of distress, effect upon order for, **11,** 216 n.
committal in case of. *See* BANKRUPT, committal.
committee of inspection. *See* COMMITTEE OF INSPECTION.
member of, of, **5,** 465
common, owners in, security on property of, **2,** 225
company, bankruptcy notice by, **2,** 26, 30
claim by, Companies Clauses Act, within, **5,** 727
deed of arrangement by, **2,** 329; **5,** 602
petition by, **2,** 35; **5,** 322
proof by, **2,** 231, 232
shareholder in, of. *See* shareholder, *infra.*
composition
deed, effect on, of, **2,** 85; **15,** 545 n.
in. *See* COMPOSITION.
compromise of action, inquiry into, **2,** 57
trustee, by, **2,** 123
conduct of
bankrupt. *See* BANKRUPT.
trustee, resolution touching, **2,** 126
conflict of laws with reference to, **6,** 247, 278, 304. *See* foreign, *infra.*
consent order, appeal from, **2,** 305
final judgment, as, **2,** 26
consideration for debt, inquiry into, **2,** 200
consolidation of proceedings in, **2,** 54
constable, of, effect on pension of, **22,** 512, 513
contempt of court, application to commit for, **2,** 310; **7,** 310
defaulting trustee not relieved from, by, **7,** 300
discharge, after, **2,** 267
discovery, by failure to make, **2,** 140, 189; **7,** 305
disobedience to order, by, **2,** 71, 84, 310; **7,** 304, 305
evidence, by suppression of, **2,** 74

BANKRUPTCY—*continued.*
contempt of court—*continued.*
interference with official receiver in possession, by, **2,** 61
penalties resulting from, **2,** 377 ; **7,** 317, 323
privilege of Parliament, in regard to, **7,** 321
receiving order, after, **2,** 71, 74, 75, 84, 140, 189
refusal of banker or other agent to deliver up property in, by, **2,** 189
wrongful claim as creditor in, by, **7,** 294
contingent debts and liabilities, avoidance of settlement by reason of, **2,** 276, 277
proof in respect of, **2,** 198, 199 ; **5,** 508, 513, 514
voting in respect of, **2,** 67
contract
abroad, effect of foreign order of discharge on, **2,** 271
act of bankruptcy, after, **2,** 288, 289
action for breach of, effect on, **2,** 137, 138 ; **7,** 462
discharge, how affected by, **2,** 267—271 ; **6,** 247
disclaimer of, **2,** 124, 162, 191, 194 ; **7,** 437
effect on, of, **2,** 159, 162, 163, 288, 289 ; **7,** 437, 440 ; **27,** 58, 67
proof in respect of liabilities on, **2,** 197 *et seq.*
rescission of, by court, **2,** 194
sale of, goods, for, effect on. *See* sale of goods, *infra.*
land, for, effect on. *See* sale of land, *infra.*
settlement, for, when void, **2,** 278
work and labour, for, effect on, **2,** 162, 166 ; **28,** 864
contributory, balance order against, not final judgment, **2,** 26 ; **5,** 504
liquidator's power in case of bankruptcy of, **5,** 446
trustee represents, in winding up, **5,** 490
unregistered company, of, bankruptcy of, **5,** 652
conversion, assignees in, by, **27,** 898 n.
bankrupt's property, of, **27,** 912
convict, of, **1,** 30 ; **2,** 12
copy or extract of registered deed as evidence in, **2,** 331
copyholds, realisation by trustee of, **2,** 188 ; **8,** 73, 89
copyright of bankrupt, how affected by, **8,** 158
co-respondent in matrimonial cause, of, **2,** 26, 36, 83, 253 n., 269 ; **16,** 546
corporation, not applicable to, **2,** 12
proof by, **2,** 231 ; **8,** 393
costs, appeal as to, **2,** 129, 305
appeal, of, **2,** 233, 307, 308
application for, **2,** 322
order of discharge, of, **2,** 262
co-debtors, in case of, **2,** 115
committee of inspection, of, **2,** 114
county court, in, **2,** 321
court, discretion as to, **2,** 321
debt, added to, **2,** 40
non-payment of, **2,** 315, 338
official receiver, of proceedings by or against, **2,** 105—107
order for, as final judgment, **2,** 26, 27
priority of, **2,** 322, 323
private examination, of, **2,** 141
proof of, **2,** 203

BANKRUPTCY—*continued.*
costs—*continued.*
prosecution for statutory offence, of, **2,** 352
rejection of proof, of, **2,** 234
rule as to, **2,** 321
scales of, **2,** 321, 322
set-off of, **2,** 214, 323
setting aside settlement, of proceedings for, **2,** 279
sheriff, of, **17,** 624
small bankruptcy, in, **2,** 296, 300
solicitor, of. *See* solicitor, costs of.
taxation of, **2,** 127, 321—323 ; **26,** 769, 770
trustee, of, **2,** 127, 128, 333
witnesses, of, **2,** 318
co-trustee, effect of discharge of trustee on liability of, **2,** 270
counsel, attendance at examination of, **2,** 141, 415
fees, proof for, **2,** 209, 210, 391
counterclaim, effect on bankruptcy notice of, **2,** 31
county court
action, party to, of, **8,** 511—513
trustee, by, joinder of personal claim in, **8,** 459
appeal from, **2,** 7, 303 ; **9,** 56
jurisdiction in, **2,** 7, 47, 48, 63, 296—301
sittings of, **2,** 311
court of appeal, appeal to, **2,** 263, 303, 304, 310
covenant, further assurance, for, enforcement of, **25,** 468
lease, in, effect on, of, **1,** 275 ; **2,** 199 ; **18,** 577, 600
onerous, disclaimer of land burdened with, **2,** 191
proof in respect of liability under, **2,** 199
credit, meaning of, in, **25,** 486 n.
obtaining, by fraud, **2,** 350, 351
property on, **2,** 348, 349
venue, as to, **9,** 281 n.
sale by trustee on, **2,** 123
crime, not considered a, **2,** 4
criminal
offences by other persons than debtors, **2,** 350, 351, 399 n.
proceedings, statement of affairs as evidence in, **2,** 71, 73 ; **9,** 657 n.
Crown, clerk in service of, of, **2,** 190, 191
debt to, effect of discharge on, **2,** 269, 270
priority of, **5,** 513, 516, 579 ; **14,** 247, 345 ; **27,** 166 n.
proceedings, stay of, **2,** 63
scheme of arrangement as affecting, **2,** 83
debenture, fraudulent issue of, **2,** 288
surrender of, **2,** 276
debt, ability to pay, dismissal of petition on ground of, **2,** 56
action for, after act of, **2,** 184
arrangement, how far debtor released by, **2,** 83
contracting, without reasonable belief of payment, **2,** 251, 253—255
discharge and its effect on, **2,** 6, 269, 270 ; **11,** 172
disputed, payment of, **2,** 91
provision of dividends for, **2,** 237, 238
false, failure to inform trustee as to, **2,** 347
gaming, payment by bankrupt of. **2,** 289
judgment, debtor's trustee, how affected by payment of, **2,** 273
not provable in, **2,** 62

BANKRUPTCY—*continued.*
debt—*continued.*
payment of, annulment on, **2,** 78, 90, 91
effect on, **2,** 183—186, 285
petition, for purposes of, **2,** 34, 49, 60
Postmaster-General, due to, preference of, **27,** 358 n.
proof of. *See* PROOF OF DEBTS.
purchase of, for purpose of petition, **2,** 60
release of, with view to scheme of arrangement, **2,** 81, 82
reputed ownership of, **2,** 173, 174, 179
statute-barred, payment of, **2,** 285
Debtors Acts, fraudulent preference with reference to, **2,** 287
imprisonment of bankrupt under, **2,** 338. *See* FRAUDULENT DEBTOR.
prosecution of bankrupt under, **2,** 302, 345—355
deceiving and defrauding distinguished, **2,** 348
declaration of insolvency as act of, **2,** 24
trust after, effect of, **28,** 10
deed, arrangement, of, **2,** 329—332. *See* DEED OF ARRANGEMENT.
assignment, of, to trustee for creditors, **2,** 327—329. *See* ASSIGNMENT FOR BENEFIT OF CREDITORS.
imperfect, how far a fraudulent conveyance, **2,** 20
inspectorship, of, registration etc. of, **2,** 326, 329—332. *See* DEED OF ARRANGEMENT.
trustee's execution of, **2,** 121
defamatory statement imputing, **18,** 626, 627
default, appearance of parties on hearing petition, of, **2,** 52
instalment under arrangement, in payment of, **2,** 335, 336
judgment by, when a final judgment, **2,** 26, 27
official receiver, in obeying, **2,** 105
payment, in, imprisonment for, **2,** 338, 345—355
defence, frivolous or vexatious, effect on discharge of, **2,** 258
order of discharge as, in county court, **8,** 486
provable debt, in case of action for, **1,** 21 ; **2,** 60, 62
defrauding and deceiving distinguished, **2,** 348
delivery up of property, failure as to, **2,** 346
deposition, evidence by, in, **2,** 318, 354; **13,** 630
detinue, order against trustee in action based on, **27,** 917 n.
devastavit, proof for, in, **14,** 318
director of
company, of, **5,** 240
public prosecutions, duty of, **2,** 352 ; **9,** 293 n.
discharge in, **2,** 241—271. *See* ORDER OF DISCHARGE.
disclaimer by trustee in. *See* DISCLAIMER, trustee in bankruptcy.
disclosure, failure to make, **2,** 345, 346
discovery,
documents, of, **2,** 318 ; **11,** 44
interrogatories, by way of, **11,** 44, 106 n.
property, of,
debtor, by, **2,** 140, 345, 346
third persons, by, **2,** 143
discretion, court, of, exercise of, **2,** 246, 262, 263, 305
trustees, of, as to application of income, **2,** 149 ; **28,** 19 n.

BANKRUPTCY—*continued.*
disqualification, alderman, of, by, **2,** 88 ; **19,** 307, 309
City of London, of, **20,** 424
barrister, of, **2,** 365
borough councillor, of, **2,** 88 ; **19,** 304, 307
committee of inspection, of member of, **2,** 116
county councillor, of, **2,** 89 ,
district councillor, of, **19,** 264—266
Inns of Court, for admission to, **2,** 363
justice of the peace, of, **2,** 88 ; **19,** 551
local offices, for holding of, **2,** 88, 89
mayor, in case of, **19,** 307, 310
member of Parliament, of, procedure on, **21,** 789, 790
official receiver, of, **2,** 99
parliamentary, by reason of, **2,** 88 ; **21,** 622, 658
period of, **2,** 89, 90, 269, 310
select vestryman, of, **2,** 89 ; **11,** 459
spiritual person, of, **11,** 617, 620
territorial force, of member of, **25,** 85
trustee, of, by reason of, **2,** 89
distress, administration order, after, **2,** 98
amount leviable, **1,** 256 ; **2,** 291 ; **11,** 171
discharge, effect of, **11,** 172
execution as affecting, **2,** 292 ; **14,** 53
goods distrainable, **2,** 292 ; **11,** 145, 172
leave of Court necessary, when, **11,** 180
mortgagee, by, **2,** 293
preferential claims, effect of, on, **2,** 218, 294
receiving order, after, **2,** 61, 292
restrictions on, **1,** 256 ; **2,** 291, 292 ; **11,** 171
stranger's goods, on, **2,** 292 ; **11,** 171, 172
taking over goods in lieu of, **1,** 256 ; **2,** 292, 293
undertaking in lieu of, **2,** 222
distribution by insolvent in anticipation of, **2,** 259
trustee in, **2,** 235—241, 300, 301
property available for, on, **2,** 143—168, 173—181
dividends, declaration and payment of, **2,** 236—238, 300, 301 ; **19,** 70
payment of, effect under statute of limitation, **19,** 70
unclaimed, disposal of, **2,** 239—241
Divisional Court, appeal to or from, **2,** 303
divorce, petitioner for, not a judgment creditor for purpose of, notice, **2,** 26, 36 ; **16,** 546
proof by, **16,** 546
documents, discovery of, **2,** 318 ; **11,** 44
offences by bankrupt in connection with, **2,** 346—348
production of, by stranger, **2,** 140
trustee, **2,** 113
trustee's control over, **2,** 117
domicil of debtor for purposes of petition in, **2,** 9, 35, 43, 44
matrimonial domicil does not prevail against *lex fori,* **6,** 278
dramatic performing right, devolution of, on, **8,** 181
dwelling-house, absence from or remaining within, **2,** 20—23
Easter week, time expiring in, **2,** 306, 319, 320
elegit, writ of, completion of execution by, **2,** 273 ; **14,** 65
embezzling, whether an offence under Debtors Acts, **2,** 347
employer, of, building contract, in case of, **3,** 272, 273
workman's rights in case of, **2,** 216, 217 ; **17** 571 ; **20,** 191, 192

BANKRUPTCY—*continued.*
England, departing from, **2,** 20, 21, 349, 377
entailed property, trustee's powers with respect to, **2,** 121; **8,** 73; **24,** 256
equitable debt, petition founded on, **2,** 42
estoppel, bankruptcy court, as against, **2,** 57
creditor, as against, **2,** 15, 34
trustee, as against, **2,** 166; **13,** 348, 389
evading creditors, **2,** 20—23
absence from house of business, by, **2,** 22
assumed name, by, **2,** 22
departure from or keeping out of England, by, **2,** 21
keeping house, by, **2,** 22
evidence in,
admissions as, **2,** 71, 73; **9,** 399 n., 657 n.
affidavit, by, **2,** 313, 314, 317, 318
affidavit filed with petition not, **2,** 52
of proceedings before judge as, **2,** 308
appeals, on, **2,** 308
application for review etc. of order of discharge, on, **2,** 264
Board of Trade documents as, **2,** 316, 317
certificate of appointment of trustee conclusive, **2,** 110
copy or extract from registered deed as, **2,** 331
criminal intention, to rebut, **2,** 346
discovery of documents, order for, **2,** 318
hearing of petition, at, **2,** 52
interrogatories, order for, **2,** 318
London Gazette, from, **2,** 87, 312, 316, 354; **9,** 354; **13,** 551
minutes of creditors' meetings as, **2,** 316
notes of public examination of debtor as, **2,** 71, 73
official receiver's report as, **2,** 104, 105, 245, 251, 295
order of discharge as, **2,** 269
private examination, at, **2,** 142, 143
proceedings on hearing of bankruptcy notice, on, inadmissible to support petition, **2,** 52 n.
prosecution for misdemeanour, at, **2,** 353, 354
seal, Board of Trade, of, effect of, **2,** 316, 317
Court, of, **2,** 316; **9,** 354
signature, judge, of, **2,** 316
registrar, of, **2,** 316
witnesses, attendance of, **2,** 318
commission to examine, **2,** 318
depositions of, **2,** 318
examination, counsel's right to be heard at, **2,** 141, 415
means, as to, before committal, **2,** 340
private. *See* EXAMINATION, bankruptcy, in.
public. *See* EXAMINATION, bankruptcy, in.
witness abroad, of, **2,** 318
execution. *See* EXECUTION OF JUDGMENT OR ORDER.
injunction to protect estate, **17,** 252
executor, account by, on administration in, **2,** 96
de son tort, account by, on administration in, **2,** 96
dealing with estate before intervention by trustee, **2,** 96, 98; **14,** 210
petition by, **2,** 36
preferential claim by, **2,** 98, 221
proof by, **2,** 210

BANKRUPTCY—*continued.*
executor—*continued.*
refusal of recognition to, on account of, **14,** 140
retainer by, of debt out of estate, **2,** 97, 215; **13,** 164; **14,** 257, 345
service by, of bankruptcy notice, **2,** 25
service on, of petition for administration, **2,** 94
executor, of an, **2,** 168, 210; **14,** 140
expectancy, effect on, of, **2,** 144; **21,** 93
extortion, effect of, **2,** 39, 60
extravagance, considerations with reference to, **2,** 251, 255—258
factor, of person holding property as, **2,** 169, 170, 213
petition by, **2,** 37
false representation, bankrupt obtaining goods by, **2,** 348
falsification of books etc., offence of, **2,** 347, 348
farmer, of. *See* agricultural tenant, *supra.*
felony, bankrupt, by,
acts amounting to, **2,** 349
procedure before committal for, **2,** 352
refusal of discharge for, **2,** 242, 247
debt arising out of, whether provable, **2,** 201
indebtedness caused by commission of, trustee's right to recover, **1,** 29
fictitious losses, offence by stating, **2,** 348
fiduciary capacity, default by person in, **2,** 338
right to money in hands of bankrupt in, **2,** 168, 169
file of proceedings in, **2,** 311, 312
final
judgment for purpose of bankruptcy notice, **2,** 26, 27
order in, enforcement of, **18,** 220
fixtures, disclaimer of lease, in case of, **2,** 193
reputed ownership in relation to, **2,** 173, 174
foreclosure in case of mortgagor's bankruptcy, **2,** 227; **21,** 277, 279
foreign,
contract or tort, effect of foreign discharge on, **2,** 271
creditor, priority under *lex loci contractus*, cannot claim, **6,** 304 n.
proof by, **2,** 210
discharge in, effect in England of, **2,** 270, 271; **6,** 247
proceedings against English debtor, how treated, **2,** 59, 63, 79
foreigner, act of bankruptcy, cannot commit, jurisdiction, outside, **2,** 9, 32, 43
not resident within jurisdiction, no proceedings against, **2,** 6 n., 9
receiving order against, **2,** 24, 25, 344, 345
service on, of notice, **2,** 28
forfeiture on, builder's materials, of, **2,** 152; **3,** 252—254, 262, 263, 272
gift, of, **2,** 146—150; **24,** 174; **25,** 570, 571; **28,** 29, 774, 805, 840
annulment, effect of, **2,** 92, 148
condition impossible to perform by reason of, **2,** 150
construction of forfeiture clauses, **2,** 148
date at which it operates, **2,** 187
maintenance of bankrupt, provision for, **2,** 148
petition by debtor, effect of, **2,** 88

BANKRUPTCY—*continued.*
forfeiture on—*continued.*
lease, of, **1,** 275; **2,** 88, 149, 150; **18,** 530, 542, 543
annulment, effect of, **2,** 92, 93
partnership, of share in, **2,** 151
settlor's own bankruptcy, on, **2,** 146, 150; **15,** 86; **24,** 174; **25,** 570
formal defects in proceedings, effect of, **2,** 320
franchise rights, effect on, **12,** 167 n.
fraud, adjudication based on judgment etc. tainted with, **2,** 39, 57; **18,** 217
debt tainted with, proof of, **2,** 198, 200
discharge may be affected by, **2,** 251, 260, 261, 270
rescission of administration order obtained by, **2,** 299
scheme or composition tainted with, **2,** 84—86, 336, 337
fraudulent
alienation, impeachment of, **2,** 288; **15,** 88, 89
breach of trust, effect on discharge, **2,** 251, 260
conveyance, avoidance of, **2,** 15—20; **15,** 88, 89, 106. *See* FRAUDULENT CONVEYANCE.
payment under, **2,** 288
penalty in respect of, action by trustee for, **15,** 92
debtor, **2,** 345—355. *See* FRAUDULENT DEBTOR.
preference, act of bankruptcy by, **2,** 20
impeachment of, **2,** 279—287; **7,** 484. *See* FRAUDULENT PREFERENCE.
friendly society
officer, of, **2,** 215, 216; **14,** 345; **15,** 143, 162—164
trustee, of, procedure on, **15,** 170
frivolous action by bankrupt, effect of, **2,** 139, 251, 258
funeral expenses, preferential claim for, **2,** 98, 217; **14,** 345
future advances, security for, how far good on, **2,** 17, 18
gambling, effect on right to discharge of, **2,** 251, 255
gaming debts, payment by bankrupt of, effect of, **2,** 289
proof for, **2,** 201, 202
gaoler refusing to receive prisoner after committal, penalty, **7,** 296
garnishee order, bankruptcy notice in case of, **2,** 26; **14,** 100
making of, effect of, **2,** 26, 29, 37, 274
payment under, effect of, **2,** 185, 186
gas company's rights on consumer's, **2,** 294; **15,** 335, 340
gift
by or to bankrupt, **15,** 403
determinable on. *See* forfeiture, *supra.*
fraudulent, offence by, **2,** 350
over on, effect of, **15,** 423, 424; **28,** 29, 30, 805
settlement, when a, **2,** 276
good faith. *See bonâ fide, supra.*
Good Friday, time expiring on, **2,** 306, 319, 320
goods
acquired subsequent to, rights in regard to, **2,** 183, 184; **14,** 218

BANKRUPTCY—*continued.*
goods—*continued.*
removal by bankrupt of, **2,** 55, 75
goodwill, proof in respect of price of, **22,** 13
sale by bankrupt of, **2,** 224
transfer of, on, **2,** 160; **27,** 591 n.
trustee's rights as to, **2,** 119, 160, 161
grant voidable on, protection of purchaser for value, **2,** 279; **15,** 83 n.
guarantee, petition dismissed on giving of, **2,** 59
surety under. *See* surety, *infra.*
half-pay, appropriation of, on, **2,** 191
High Court of Justice, jurisdiction of, **2,** 6, 7; **9,** 56
hire purchase of chattel, effect on, of, **1,** 555, 556; **2,** 175 n.
House of Lords, appeal to, **2,** 303, 304
husband, of
administration of wife's estate in case of, **14,** 183
forfeiture of interest on, **2,** 148, 151; **25,** 570
leaseholds, powers as to wife's, vest in trustee, **16,** 325
non-separate property of wife, effect on, **2,** 157, 158; **16,** 325, 331, 332, 337, 339
not reduced into possession by husband's, **16,** 331
personalty, interest in wife's, vests in trustee, **2,** 156, 157
secus where not reduced into possession, **2,** 157, 158; **16,** 331
reputed ownership in case of, **2,** 181
reversion, interest in wife's, passes to trustee **16,** 332
separate property, effect on, **2,** 156, 158; **16,** 345
wife's
annuity under deed of separation, proof for, **16,** 451
chose in action, right of trustee to, **2,** 157, 158; **16,** 331
deed acknowledged, effect of husband's concurrence in, **16,** 381
equity to a settlement in case of, **2,** 158; **16,** 331, 337, 339
loans for trade, **2,** 159, 222, 223; **16,** 434
proof in, **16,** 434, 435
property mortgaged as security, **16,** 405 n., 406 n., 407
husband's petition against wife, **2,** 37
illegal
consideration, debt founded on, proof for, **2,** 200
contract by bankrupt, effect of, **2,** 244 n.; **7,** 393
payment under, **2,** 185
illegitimate child, of father of, **2,** 83, 269, 441, 451
imprisonment for debt. *See* IMPRISONMENT FOR DEBT.
income, bankrupt's right to, after discharge, **2,** 267
imprisonment for non-payment of, **2,** 338
incumbent, of, **2,** 153, 189, 190; **11,** 617—620
indemnity, proof in respect of, **2,** 209, 211
right of action in respect of, as property for purposes of, **2,** 137; **15,** 445 n.
trustee's, **2,** 134, 135, 308
India, bankrupt's property in, **2,** 6

BANKRUPTCY—*continued.*
indictment under Debtors Acts, form of, **2,** 353, 354
Vexatious Indictments Acts, within, **2,** 353 ; **9,** 331 n.
industrial or provident society, of member of, **17,** 11, 17
of trustee of, **17,** 21
infant,
bankruptcy notice not issuable against, **2,** 28
fraudulent misrepresentation of age, effect, **17,** 54, 55, 66
offence by, **2,** 349 ; **17,** 55
petition against, invalid, **2,** 41 ; **17,** 54
petition against himself, cannot present, **2,** 11, 12
petition by, **2,** 37 ; **17,** 55
proof by, **2,** 12, 231, 232 ; **17,** 55, 66
proxy at creditors' meeting, cannot be, **17,** 55
ratification of debt contracted as, will not sustain petition, **17,** 652
reputed ownership does not extend to goods of, **17,** 55
respondent, how brought before Court, **2,** 314
service of notice of motion on, **2,** 314
injunction on personal representative's, to protect estate, **17,** 252
insolvency. *See* INSOLVENCY.
insolvent estate, administration of. *See* ADMINISTRATION OF DECEASED'S ESTATE.
inspection of
records of court etc. in, **2,** 311, 312
register of deeds of arrangement, **2,** 331
trustee's accounts under deed of arrangement, **2,** 336
inspectorship, deed of, registration etc. of, **2,** 326, 329—332. *See* DEED OF ARRANGEMENT.
instalments,
appropriation of payments in case of debt payable by, **7,** 451 ; **15,** 538
composition with creditors, in case of,
default in payment of, adjudication on, **2,** 85, 86
release to be void on, secret bargaining, **2,** 335, 336
default clause, rendering balance payable, effect, **2,** 30
notice cannot issue for overdue, **2,** 29
order of discharge, revocation of, on failure to pay, **2,** 310
receiving order in case of, **2,** 63
insurance broker, of, **17,** 350, 352
intention, notice of, in act of bankruptcy, **2,** 290
obtaining credit, immaterial, **13,** 449
proof of, in case of fraud, **2,** 346, 347, 354
interest. *See* INTEREST ON MONEY.
interest in property determinable on, **2,** 146—152 ; **15,** 86. *See* forfeiture, *supra.*
interpleader matter, appeal from order made in, **17,** 620
effect on, of supervening, **2,** 23, 28, 29, 275 ; **17,** 605, 624, 627
interrogatories in case of, **2,** 318 ; **11,** 44, 106 n.
irregularities merely formal; effect of, **2,** 320
issue of fact, trial of, **2,** 315
joint and separate debts, priorities in case of, **2,** 218—220
joint
contractor, effect of discharge of one, **2,** 207
creditors, petition by, **2,** 36, 50

BANKRUPTCY—*continued.*
joint—*continued.*
debtor, bankruptcy notice against, **2,** 28
public examination in case of, **2,** 72
tenancy severed by, **24,** 204
judgment, conclusiveness of, **2,** 57
costs, for, when not final judgment, **2,** 27
debt, payment by debtor of, effect of, **2,** 273
debtor, of, questions more particularly arising on, **2,** 23, 271—274 ; **14,** 53
default, by, against infant, as foundation for proceedings in, **17,** 65 n.
fraud, obtained by, setting aside of, **18,** 217
official receiver's right to, against bankrupt, **2,** 249, 250
judgment summons, committal, for, **2,** 341—344
Divorce Division, in case of unproductive writ in, **16,** 588
receiving order on, **2,** 24, 25
jurisdiction in, **2,** 5—7 ; **6,** 278 ; **9,** 53
priorities, in regard to, **6,** 304
statement in petition as to, **2,** 49
jury, trial by, **2,** 310, 315
justices, default in paying sum recoverable before, **2,** 338
keeping house, act of bankruptcy by, **2,** 22, 23
King's Proctor, petition by, **2,** 36
land, creditor's right to seize as against trustee, **2,** 271
equitable execution against, **2,** 271, 273
reputed ownership in respect of, **2,** 174
sale of, effect of bankruptcy of vendor on, **2,** 289 ; **25,** 381
landlord, proof for rent by, **2,** 221, 222 ; **11,** 171
right of distress of, how affected by. *See* distress, *supra.*
set-off by, **1,** 275
lease, covenant not to assign in, whether broken by, **2,** 88
forfeiture of, on, **1,** 275 ; **2,** 88, 149, 150 ; **18,** 530, 542, 543
effect of annulment of bankruptcy in case of, **2,** 92, 93
leasehold, bankrupt's power with respect to, **2,** 165
disclaimer in respect of. *See* DISCLAIMER.
sale by trustee of, **2,** 120, 121
vesting in trustee of, **2,** 155, 156, 165 ; **18,** 600
legal proceedings. *See* action, *supra.*
act of bankruptcy, after, **2,** 184
after-acquired property, in case of, **2,** 139
by and against trustee, **2,** 122, 133—139. *See* TRUSTEE IN BANKRUPTCY.
legatee, of, executor's right of retainer, **2,** 214, 215 ; **14,** 269
payment of legacy without notice of bankruptcy, **14,** 265
proof by, **2,** 210
lessee, of
agricultural. *See* agricultural, *supra.*
distress, effect on right of. *See* distress, *supra.*
forfeiture, assignment, for, not incurred by, **2,** 150
relief against, under Conveyancing Acts, how far applicable to, **18,** 542
forfeiture clause, whether assignment for creditor's benefit is within, **2,** 150
interest of, passes to trustee, **2,** 155 ; **18,** 379 n., 600
presenting own petition, no breach of covenant not to assign, **2,** 88
proviso for re-entry on, **18,** 530

BANKRUPTCY—*continued.*
lessor, appeal by, in case of disclaimer, **2,** 303
letter of licence, registration etc. of, **2,** 326, 329, 332
letters of debtor, redirection to official receiver, **2,** 76, 104, 118
liability to be made bankrupt, **2,** 8—13
libel, trustee's right with regard to, **18,** 611, 612
licence to seize chattels, effect on, of, **2,** 65
licensed person's property, disposal of, **18,** 49, 50
lien, banker's, how affected by customer's, **1,** 623 ; **2,** 171
short bills, upon, banker's bankruptcy as affecting, **2,** 171
bankrupt, of, premiums paid on policies, for, against trustee, **19,** 20
creditor's, effect of release in composition agreement on, **2,** 336
factor's, trustee's right to benefit of, **2,** 169, 170
general, whether can be claimed against trustee, **19,** 10
holder of, passes to trustee on, **19,** 18
official receiver, of, **2,** 128
partnership property, on, **2,** 220
purchaser, of, passes to his trustee, **19,** 18
sale of goods, in case of, as affected by buyer's, **2,** 163 ; **25,** 242
secured creditor by virtue of holding, **2,** 224
proof by, **2,** 225
Statute of Limitations with reference to, **2,** 202
trustee, how far available against, books, in case of, **2,** 117
trustee of vendor, against, for advances, **19,** 18 n.
trustee's right to benefit of, **2,** 169, 170, 511 ; **19,** 10, 18
trustees of void settlement, of, **2,** 279
vendor, of, passes to his trustee, **19,** 18
life policy, effect on, of, **17,** 562
limitation of actions,
annulment of adjudication, effect of, **2,** 91, 93 ; **19,** 54
how affected by, **2,** 91, 93, 337 ; **19,** 54, 70, 191
lien preserved notwithstanding, **2,** 202
motion barred by, **2,** 315
petition on debt barred by, **2,** 41
proof for debt barred by, **2,** 202
set-off by executor against debt barred by, **2,** 215
limited partner, of, **22,** 111
liquidator of company, of, **5,** 461
loan, business, for, claim in respect of, **2,** 223, 224
wife of bankrupt, by, **2,** 159, 222, 223 ; **16,** 434, 435
London Court of, jurisdiction of, **9,** 53
London Gazette, evidence from, **2,** 87, 312, 316, 354 ; **13,** 551
Lord Chancellor's jurisdiction in, now obsolete, **7,** 64
lunatic, of, **2,** 10, 11, 72, 279 ; **19,** 441
committee, powers of, **2,** 11, 37, 47 ; **19,** 441
proof by, **2,** 231
petition by, **2,** 37, 47
marriage settlement, protection or avoidance of, **2,** 150, 151, 262, 277
married woman, annulment of adjudication against, **2,** 90
bankruptcy notice cannot issue against, **2,** 10, 27, 28

BANKRUPTCY—*continued.*
married woman—*continued.*
charging property for husband's debt, right to indemnity against bankrupt estate of, **16,** 405 n.
equity to a settlement of, **2,** 158 ; **16,** 339
imprisonment of, for non-payment of debt, **2,** 340
interest under settlement passes to trustee, **2,** 10
loan to husband, business, for, postponed to other creditors, **2,** 159, 222, 223 ; **16,** 434
non-trading purposes, for, proof for, **6,** 435
loan to husband's partnership, not postponed in case of, **2,** 223
partner of husband, cannot become bankrupt, **22,** 21
payment of premiums under post-nuptial settlement not a valid settlement in, **16,** 402
petition by, **2,** 37
proof for annuity by, in husband's, **16,** 451
property subject to restraint does not pass on bankruptcy of, **2,** 146 ; **16,** 369
separate trader, of, **2,** 9, 10 ; **16,** 352, 353 ; **22,** 21
power of appointment, cannot be compelled to exercise, **2,** 10, 146
property becoming free from restraint passes to trustee, **2,** 369
trustee of husband cannot claim trade effects, **2,** 159
marshalling with reference to, **13,** 146
master, of, apprentice's rights on, **17,** 71
contract of service, whether dissolved on, **20,** 95
means, examination as to, before committal, **2,** 340
meeting of creditors. *See* CREDITOR.
member of Parliament, of, **2,** 12, 88 ; **7,** 321 ; **21,** 622, 658, 789, 790
mercantile agent, property held by bankrupt as, **2,** 169
miner in stannaries, preferential claim of, **2,** 216
minute of proceedings as evidence in, **2,** 316
misconduct of bankrupt,
discharge unconditionally refused for gross, **2,** 263
immediate discharge refused for, **2,** 100, 242, 243
moral delinquencies not amounting to, **2,** 245
rescission of administration order for, **2,** 299, 300
misconduct of trustee, Board of Trade opposing appointment for, **2,** 110
Board of Trade removing for, **2,** 112
remuneration, deprivation of, for, **2,** 126, 127
misdemeanour, bankrupt, by,
absolute refusal of discharge for, **2,** 247
books, as to, **2,** 347
concealment of assets, **2,** 345, 346, 347
credit, obtaining, **2,** 348, 349 ; **9,** 281 n.
failure to deliver up property and documents, **2,** 346
falsification of books and documents, **2,** 347, 348
fraudulent removal of property, **2,** 347
person other than the bankrupt, by, **2,** 350, 351

BANKRUPTCY—*continued.*
misfeasance summons, order on, as a final judgment, **2,** 27
misrepresentation, arrangement obtained by, **2,** 335
damages for, in prospectus, whether provable, **2,** 198
fraudulent, discharge how affected by, **2,** 251, 260
mistake, payment to trustee by, **2,** 97, 239
security, in valuation of, **2,** 229
money, banker etc., in hands of, delivery up to trustee of, **2,** 189
gift of, settlement by, **2,** 276
trust, right to follow, **2,** 169
money-lender, reopening transaction with, **2,** 57, 211; **21,** 55
month, meaning of, **2,** 43
moral obligation, payment under, position of, **2,** 285
mortgage, bankrupt, by, **2,** 239; **21,** 93, 94
after-acquired property, of, **2,** 164, 165; **21,** 93, 94
surplus, of possible, in administration, **2,** 239
creditor, by, effect of release in composition deed in, **2,** 336
deed, special provisions in, with reference to, **2,** 152
redemption by trustee of, **2,** 155, 228; **21,** 142
settlement subject to, how affected by settlor's bankruptcy, **2,** 276
trustee, by, **2,** 123; **21,** 94
mortgaged property, bill of sale holder in possession of, **2,** 64
reputed ownership of, **2,** 177
mortgagee, consolidation by, with reference to, **21,** 214
distress by, **2,** 293
on goods of, rights on, **2,** 292
proof by, **2,** 211
rights of, on mortgagor's. *See* mortgagor, *infra.*
secured creditor, a, **2,** 224, 227
mortgaging powers of limited owner not affected by, **2,** 146 n.; **21,** 101 n.
mortgagor, of, contract relating to future, void, **2,** 152
crops, mortgagee's right to, **2,** 64
mortgagee taking security without notice of act of bankruptcy, not prejudiced, **21,** 346; **26,** 27
mortgagee's right of
consolidation after, **21,** 214
distress, **2,** 293
foreclosure notwithstanding, **2,** 227; **21,** 277
marshalling against trustee, **21,** 301
realisation of security by mortgagee, **2,** 64, 227; **21,** 300
redemption, right of, **2,** 155, 228; **21,** 142
surrender of security by mortgagee, **2,** 227
trustee should be joined in foreclosure action, **2,** 279
valuation of security by mortgagee, **2,** 227—229
motion, action within County Courts Act, is not, **1,** 5; **2,** 315 n.
affidavit in opposition to, **2,** 314
appeal, notice of, **2,** 306
applications to be by, **2,** 313

BANKRUPTCY—*continued.*
motion—*continued.*
dismissal of, **2,** 315
enforcement of order on, **2,** 315
limitation of actions applies to, **2,** 315
notice of, service etc. of, **2,** 306, 313, 314
order for costs of, not a final judgment, **2,** 26
mutual credits, proof of debts in case of, **2,** 211
names, dates etc., for petition purposes, **2,** 49, 50
national health insurance, priority of contributions payable by bankrupt in respect of, **28,** 918
naval pension or half-pay may be dealt with in, **25,** 35
next friend, petition by, **2,** 37
notice, act of bankruptcy, of,
banker, to, of customer's, **1,** 606, 607; **2,** 517
constructive, **2,** 290, 291
creditor cannot prove for debts contracted after, **2,** 198
direct, **2,** 290
onus of proof in case of, **1,** 235; **2,** 291
post, by, **2,** 291
purchaser of land, duty of, on receipt of, **25,** 283
set off, right to, defeated by, **2,** 212
bankruptcy. *See* BANKRUPTCY NOTICE.
paying off distress with, effect, **11,** 172
sheriff, to, effect, **11,** 178
dishonour of bill of exchange, of, in case of, **2,** 545
motion for appeal, of, **2,** 306
suspension of payment, of, **2,** 32—34, 39
offences by bankrupt. *See* felony, misdemeanour, *supra.*
infant, how far liable, **2,** 349; **17,** 55
officer's salary, appropriation of, **2,** 190, 191
official receiver, duties etc. of. *See* OFFICIAL RECEIVER (Bankruptcy).
one man company, assignment by bankrupt to, **2,** 17
open court, matters to be dealt with in, **2,** 310, 339
order and disposition of bankrupt, things in, **2,** 144, 173—181; **17,** 55. *See* REPUTED OWNERSHIP.
order in, action to enforce, **2,** 319; **18,** 220
order of court, bankruptcy notice, for purpose of, **2,** 26, 27
order of discharge in. *See* ORDER OF DISCHARGE.
ordinary residence, petition purposes, for, **2,** 44
parliament, of member of, **2,** 12,; **7,** 321
disqualification by, **2,** 88; **21,** 623, 658
disqualification from candidature as, **21,** 658
Speaker's duty on, **21,** 789, 790
partner, joinder of, in action by trustee of bankrupt partner, **2,** 122; **7,** 457
petition by, **2,** 35, 36
proof by, firm, on behalf of, **2,** 231
joint estate, against, **2,** 221
receiving order against firm binds, **2,** 13
partner, of one, dissolution of firm on, **2,** 161; **22,** 87
firm bound to holder of bill of exchange without notice, **2,** 493
forfeiture clause in partnership deed is void, **2,** 151
joint and several creditors, **2,** 218—221, 238
limited, **22,** 111
postponement of joint creditor, **2,** 238

BANKRUPTCY—*continued.*
partner—*continued.*
proof in,
firm creditors, by, **2,** 68
other partners, by, separate trade, in respect of, **2,** 220
release of debt by other partner void, **7,** 457
sale of interest in firm to co-partners, **2,** 120
trustee of, entitled to share of, **2,** 161
partnership, of, adjudication orders on, **2,** 13, 87
appropriation of securities for joint debt and several debt, **2,** 226
bankruptcy notice, **2,** 28
committee of inspection in case of, **2,** 114
creditor of, when a secured creditor, **2,** 225
indemnity to outgoing partner, **2,** 220
infant partner, where, **17,** 55
joint and several creditors, **2,** 218—221, 238
leave to issue execution against member of, **2,** 29
preferential claims in, **2,** 218, 219
premium paid by partner, return of, **22,** 94
proof in case of, **2,** 219—221, 232
fraudulent conversion, for, **2,** 219
receiving order against, **2,** 13
no appeal from, **2,** 302
statement of affairs in, **2,** 71
trustee is trustee of separate partners of firm, **2,** 109
wife of one partner, loan by, **2,** 223
past debt, assignment for, as act of, **2,** 16, 17
patent right, of proprietor of, **2,** 26, 161 ; **22,** 189, 190
pawner, of, pawnbroker's title in case of, **22,** 246
payment, annulment on, **2,** 78, 90, 91
auctioneer, to, under sale in, **1,** 516
avoidance of, application with a view to, **2,** 310
bankrupt, by, effect of, **2,** 56, 184, 185, 271—274, 288—290
to, effect of, **1,** 603 ; **2,** 159, 160, 183—186, 289
Bankruptcy Estates Account, into or out of. *See* bankruptcy estates account, *supra.*
court, into, after charging order etc., **2,** 273
debtor's ability to make, dismissal of petition on ground of, **2,** 56
debts in full, of, meaning of, **2,** 90, 91
rescission of receiving order on, **2,** 78
deed of arrangement, under, **2,** 186, 187, 337
fraudulent preference by. *See* fraudulent preference.
imprisonment for failure as to, **2,** 337—355. *See* FRAUDULENT DEBTOR; IMPRISONMENT FOR DEBT.
mistake, of money received by trustee by, **2,** 239
protected, **2,** 288
purchase money, of, before completion, **25,** 381, 382
refusal by petitioning creditor of, **2,** 41
settlement on wife and children, in pursuance of, **16,** 402
trustee, by, into bank, **2,** 129
trustee or official receiver, to, in lieu of bankrupt, **2,** 118, 140
peer, of, **2,** 12 ; **21,** 622 ; **22,** 270
penalty, imprisonment for default in payment of, **2,** 337
proof for, **2,** 211
pension, availability of, on, **2,** 191 ; **4,** 402 ; **22,** 512 ; **25,** 35

BANKRUPTCY—*continued.*
periodical payments, proof for, **2,** 232
person aggrieved, appeal by, **2,** 301, 302, 333
personal
earnings, bankrupt's right to, **2,** 166, 167
representative, of, effect of, **14,** 217
retainer by, of debt due to estate, **2,** 97, 215 ; **13,** 164 ; **14,** 257, 345
right of, to issue notice against judgment debtor, **14,** 229
services, contract for, how affected by, **2,** 138, 139
skill, contracts involving, how affected by, **2,** 162
personalty, vesting of, on, **2,** 143, 144, 152, 153 ; **22,** 408
petition in. *See* PETITION IN BANKRUPTCY.
pledge, bankrupt, by, constituting an offence, **2,** 349
effect on contract of, of, **22,** 246
police pension, effect on, of, **22,** 512, 513
poor rate, priority of, **2,** 217 ; **24,** 68
possession of bankrupt, right to goods in, **2,** 144, 173 ; **11,** 145 ; **17,** 55
possibility coupled with interest, devolution of, **2,** 144, 145
post, service by, **2,** 291, 320
Postmaster-General, preferential claim of, **27,** 358 n.
postponement of claims in, **2,** 222—224, 301
power of
appointment in bankrupt, exercise of, **2,** 145, 146
attorney, execution by trustee of, **2,** 121
practice and procedure in, **2,** 310—325 ; **13,** 551 ; **25,** 352
preference, avoidance of, **2,** 279—287. *See* FRAUDULENT PREFERENCE.
undue, effect on discharge of, **2,** 251, 258, 259
preferential claims and rights in, **2,** 97, 98, 294
payments in case of, **2,** 125, 217 ; **27,** 411 n.
premium, return to apprentice of, on, **2,** 222
voluntary payment of, as a settlement, **2,** 276
principal, of, agent's liability on, **1,** 224, 235
rights on, **1,** 198, 235
termination of agency by, **1,** 234
priorities in, **2,** 215—224. *See* PRIORITY OF DEBTS IN BANKRUPTCY.
lex fori applicable to, **6,** 278, 304
private examination in, **2,** 76, 118, 140—143. *See* EXAMINATION, bankruptcy, in.
proceedings in,
file of, transmission to Board of Trade or official receiver, **2,** 312
limitation of actions with reference to, **19,** 191
practice in. *See* practice, *supra.*
proof of, **13,** 551 ; **25,** 352
title of, **2,** 311
production of books etc. to trustee, preventing, **2,** 347
prohibition in case of committal order, **2,** 344
promissory note
deposited with bankrupt for specific purpose, **2,** 170
payment by, stay on, **2,** 29
production on proof of debt of, **2,** 230, 231
promoter of company, of, **5,** 55
proof of debts in. *See* PROOF OF DEBTS.
property, act of bankruptcy by dealing with, **2,** 14

BANKRUPTCY—*continued.*
property—*continued.*
available for distribution, what included in, **2,** 143—168
concealment of, **2,** 345, 347, 350
criminal dealings by
bankrupt with, **2,** 345—349
third person with, **2,** 350
disclaimer of, **2,** 191. *See* DISCLAIMER.
discovery of, **2,** 118, 140, 143, 345, 346
effect on bankrupt's powers of disposal of, **2,** 144, 183, 184; **25,** 192, 308
management by bankrupt of, **2,** 115
reputed ownership of. *See* REPUTED OWNERSHIP.
trustee's powers with regard to, **2,** 122, 137, 143, 144, 152—154, 188—191; **15,** 445 n.
vesting of, on, **2,** 143, 144, 152—154, 289. *See* vesting, *infra.*
prosecution of debtor in, **2,** 8, 75, 302, 351—355
protected transactions in, **2,** 288—291
act of bankruptcy, dealings without notice of, **2,** 288, 289, 290
assignment, completion of, after, **2,** 289
bill of sale, discharge of, **2,** 290
execution, payment in discharge of, **2,** 290
onus lies on party claiming against trustee, **2,** 291
payments, **2,** 288, 289
protector of settlement, of, **24,** 254
proxy in connection with proceedings in. *See* PROXY.
public examination in, **2,** 70—74, 86, 310. *See* EXAMINATION, bankruptcy, in.
public officer's
petition in, **2,** 35
salary available in, **23,** 350 n.
purchaser, for value, protection of, **15,** 83 n.
of land, of, effect of, **25,** 383—385; **27,** 58
quasi-corporation, of member of, **5,** 754
rates, priority of, **2,** 217; **24,** 68
readjudication in, **2,** 93
real estate, trustee's powers in respect of, **2,** 120, 153, 165, 289
realisation, secured creditor, by, **2,** 226, 227
trustee in, by, **2,** 188—191, 296
receipts by trustee in, **2,** 121
receiver, appointment of,
creditor not a secured creditor on, **14,** 119
to enforce payment to trustee, to, **14,** 120
discharge of, court of bankruptcy, by, **24,** 416
effect on recognisance, **24,** 421
execution, whether completed against trustee by appointment of, **2,** 271, 273, 274
official. *See* OFFICIAL RECEIVER (Bankruptcy).
petition by, **2,** 36; **24,** 392
proof by, in, **24,** 392
rights of, in, **2,** 302; **11,** 180; **24,** 385, 392
receiver, of a, a ground of discharge, **24,** 418
surety, effect on, **24,** 422, 424
receiving order in. *See* RECEIVING ORDER.
recognisance, discharge does not release debt on, **2,** 269; **24,** 421
imprisonment of person giving, **2,** 338
registrars,
appointment of, **2,** 7
contempt of, by refusal to answer, **7,** 284
number of, **2,** 7

BANKRUPTCY—*continued.*
registrars—*continued.*
powers of, **2,** 7, 310, 311
winding up of companies by, **2,** 7 n.
registration, land registry, at, on adjudication, **2,** 88
rehearing, application for, grounds of, **2,** 309, 310
time for making, **2,** 309
court of appeal, in, **2,** 310
powers of court as to, **2,** 308, 309
revocation of order of discharge on, **2,** 310
relation back of title of trustee, act of bankruptcy, to, **2,** 181, 183
when more than one, **2,** 181, 182
deed of arrangement set aside, position of trustee, **2,** 186, 187
disclaimed property, effect on, **2,** 187
forfeiture of income, effect on, **2,** 187, 188
payment, assignee of bankrupt, to, effect on, **2,** 186
bankrupt, by and to, effect of, **2,** 184, 185, 288, 290
judgment creditor to, on garnishee order, effect of, **2,** 185, 186
protected transactions, effect on, **2,** 182
sale of business to company, effect on, **2,** 187
transactions unaffected by, **2,** 288—291
voluntary settlement, effect on, **2,** 187
release, claim, of, whether a settlement, **2,** 276
deed of arrangement, in, effect of, **2,** 211, 336
trustee, of, **2,** 112, 113
rent, acceptance of, with notice of, **11,** 172
distress for, **2,** 221, 291; **11,** 171. *See* distress, *supra.*
revival of right, **2,** 292
proof for, accruing to date of order, **2,** 232
assignor of lease, by, **2,** 199
disclaimer, in case of, **2,** 209
landlord, by, **2,** 199, 209, 221, 291; **11,** 171
undertaking by official receiver to pay, **2,** 222
rentcharge, disclaimer of land burdened with, **24,** 498
replevied goods, property in, **11,** 202 n.
report of official receiver, application for discharge, on, **2,** 242, 243
as evidence in, **2,** 104, 105, 242, 245, 251, 295, 351, 352
composition, on scheme for, **2,** 29
failure to furnish accounts, on, **2,** 104
representative action, of plaintiff in, **5,** 385
reputed ownership. *See* REPUTED OWNERSHIP.
res judicata,
adjudication in, as, **2,** 88; **13,** 329
discharge in, as, **2,** 270, 271; **13,** 329
order for amendment of proof is not, **13,** 333 n.
petition, refusal of, as, **2,** 57; **13,** 348
receiving order, refusal of, effect of, **2,** 57, 58; **13,** 348
rescission, bankrupt, of contract with, by court, **2,** 194; **7,** 437
order of discharge, of, **2,** 266
orders in, of, **2,** 264, 265, 309
receiving order, of, **2,** 77—79
sale of land, of, by trustee in, **25,** 473
retainer by executor or personal representative, where debt due to estate, **2,** 97, 215; **13,** 164; **14,** 257, 345
revenue penalties not released on discharge in, **2,** 269, 270
royalties of bankrupt, right in regard to, **2,** 161

BANKRUPTCY—*continued.*
rules in, administration, when applicable in, **14,** 344
appeals, relating to, **2,** 304, 305
company winding up, application to, **5,** 512—515, 579
Sale of Goods Act, 1893, not affected by, **25,** 281
Rules of the Supreme Court, application of, **2,** 304, 305, 316
salary, imprisonment for non-payment of, **2,** 338
preferential payment of, **2,** 217
public officer etc., of, available in, **2,** 190, 191, 338; **4,** 402; **23,** 350 n.; **25,** 35
right to, after discharge, **2,** 37, 267
sale, business, of, to company, effect of setting aside, **2,** 187
execution, under, effect of notice of, **2,** 290
factor, by, effect of seller's bankruptcy on, **2,** 169, 170
mortgagee, by, **2,** 227
trustee in, by, **2,** 119—121
leave of court, when required, **2,** 120
sale of goods, **2,** 163
after-acquired property, of, **2,** 139, 164; **25,** 192 n.
buyer, bankruptcy of, effect of, **2,** 163, 255; **25,** 205, 281
cost price, below, **2,** 255, 261
factor or agent in possession of goods for sale, **2,** 169
rejection by buyer, whether a fraudulent preference, **25,** 252
reputed ownership by seller's retention after, **2,** 180
rules relating to, effect of Sale of Goods Act, 1893, on, **25,** 281
trustee in, by, **2,** 119; **25,** 115 n., 195
sale of land,
purchaser, bankruptcy of, no specific performance, **25,** 384; **27,** 59
trustee's election to complete or disclaim, **25,** 383, 384
vendor completing, without notice, protected, **25,** 384
vendor's remedies, **25,** 384
purchaser undischarged, completion in case of, **25,** 384, 385
searches in case of, **25,** 357, 359, 362
vendor, bankruptcy of, disclaimer, trustee's right of, **2,** 192 n.; **25,** 382, 383
property, when vesting in trustee, **2,** 289; **25,** 308, 381, 382
purchaser completing without notice, position of, **2,** 289; **25,** 383
purchaser's right to repudiate contract, **25,** 383
specific performance in case of, **25,** 382, 383, 468, 469; **25,** 58, 59
savings bank officer, of, preferential claims, **2,** 216
scheme of arrangement in. *See* ARRANGEMENT, bankruptcy, in.
Scotland, discharge in, **2,** 270
seal of court, judicial notice of, **2,** 316
search warrant, grant etc. of, **2,** 189, 319
second, before discharge, effect of, **2,** 165, 166, 176
secret bargain with debtor, effect on, composition or scheme, **2,** 39, 172, 335, 336
secured creditor in, rights of, **2,** 44—46, 67, 224—230. *See* SECURED CREDITOR.

BANKRUPTCY—*continued.*
security, bankruptcy notice, effect of, **2,** 29
committee of inspection, by member of, **2,** 116
composition deed, how affecting right to, **2,** 336
costs, for, on ground of, **17,** 608 n., 609 n.
of proceedings in, for, **2,** 50, 66, 67, 307
retention of dividend by way of, **2,** 239
creditor suing in trustee's name, by, **2,** 135
debtor in case of disputed debt, by, **2,** 53
delivery up of, by banker etc., **2,** 189
disputed claim, for, under scheme of arrangement, **2,** 84
loan for business, for, **2,** 223, 224
manner of giving, **2,** 315, 316
production on proof of, **2,** 230
special manager, by, **2,** 77
trustee in, by, **2,** 109, 112
seduction,
damages for, not provable in, **2,** 198
judgment in action, composition, no release from, **2,** 83
order of discharge no release from, **2,** 269
seizure of debtor's books etc., **2,** 55, 75, 189
separate trading, married woman, by, **2,** 9, 10
partner, by, proof by firm, **2,** 220
sequestration, benefice, of, **2,** 153, 189, 190; **11,** 617—621
proceedings, stay of, **2,** 62; **14,** 82 n.
writ of, execution completed by, **2,** 273; **14,** 88
servant, action for wrongful dismissal after, **2,** 138; **20,** 95, 112 n.
not discharged by, **2,** 139; **20,** 95
preferential payment to, in master's, **2,** 217
service of notices etc. in, **2,** 314, 320
set-off in. *See* SET-OFF.
settled estate, notice in case of, **25,** 681
settlement, avoidance of, on, **2,** 150, 151, 182, 275—279, 310; **25,** 558
bankrupt, by, invalid, **25,** 558
forfeiture clause in, effect of, annulment, **2,** 92
bankruptcy, **2,** 88, 148, 149, 187; **25,** 570—572
fraudulent, effect on discharge, **2,** 262
power of appointment, effect on exercise of, **2,** 145 n.
sale of property comprised in, effect on, **2,** 187
voluntary. *See* voluntary settlement, *infra.*
wife's property, of, effect of husband's bankruptcy on, **2,** 151
shareholder, of, calls as provable debts, **2,** 209, 213; **5,** 167, 531
disclaimer of shares by trustee, **2,** 191; **5,** 170, 202
position of trustee in case of, **2,** 188; **5,** 160, 161, 170, 190, 395 n.
proof by liquidator in, **2,** 209; **5,** 446
realisation of shares, **2,** 188; **5,** 190
sale of shares on, provision for, **2,** 151, 152
secured creditor by virtue of lien on shares, **2,** 225
vesting of shares on, **2,** 188; **5,** 190, 197
winding up, position in case of, **2,** 191, 196; **5,** 490, 531, 532
sheriff's duty, in case of supervening, **2,** 107, 274, 275, 292; **11,** 178; **17,** 605
officer, notice of act of bankruptcy to, **2,** 291; **11,** 178
possession for twenty-one days as act of, **2,** 290
sale with notice of tenant's, **11,** 178

BANKRUPTCY—*continued.*
short bills vesting in trustee, **2,** 171
shorthand notes of proceedings in, evidence from, **2,** 308
privilege of, **11,** 75 n.
signature of judge, registrar etc., judicial notice of, **2,** 316, 317
small
dwelling, of proprietor of, **26,** 699
estate, summary administration in case of, **2,** 86, 87, 109, 114, 242, 294—301. *See* SUMMARY ADMINISTRATION OF BANKRUPT'S ESTATE.
solicitor, audience of, in matters of, **2,** 141; **26,** 723, 724
bankruptcy of, articled clerks discharged on, **26,** 713
certificate refused, **2,** 89; **26,** 721
counsel's fees, proof for, **2,** 391
premium returnable to articled clerks, **26,** 714
retainer determined by, **26,** 740
transfer of articled clerks on, **26,** 714
bankruptcy matter, unqualified person for, acting in, **26,** 848
costs of, charging order for, **2,** 239, 292
paid without notice of client's, **26,** 771 n.
taxation etc. of, **2,** 107 n., 127 n., 321 n., 344 n.; **26,** 753, 769 n., 808 n.
disqualification of, from acting in, **26,** 728 n.
employment by trustee of, **2,** 120, 123, 127, 128; **26,** 735, 762 n.
imprisonment of, for default in payment, **2,** 338
lien of, does not prevent production of the documents to the trustee, **26,** 818 n.
effect on, of client's, **26,** 818
proving in, **26,** 820
notice to, as notice to client, **2,** 179, 290, 291
petition by, **2,** 42
production of documents by, **2,** 143
renewal of practising certificate by, how affected by, **26,** 721, 722
retainer of, as affecting, **26,** 740
sale of
assets by, **26,** 762 n.
estate to bankrupt's, **2,** 120
trustee who is, charges of, **2,** 127, 128; **26,** 753
special
case, statement of, **2,** 313
manager, appointment of, **2,** 76, 77
specially indorsed writ, final judgment on, **2,** 27
specie, distribution of property in, **2,** 123, 124, 239
specific
performance, right to, how affected by, **18,** 379 n., **25,** 382, 384, 468, 469; **27,** 58, 59, 67
purpose, property held by bankrupt for, **2,** 170, 172
stakeholder, proof for money deposited with, **2,** 202
stamp duty, deed of arrangement, on, **2,** 329, 332
exemption of certain documents from, **2,** 323, 324
stannaries, preferential claims of miners in, **2,** 216
statement of affairs of debtor,
admission by, does not interrupt running of time, **2,** 71 n.
assistance by official receiver, in preparation of, **2,** 70
duty to submit, **2,** 70, 140

BANKRUPTCY—*continued.*
statement of affairs of debtor—*continued.*
evidence in criminal proceedings, as, **2,** 71; **9,** 400, 657
failure to prepare, **2,** 71, 86
filing of, **2,** 71
inspection of, **2,** 71
material omissions, offence of making, **2,** 347
particulars of, **2,** 70, 71
partnership, in case of, **2,** 71
time for, **2,** 70
Statute of Limitations. *See* limitation of actions, *supra.*
statutes relating to, **2,** 4, 5, 324, 325; **27,** 159 n.
stay of execution on, **2,** 28, 55, 271
stay of proceedings, abroad, by English court, **2,** 63
appeal, on, **2,** 53
conditional and limited, **2,** 54
county court, in, **2,** 63, 297
Crown, **2,** 63
disputed debt, in case of, **2,** 53
receiving order, after, **2,** 62, 63
before, **2,** 55
receiving order on another petition, in case of **2,** 54
service of order on, **2,** 63
Stock Exchange, defaulter on, of, **27,** 232, 250, 258
transaction, proof in respect of, **2,** 202
stockbroker, request by, to close account with, **2,** 34
stocks, shares etc., realisation by trustee of, **2,** 151, 188; **5,** 190
summary administration, committal, in lieu of, **2,** 345
small estate, of, **2,** 86, 87, 109, 114, 242, 294—301; **26,** 769, 770. *See* SUMMARY ADMINISTRATION OF BANKRUPT'S ESTATE.
Sunday, time expiring on, **2,** 306, 319
surety, bankrupt, for,
appropriation of payments to instalments, not entitled to, **15,** 538
creditor's signature of certificate, not discharged by, **15,** 561 n.
fraudulent preference in favour of, **2,** 281
liability of, **1,** 642; **15,** 482
proof by, **2,** 204, 205; **15,** 516 n.
rights of, **15,** 483 n., 515, 516, 538, 545 n.
composition, acceptance of, whether releasing, **2,** 83 n., 336
composition, for, discharge on principal's, **15,** 545 n.
effect of annulment of scheme on, **2,** 85
conveyance by way of security to, good on principal's, **15,** 517
creditor surrendering security on principal's, effect, **2,** 227 n.; **15,** 510 n.
discharged from liability for interest by principal's, **1,** 642; **15,** 482
guaranteeing bank account, effect of principal's bankruptcy, **1,** 640, 642
surety, bankruptcy of, contribution, joinder of in action for, **15,** 533
co-surety discharged by, **15,** 490 n., 569 n.
execution of security not dispensed with by, **15,** 489
petition by co-surety against, **2,** 41
proof against, **2,** 204, 205; **15,** 569 n.
surplus property, right of bankrupt to, **2,** 239

BANKRUPTCY—*continued.*
surrender, debentures, of, whether a settlement, **2,** 276
secured creditor, by, **2,** 227
taxation of costs,
official receiver, bills payable by, **2,** 107
one-sixth principle not applicable, **26,** 808 n.
review of, **2,** 128, 322
scale of, **26,** 769, 770
trustee, of persons employed by, **2,** 127, 128
taxes, preferential claim for, **2,** 217; **16,** 684
tenant, of. *See* lessee, *supra.*
tenant for life, of, advancement, consent to, determined by, **25,** 685 n.
determination of estate on, **2,** 148; **24,** 174
will, under, how construed, **28,** 840
estate passing to trustee, **2,** 154
limitation of estate so as to determine on, **25,** 570—572
grantor cannot so limit to himself, **24,** 174 n.; **25,** 570
maintenance, provisions for, **2,** 148
tenant in tail, of, trustee's powers on, **2,** 121, 154
tender of payment after, effect of, **2,** 38
Territorial Force, disqualification of member of, **25,** 85
testamentary expenses, priority of, **2,** 98
time, computation of, **2,** 319
extension of, **2,** 320
title, proceedings in bankruptcy, of, **2,** 311
sale of land by trustee, on, **2,** 120
trustee, of, relation back of, **2,** 181—188
tools of bankrupt, right to, **2,** 143, 144, 299
tort, bankrupt's title to damages recoverable in, **2,** 139; **27,** 464 n., 502, 503
foreign obligation in, effect of discharge abroad on, **2,** 271
liability for, how far provable, **2,** 25, 198; **27,** 479
petition by undischarged bankrupt in respect of, **2,** 37, 38
waiver of, with view to proof, **2,** 198
trade, carrying on, **2,** 173
marks of bankrupt, right in regard to, **2,** 161
profits of bankrupt's, trustee's claim to, **2,** 167
tools of, protected from execution, **2,** 299
trustee, do not vest in, **2,** 143, 144
traders and non-traders on equal footing in, **2,** 9
trading by bankrupt, estoppel of trustee in case of, **2,** 166; **13,** 389; **27,** 596 n.
knowledge of insolvency, with, **2,** 251, 253
transfer of
chose in action by, **2,** 188, 189; **4,** 399
negotiable instrument by or during, **2,** 511
proceedings, power of, **2,** 54, 63, 64, 95, 136, 298, 312, 345
trespass, person in possession after, of, **27,** 851 n.
trivial matters, appeal on, **2,** 305
trover, proof in respect of damages for, **2,** 198
trustee, by, **27,** 912
trust, avoidance of, **28,** 46
fraudulent breach of, effect of discharge on, **2,** 270
money, proof for, **2,** 232
payment of debts, for, whether binding on creditors, **2,** 172
property, following up of, **2,** 169
trustee's rights in respect of, **2,** 143, 168, 169, 175, 176
third person, for, remittance of goods or bills in, good against creditors, **2,** 172

BANKRUPTCY—*continued.*
trustee, bankruptcy notice by, **2,** 26
bankruptcy of a, appointment of new trustee on, **4,** 270; **28,** 70, 114 n.
attachment not prevented by, **7,** 300
beneficiaries protected on, **2,** 143, 168; **28,** 93 n., 103
devolution of rights on, **2,** 149; **4,** 270; **28,** 19 n., 103
proof against, **2,** 210
reputed ownership doctrine not applicable, **2,** 175, 176
in. *See* TRUSTEE IN BANKRUPTCY.
petition by, **2,** 36, 37
proof by or against, **2,** 210
restoration of misappropriated money by, whether a fraudulent preference, **2,** 281, 285
secret profits by, effect on discharge of, **2,** 251, 260
trustee under scheme of arrangement, accountable to trustee in bankruptcy, **2,** 85, 186
action does not lie against, **2,** 84
after-acquired property does not vest in, **2,** 84
agent for debtor, as, **2,** 332
Board of Trade, accountable to, **2,** 334
duties of, **2,** 333
payment to, when no discharge, **2,** 186
receiving order, may appeal from, **2,** 302, 333
security by, **2,** 84
trustee in bankruptcy's election to adopt or repudiate acts of, **2,** 187, 333
unclaimed
dividends in small, **2,** 301
funds under repealed Acts, **2,** 325
undertaking in lieu of distress, official receiver, by, **2,** 222
underwriter, of, **17,** 350
undischarged bankrupt, petition by, **2,** 37, 38
second proceedings against, **2,** 13
undue preference, effect on discharge of, **2,** 251, 258, 259
unemployment insurance arrears, priority of, **28,** 891
unliquidated
damages, proof in respect of, **2,** 198
debt, creditor's vote in respect of, **2,** 67
valuation of security, **2,** 46, 49, 227—230
amendment of, **2,** 229, 230
vendor of land, of. *See* sale of land, *supra.*
vesting. *See also* relation back, *supra.*
act of bankruptcy, from, in trustee, **2,** 181—183
after-acquired property, of, **2,** 152, 164, 165
scheme of arrangement, under, **2,** 84
benefice, of, in trustee, **2,** 153; **11,** 620 n.
judgment debt, of, **2,** 168
land contracted to be sold, **2,** 289
right of action, of, **2,** 167, 168
trustee, in, generally, **2,** 143, 152, 153, 183
what does not vest, **2,** 143, 168
trustee's title defeated by prior, **2,** 187
vesting order as to disclaimed property, **2,** 194, 195
voluntary
conveyance, setting aside of, on, **15,** 89 99
settlement, protection or avoidance of, **2,** 96, 150, 151, 262
void, date when becoming, **2,** 187
what is, **16,** 402

BANKRUPTCY—*continued.*
vote of creditor in, **2,** 67, 68, 223, 228
wages and salaries, priority of, **2,** 217, 218
water company's rights on consumer's, **28,** 317, 318
wearing apparel etc., right to, **2,** 143, 299
widow, in case of, **2,** 10
wife's
deed acknowledged, effect of concurrence in, **16,** 381
equity to a settlement, **2,** 158; **16,** 331, 337, 339
interests not transferable to husband's trustee in, **2,** 146
loan to husband, position of, **2,** 159, 222, 223; **16,** 434, 435
proof in husband's, **16,** 434, 435
property, husband's interest in, transfer of, **2,** 156—159
reputed ownership in respect of, **2,** 181
right of exoneration of mortgaged property, **16,** 405—407
settlement, effect of husband's bankruptcy on, **2,** 151
winding up, registrar in, by, **2,** 7 n.
rules applicable in, **2,** 512—515
without prejudice letter, evidence as to insolvency from, **2,** 33
witness
abroad, examination of, **2,** 318
death of, deposition in case of, **2,** 354
woman, single, of, **2,** 10
workmen, rights on employer's bankruptcy of, **2,** 216—218
Workmen's Compensation Act, 1906, employer's bankruptcy in relation to, **17,** 571; **20,** 191, 192, 208
imprisonment for debt in respect of compensation under, **2,** 338, 339

BANKRUPTCY NOTICE,
act of bankruptcy by non-compliance with, **2,** 25
amendment of, **2,** 28, 31
amount of debt for purposes of, **2,** 29, 30
appeal from judgment, effect of, **2,** 53, 56, 57
charging order on shares of debtor, effect of, on, **2,** 29
chose in action, by assignee of, **4,** 373
company, issue by, **2,** 26, 30
costs need not be included in debt, **2,** 30
counterclaim, set-off etc., effect of filing affidavit of, **2,** 31, 32
Court of Session judgment, founded on, **2,** 26
court which may issue, **2,** 31
creditor entitled to
found petition on, **2,** 38
serve, **2,** 25, 26
creditor's address in, **2,** 31
divorce suit, by petitioner in, **2,** 26
error in, effect of, **2,** 30, 31
executor or trustee in bankruptcy, service by, **2,** 25
final judgment, meaning of, **2,** 26, 27
foreigner, against, **2,** 9, 28
form of, **2,** 30, 31
garnishee order, effect of, on, **2,** 29; **14,** 100
indorsement of, **2,** 31
infant, against, **2,** 28
instalments, effect of agreement to pay by, **2,** 29, 30
interest may be included in debt, **2,** 30

BANKRUPTCY NOTICE—*continued.*
interpleader, effect of, **2,** 28, 29
irregularity in, result of, **2,** 320
joint debtor, against, **2,** 28
judgment debt, effect of part satisfaction of, on, **2,** 29
married woman, against, **2,** 10, 27, 28
non-compliance with, **2,** 9, 10, 25—32, 38
appeal from judgment, effect of, **2,** 53, 56, 57
part payment, effect of, **2,** 29
partner, failure to obtain leave to issue execution against, **2,** 29
partnership firm, against, **2,** 28, 29
personal representative's right to issue, **14,** 229
persons exempt from, **2,** 10, 27, 28
probate action, by plaintiff in, **2,** 26
procedure on issue of, **2,** 30
promissory note, effect of accepting, **2,** 29
registrar's duty with regard to, **2,** 30
second notice on same debt, **2,** 30
security, effect of giving, **2,** 29
service of, **2,** 9, 32
setting aside of, **2,** 31, 32
stay of execution, effect of, **2,** 28, 29
tort, in respect of, **2,** 25
trustee, service by, **2,** 25, 26
two or more judgment debts, cannot include, **2,** 31
withdrawal of, **2,** 30
wrong court, issued by, **2,** 31

BANNER. *See also* FLAG.
illegal payment at election in respect of, **12,** 301, 347

BANNS,
defined, **11,** 698 n.
certificate of, **11,** 700
divorced wife, description of, **16,** 288
false statement on publication of, **11,** 699 n.; **16,** 287
fees on publication of, **11,** 707
forbidding, **11,** 700
form of, **11,** 699; **16,** 286
illegitimate child, in case of, **11,** 699 n.
Ireland, where one party resides in, **16,** 287
marriage without, **11,** 701; **16,** 288
penalty for celebrating, **11,** 656, 693 n.
names for publication in case of, **11,** 699 n.; **16,** 287, 288; **21,** 351
naval marriage, in, **16,** 286
notice of, **11,** 698; **16,** 287
place of, **11,** 694—698
publication of, **11,** 698, 700; **16,** 286—288
mistake in, effect of, **16,** 287
persons not parishioners, in case of, **11,** 656
registrar's certificate in lieu of, in regard to, **16,** 288, 289
register of, **11,** 698
re-publication of, **11,** 700
Scotland, where one party resides in, **16,** 287
time for, **11,** 698

BAPTISM,
defined, **11,** 684
administration of, **11,** 685
adult, **11,** 685 n.
baptismal name, insertion in register of births of, **11,** 687 n.
certificate of, as evidence of age, **11,** 687 n.; **13,** 537
chapel of parish, in, **11,** 685

BAPTISM—*continued.*
children, of, **11,** 685
church, in, **11,** 685, 687
deacon, by, **11,** 685
death of unbaptised infant through default of minister, **11,** 686 n.
diocesan registry, transmission of parochial registers to, **11,** 687
dissenter, by, **11,** 685
extra-parochial, **11,** 685 n., 687
fees in respect of, **11,** 688, 776 n.
font for, provision of, **11,** 471
form of, **11,** 685
god-parents for purposes of, **11,** 685, 686
layman, by, **11,** 685
minister's duties as to, **11,** 657 n., 686
offences as to, **11,** 657 n., 686 n.
place and time for, **11,** 685, 686, 687
private, **11,** 685
public, **11,** 685 n.
re-baptism, when permissible, **11,** 685
register of, **11,** 686, 687 ; **13,** 537
certified copies of entries from, **11,** 687
correction of error in, **11,** 686 n.
defacing, forging etc., **9,** 741, 742 ; **11,** 686 n.
evidence, as, **11,** 687 ; **13,** 537
false entry in, offence of making, **9,** 741, 742
fees for searches, copies etc., **11,** 687 n.
proof of age from, **11,** 687 n. ; **13,** 537
recorded in diocesan registry, **11,** 687
search of, **11,** 687
sacrament, as, **11,** 684, 688
woman, by, **11,** 685

BAPTIST CHURCH,
rules relative to, **11,** 822 n.

BAR. *See also* BARRISTER.
door, of, removing in levying distress, **11,** 164
dower, of widow's claim to. *See* DOWER.
estate tail, of, **24,** 247—260. *See* DISENTAILING ASSURANCE ; DISENTAILMENT.
House of Commons, of, attendance at, **21,** 790
audience of counsel at, **21,** 706 n.
House of Lords, attendance at, **21,** 790
audience of counsel at, **21,** 706 n.
trial at, Attorney-General's right to demand, **7,** 74, 75
certiorari, on removal by, **9,** 349, 350
widow's claim upon intestacy, of, **11,** 17—19

BARBADOS,
courts of, **10,** 555
Executive Council in, **10,** 534
legislation with reference to, **10,** 504 n.

BARBAROUS COUNTRY,
annexation of, as affecting its native law, **10,** 566
domicil in, whether possible to acquire, **6,** 186 n.
immovables in, jurisdiction over, **6,** 201

BARBED WIRE,
defined, **16,** 169 n.
highway, use near, **3,** 128 ; **15,** 227 ; **16,** 156, 169
nuisance from, abatement of, **15,** 227 ; **16,** 156, 169 ; **20,** 405

BARBER,
negligence of, **21,** 367 n.
tradesman, not a, **27,** 510

BARE
licensee. *See* LICENSEE.
possibility, disposition by will of, **28,** 521
site, meaning of, **24,** 551
trustee, *defined*, **14,** 233 ; **28,** 86, 87
death of, devolution of estate on, **11,** 5 n.
liability for breach of trust, **28,** 186
married woman, conveyance by, **25,** 417 n.
powers of, **28,** 87
protector of settlement, as, **24,** 252 ; **28,** 87

BARGAIN. *See* AGREEMENT ; CONTRACT.
catching, **13,** 20 ; **17,** 111, 112 ; **27,** 42 n.
earnest to bind. *See* EARNEST.
unconscionable. *See* UNCONSCIONABLE BARGAIN.

BARGAIN AND SALE,
assurance by, **24,** 282, 293
avoidance of conveyance by feoffment by, **24,** 293
copyhold, in case of, **8,** 67
privileged, in case of, **24,** 149
freehold, in case of, **10,** 364

BARGE. *See* CANAL BOAT ; SHIP.
dumb. *See* DUMB BARGE.
lights on, **26,** 380, 389, 391 n., 392, 494
owner of, liable for acts of servant, **26,** 525 n.
not liable for acts of another's servant, **26,** 526 n.

BARGEMAN,
common carrier, as, **4,** 3
servant of barge-owner, is *primâ facie*, **26,** 525 n.

BARLEY,
trade usages connected with, **10,** 276

BARMASTER (DERBYSHIRE MINES).
functions of, **20,** 640 n., 641—644

BARMOTE COURT (DERBYSHIRE MINES).
High Peak, of, **9,** 140, 141
certiorari in case of, **9,** 140
grant of new trial, **9,** 141
judge of, **9,** 140
appointment of, **9,** 140
qualification of, **9,** 140
jurisdiction of, **9,** 140 ; **20,** 640, 642, 643, 644
kinds of, **9,** 140
officers of, **9,** 140 ; **20,** 640 n.
rules and customs of, **9,** 140, 141 ; **20,** 640 n.
setting aside judgment of, **9,** 141
statutory regulation of, **9,** 140
stay of proceedings in, **9,** 141
subpœnas of, **9,** 141
time of holding, **9,** 140
Wirksworth, of, **9,** 141
certiorari in, **9,** 141
jurisdiction of, **9,** 141 ; **20,** 640
officers of, **20,** 640 n.
procedure in, **9,** 141
rules and customs of, **9,** 141 ; **20,** 640 n.
statutory regulation of, **9,** 141
stewards of, **9,** 141
qualification of, **9,** 141

BARN,
breaking into, to levy distress, **11,** 164

BARNSTAPLE,
local court of, **9,** 141

BAROMETER,
coal mine, for use at entrance of, **20,** 612 n.
harbour authority, provision by, **26,** 645

BARON. *See* BARONY; PEER.
creation by letters patent of, **22,** 266
degree of peerage of, **22,** 264
lord of appeal as, **22,** 262

BARON OF CINQUE PORTS,
claim of, at coronation, **6,** 333

BARONET. *See* BARONETCY.
creation of, **22,** 283, 284
institution of dignity of, **22,** 283
oath by, on creation, **7,** 25, 26 n.
official roll of baronetage, keeping of, **22,** 285
precedence of, **22,** 284
privileges of, **22,** 284, 285
wife of, right to prefix of Dame, **22,** 284

BARONETCY,
claim to, how made, **22,** 284, 285
incorporeal hereditament, as, **22,** 283 n.
land, as, **22,** 283 n.

BARONY. *See* BARON; PEERAGE.
creation of, **22,** 265
land, establishment of, **24,** 156
tenure, by, extinguishment of, **22,** 265
writ, by, merger in subsequent earldom of, **22,** 274

BAROTZELAND,
protectorate of, **10,** 522

BARRACKS,
acquisition of land for, **6,** 160
franchise qualification in respect of, **12,** 173 n., 174 n.

BARRATOR,
defined, **1,** 52; **9,** 499

BARRATRY,
criminal offence of, *defined,* **1,** 52; **9,** 499
indictment in case of, **9,** 499 n.
particulars ordered in, **9,** 338 n.
punishment for, **1,** 52; **9,** 499
charterparty exception of, **26,** 112, 113
deviation, as excuse for, **17,** 400, 401
when amounting to, **17,** 445; **26,** 113
insurance against, **17,** 340 n., 400, 442, 444; **19,** 45, 46
limitation of action for, **19,** 45, 46
loss by, exception to rule *causa proxima non remota spectatur,* as an, **17,** 445
offence of, **26,** 62, 112
ship, in relation to, *defined,* **17,** 444, 445; **26,** 112
trading not unlawful by reason of, **17,** 418 n.

BARREL,
damage to, on board ship, **26,** 203, 204
spirits, for *See* CASK.

BARRIER,
covenant to leave, in mine, **20,** 563, 564

BARRISTER.
The title BARRISTER *is contained in Vol. II., pp.* 357 *et seq.*
absence of, hearing of solicitor in, **26,** 723 n.
no remedy for, **2,** 394
abuse of professional information by, **2,** 394, 395
admission of, binding on client, when, **2,** 401; **13,** 462
Inn of Court, to, **2,** 362—364. *See* CALL TO THE BAR.
advice by. *See* opinion, *infra.*
protection to solicitor, **2,** 402; **26,** 755
when necessary, **2,** 379
appearance, appeal from Railway and Canal Commission, on, **23,** 763
criminal trial, at, **9,** 352
defendants in probate suit, for, **14,** 181
English counsel, of, in Scotland, **2,** 373
private examination, at, bankrupt, of, **2,** 141, 415
officer of company, of, **5,** 476
Railway and Canal Commission, before, **23,** 759—761
reference in Admiralty, at, **1,** 120
Scottish counsel, of, at trial in England, **2,** 373
separate counsel in consolidated action, by, **1,** 93
treason trial, at, **2,** 386
applications which can only be made by, **2,** 372, 373; **7,** 310
apprenticii ad legem, **2,** 358
arbitration, consent to, of, **2,** 398
arbitrator, acting as, **2,** 393
argument, practice as to, **2,** 409, 410, 413
rule *nisi,* on, **2,** 413
special verdict in criminal case, on, **2,** 413
arrest, protection from, of, **2,** 380; **21,** 781; **25,** 819
articled clerk, service of, with, **26,** 715
assignment of, in certain cases, **2,** 386, 387; **9,** 352
assistant, commissioner to take evidence in Ireland, as, **5,** 559
registrar, qualification to act as, **2,** 383
Attorney-General, right of reply by, **2,** 411, 414, 416
audience of, **2,** 370—378. *See* AUDIENCE.
authority of, **2,** 397—401
affidavit evidence, to consent to, **13,** 620 n.
compromise, to. *See* compromise, *infra.*
non-litigious matters, in, **2,** 401
revocation of, **2,** 397
trial of action, on, **2,** 398
withdrawing, juror, of. **2,** 398
record, of, **2,** 398
bankruptcy disqualifies as, **2,** 363
bar,
Attorney-General as head of the, **7,** 72
call to the. *See* CALL TO THE BAR.
certificate to practise under the Bar, **2,** 365 n.
colonial, admittance to, **2,** 373 n.
committee, **2,** 368
Doctors' Commons, of, **11,** 503
etiquette of the, **2,** 369, 404
General Council of the, **2,** 368, 369
Irish, admittance to, **2,** 373 n.
organisation of the, **2,** 366—369, 387
outer, meaning of, **2,** 359
Scottish, right of audience in England of member of, **2,** 373
behaviour of, as affecting damages in libel, **18,** 723, 724

BARRISTER—*continued.*
bench, effect of elevation to, **2,** 397
bencher. *See* BENCHER.
appeal from, by, **2,** 361
brief to. *See* BRIEF.
call to the Bar. *See* CALL TO THE BAR.
case for opinion of, document, when not a, **11,** 68 n.
privileged from production, **11,** 74
certificate by, in certain matters, **2,** 379, 380. *See* CERTIFICATE.
certificate for, at Mayor's Court, **20,** 295 n.
chambers at Inn of Court, title to, **2,** 362. *See* CHAMBERS (Inn of Court).
champerty, acts constituting, **2,** 392
Church Discipline Act, 1840, signature of articles under, **2,** 379
circuit, going, **2,** 366—368, 408
retainer on, **2,** 405, 406, 408
special fees on, when necessary, **2,** 408
clerk's fees, right to, **2,** 422, 423
client of, advice of barrister, effect of acting on, **2,** 402, 403
authority of barrister to bind, **2,** 397—401. *See* authority, *supra.*
confidential information, duty in respect of, **2,** 394—397
contracts between barrister and, **2,** 392
duty of barrister towards, **2,** 407
fees, recovery of, **2,** 209, 390—393
negligence, barrister not liable for, **1,** 185 n.; **2,** 394
relations of barrister with, **2,** 389—409
retainers, **2,** 405—407. *See* RETAINER.
solicitor, intervention of, **2,** 389
closed sessions, meaning of, **2,** 368
co-defendants may be represented by different counsel, **2,** 411
co-plaintiffs must appear by same counsel, **2,** 411
colonial, precedence of, **2,** 388
commission, taking evidence on, **2,** 393
commissioner for municipal election petition, as, **12,** 138, 487, 506 n.
committal, motion for, by, **7,** 310
communications by, or to, privileged, **2,** 395, 396; **13,** 427
compromise of action by, **2,** 394, 398—401; **13,** 592; **17,** 299 n.
court's discretion to set aside, **2,** 399
conduct of, damages for libel affected by, **18,** 723, 724
conduct of case, authority as to, **2,** 397, 398
confession, not to be referred to in opening case, **2,** 415, 416
confidential information, duty as to, **2,** 394—396; **11,** 73, 74
conflicting interests not to be represented by the same, **28,** 183
consent of, **2,** 398—401. *See* authority; compromise, *supra.*
consultation between counsel, privileged, **11,** 82
contempt of court
by, **2,** 385, 386; **7,** 295; **19,** 641, 642
party guilty of, appearance for, **2,** 377
control and conduct of case by, **2,** 397—401
conveyancing counsel, court, to, **13,** 6 n.
costs of, payable by promoters on compulsory purchase, **6,** 113
eligibility for office of, **2,** 382
professional privilege of, **11,** 73 n.
sale by the court, duty in case of, **25,** 316, 317

BARRISTER—*continued.*
convict, visit to, by, **23,** 265
coroner's court, immunity from service at, **2,** 380
corrupt practice at election by, **12,** 471, 485, 525
costs, number of counsel for which allowed, **2,** 420; **26,** 804
taxation of, **2,** 418—423; **26,** 803—805. *See also* TAXATION OF COSTS.
Council of Legal Education, functions of, **2,** 361, 364, 365
county court judge cannot practise as, **8,** 415
damages, consent to reduction of, **2,** 398
undertaking as to, by, **17,** 285
demurrer, argument on, **2,** 413
disbarring of, **2,** 361, 362
disclosure of confidential information by, **2,** 395, 396
injunction against, **2,** 394
discretion of, as to choice of client, **2,** 404
disqualifications for becoming a, **2,** 363, 365
dock defence by, **2,** 389; **9,** 352
eligibility, appointments and offices, for, **2,** 381—385; **26,** 710
assistant barrister or assessor in Court of Passage, **2,** 382
assistant commissioner under Inclosure Acts, **4,** 555 n.
certain offices by custom, **2,** 383
chairman of London Quarter Sessions, **2,** 381
clerk, assize, of, **2,** 384
petty sessional division etc., to, **2,** 383
Common Serjeant of City of London, **2,** 383
conveyancing counsel to court, **2,** 382
coroner, borough, deputy of, **2,** 384
deputy judge, etc., **2,** 382—384
director of public prosecutions, **2,** 383
election commissioner, **12,** 138, 464
examiner, Admiralty, in, **2,** 384
High Court, of, **2,** 382
judge, **2,** 381, 382
Canterbury provincial court, of, **2,** 381
City of London Court, of, **2,** 383
county court, of, **2,** 382
Court of Appeal, of, **2,** 381
High Court, of, **2,** 381
India, of, **2,** 382
inferior court, of, **2,** 384
Salford Hundred Court, of, **2,** 381
land registry, office in, **2,** 381, 383
Lord Chancellor, **2,** 383
Lord of Appeal in Ordinary, **2,** 381
Lunacy Commissioners, office of or under, for **2,** 382
master, lunacy, in, **2,** 381
Supreme Court, of, **2,** 383
President of Probate, Divorce, and Admiralty Division, **2,** 381
recorder, **2,** 382
registrar, **2,** 383, 384; **12,** 490 n.
friendly societies, of, **15,** 130
revising barrister, **2,** 382
Solicitor-General, **2,** 383
stipendiary magistrate, **2,** 382
etiquette, rules regulating, **2,** 369, 404—406
evidence by, **2,** 396; **13,** 592
need not be upon oath, **2,** 396 n.; **13,** 592, 593
examination of, before call, **2,** 363—365
witness, by, **2,** 410
exemption from service in certain offices of, **2,** 380
expulsion from Inn of Court of, **2,** 361

BARRISTER—*continued.*
fees of, **2,** 390—393, 408, 409, 418—423 ; **28,** 868
abroad, for work done, not recoverable, **2,** 393
acknowledgment of, mode of, **2,** 391 ; **26,** 804 n.
stamping of, **2,** 391 ; **26,** 804 n.
wrongful, of, **2,** 391, 392
alteration of, after litigation has ceased, **2,** 390
arbitration as to acquisition of land for light railways, in, **27,** 833 n.
bankruptcy, in, proof for, **2,** 209, 210, 391
brief, marked on, **2,** 390
client, credit of, cannot be pledged by solicitor for, **26,** 741
promise of, to pay fees not binding, **1,** 193 n. ; **2,** 392
conveyance of property in lieu of, invalid, **2,** 392
costs of the action, as part of the, **2,** 391
county court actions, in case of, **8,** 582 n., 594, 595
illegal bargain as to, **2,** 392, 393
lien for, not maintainable, **2,** 393
non-professional work, for, **2,** 393
recoverable, are not, **2,** 390, 393
non-professional work, for, **2,** 393
refreshers as additional, **2,** 421 ; **8,** 595 ; **26,** 804
returning officer, acting as, **2,** 393
solicitor, failure to pay by, when money provided, **26,** 851
payment by, of, **2,** 390
special, of, **2,** 406, 408, 409, 421
taxation of, **2,** 418—423 ; **26,** 803, 804. *See* TAXATION.
time of payment of, **2,** 390
gift by client to, **2,** 395 ; **15,** 420 n.
going special, on circuit, **2,** 367, 408
habeas corpus, application for, **2,** 373 ; **10,** 56
hearing of, **2,** 370—378. *See* AUDIENCE.
House of Lords, appeal to, signature of, **2,** 378, 379
in formâ pauperis, employment in proceedings, **2,** 372, 379, 386
infant, compromise on behalf of, by, **2,** 401 ; **17,** 145
Inns of Court, constitution, etc., of, **2,** 358—366. *See* INNS OF COURT.
inquest, immunity from service on, **2,** 380
instruction of, **2,** 389, 397
clerk to local authority, by, **2,** 389
dock, from the, **2,** 389 ; **9,** 352
parliamentary agent, by, **2,** 389
privileged from production, **11,** 74
insult to, as contempt of court, **7,** 291
interrogatories on attachment, signature of, **2,** 379
judgment, note of, by, **2,** 413 ; **18,** 200
junior, *defined*, **2,** 387
King's counsel, in relation to, **2,** 388, 389, 409
note of evidence, duty to take, **2,** 410
opening of pleadings by, **2,** 409
refusal of brief with insufficient fee, **2,** 406
jury, address to, **2,** 411, 415
permission to address, refused, **2,** 411 ; **17,** 610
specific questions to, **2,** 413
jury service, exempt from, **2,** 380 ; **18,** 231
King's counsel, junior, in relation to, **2,** 388, 389, 409
precedence of, **2,** 387
special fees for, **2,** 408, 409
Law of Property Amendment Act, 1860, petition under, must be signed by, **22,** 421
leader, *defined*, **2,** 387

BARRISTER—*continued.*
liability of. *See* negligence, *infra.*
criminal, **2,** 394 n.
libel by, **2,** 380, 381 ; **18,** 678—682
lien on papers, no, **2,** 393
maintenance with reference to employment of, **2,** 379, 392
member of Parliament disqualified as election commissioner or counsel, **12,** 138, 442, 464
mess, circuit or sessions, **2,** 367
misconduct, disbarring for, **2,** 361, 362
suspension by court for, **2,** 385
mistake by, **2,** 394, 398, 400, 403
misuse of knowledge acquired by, **2,** 394, 395
negligence, non-liability for, **1,** 185 n. ; **2,** 394, 401, 402 ; **26,** 755 n.
solicitor not liable for, **2,** 401, 402
non-delivery of brief to, in spite of retainer, **2,** 406, 407
non-professional work, fees in respect of, **2,** 393
number of, Appeal Court, in, **2,** 416, 417
bankruptcy proceedings, in, **2,** 141, 415
Chancery Division, in, **2,** 414
costs allowed, **2,** 420, 421 ; **26,** 804
county court, in, **2,** 417, 418
criminal trial, in, **2,** 415, 416
Crown Cases Reserved, in Court for, **2,** 414
Divisional Court, in, **2,** 413
fees, allowance of, on taxation, **2,** 418—422
House of Lords, in, **2,** 417
King's Bench Division, in, **2,** 409—412
patent action, in, **22,** 226
petty sessions, in, **2,** 418
Privy Council, in, **2,** 417
Probate, Divorce, and Admiralty Division, in, **2,** 414
special case, on, **19,** 655
officer of court, not an, **2,** 385
open sessions in London, practice at, **2,** 368
opening sessions by, **2,** 367
opinion of, compromise on behalf of infant, as to, **17,** 145
document, whether a, **11,** 68
fact of obtaining, received in defendant's favour, **13,** 450 n.
malicious prosecution, before action for, **2,** 402 ; **13,** 450 n. ; **19,** 685 n.
privileged from production, **11,** 74, **13,** 571
protection afforded, client, to, by, **2,** 401—403
solicitor, to, **2,** 402 ; **21,** 370 ; **26,** 755
statement as to, when amounts to representation, **20,** 666
trustee, to, **2,** 403 ; **28,** 125 n., 141 n.
rights in regard to, **2,** 379, 406
origin of term, **2,** 359
parish constable, exempt from service as, **2,** 380
partnership, none, between counsel, **2,** 370 ; **22,** 4
payment into court, statement as to, by, **2,** 410
pleadings, opening by, **2,** 409
settlement of, by, **2,** 378, 406
signature of, by, **2,** 378 ; **22,** 421
poor
litigant, appearing for, **2,** 386. *See* IN FORMÂ PAUPERIS.
poor prisoner, defence of, by, **2,** 386
practice at the Bar, matters within scope of, **2,** 370, 384, 385
precedence of, **2,** 387, 388
privilege, legal professional, **2,** 380, 381, 396 ; **11,** 72 ; **13,** 571
waiver of, **11,** 81, 82

BARRISTER—*continued.*
procedure in court to be observed by, **2,** 409—418
proceedings in error, in, **2,** 386, 387
promoter of company, not a, when acting professionally, **5,** 47
proof in solicitor's bankruptcy for fees by, **2,** 209, 391
prosecution, for the, **2,** 373, 415
protection of, **2,** 380, 381 ; **21,** 781
receiver, appointed as, **24,** 361
refresher to, allowance of, on taxation **2,** 421, 422 ; **26,** 804, 805
clear day, how calculated, **2,** 422 n.
county court practice as to, **8,** 595
discretion of taxing master as to, **26,** 800 n., 804
term, allowance of, in Divorce Court, **16,** 581
remuneration of, honorarium, as, **1,** 193 n. ; **2,** 392. *See* fees, *supra.*
reply, right to, of, **2,** 411, 414, 416
report of case by, **2,** 380
restrictive covenant affecting, **27,** 583, 584, 589 n.
retainer of, *defined,* **2,** 403
accept, duty to, **2,** 405, 407
appeal, on, **2,** 406
circuit, **2,** 405, 406
effect of, **2,** 397, 403—405
general, **2,** 404, 405
non-delivery of brief to counsel entitled under, **2,** 406, 407
opinion given or pleadings drawn, position on, **2,** 406
payment of fee as condition to, **2,** 403, 405
refuse, duty to, in certain circumstances, **2,** 406, 407
rules of Bar Council as to, **2,** 368, 404—407
special, **2,** 405—407
circuit, on, **2,** 405, 408
King's Counsel's right to, **2,** 405, 408
taking silk, effect of, **2,** 403
taxation of costs of, **2,** 421
rights and privileges of, **2,** 369, 370
robes of, regulation as to, **2,** 387
salary of, when public officer, non-assignability of, **4,** 400
secrecy, duty as to, **2,** 394
serjeant-at-law, position of, **2,** 358, 359
servientes ad legem, meaning of, **2,** 358
short cause, certificate with a view to marking case as, **2,** 379
signature of, documents requiring, **2,** 378—380 ; **22,** 421. *See* SIGNATURE.
silk, meaning of, **2,** 387
slander by, **2,** 380, 381 ; **18,** 678—682
solicitor, becoming, **2,** 361, 362
disqualification of, as, **2,** 362
duties of, performed by, **2,** 383 ; **26,** 710
intervention of, between client and, **2,** 389
liability of, for fees of, **2,** 390 ; **26,** 836
non-liability of, for default of, **2,** 401, 402
protection of, by advice of, **2,** 402 ; **21,** 370 ; **26,** 755
stamp, no objection to insufficient, by, **2,** 410 n. ; **24,** 707 n.
statement by, effect of, **2,** 380, 381, 401 ; **13,** 592
privileged, **2,** 380 ; **18,** 678
stuff gownsman, *defined,* **2,** 387
suspension of, **2,** 385
title, approval of, by, **2,** 401

BARRISTER—*continued.*
trader disqualified to be, **2,** 363
trustee acting under advice of, **2,** 403 ; **28,** 125 n., 141 n.
undertaking by, **2,** 398 ; **17,** 285
undue influence by, **2,** 395 ; **15,** 420 n.
verdict, authority as to, **2,** 398
witness, as, **2,** 396 ; **13,** 592, 593
examination of, by, **2,** 402, 410
woman cannot be, **2,** 363

BARS,
right of way, effect on, of, **16,** 42

BARTER. *See also* EXCHANGE.
defined, **25,** 109
factor has no authority to, **1,** 167
nature of, **1,** 541 ; **25,** 109
permutatio vicina est emptioni, **25,** 109

BASE FEE,
defined, **24,** 262
common, unity of ownership of fee and, **4,** 523
creation of, disentail without consent of protector, by, **24,** 250, 262
ineffectual statutory disposition, by, **24,** 262
limitation, cannot be effected by, **24,** 262
determinable on future event, effect of, **24,** 171 n.
manner of, **19,** 136 ; **24,** 262
non-statutory disposition, by, **24,** 263
rentcharge, in case of, **24,** 484
enlargement of, assurance, by, **24,** 262
union of estates, by, **24,** 263
limitation of actions in case of, **19,** 136, 154
mortgage of, **21,** 97, 98
nature of, **24,** 262
presentation to advowson in case of, **19,** 154
Settled Land Act, powers under, of owner of, **25,** 627
statutory fee simple as, **24,** 269 n.

BASEMENT,
metropolitan building legislation as to, **20,** 481

BASINGSTOKE,
local court of, **9,** 142

BASSET,
illegality of game of, **4,** 436 ; **9,** 546 ; **15,** 285

BASTARD. *See* AFFILIATION PROCEEDINGS ; ILLEGITIMATE CHILD.
The title BASTARDY *is contained in Vol. II., pp.* 425 *et seq.*
defined, **2,** 426
abduction of female, **9,** 622
acquisition of property by, **2,** 432, 439, 440
Act of Parliament, made so by, **2,** 431, 432
administration of estate of intestate, **11,** 27
adoption of, liability of father by, **2,** 441
advancement to, when presumed, **2,** 440 ; **28,** 56
affiliation proceedings. *See* AFFILIATION PROCEEDINGS.
banns, publication of, in case of, **11,** 699 n.
bastard eigne, *defined,* **2,** 439
birth of, registration of, **2,** 438 ; **24,** 445 n., 451 n.
custody of, father, by, **2,** 441,
mother, by, **2,** 440—442
third persons, by, **2,** 442

BASTARD—*continued.*
death duties payable by, **2,** 440; **13,** 283 n. *See* legitimation, *infra.*
death of, question of legitimacy after, **2,** 432
descent of property to, **2,** 439; **11,** 10
traced from, **11,** 9 n.
domicile of, **2,** 438; **6,** 184, 191
escheat upon failure of issue of, **2,** 439; **11,** 26. *See* ESCHEAT.
evidence that child is. *See* BASTARDY.
Fatal Accidents Act, 1846, no right to compensation under, **2,** 433, 438; **21,** 457 n.
father of, contract by, to maintain, **2,** 441
bankruptcy as affecting, **2,** 441
custody, right to, of, **2,** 441
desertion by, **17,** 114 n.
in loco parentis, when stands, towards, **17,** 111 n.
liabilities of, **2,** 441, 442
maintenance by, **2,** 440 *et seq.* *See* MAINTENANCE OF PERSONS.
puberty, under age of, **2,** 430
rights of, **2,** 441, 442
status of, **2,** 441
funeral expenses of, **2,** 449, 450
gift *inter vivos* to, **2,** 440; **15,** 404; **17,** 120
guardian of, appointment by justices, **2,** 442
misapplication of moneys by, **2,** 442
guardians of the poor, payment under affiliation order to, **2,** 451; **22,** 573
intestacy of, succession in case of, **2,** 439; **11,** 26, 27
legacy duty in case of legitimated, **13,** 243 n.
legal position of, **2,** 438—440; **11,** 26 n.
legitimacy, presumption of, **2,** 427—431
legitimation of, **2,** 435—437. *See* LEGITIMATION.
liabilities generally of, **2,** 438—440
personal nature, of, **2,** 438
maintenance of, **2,** 440 *et seq.* *See* MAINTENANCE OF PERSONS.
marriage of, **2,** 438; **11,** 699 n.
mother of, death of, effect of, **2,** 443, 448, 451
desertion by, **22,** 610
husband of, liability of, **2,** 442; **17,** 115
marriage of, to father before birth of bastard, **2,** 426
parent, is a, within Vaccination Act, 1871, **23,** 475 n.
rights and liabilities of, **2,** 440—442; **7,** 396
name of, **2,** 438
nullius filius, is, for purposes of inheritance, **2,** 438; **11,** 26 n.
ordination of a, **11,** 551
parents of, not compellable to maintain, **2,** 438
right to compensation for death of, **2,** 438, 439
subsequent marriage of, **2,** 435, 436
personalty coming from or to, **2,** 439; **11,** 28
portion, double, not presumed in case of, **2,** 440
power executed in favour of, **2,** 440
property of, **2,** 432, 439, 440; **11,** 26, 28
purchase of property by, **2,** 439
realty coming from or to, **2,** 437, 439; **11,** 26
relationships of, **2,** 438
religion of, right of mother to determine, **2,** 440
rights and liabilities of, **2,** 438—440
personal, **2,** 438
proprietary, **2,** 439, 440
settlement for poor law purposes of, **2,** 438; **22,** 576, 579, 588, 589
status of, **2,** 426—440; **11,** 26 n.

BASTARD—*continued.*
succession
by, **2,** 439, 440
duty payable by, **2,** 440
to, **2,** 439; **11,** 26, 28
third person's liabilities as to, **2,** 442
widow, child of a, when a, **2,** 426
will in favour of, **2,** 440; **17,** 120; **28,** 542, 747 n.
Workmen's Compensation Act, 1906, application of, **2,** 438, 439; **17,** 45; **20,** 187

BASTARD EIGNE,
defined, **2,** 439

BASTARDY, **2,** 425 — 454. *See* BASTARD; LEGITIMACY.
The title BASTARDY *is contained in Vol. II., pp.* 425 *et seq.*
Acts relating to, **2,** 443 n.
evidence of, admissibility of, **2,** 429, 430; **22,** 282
amount of, necessary, **2,** 428, 429
circumstantial, **2,** 430
conduct of parties as, **2,** 430, 431
letters of mother as, **16,** 479
paramour, by, **2,** 431
parents not compellable to give, **13,** 427
parents' statements as, **2,** 430

BASUTOLAND,
government of, **10,** 503 n.
protectorate of, **10,** 523

BATH,
local court of, **9,** 142

BATH,
water supply to, **23,** 497; **28,** 260, 304. *See also* BATHING; BATHS AND WASHHOUSES.

BATH, ORDER OF THE,
nature of, **22,** 286

BATHING,
foreshore, on, customary and prescriptive rights as to, **28,** 376
local regulation of, **23,** 500, 501; **28,** 376, 377
public rights in regard to, **28,** 375, 376
indecent exposure in course of, **9,** 537
machine, licensing of, **28,** 377
trespass by use of, **27,** 848 n.
place, bye-laws regulating, **23,** 500, 501; **28,** 376
life-saving appliances, supply of, **23,** 501
provision of, **23,** 501
rivers, in, local bye-laws as to, **23,** 500, 501

BATHS AND WASHHOUSES,
acquisition by local authorities of existing, **23,** 492
acquisition of land for, **23,** 491, 492
alteration and improvement of, **23,** 494
Baths and Washhouses Act, 1846, application of, **21,** 592, 593
Baths and Washhouses Acts, acquisition of lands for purposes of, **23,** 491, 492, 493
adoption of, authorities for, **21,** 592; **23,** 487—491
operation by, **23,** 486, 487
partial, of, impossible, **23,** 487

BATHS AND WASHHOUSES—*contd.*
Baths and Washhouses Acts—*continued.*
borough council adopting, **23,** 487
expenses of, **23,** 490
borrowing for purposes of, **23,** 489, 490
definitions under, **23,** 487
enumeration of, **23,** 487 n.
executing authorities under, **23,** 487, 488
expenses of authorities under, **23,** 490
Lands Clauses Acts incorporated with, **23,** 491
loans for working, **23,** 489, 490
metropolitan boroughs, in, **20,** 405; **23,** 487
expenses in, **23,** 490
municipal borough, adoption in, **23,** 488
expenses in, **23,** 490
parish commissioners for, **23,** 489, 489 n.
parish meeting or council adopting, **19,** 257; **21,** 592; **23,** 488
penalties recovered under, how applied, **23,** 500
quarter sessions, appeal against bye-laws to, **23,** 500
rural parish, adoption in, **19,** 257; **23,** 488
expenses in, **23,** 490
sale and exchange of land under, **19,** 257, 258; **23,** 493
Summary Jurisdiction Acts applicable, **23,** 500
urban district, adoption in, **23,** 488
expenses in, **23,** 490
bye-laws regulating nature and provisions of, **23,** 499
notice of, **23,** 499
power to make, **23,** 498, 499
contract above £100, notice required in case of, **23,** 495
contracts relating to, provisions as to, **23,** 494, 495
erection and furnishing of, **23,** 494
gas supplies to, **15,** 343; **23,** 496, 497; **28,** 260
gymnasium etc., use as, **23,** 497
income derived from, application of, **23,** 490, 491
income tax in case of, **16,** 625
land for, acquisition by local authorities of, **23,** 491—493
management and control of, **23,** 495
music and dancing licences in respect of, **23,** 498
offences against decency in, **23,** 497
offenders in, refusal of admission and expulsion of, **23,** 497
officers, appointment and removal of, **23,** 495
corruption of, **23,** 495
interested in contracts by authorities, **23,** 496
sale of, application of proceeds of, **23,** 494
unnecessary, may be sold, **23,** 487, 493, 494
uses to which may be put, **23,** 497, 498
water supplies to, **23,** 496, 497; **28,** 260

BATTENS,
charterparty, description of cargo as, **26,** 99

BATTERY,
defined, **9,** 606; **27,** 871, 873
assault and. *See* ASSAULT.
justification of, **27,** 875, 877 n.
touching amounting to, **27,** 873

BATTLE,
trial by, **18,** 226 n.

BATTLESHIP. *See* KING'S SHIP; WARSHIP.

BAWDY HOUSE. *See* BROTHEL.
keeping, **9,** 541, 543
public nuisance, as a, **21,** 541

BAY,
construction of railway over, consent, to **23,** 673

BEACH. *See* FORESHORE; SEASHORE.

BEACHY HEAD,
maritime precautions off, **26,** 486

BEACONS,
harbour authority and, **26,** 645
lighthouse authority and, **26,** 627, 632
management of, **26,** 627, 645
meaning of, **26,** 627 n.
Thames, on the, provision and maintenance of, **28,** 410
Trinity House directions as to, **26,** 645

BEADLE,
ancient parish, in, duties of, **11,** 479
election of, **11,** 479
origin of term, **11,** 479 n.
churchwardens, messenger or servant of, as, **11,** 479
salary payable by, out of pew rents, **11,** 479
incumbent, messenger or servant of, as, **11,** 479
urban district, formerly constable in, **11,** 479 n.; **22,** 466

BEANS,
bread made of, **15,** 48

BEAR-BAITING,
illegality of, **1,** 412; **15,** 285; **22,** 472
Metropolitan Police, powers as to, **22,** 472

BEARER,
defined, bill or note, for purposes of, **2,** 463
bill, when a necessary party to, **2,** 464
bill payable to, protection of banker paying, **1,** 614. *See* instrument, *infra.*
cheque. *See* CHEQUE.
debenture payable to, **5,** 346
instrument payable to, *defined,* **2,** 472
holder's right of action on, **2,** 513
negotiation of, **2,** 503
securities, deposit as pledge of, **27,** 233
investment of trust funds on, **28,** 130 n., 137
trustee must deposit with bankers, **28,** 118 n.

BEAST GRASSES,
right of, **4,** 480 n.

BEASTGATE,
right of, **4,** 479—481

BEASTS. *See* ANIMAL; CATTLE.
manorial heriots, as trover for, **27,** 889 n.

BEAT ELBOW,
Workmen's Compensation Act, 1906, within the, **20,** 165 n.

BEAT HAND,
Workmen's Compensation Act, 1906, within the, **20,** 163, 165 n.

BEAT KNEE,
Workmen's Compensation Act, 1906, within the, **20,** 163, 165 n.

BEATING CARPETS, ETC.,
offence of, **27,** 285

BEAUMARIS,
local court of, **9,** 142

BECCLES,
local court of, **9,** 143

BECHUANALAND,
government of, **10,** 504 n.
protectorate of, **10,** 523

BED,
lake, of, boundary line in reference to, **3,** 120
ownership of, **3,** 120
river, of, extent of, **14,** 583
non-tidal, of, ownership of, **3,** 121; **28,** 396, 397
accretion or decrease as affecting, **28,** 398
tidal, of, boundary between adjoining land and, **3,** 121
tidal navigable, of, ownership of, **28,** 392, 396
sea, of the, ownership of, **28,** 359, 360

BEDDING,
bankruptcy, does not pass to trustee in case of, **2,** 143, 144
distress upon, **11,** 139, 209, 226
execution upon, **2,** 299; **14,** 48
infected, destruction of, **23,** 451, 452

BEDESMAN,
county franchise, qualification for, **12,** 149

BEDFORD,
local court of, **9,** 143

BEDFORD LEVEL,
lease of land in, registration of, **18,** 401, 402
registration of lands in, **18,** 401; **24,** 307, 308; **25,** 443, 444
omission to register assurance, **25,** 443
registry of deeds for, **24,** 307

BEDSTEAD. *See* BEDDING.

BEECHMAST,
right to take, **11,** 337

BEER,
defined, **7,** 511 n.; **15,** 45; **18,** 6; **24,** 613 n., 630 n., 651 n.
adulteration of, **15,** 45, 46
conviction for, effect of, **15,** 46
arsenical, sale of, **15,** 4 n.; **24,** 631 n.
billiard licence holder allowing consumption of, **27,** 426
black beer, **15,** 45; **18,** 6; **24,** 630 n.
customs duty on, **24,** 594
licence for sale of, **18,** 16
botanic, **15,** 45 n.; **18,** 6
brewer for sale of, *defined*, **18,** 11; **24,** 630
annual licence of, **18,** 10; **24,** 630. *See* BREWER.
duty payable by. *See* duties, *infra.*
offences by, **18,** 11, 144; **24,** 631

BEER—*continued.*
brewer not for sale of, *defined*, **18,** 146; **24,** 632
annual licence of, **18,** 10, 39; **24,** 632, 633. *See* BREWER.
duty payable by. *See* duties, *infra.*
offences by, **18,** 11, 146; **24,** 633
canteen, licence in case of, **18,** 106; **24,** 654
child, sale to, of, **18,** 121 *et seq.*
constable, gift to, of, **18,** 134
conviction of licensee for sale of, **18,** 54, 55
credit, on, consumed on the premises, **18,** 172
dealer in, dealing without licence, **18,** 113; **24,** 650
duty payable by, **24,** 650
entry with officer of customs and excise of premises by, **24,** 650
licence required by, **18,** 11, 12; **24,** 650. *See* licence, *infra.*
sugar, etc., must not have on premises, **18,** 140; **24,** 650, 651
dilution of, **15,** 45; **18,** 145; **24,** 651, 653, 654
duties payable in respect of,
beer duty, **24,** 613—615, 631, 632
brewer for sale, payable by, **24,** 613, 614, 631
brewer not for sale, payable by, **24,** 613, 632, 633
distress for non-payment of, **24,** 615
drawback on export, **24,** 615
rate, **24,** 631 n.
recovery of, **24,** 615
repayment on loss of materials, **24,** 615
customs duty, **24,** 594, 595
classification for purposes of, **24,** 594
drawbacks on export, **24,** 595, 697
licence duty, brewer for sale, of, **18,** 17; **24,** 630
brewer not for sale, of, **18,** 10; **24,** 632
dealer, of, **24,** 650
retailer, off licence, of, **24,** 653
on licence, of, **24,** 652
fairs, sale at, of, **18,** 100, 101
game, holder of beer licence not permitted to deal in, **15,** 255
glucose, use of, in manufacture, **15,** 45; **18,** 145
habitual drunkard, supplying, **18,** 167, 168
half and half, sale of, **15,** 45 n.
house. *See* BEERHOUSE.
imported, duty on, **24,** 594
testing the gravity of, **24,** 594, 595
intoxicating liquor, is an, **18,** 6
invert sugar, use of, in manufacture, **15,** 45
licence, excise,
brewers' for sale, **18,** 10; **24,** 630. *See* BREWER.
not for sale, **18,** 10, 39; **24,** 632, 633. *See* BREWER.
dealer's, **18,** 11, 12, 20; **24,** 650, 651
duration of, **18,** 20; **24,** 633, 651, 653
duties on. *See* duties, *supra.*
extent of, as to persons and premises, **18,** 20
form of, **18,** 104
grant of, **18,** 17—20, 62
occasional licence, **18,** 98
production of, **18,** 129
registration of, **18,** 101
renewal of, **18,** 18, 39
retailer's, **18,** 13—15, 20; **24,** 651—654
qualifications for, persons, **18,** 54—55
premises, **18,** 57, 58
transfer of, **18,** 18—20
justices' certificate in case of, **18,** 19

BEER—*continued.*
licence, justices'. *See* JUSTICES' LICENCE.
defined, **18,** 7
appeal as to, **18,** 78—85
application for, **18,** 39—47
confirmation of, **18,** 50—52
duration of, **18,** 31, 32
duty in respect of, *see* duties, *supra.*
extent of, **18,** 32
grant of, **18,** 21—24, 34, 62
fees, **18,** 38
procedure, **18,** 35—38
provisional, **18,** 30
nature of, **18,** 16
production of, **18,** 129
qualifications for, persons, **18,** 56
premises, **18,** 59—62
refusal to renew on-licence, **18,** 68—78
registration of, **18,** 102—104
removal of, **18,** 25, 31
renewal of, **18,** 24, 33, 68, 105
transfer of, **18,** 24, 26—30. *See* TRANSFER OF JUSTICES' LICENCE.
liquid sold as, containing over 2 per cent. of spirit, licence required, **24,** 650 n.
marked measure, must be sold in, **18,** 123, 124
off-licence for sale of, **18,** 14, 61; **24,** 653, 654. *See* OFF-LICENCE.
offences in connection with, **15,** 45, 46
on-licence for sale of, **18,** 13, 39, 59, 60; **24,** 651, 652. *See* ON-LICENCE.
porter included in beer, **18,** 7. *See* PORTER.
price of, irrecoverable,
when consumed on premises on credit, **18,** 172
when supplied for treating at election, **12,** 280 n.
races, sale at, of, **18,** 100, 101
resale, supplied to owner of licensed premises for, price recoverable, **18,** 172
retailer of,
dealing without
excise licence, **18,** 113; **24,** 651, 653
justices' licence, **18,** 107—113
mitigation on first offence, **18,** 158
duty payable by, **24,** 652, 653
entry with officer of customs of premises by, **24,** 652, 653
licence required by, excise, **18,** 13, 14; **24,** 651—654. *See* licence, *supra.*
justices', **18,** 13, 14, 16, 116; **24,** 651, 653
offences by, **15,** 45, 46; **18,** 107—140
sugar, etc., must not have on premises, **18,** 140; **24,** 652, 654
saccharine, use in manufacture of, **15,** 45; **18,** 145; **24,** 631 n.
sale of,
child, to, **17,** 172; **18,** 121 *et seq.*
credit, on, **18,** 172
fairs, at, **18,** 100, 101
half and half, **15,** 45 n.
hours for, **18,** 87 *et seq.*
races, at, **18,** 100, 101
regulation of, **15,** 45; **18,** 8—158; **24,** 650—654
retail, meaning of, **18,** 7, 13; **24,** 651, 653
whether made on licensed premises, **18,** 109, 113
wholesale, meaning of, **18,** 11, 12, 110; **24,** 650
without excise licence, **18,** 113; **24,** 650, 651, 653
without justices' licence, **18,** 107 *et seq.*

BEER—*continued.*
sheriff's officer cannot be licensee for sale of, **18,** 13, 54, 56
spruce, beer for excise purposes, is, **15,** 45; **18,** 6; **24,** 630 n.
black beer, distinguished from, **18,** 16 n.
customs duty on, **24,** 594
licence for sale of, **18,** 16
sucramine, use in manufacture of, **15,** 45; **24,** 631
sugar, etc., dealer or retailer must not have in his possession, **18,** 140; **24,** 650, 652, 654
use of, by brewer in brewing, **15,** 45; **18,** 145; **24,** 631 n.
temporary authority to sell, **18,** 47—50
tied house covenant affecting sale, **17,** 239; **18,** 573, 574
treating at election, supplied for, price not recoverable, **12,** 280 n.
wholesale sale of, what is, **18,** 11, 12, 110; **24,** 650

BEERHOUSE,
defined, **17,** 305; **18,** 8
Beerhouse Acts, provisions as to indorsement of licence on death of licensee of, **18,** 20
transfer of licence under, **18,** 20
constable's right to enter, **18,** 132 *et seq.*
covenant in lease against use as, **18,** 518
game, holder of beer licence not permitted to deal in, **15,** 255
licence,
excise, **18,** 13; **24,** 651—653. *See* BEER.
meaning of, **18,** 8, 13 n.
qualification for, **18,** 54, 57
justices', qualification for, **18,** 60, 61. *See* BEER.
registration of, **18,** 101, 102
old, *defined*, **18,** 66
application for renewal or transfer of, **18,** 65
character of applicant, materiality of, **18,** 65
interruption in existence of, **18,** 66
public house distinguished from, **17,** 305; **18,** 13 n.

BEES,
injury by, **1,** 374
property in, **1,** 366

BEESWAX,
drug, when a, **15,** 6 n.

BEGGING,
beggars, idle and disorderly persons, as, **22,** 609
rogues and vagabonds, as, **22,** 611
children found, how dealt with, **12,** 71; **17,** 165
liability of persons responsible for, **17,** 163
letters, **9,** 698
pedlar, by, **20,** 58 n.

BEGOTTEN,
description in will of children as, **28,** 744

BEHAVIOUR, PUBLIC,
bye-laws as to, **27,** 279

BEHRING SEA,
Award Act, offences against, **9,** 561
killing seals in, **9,** 279

BELFAST,
port of, usages of, **10,** 292
University of, **26,** 711 n.

BELIEF,
absence of, fraud when not presumed from, **20,** 693, 694
fraud presumed from, **20,** 688, 689
affidavit, statements in, as to, **13,** 625
evidence of, when allowed, **13,** 482, 595, 607, 625
false statement in prospectus, belief in truth of, **5,** 134, 137
honest, what amounts to, **20,** 688, 689 *See also* BONÂ FIDE.
interrogatories, answering to best of belief, **11,** 108
irrelevancy of, where question of materiality of representation, **20,** 699
particulars of, when may be ordered, **22,** 454
representation as to matter of, **17,** 413, 414
statement of, principles applicable to, **5,** 134, 137 ; **13,** 595 ; **17,** 413, 414 ; **20,** 665, 688, 693, 698
warranty expressing, effect of, **17,** 552
witness must not as a rule state his, **13,** 595, 607

BELLS,
burial ground, in, sexton's right to toll, **3,** 473
charitable gift of peal of, **4,** 114
church, control of, **11,** 452, 468, 736
faculty for erection of, **11,** 547
ownership of, **11,** 468
provision of, **11,** 736
ringing of,
agreement for, enforced by injunction, **11,** 468 n.
injunction to restrain, **11,** 468 n. ; **17,** 240
morning and evening prayer, before, **11,** 658 n.
sexton, by, **11,** 478
motor car to carry horn or, **27,** 323
nuisance occasioned by ringing of, **21,** 532 n.
sanctus, illegality of, **11,** 671

BENCH WARRANT,
arrest of defendant who does not appear, for, **9,** 351

BENCHER,
appeal from benchers of Inn of Court, **2,** 361
derivation of name, **2,** 359
disbenching of, **2,** 362
legal proceedings, by and against, **2,** 362
immunity from, **2,** 362
powers of, **2,** 361, 366
proposal of student for bar by, **2,** 366

BENEDICTION,
coronation ceremony, at, **6,** 328
sign of cross during, **11,** 684

BENEFACTION FOR SPIRITUAL PURPOSE,
grant to meet, ecclesiastical commissioners, by, **11,** 774
Queen Anne's bounty, by, **11,** 781
private, **11,** 773
transference to governors of Queen Anne's bounty, of, **11,** 782

BENEFICE,
defined, **11,** 559, 769 n.
additional, when capable of being held, **11,** 430, 439, 604, 634

BENEFICE—*continued.*
admission to, collation, by, **11,** 473, 564, 587, 590—593, 601, 602
declarations made upon, **11,** 601, 603, 635
fees on, **11,** 602
institution, by, **11,** 473, 601, 602
licence, by, **11,** 473, 602
notice of, **11,** 473
oaths taken upon, **11,** 601
person not in priest's orders, of, **11,** 635, 717 n.
advowsons. *See* ADVOWSON.
agreement limiting right of, invalidity of, **15,** 408
annual value of, for pension purposes, **11,** 630 n.
appointment to, restraint of improper, **17,** 226
apportionment of duties of, **11,** 614
appropriation and impropriation of, **11,** 561, 717
archdeacon, held by, **11,** 439
augmentation of,
college, by, **11,** 727 ; **12,** 93
corporation, by, **11,** 727
ecclesiastical commissioners, by, **11,** 728, 752, 757, 774, 783, 800
ecclesiastical corporation, by, **11,** 727
gifts for, charitable gifts, as, **4,** 113 ; **11,** 773
impropriator of tithes, by, **11,** 727
incumbent, by, **11,** 727, 752, 755
private benefaction, by, **11,** 722, 725, 727, 774
public officer, by, **11,** 723, 755
Queen Anne's Bounty, by, **11,** 728, 780, 781
sequestered profits, out of, **11,** 621, 622
sequestrator entitled to income of fund for, **11,** 626
University, by, **12,** 93
avoidance of,
cession, by, **11,** 633—635
cognisance of, by ecclesiastical courts, **11,** 627 n.
cure of souls during, **11,** 635, 636
dean, on admission as, **11,** 634
exchange for another, by, **11,** 627, 632, 633
incumbent, death of, by, **11,** 627
deprivation of, by, **11,** 627, 635
preferment of, by, **11,** 634
resignation of, by, **11,** 627—632
sequestration, on, **11,** 623, 624
simony, for, **11,** 635
bankrupt incumbent of, sequestration in case of, **2,** 153, 189, 190 ; **11,** 617, 620
Benefices Act, 1898, agreements invalid under **11,** 565, 583
court under, **11,** 512, 589, 592
institution to benefice, grounds for refusing, **11,** 588 n., 589, 592
notice of, **11,** 592, 601
jus patronatus under, **11,** 589, 592
patronage, transfer of, under, **11,** 583
refusal of presentee under, **11,** 589, 592
transfer of advowson under, **11,** 537, 583
transfer of patronage under, **11,** 583
bishop, patronage vested in, **11,** 400, 406, 432, 564, 581, 601, 602
borrowing for buildings and improvement of, **11,** 755—759
cathedral preferment held with a, **11,** 430
cession of, **11,** 405, 633
chapter as patron of, **11,** 426, 599
charge on, buildings and improvements, for, **11,** 615, 755—760
chapel, for, **11,** 616
deed containing, legal effect of, **11,** 615
endowment, for purposes of, **11,** 616

BENEFICE—*continued.*
charge on—*continued.*
form of, **11,** 615
incumbent, by, **11,** 616, 727
legality of, **11,** 615
pension, for, **11,** 616, 630, 632, 783 n.; **21,** 111
pew rents, by mortgage of, **11,** 615
retiring pension is a, **11,** 616
void unless statutory, **11,** 615
warrant of attorney or judgment, by, **11,** 615
church or chapel without district may be a, **11,** 562
classification, **11,** 559
collation to, bishop, by, **11,** 400, 564, 587, 590—593, 601, 602. *See* COLLATION.
lapse, upon, **11,** 426, 587, 590—593
Crown, appointment by, to, **6,** 393; **11,** 383, 574, 593
curate, appointment of, to benefice by bishop, **11,** 614
residence of, within, **11,** 640, 641
dean may hold, along with deanery, **11,** 419, 420, 579, 634
death of presentee to, effect of, **11,** 597
declarations on admission to, **11,** 601, 603, 635
deprivation of. *See* DEPRIVATION.
dissenting minister does not hold a, **12,** 150
donative, abolition of, **11,** 564 n.; **14,** 230, 231 n.
emblements in respect of, **11,** 627, 632
endowment. *See* ENDOWMENT, church.
exchange of,
avoidance of benefice by, **11,** 627
consents necessary to, **11,** 632
death of one incumbent, effect of, **11,** 633
dilapidations in case of, **11,** 633
institution and induction following, **11,** 633
instrument in writing, by, **11,** 632
penalty for corrupt, **11,** 633
resignation in view of, **11,** 632
filling, mode of, **11,** 595
fixtures, acquirement of, in regard to, **11,** 782
forfeiture of, failure to declare assent to Thirty-nine Articles, upon, **11,** 603 n., 635
simony, for, **11,** 593, 594, 635
freehold tenure of, **11,** 563
glebe. *See* GLEBE.
grant to layman of, **11,** 635, 717 n.
holding two benefices at once, **11,** 429, 604, 633
house of residence. *See* HOUSE OF RESIDENCE.
income of, Easter offerings, **11,** 775
endowment. *See* ENDOWMENT, church.
fees, dues, and offerings, **11,** 776—779
income tax on, **11,** 775 n.; **16,** 656, 668
glebe, from, **11,** 753, 754. *See* GLEBE.
pew rents, **11,** 786—788
private benefactions, **11,** 773—775
tithes and tithe rent-charge, **11,** 742—753. *See* TITHE; TITHE RENT-CHARGE.
vacancy, during, **11,** 635
incumbent of. *See* INCUMBENT.
induction to, **11,** 602
fees for, **11,** 603
injunction to restrain, **11,** 586, 603 n.; **17,** 217 n., 226, 251
infant patron of, presentation by, **11,** 573; **17,** 57, 101
injunction to restrain appointment to, **4,** 252; **11,** 586, 603 n.; **17,** 217 n., 226, 251, 254
institution to, **11,** 473, 601, 602
mandamus in case of, **10,** 100
refusal of, remedy, **11,** 512, 586—590
trial of right to refuse, **11,** 512

BENEFICE—*continued.*
insurable interest of incumbent of, **17,** 525
land tax,
exemption of small livings, **18,** 312
redemption of, **11,** 760; **18,** 322
lapse of, **11,** 590. *See* LAPSE.
lease of, **10,** 367; **11,** 615
licence to hold two benefices, **11,** 604
lunatic patron of, **11,** 573; **19,** 448
mediety, as a, **11,** 563
metropolis, in the, **11,** 606, 616
monition to reside on, **11,** 612
mortgage of, for buildings and improvements, **11,** 615, 622, 755—759; **21,** 111
nomination to, **4,** 250; **11,** 595
right of, does not pass to bankrupt's trustee, **2,** 144
trustees or parishioners, by, **4,** 250—252
notice of admission to, **11,** 473
oaths taken on admission to, **11,** 601
parochial chapelry, position of, **11,** 444, 446, 447, 562, 789
patronage of. *See* PATRONAGE.
peculiar or exempt jurisdiction, of, **11,** 439
pension, chargeable on, **11,** 616, 630, 783 n.
presentation subject to, **11,** 632
subject to one, only, **11,** 630
perpetual curacy, as, **11,** 562
pluralities in regard to, **11,** 429, 430, 439, 540, 604, 633, 634
presentation to. *See* PRESENTATION (Ecclesiastical).
presentative, change of donative benefices to, **11,** 564 n.; **14,** 231 n.
presentee to, death of, **11,** 597
refusal of, **11,** 589, 591, 598
receiver of profits of, **11,** 619; **24,** 370
rectories, position of, **11,** 560
sinecure, **11,** 563
residence within, curate, of, **11,** 640, 641
incumbent, of, **11,** 610, 612, 622, 640, 641
resignation of, **11,** 627—632
commission of inquiry in case of, **11,** 629, 630
illegal agreements for, **11,** 628
infirmity, on account of, with pension, **11,** 616, 629, 632
lunatic, in case of, **11,** 630
relinquishment of holy orders, on, **11,** 558
right to hold, how acquired, **11,** 564
right to present to, period of limitation in case of, **19,** 153, 154
school site granted out of, **12,** 119
sequestration of. *See* SEQUESTRATION (of benefice).
severance of, headships of colleges, from, **12,** 93 n.
increase of population, in case of, **11,** 608
simony as ground for forfeiture of, **11,** 593, 594, 635
sovereign as patron of, **6,** 393; **11,** 383, 574, 593
successive incumbents of, legal position of, **13,** 344
suffragan bishop may hold a, **11,** 634
tithe attached to, partial exemption from rates of, **24,** 23
union of benefices, **11,** 605—609. *See also* UNION.
exchange of endowments or advowsons on, **11,** 606
metropolis, in the, **11,** 606—608
parish church in case of, **11,** 606
united benefices, separation of, **11,** 608
university college as patron of, **11,** 756, 757; **12,** 93

BENEFICE—*continued.*
usurpation of, **11,** 585; **19,** 153
vacant, care of souls in case of, **11,** 635, 636
churchwardens' duties in case of, **11,** 472
filling, **11,** 585, 595—603
income in case of, **11,** 635, 636
right of presentation to, **11,** 585
chose in action, is a, **4,** 364
trust to appoint to, is not a charity, **4,** 124
vicarages, position of, **11,** 561
voting qualification in respect of, **11,** 563

BENEFICED CLERGY. *See* CLERGY.

BENEFICIAL INTEREST,
true ownership for bills of sale purposes, by reason of, **3,** 30
trustee, when accruing to, **28,** 92

BENEFICIAL OWNER,
covenants implied from use of words, **10,** 484; **21,** 123, 126, 127; **25,** 426, 427, 464
bill of sale cannot be used in, **3,** 35
conveyance, in, **25,** 426, 427, 464 n.
mortgage, in, **21,** 123, 126, 127
not separate covenants, **10,** 484
voluntary conveyance, none in, **25,** 426 n.
infant as, presumption in favour of, **17,** 52
Larceny Acts, within, **9,** 635
true owner, in bill of sale, as, **3,** 30, 35

BENEFICIARY. *See also* CESTUI QUE TRUST.
administration of deceased's estate as between beneficiaries, **13,** 37, 144; **14,** 278
ascertained, payment when some are, **14,** 352
contribution by, for payment of debts and costs, **14,** 280
costs of administration proceedings payable by, **14,** 350, 353
election by. *See* ELECTION (Doctrine of Equity).
joinder in legal proceedings of, when necessary, **14,** 330; **28,** 171
liability on mortgage covenants of, **21,** 270, 271
marshalling of assets as between beneficiaries, **13,** 37, 144—146. *See* MARSHALLING.
overpayment of, costs in case of, **14,** 350
rights of trustee in case of, **14,** 278
representatives employing assets in own business, rights in case of, **14,** 323
settlement, covenant of indemnity by beneficiary under, as consideration, **15,** 96
execution of, by, **25,** 528 n.
satisfaction of, by will, in regard to, **13,** 135
trustee as respondent when beneficiary under, **25,** 598
solicitor executor acting for, profit costs of, **14,** 322

BENEFIT,
building society, **3,** 323 *et seq.* *See* BUILDING SOCIETY.
covenant, of *See* COVENANT; COVENANTS FOR TITLE.
crime, from, courts will not enforce, **7,** 394
doubt, of the, in taxation statutes, **27,** 180 n.
friendly society, in, forfeiture of, **15,** 150
limitation of, **15,** 148
rules in regard to, **15,** 138
instrument, under, acceptance by non-executing party, **10,** 401

BENEFIT—*continued.*
instrument—*continued.*
disclaimer by non-executing party, **10,** 401. *See* DISCLAIMER.
duration of, **27,** 446
who entitled to, **10,** 379
loss and, equitable distribution of, **13,** 69 n.
National Insurance Act, 1911, under, **28,** 917—924
additional, **28,** 924, 925, 930, 958
administration of, **28,** 942—956
aliens, in case of, **28,** 988, 989
approved society,
additional, administration of, **28,** 930, 958
administration by, **28,** 937, 938
deprivation by, **28,** 999
extension by, **28,** 930
rules for payment of benefits by, **28,** 944
suspension by, **28,** 944
assignability of, **28,** 931
compensation for injury already payable, in case of, **28,** 928, 929
contributors, to, **28,** 919—930
disablement, *defined*, **28,** 922, 923
administration of, **28,** 954—957
deposit contributor, in case of, **28,** 931
employed contributor, in case of, **28,** 919, 922, 923, 929, 930, 937
increase of, as an additional benefit, **28,** 925
rate of, **28,** 923
voluntary contributor, in case of, **28,** 919, 922, 923, 929, 930, 937
when payable, **28,** 922, 923
extension of, **28,** 930
false statement to secure benefit, offence of making, **28,** 998
indoor relief, in case of, **28,** 928
inmate of charitable institution, in case of, **28,** 927, 995
marine, in case of, **28,** 980, 981, 983
married woman, in case of, **28,** 975—979
maternity,
additional, when payable, **28,** 921, 923
administration of, **28,** 957, 958
affiliation proceedings not affected by, **28,** 924
amount of, **28,** 923, 924
asylum, when inmate of, how payable, **28,** 927
attendance by doctor or midwife, mother's choice of, **28,** 957
convalescent home, when inmate of, how payable, **28,** 927, 928
deposit contributor, in case of, **28,** 931
employed contributor, in case of, **28,** 919, 923, 924, 937
hospital, when inmate of, how payable, **28,** 927, 928
husband's duty to wife, in respect of, **28,** 957, 958
offence to neglect, punishment for, **28,** 958
increase of, as an additional benefit, **28,** 925
infirmary, when inmate of, how payable, **28,** 927, 928
mother's benefit, **28,** 957
payable, when, **28,** 923
reinsurance of approved societies in respect of, **28,** 958
suspension of, **28,** 945
voluntary contributor, in case of, **28,** 919, 923, 924, 937
workhouse, when inmate of, how payable, **28,** 927, 928

BENEFIT—*continued.*
National Insurance Act—*continued.*
medical, *defined*, **28,** 920
administration of, **28,** 945—952
age limit disentitling to, **28,** 920
approval of arrangements existing prior to Act, **28,** 949, 950
confinement, attendance or treatment in, not included, **28,** 920
deposit contributor, in case of, **28,** 931
employed contributor, in case of, **28,** 919, 920
financial provisions in respect of, **28,** 959
Insurance Commissioners, regulations of, **28,** 946, 948
insurance committee, administration of, by, **28,** 935
insured person entitled to, **28,** 919
payment for, by county or county borough, **28,** 934
treatment of dependant an additional benefit, **28,** 925, 958
voluntary contributor, income limit in case of, **28,** 920
mercantile marine, in case of, **28,** 985—988
nature of, **28,** 919, 920
naval seaman, in case of, **28,** 980, 981, 983
reduction of benefits to meet deficiency, **28,** 968
repayment of, benefit to which person not entitled, **28,** 999
residence abroad, during, **28,** 926
rules by insurance committee for administration of benefits, **28,** 945
sanatorium, administration of, **28,** 952—954. *See* SANATORIUM BENEFIT.
sickness, *defined*, **28,** 920
additional benefits, provision for, **28,** 924, 925
administration of, **28,** 944 n., 954—957
approved societies, as to rules of, in case of married women, **28,** 921
deposit contributor, in case of, **28,** 931
employed contributor, in case of, **28,** 919, 920—922, 929, 930, 937
increase of, as additional benefits, **28,** 925
payment of, time for, **28,** 925
payment of whole wages to specified classes, provisions as to, **28,** 989—993
periodical payments to insured, by, **28,** 920
rate of, **28,** 920, 921
reduction of, **28,** 922
recurrence of disease or disablement, procedure in cases of **28,** 920, 921
tables of, **28,** 1001, 1002
voluntary contributor, in case of, **28,** 919, 920—922, 929, 930, 937
widows, in case of, **28,** 921
women, married, in case of, **28,** 921
soldier, in case of, **28,** 980, 981, 983
special cases, in, **28,** 926—931
suspension of, rules for, **28,** 944, 945
unemployment benefit, assignment of, **28,** 895
conditions in regard to payment of, **28,** 891—893
duration of, **28,** 894
poor law relief in regard to, **28,** 895
rate of, **28,** 893, 894
variation of, **28,** 930

BENEFIT—*continued.*
trade union agreement to provide, enforcement of, **27,** 619—621
when unenforceable, **27,** 616, 617
costs of legal proceedings not within meaning of, **27,** 616
recovery of, **27,** 612 n., 615 n.

BENEFIT SOCIETIES,
Charity Commissioner's jurisdiction, exempt from, **4,** 305
corporation duty payable by, **4,** 208
gifts to, nature of, **4,** 119
moneylenders, are not, **21,** 45
rates, liability to, of, **4,** 212
unemployment benefit may be paid to, **28,** 896, 897

BENEVOLENT SOCIETIES,
benevolent, meaning of, **15,** 122
friendly societies, as, **15,** 123, 125
land held by, limits as to, **15,** 123 n., 169
nomination, disposal of funds by, **15,** 152
purposes of, **15,** 125 n.
registration of, **15,** 123, 125
fees in respect of, **15,** 131 n.
rules of, forms of, **15,** 138 n.
valuations in case of, **15,** 171 n.

BEQUEST. *See also* GIFT BY WILL; LEGACY.
defined, **28,** 508, 509, 704
A. absolutely with gift over on death without issue, under certain age to, **28,** 839
A. and his children, to, **28,** 789, 790
A. and his heirs, to, **28,** 768
A. and his issue, to, **28,** 791, 792
A. his executors and administrators, to, **28,** 730
after-acquired property, of, **28,** 517 n.
after the death of A., to one at date of will entitled in case of testator's intestacy, **28,** 847
allotment, in aid of, charitable bequest, as, **4,** 110
alteration in form of, from description in will, **28,** 603 n.
alternative, *defined*, **28,** 729, 730
conditions attaching to, **28,** 733—735
construction of, **28,** 729, 730
contingency, in case of, **28,** 728, 729
gift to a class, in case of, **28,** 801 n.
lapse in case of, **28,** 608, 735
annuity, of, **13,** 229, 230; **14,** 262; **24,** 480
appointment of sum charged on land, operating as, **23,** 31
apprenticing poor children, for, charitable bequest, as, **4,** 110
assent of executor to. *See* ASSENT.
bond, of, **28,** 522, 523
book debts, of, **28,** 700
building society shares, of, **3,** 357
business, of a, **28,** 699, 700
carriage, of, meaning of, **28,** 710
change of investments given by, effect of, **28,** 603
chattels, of, **14,** 263; **15,** 408; **22,** 414; **28,** 527—529, 695, 774
children included in, effect of, **28,** 753, 789, 790, 835
chose in action, of, **4,** 366; **28,** 522, 523, 699
class of children, to, **28,** 720—723. *See* CLASS GIFT.
consumables, of, **15,** 408; **22,** 414; **25,** 526 n.; **28,** 24 n., 528

BEQUEST—*continued.*
copyright, of, **8,** 137, 139, 157 ; **28,** 522
corporation, to, **28,** 544
covenant to make, **25,** 544
debentures, of, **28,** 710
debt, of a, **28,** 522, 523
description of subject-matter of, **28,** 684—693. *See* DESCRIPTION.
doles, for, charitable bequest, as, **4,** 110
easement, of, **28,** 774 n.
effects, of, **28,** 700, 711
estate, of, **28,** 701
estate tail, property in, in case of, **28,** 770
executor, to, assent in case of, **14,** 267
executory, rule against perpetuities and, **22,** 316
farming stock, of, **15,** 408 ; **22,** 414 ; **28,** 24 n., 528
foreigner, to, children or next of kin, in case of, **6,** 274, 275
conflict of laws in regard to, **6,** 274, 275
fortune, of, **28,** 710
funds, the, of, **28,** 701
furniture, of, **14,** 267 ; **28,** 711
general, operates as exercise of power of appointment, **14,** 281 ; **23,** 31 ; **28,** 618
real or personal estate, of, **14,** 281
gift over on failure of children, **28,** 849
goods, of, **28,** 701
goods and chattels, of, **28,** 701
Gosden v. *Dotterill*, the rule in, **28,** 706 n.
heirs, to, **28,** 751
household goods, of, **28,** 711
inaccurate description in, effect of, **28,** 691
insurance money, of, **28,** 523
issue included in, effect of, **28,** 752—755, 769, 791, 792, 835, 836
land for spiritual purposes, money to purchase, **11,** 773
lapse of, **28,** 617
legacy, of, assent of executor to, **14,** 265. *See* ASSENT.
life, for, consumable articles, of, **22,** 414
money, of, legatee's rights in case of, **3,** 357 ; **14,** 263, 268 ; **28,** 705—709
money due and owing, of, **28,** 706
money invested, of, **28,** 709
mortgage, of, **21,** 183
nation, to the, of pictures or works of art, **19,** 214
death duties in case of, **4,** 206 ; **13,** 182
origin of term, **28,** 508 n.
pensioning old clerks, for, charitable bequest, as, **4,** 110
personal estate, of, construction of, **14,** 281 ; **28,** 694, 697, 711, 750, 776, 768, 789—792
personal representative's assent necessary to, **28,** 583
power, operates as exercise of, **14,** 281 ; **23,** 31, 32 ; **28,** 618
property not otherwise effectually disposed of, of, **28,** 619 n.
property testator now owns, of, **28,** 693
ready money, of, **28,** 706
real property, when carried by terms of bequest, **14,** 281 ; **28,** 508 n., 704, 711
Recreation Grounds Act, 1859, under the, **21,** 592
representatives, to, effect of, **28,** 758, 759
residuary. *See* RESIDUARY BEQUEST.
securities for money, of, **28,** 709
separate, of specific amount to each of a group of children as individuals, **28,** 724
servant, to, of year's wages, **27,** 435 n.

BEQUEST—*continued.*
shares, of, **3,** 357 ; **28,** 710
spiritual purposes, for, **11,** 773
stock, of, **28,** 706 n., 710
stock in trade, of, **15,** 408 ; **28,** 700. *See* farming stock, *supra.*
subject to a power, operation in case of, **23,** 31, 32 ; **28,** 619 n.
substitutional, *defined*, **28,** 729, 730
preventing lapse of, **28,** 609 n.
unlimited, of income of personal estate, effect of, **28,** 697
widow's right to dower barred by, **24,** 194

BERKS,
chief magistrate at Bow Street is *ex officio* justice for county of, **19,** 538

BERMUDA,
courts of, **10,** 555
executive council in, **10,** 534
government of, **10,** 504 n.
legal code in, **10,** 541 n.

BERNE CONVENTION,
action for protection of copyright under, **8,** 142, 157
amendments of, **8,** 138 n., 141 n.
artistic copyright under, entitled to copyright in United Kingdom, **8,** 188, 191, 192, 200, 206
formalities to be observed, **8,** 178, 179, 180, 189, 191, 192, 202, 207
period of British copyright, **8,** 190
registration at Stationers' Hall unnecessary, **8,** 195
author not belonging to country of union, rights of, **8,** 141 n., 192 n.
author of book published under, is entitled to British copyright, **8,** 141, 142, 172, 189
copyright under,
paintings, drawings, and photographs, **8,** 191, 192
prints, engravings, and lithographs, **8,** 200, 202
sculpture, models and casts, in, **8,** 206, 207
serial stories, translations of, **8,** 150
countries belonging to the union constituted by, **8,** 139 n.
date of, **8,** 171 n.
evidence as to copyright under, **8,** 142
foreign registration under, **8,** 180
interests acquired prior to, **8,** 171, 172
performing rights under, author entitled to, **8,** 141 n., 178, 179, 180, 181
dramatic piece, in, **8,** 184
infringement of, **8,** 184
notice of reservation of, **8,** 178
period of protection of, **8,** 179, 184
protection of copyright under, artistic work, in case of. *See* artistic copyright, *supra.*
duration of, **8,** 140, 179, 190
foreign author, of, in unpublished literary or artistic work under, **8,** 138, 139
literary or artistic work first published under, **8,** 142
serial stories, protection in the United Kingdom of, **8,** 149
translation, rights of, under, **8,** 149, 150
unpublished literary or artistic work, protection of, under, **8,** 138, 139

BERTH,
arrival of ship at, **26,** 184, 261, 262
berth-note, broker's liability under, **26,** 84 n.
contract by, **26,** 84 n., 147, 148
dangerous anchoring in, **26,** 489, 490
delay of ship in getting to, liability in case of, **26,** 182, 183
discharging, arrival of ship at, **26,** 261, 262
consignee's duty to select, **26,** 262
naming of, **26,** 261, 262
foul, rule as to, **26,** 489
what is, **26,** 489
inability of ship to reach, effect of, **26,** 261
inaccessibility or unavailability of, **26,** 262
loading, arrival of ship at, **26,** 184
naming of, **26,** 183, 184
removal to another, liability in case of, **26,** 184

BERWICK-UPON-TWEED,
local court of, **9,** 143
mines in, rights of Crown as to, **7,** 117

BESETTING. *See also* PICKETING.
trade disputes, in, **9,** 565

BEST EVIDENCE,
rule as to, **9,** 390 ; **13,** 421, 422

BEST PRACTICAL MEANS,
interpretation of, **23,** 406

BEST RENT,
estimation of, **1,** 268
lease, power, under, must be at, **23,** 75, 77, 78
mining leases at, **25,** 657
Settled Estates Act, under, **25,** 677
Settled Land Acts, under, **18,** 359 n. ; **25,** 654, 655

BESTIALITY,
divorce proceedings, ground for, **16,** 477
judicial separation, ground for, **16,** 477
matrimonial causes, pleaded by way of defence in, **16,** 497
offence of, nature of, **9,** 541

BET. *See* BETTING ; WAGER.

BETHLEHEM HOSPITAL,
land tax, partially exempted from, **4,** 214 ; **18,** 311

BETTERMENT,
liability in case of compulsory purchase for, **6,** 42, 43

BETTING. *See* GAMING ; WAGER.
abroad, advertisement as to, **9,** 551 n. ; **15,** 299 n.
recovery of wager when made, **15,** 282
action to enforce payment of bet, **15,** 271 n., 282
advertisements relative to, **9,** 551 n. ; **15,** 298, 299
agent, accountable to principal for proceeds of, **15,** 276
personal liability of, **1,** 229 ; **15,** 275, 276
receipt of proceeds by, proof of, **15,** 276 n.
agreement with a view to, **15,** 277
appropriation of stakes to winner, effect of, **15,** 275
bet, action to enforce payment of, **15,** 271 n., 282
consideration for bet, illegal, **2,** 501 ; **15,** 269 n., 279 n., 280, 281
void, in regard to, **15,** 269 n., 279 n., 281

BETTING—*continued.*
bet—*continued.*
deposit in respect of, recovery of, **15,** 272, 273, 275, 276
hedging, **15,** 267 n., 268 n.
loan to pay a, **15,** 279, 280, 282
nature of, **15,** 267
nullity of, **15,** 266, 271, 280 n., 281
security for performance of, **15,** 282
Betting Act, 1853, places within, what are, **9,** 549
Betting and Loans (Infants) Act, 1892, effect on ratification of loans of, **17,** 65
betting house, keeping, **9,** 550 ; **15,** 278 n., 294—299. *See* BETTING HOUSE.
bookmaker. *See* BOOKMAKER.
bye-laws as to, **15,** 292 n., 293 ; **23,** 394 n. ; **27,** 280
circulars with reference to, **9,** 551 n. ; **15,** 298
club premises, on, **4,** 435 ; **9,** 550 ; **15,** 295
coupon competitions, **15,** 269 n. ; 296, 297
coupons, by means of, **9,** 550 ; **15,** 269 n., 296, 297
issue of, **15,** 297
death of one party, effect of, **15,** 275 n.
deposit, betting house, receipt of, at, **9,** 548, 550 ; **15,** 294—298, 299 n.
instrument of gaming, is not, **15,** 292
recovery of, **15,** 272, 273, 275, 276, 298
dispute in regard to, steward's settlement of, **15,** 274 n.
foot race, on, **15,** 279 n., 280 n.
frequenting, what is, **15,** 292 n., 296 n.
game,
on a, fraudulent, is a criminal offence, **9,** 691
loans for, not recoverable, **15,** 278, 281
securities given in respect of, **15,** 279—281
void contract, is a, **15,** 271
otherwise than upon a, distinction as to, **15,** 281, 282 n.
loans for, recoverable, **15,** 278, 279
securities given in respect of, **15,** 281
void contract, is a, **15,** 271, 281
rules of a, as to what are, **15,** 279 n.
handbills relating to, distributing, **9,** 551 n. ; **15,** 292 n.
highway, in, **9,** 551 ; **15,** 291—293 ; **27,** 280. *See* street, *infra.*
horse race,
betting house in connection with, offence of keeping, **15,** 294
illegal consideration for securities given in connection with, **15,** 269 n., 280 n.
previous race, in case of, **15,** 269 n., 279 n.
racecourse for, not a public place, **9,** 551 n. ; **15,** 293
result of, on, **15,** 267, 286
sweepstake in connection with, **15,** 267, 297. *See* SWEEPSTAKE.
illegal, how far, **9,** 548 ; **15,** 266, 271, 280 n., 281, 291, 296, 297
when done in certain places, **9,** 548 *et seq.* ; **15,** 291 *et seq.*
infant, loan to, with a view to, **17,** 65 n., 66 n.
sending circulars to, **9,** 552 ; **15,** 293 ; **17,** 172
under sixteen, with, in street, **15,** 293
jurisdiction, outside the English, advertisement in case of, **15,** 299 n.
library, public, in, **15,** 292
licensed premises, on, **15,** 290, 291, 295 n. ; **18,** 138, 139

BETTING—*continued.*
loan for, abroad, when made, recovery of, **15,** 282
bets which have been lost, to pay, **15,** 279
bill or note given in respect of, **2,** 501; **15,** 279—281
contingencies other than games, on, recoverable, **15,** 278
games, for betting on, not recoverable, **15,** 278
infant, to, **17,** 65 n., 66 n., 172; **21,** 57
paid to winner or stakeholder, recovery of **15,** 279
securities for, whether for illegal consideration, **15,** 280, 281
local authority's bye-laws as to, **15,** 292 n., 293; **27,** 280
money deposited in respect of. *See* deposit, *supra.*
money paid at request of party to, no consideration, **15,** 281
not recoverable, **15,** 279
negotiable instrument for, illegal consideration in case of, **2,** 501 n.; **15,** 279—281
newspaper used for purposes of, **9,** 550; **15,** 297; **27,** 280
offences connected with, **9,** 548—551 **15,** 291—294
pari-mutuel machine, use of, **15,** 292 n.
partnership for, account in, **15,** 278
illegal, when, **15,** 278; **22,** 16 n.
liability of partners in respect of agreements relating to, **15,** 277
past event, on, **15,** 269 n., 279 n.
place, umbrella, stool etc. as, **9,** 549 n.; **15,** 295 n.
police powers as to, **9,** 551 n.; **15,** 291, 294; **22,** 502
private property, on, **9,** 548—550; **15,** 294—299
when deemed a public place, **15,** 292
prohibited, nature of, **9,** 548—551; **15,** 291—299
public place, in a, **9,** 551; **15,** 291—293
racecourse, on, **9,** 549 n., 551 n.; **15,** 293
railway carriage, in, **15,** 292
same person, by, for and against same horse, **15,** 267 n.
search warrants in regard to, **9,** 551 n.; **15,** 291, 294
securities, giving, for, **15,** 269 n., 279—281, 282, 298
slips and books, nature of, **15,** 291 n., 292
stakes deposited, recovery of, **15,** 272, 273, 275, 276, 298
street, in, bye-laws as to, **15,** 292 n., 293; **27,** 280
meaning of word, **9,** 551 n.; **15,** 293
metropolis, in the, **15,** 293; **27,** 280
offence of betting in, **9,** 551; **15,** 291 *et seq.*
public nuisance by reason of betting in, **21,** 541
sweepstake, nature of, **9,** 550 n.; **15,** 267, 297, 299. *See* SWEEPSTAKE.
telegrams etc. connected with, **9,** 551 n.; **15,** 298
winnings by, an illegal consideration for a security, **2,** 501; **15,** 269 n., 279 n., 280, 281

BETTING HOUSE. *See* BETTING.
defined, **9,** 548; **15,** 294—296
advertisement relating to, **9,** 551 n.; **15,** 298, 299; **23,** 222
business of, illegality of, **9,** 550; **15,** 278 n., 294
club premises when a, **4,** 435; **9,** 550; **15,** 296
coupon competitions, office for, is a, **9,** 550; **15,** 296, 297

BETTING HOUSE—*continued.*
deposits received at, evidence from, **9,** 548, 550; **15,** 296—298
offence in regard to, **15,** 298
recovered back, may be, **9,** 549 n.; **15,** 294 n.
seized on warrant, cannot be, **15,** 294 n.
Gaming Act, 1845, is within the, **9,** 548; **15,** 294 n.
gaming house, is a common, **9,** 548; **15,** 294
informer in case of, reward to, **15,** 295 n.
invitation to resort to, offence in case of, **9,** 551 n.; **15,** 299
keeping of, prohibition of, **9,** 549; **15,** 294
what is, **9,** 550; **15,** 294—299
licensed person, by, **15,** 291, 295 n.; **18,** 138, 139
localisation of, a question of fact, **9,** 549; **15,** 295, 296 n.
money, receipt of, not necesary to offence of keeping, **9,** 550; **15,** 296
seizure of, at, **15,** 294 n.
nuisance, a public, **9,** 548; **15,** 288 n.; **21,** 541
offences connected with, **9,** 549; **15,** 294—299
penalty for keeping, **9,** 548 n., 549; **15,** 294, 298 n.
place used for payment of bets, whether a, **9,** 550; **15,** 297
search warrant in respect of, **9,** 551 n.; **15,** 294 n.
seizure of documents etc. at, **9,** 551 n.; **15,** 294 n.
stakes deposited with owner of, recovery of, **9,** 550; **15,** 275, 297
statutory provisions as to, **9,** 548; **15,** 294
sweepstake, distinction in case of house used for purposes of, **9,** 550; **15,** 297

BEVERLEY,
local court of, **9,** 143
registration of leases for East Riding, at, **18,** 401

BEWARE OF THE DOG,
defence, as a, **1,** 375

BEWDLEY,
local court of, **9,** 144

BEYOND THE SEAS, ABSENCE,
defined, **19,** 56
acknowledgment of debt by person during, effect of, **19,** 82
bond, action upon, in case of, **3,** 100; **19,** 77, 78
cause of action accruing during, effect of, **19,** 56 n., 78 n., 133 n.
co-contractor, in case of, **19,** 57
co-debtor, in case of, **19,** 57
death during, effect of, on action, **19,** 57, 58
executor, right of action against, in case of, **19,** 58
extension of time for action by reason of, **19,** 56, 82
money charged on land, action for, in case of, **19,** 77, 78, 79
plaintiff, not in case of, **19,** 56 n., 78 n., 133 n.
recognisance, action upon, in case of, **19,** 78, 79
rentcharge, action for recovery of, in case of, **19,** 77, 78, 79
return of defendant from, effect of, **19,** 56, 57, 79
simple contract debts, in case of, **19,** 56, 57, 58
specialties, in case of, **3,** 100; **19,** 78

BIAS,
arbitrator, of. *See* ARBITRATOR, unfairness, etc.
justices, of,
allegation of, justices' duty on, **18,** 54; **19,** 555
burden of proof of, **19,** 555 n.

BIAS—*continued.*
justices—*continued.*
disqualification by, **18,** 54 ; **19,** 551—555 ; **27,** 638
licensing cases, in, **18,** 53, 54
local authority, when member of, **19,** 553, 554
test of, **19,** 554, 555
witness, justice called as a, **19,** 555

BIBLE,
authorised version of, right to print, **8,** 173 ; **22,** 402 ; **23,** 226 ; **27,** 527 n.
copyright in, **8,** 173, 174 ; **22,** 402 ; **27,** 527 n.
Crown rights in respect of printing of, **22,** 402 ; **23,** 226 ; **27,** 527 n.
family, as evidence in pedigree case, **13,** 560
parish, provided by, **11,** 471
reunion with Church of England, essential basis of, **11,** 486 n.

BICYCLE,
defined, **27,** 135, 335
accident, Workmen's Compensation Act, 1906, **20,** 171 n., 174 n.
bye-laws as to use of, **23,** 390 n. ; **27,** 335
carriage, when a, **16,** 63, 64 ; **27,** 335
footway, upon, **27,** 283
lamp to be carried on, **27,** 290, 335
railway company's liability for, **4,** 41
riding on the highway, duty in case of, **21,** 411 ; **27,** 335, 336
Toll Acts, within the, **16,** 63
trade usage as to resale of, **10,** 282

BID. *See* BIDDING.

BIDDING,
acceptance of a, what is, **1,** 511 ; **7,** 349 n. ; **25,** 280, 289, 319
auction sale, at, **1,** 508—512 ; **7,** 349 n. ; **25,** 280, 319, 320
conditions of sale providing as to, **1,** 508, 510 ; **25,** 319, 320
partner, by, at sale of assets, **22,** 103
receiver authorised to bid, **24,** 397
reservation of right as to, **1,** 508 ; **25,** 280, 319
retraction of, right as to, **1,** 511 ; **25,** 280, 289, 319
sale under order of court, at, **25,** 316
solicitor conducting sale by court, by, **26,** 750, 751
trustee authorised to bid, **28,** 167 n.
vendor's right as to, **1,** 508, 509 ; **25,** 280, 319, 320

BIDEFORD,
local court of, **9,** 144

BIER,
provision of, by churchwardens, **11,** 736

BIGAMY,
defined, **9,** 533
absence of spouse for seven years, after, **9,** 533
adultery, with, statutory offence of, **16,** 480
belief in death of husband or wife, defence of, **9,** 533
both parties being guilty of, effect of, **9,** 534
divorced person, by, **9,** 534
evidence in, **9,** 534, 535 ; **13,** 504 ; **16,** 595
foreign divorce, after, **9,** 534
husband and wife as witnesses in case of, **9,** 535
jactitation of marriage, effect of decree for, **16,** 595

BIGAMY—*continued.*
offence of, **9,** 532—535
petitioner in matrimonial cause, of, **16,** 496
presumption of marriage, when neutralised, **13,** 504
punishment for, **9,** 533
second marriage, validity or invalidity of, **9,** 533
venue in, **9,** 535

BILL. *The subject* Bill *is dealt with under the following heads :* — BILL BROKER ; BILL, ELECTION ; BILL IN CHANCERY ; BILL IN PARLIAMENT ; BILL, LONDON COUNTY ; BILL MATTER ; BILL OF ATTAINDER ; BILL OF COMPLAINT ; BILL OF COSTS ; BILL OF CRAVINGS ; BILL OF EXCEPTION ; BILL OF EXCHANGE ; BILL OF INDICTMENT ; BILL OF LADING ; BILL OF PEACE ; BILL OF QUANTITIES ; BILL OF REVIEW ; BILL OF RIGHTS ; BILL OF SIGHT ; BILL OF STORE ; BILLPOSTING ; BILLS OF MORTALITY.

BILL BROKER,
lien of, **2,** 499

BILL, ELECTION,
illegal practices in connection with, **12,** 294, 296, 297
municipal election, at, name of printer etc. to be on, **12,** 348

BILL IN CHANCERY,
certiorari in respect of, **10,** 157 n.
discovery enforced by, **11,** 38, 39

BILL IN PARLIAMENT,
defined, **27,** 117
Act of
Attainder, **6,** 353 ; **9,** 20 ; **21,** 727
Grace, **21,** 726
Indemnity, **21,** 726 ; **27,** 159 n., 863
amendment, acceptance by Commons of bill from Lords without, **21,** 720
committee of
Commons to consider Lords', **21,** 682, 721, 722
Lords to consider Commons', **21,** 640, 641, 721
Commons, by, of bill from Lords, **21,** 720
consideration of, committee, in, **21,** 716, 717
Commons, by, **21,** 720, 721
first House, by, where made by second, **21,** 720
difference between Houses as to, procedure on, **21,** 722
divorce bill, **21,** 762
estate bill, **21,** 759
Government bill, in, duty of parliamentary counsel, **21,** 704
Lords must pass without, Parliament Act, under, **21,** 722, 723
money bill, Lords, by, acceptance by Commons, **21,** 798
public policy, when involving, **21,** 796, 797
unconstitutional, **21,** 776, 793, 794 ; **27,** 113
motion for third reading in Commons, on, **21,** 719
Parliament Act, provisions of, **21,** 723
private bill, **21,** 757, 758
provisional order confirmation bill, of, **21,** 757, 758

BILL IN PARLIAMENT—*continued.*
amendment—*continued.*
public bill, clauses in, in committee, **21,** 713, 714
report stage on, procedure as to, **21,** 718
rules restricting, **21,** 717
reported without, committee of Commons, by, **21,** 684, 713
submission of, third reading in Lords, on, **21,** 718
appropriation, for, **21,** 775
attainder, relating to, **6,** 353 ; **9,** 20 ; **21,** 727
borough councils, powers of, **19,** 380—384
canal, House of Commons committee on, **21,** 751
report of committee on, procedure, **21,** 757, 758
supply of water to, from stream, notice of, **21,** 731
classification, **21,** 702 ; **27,** 114, 182
committee, amendment in, **21,** 717
consideration in, **21,** 665, 716, 718
disqualification from serving on, **21,** 752
joint, reference of to, **21,** 639, 752
report by, on, **21,** 640, 755, 756
local legislation, functions of, **21,** 752
private bill, on, functions of, **21,** 686, 751
procedure in, **21,** 753—756
re-commitment of public bill to, **21,** 715
report of, on, consideration of, **21,** 683, 684
select, consideration in, of, **21,** 638, 714, 715
reference to, **21,** 638, 682, 686
standing, for consideration of, **21,** 711
compulsory powers over land acquired by, **6,** 6—8 ; **21,** 740 ; **22,** 636 ; **27,** 183
Consolidated Fund, authorising grants out of the, **21,** 775
intercepting money payable into, **21,** 767
counsel, hearing of, **2,** 370, 371 ; **21,** 706 n., 747, 754
county councils, powers of, **19,** 374, 380—384
limits on, **15,** 381
divorce, for, **21,** 750, 761, 762
drafting of, **21,** 703, 704
dummy, **21,** 705 n., 706 n.
estate, **21,** 759, 670. *See* ESTATE BILL.
or money. *See* money or finance, *infra.*
finance, annual, **21,** 775
Government, drafting of, **21,** 703, 704
precedence of, **21.** 711
honours and lands, for restoration of, **21,** 727
House of Commons. *See* amendment ; committee, *supra.*
ballot of, in, **21,** 675
commitment of, by, **21,** 710
committee of ways and means, originating in, exempt from eleven o'clock rule, **21,** 674
leave, introduction without, **21,** 678
money. *See* amendment, *supra ;* money, *infra.*
motion,
closure of debate, for, **21,** 670, 671
empowering chair to select amendments, **21,** 671
leave to bring in, for, **21,** 669, 678
private member's, **21,** 674, 675
stages in, **21,** 663, 670
House of Lords. *See* amendment ; committee, *supra.*
money. *See* amendment, *supra ;* money, *infra.*
notices of public, in, **21,** 632

BILL IN PARLIAMENT—*continued.*
House of Lords—*continued.*
personal bills originate in, **21,** 758, 759, 761
private bill procedure in, **21,** 756
provision order confirmation bill, procedure on, **21,** 757
stages in, **21,** 628
hybrid, **21,** 686, 703
indemnity from penalties, for, **21,** 726
injunction restraining presentation of, **17,** 227 n.
introduction of, **21,** 702, 704—706
local authorities and promotion of, **19,** 380—384
London County Council, opposition by, **19,** 380, 381 ; **20,** 399
promotion by, **19,** 380, 381 ; **20,** 399 ; **21,** 737, 738, 749
metropolitan borough councils and promotion etc. of, **20,** 407, 434, 435
money or finance, *defined,* **21,** 776 n.
amendment of. *See* amendment, *supra.*
enacting formula of, **27,** 120
House of Commons, control over, **21,** 776, 792—799 ; **27,** 113
Lords, amendment of, **21,** 793—799
initiation of, **21,** 766, 771
Parliament Act, 1911, what is, within, **21,** 665, 776, 776 n.
presentment, London County Council, by, **20,** 445
procedure on, **21,** 737
procedure as to, **21,** 766—776
royal assent to, **21,** 725
Speaker's indorsement on, **21,** 776 ; **27,** 113
tacking other matters on to, **21,** 796
ways and means, committee of, to consider, **21,** 665, 666
name, for assumption of, **21,** 761
naturalisation, **21,** 761
nature of, **27,** 113, 117
opposition to, capital money may be expended to pay cost of, **25,** 649, 650
private bill. *See* private, *infra.*
public bill, to second reading on, **21,** 707, 708
trustee, by, **28,** 139 n.
pardon, for, **21,** 726
Parliament Act, 1911,
amendment by Lords, provisions as to, **21,** 722, 723
deemed to have passed under provisions of, **21,** 722, 723
money bill, not applicable to, **21,** 776 ; **27,** 113
Speaker's special duties under, **21,** 664, 665, 723, 776
parliamentary
agents, qualification and duties of **21,** 729
counsel, functions of, **21,** 703, 704
parochial electors, consent of, **19,** 382, 383
pecuniary penalties or forfeitures, relating to, **21,** 797, 798
personal character, of a, **21,** 758, 759
Postmaster - General may obtain compulsory powers over land by, **22,** 635, 636
private, *defined,* **6,** 7 ; **21,** 702, 727, 728
abandonment of works, notice in case of, **21,** 731, 732
allocation of, Lords and Commons, between, **21,** 744
amendments in, **21,** 744
classification of, **21,** 727, 728
committee stage of, **21,** 753—756

References in thick type are to volumes ; small type to pages.

BILL IN PARLIAMENT—*continued.*
private—*continued.*
common, for acquisition of, **4,** 493
company, promoted by, **21,** 738, 739
compensation in case of persons being injuriously affected, **21,** 736, 737
compulsory powers over land acquired by, **6,** 7, 8 ; **27,** 183
notice in case of, **6,** 8, 23 ; **21,** 730, 732
conditional agreement by promoters of, validity, **27,** 188
consideration by second House of, **21,** 744
construction of, **27,** 183—185
costs of, **21,** 756 n.
deposit, bill and petition, of, **21,** 733, 734
estimate of expenses, of, **21,** 734, 735
money, of, **21,** 735—737
Dublin Gazette, notice in, of, **21,** 730
Edinburgh Gazette, notice in, of, **21,** 730
electricity, relating to, **12,** 557, 558 ; **21,** 731
examiners of petitions for, **21,** 740—743
fees and charges in case of, **21,** 745
gas, sewage etc. works, relating to, **15,** 311 ; **21,** 731
local newspaper, notice in, of, **21,** 730
London County Council, of, **21,** 737, 738
London Gazette, notice in, of, **21,** 730
notices in case of, **21,** 730—732
opposition to, **21,** 747—750
hearing in Committee, **21,** 754, 755
locus standi of petitioners, **21,** 749, 750
owners, lessees etc. notices to, of, **21,** 730
petition against, **21,** 747—749
deposit of, **21,** 748
petition for, **21,** 729
additional provisions for, **21,** 742
deposit of, **21,** 729 n., 734
examination of, **21,** 740, 741
report on, **21,** 741, 742
title of, **21,** 734 n.
petitioners opposing, *locus standi* of, **21,** 749, 750
plans and sections, deposit of, **21,** 732, 733 ; **23,** 648
preamble must be proved, **21,** 755
preliminary proceedings in case of, **21,** 729—739
presentment of, **21,** 741
promotion of, **6,** 7, 8 ; **21,** 727—765
public bill distinguished from, **21,** 702
reading of, first, **21,** 746
second, Commons, in, **21,** 747
Lords, in, **21,** 746
third, Commons, in, **21,** 757
Lords, in, **21,** 756
referees of, **21,** 750
reference to committees of Houses of Parliament of, **21,** 686, 750—753
report stage in case of, **21,** 756—758
saving clauses in, **27,** 183, 185
Scotland, relating to, **21,** 762—765
Standing Orders Committee and, **21,** 743, 744
non-compliance with, **21,** 741, 742, 744
taxation of costs in case of, **21,** 745, 756 n.
tramways, relating to, **21,** 730, 731, 735
waterworks, relating to, **21,** 731 ; **28,** 269
working class dwellings, affecting, **21,** 738
provisional order confirmation bill, **21,** 703
allocation between the two Houses of, **21,** 744
amendment to, **21,** 757, 758

BILL IN PARLIAMENT—*continued.*
provisional order confirmation bill—*continued.*
committee stage of, **21,** 753—756
consideration by second House of, **21,** 744
costs of, **21,** 756 n.
examination by examiners in case of, **21,** 743
fees and charges in case of, **21,** 745
first reading of, **21,** 746
petition against, **21,** 747—750
locus standi of petitioners, **21,** 749
recommitment to committee of whole House of Lords, **21,** 757
reference to committee, of, **21,** 750—753
joint committee, to, **21,** 752
report stage of, **21,** 757
second reading of, **21,** 746, 747
special procedure in case of, **21,** 740
taxation of costs in case of, **21,** 745, 756 n.
third reading of, **21,** 757
public,
defined, **21,** 702, 703
amendment. *See* amendment, *supra.*
compulsory powers over land acquired by, **6,** 6, 7 ; **22,** 636
counsel at the bar, hearing, **2,** 370, 371 ; **21,** 706 n.
drafting of, **21,** 703, 704
first reading of, **21,** 705, 706
introduction of, **21,** 704—706
nature of, **27,** 113, 117
new clause in, how considered, **21,** 714
Postmaster-General, giving powers to, **22,** 635, 636
printing and publication of, **21,** 725, 726
private bill distinguished from, **21,** 702
private member introducing, **21,** 714
recommitment of, **21,** 715, 716
report, motions subsequent to, **21,** 713
report stage of, **21,** 716—718
second reading of, **21,** 706—708
special character of, **21,** 726, 727
third reading of, **21,** 718—720
railway, Commons committee on, **21,** 751
deposit of money by promoters, **21,** 735
promotion of, standing orders as to, **23,** 648
reference of, to examiners, **21,** 742
restitution of blood, for, **21,** 727
restoration of honours and lands, for, **21,** 727
royal assent to, **21,** 723—725 ; **27,** 113
form of, **27,** 115 n.
rural district councils and, **19,** 380
Scottish private legislation, **21,** 762—765
second House, amendment in, **21,** 720
consideration in, **21,** 720
private or provisional order bill, **21,** 744
session, lapses with, **21,** 701
private or provisional order, *secus* in case of, **21,** 701 n. ; **27,** 113 n.
trustee's right to oppose, **28,** 139 n.
urban district councils, powers of, **19,** 380—384
water board, for constitution of, **28,** 269
water supply, notice to be given, **21,** 731 ; **28,** 270
deposit of maps and copies, **28,** 270
witnesses, examination of, **21,** 755

BILL, LONDON COUNTY,
issue of, **20,** 446

BILL MATTER,
actor's failure to send in, **27,** 411

BILL OF ATTAINDER,
nature etc. of, **6,** 353 ; **9,** 20 ; **21,** 727

BILL OF COMPLAINT,
nature etc. of, **20,** 290—294

BILL OF COSTS,
account stated, action on, without delivery of, **7,** 492
delivery necessary notwithstanding action on, **7,** 492
action on, **1,** 23 ; **26,** 774, 775 n., 812—814
agreement, charges fixed by special, **26,** 770—774
amendment of, **26,** 778, 779
assignment of, **4,** 368 ; **26,** 782 n.
bankruptcy petition founded on, **2,** 42 ; **26,** 113
charges, legal, in, **26,** 760—770, 797—809
contentious matters, with reference to, **26,** 767—770, 776
contents of, **26,** 776, 777
correctness of, payment as admission of, **26,** 788
delivery of, effect of, **26,** 778, 779
failure to deliver, **25,** 503 ; **26,** 774—776, 790
misdirection of, effect of, **26,** 778 n.
mode of, **26,** 778
necessity for before action, **1,** 23 ; **26,** 774, 775
order for, **26,** 779
parts, in, **26,** 777
time does not run from, **19,** 48 ; **26,** 812
unnecessary, when, **26,** 813
waiver of, by client, **25,** 813
disbursements, professional and non-professional, in, **26,** 775—777
interest, right to charge, **26,** 809—811
Irish solicitor, of, **26,** 774 n.
item bill as distinguished from scale bill, **26,** 779 n.
item charges, scale of, **26,** 765
items statute-barred, right to sue for balance, **19,** 42 n. ; **26,** 813
lien in respect of, **19,** 23 ; **26,** 814—827
London agent's charges, how to be treated in, **26,** 775 n.
mistake in, **26,** 776 n., 778 n., 786
naming of person to be charged, **26,** 777, 778
non-contentious matters, with reference to, **26,** 760—767
omissions from, **26,** 776 n., 778 n.
payment, as an admission of correctness, **26,** 788
what constitutes, **26,** 787
privilege in respect of, **11,** 75
rectification of, **26,** 778, 779
security for, **26,** 811
separate, delivered together, **26,** 777 n.
signature, defence of want of, notice must be given of, **26,** 813 n.
requisite of, **26,** 777
waiver of, by client, **26,** 777
taxation of, **26,** 776 n., 778 n., 779—809. *See* TAXATION OF COSTS.
urban district, chargeable to, taxation of, **19,** 288, 289
urban district council, untaxed, auditor's decision on, **19,** 284

BILL OF CRAVINGS,
sheriff, of, **25,** 842 n.

BILL OF DISCOVERY. *See* DISCOVERY.

BILL OF EXCEPTION,
divorce, in, **16,** 529

BILL OF EXCHANGE.
The Title BILLS OF EXCHANGE *is contained in Vol. II., pp.* 457 *et seq.*
defined, **2,** 462—464, 570 n. ; **9,** 727
abroad, drawn, law applicable to, **2,** 461, 462 ; **6,** 240
set-off in case of, **15,** 508 n.
forged, **2,** 512
transfer of, **2,** 514
acceptance of, **2,** 463, 485—488. *See* ACCEPTANCE ; PRESENTMENT FOR ACCEPTANCE OF BILL OF EXCHANGE.
defined, **2,** 463, 485
acceptor of, **2,** 515—518. *See* ACCEPTOR OF BILL OF EXCHANGE.
defined, **2,** 463
accommodation. *See* ACCOMMODATION BILL.
defined, **2,** 502
accompanied by documents. *See* documentary bill, *infra.*
accord and satisfaction, discharge by, **2,** 553 ; **7,** 441
giving of bill as, **7,** 441
acknowledgment, indorsement on bill as an, **19,** 71
revival of right of action by, **2,** 558 n., 559, 560
action in respect of, continuance of, for costs, **2,** 526
county court, in, **8,** 447, 448, 479, 489
judgment in, **8,** 538
locus of cause of, **8,** 452
lost, **2,** 515
Mayor's Court, in, **20,** 290, 292 n.
presentment as condition precedent to, **1,** 23
revival of right of, **2,** 559, 560
second, **13,** 355
set-off in, **25,** 496 n.
sheriff, in name of, where bill seized, **2,** 510
specially indorsed writ, by, **23,** 111
summary judgment in case of, **8,** 447 ; **23,** 111
transferee, by or against, **2,** 513
trover, of, **27,** 909
admission, former holder of, by, not evidence, **13,** 460
revival of right of action, by, **2,** 558 n., 559, 560
agent, accepted by, **1,** 208 ; **2,** 485, 486
authority, acceptance, as to, **1,** 208 ; **2,** 485
blank, filling up without, **2,** 484 n.
discounting does not include warranting, **1,** 163
indorsing, as to, **1,** 162
married woman, in case of, **16,** 417, 418
partner, where, **22,** 26, 27
payment, to accept in, **1,** 165, 503 ; **27,** 244
procuration signature, as to, **2,** 494
commission, no authority to accept etc., **22,** 26
delivered by or to, **2,** 482
liability of, **1,** 208, 221 ; **2,** 495, 523
notice of dishonour by or to, **2,** 542, 543, 545, 547
signature of, **1,** 169, 208, 209, 221 ; **2,** 489, 494, 495
married woman, where, **16,** 412, 418
unauthorised disposition by, when binding principal, **1,** 204
allonge for indorsements, **2,** 504
alteration of, amount of the, **2,** 556 ; **9,** 728
forgery, when constitutes, **9,** 715, 727, 728
holder's position in case of, **2,** 514, 557

BILL OF EXCHANGE—*continued.*
alteration of—*continued.*
immaterial, **2,** 557, 575, 576
material, **2,** 469, 514, 552, 555—557, 575; **7,** 448 n.; **10,** 41 n.
not apparent, **2,** 514, 552, 556
presumption as to date of, no, **13,** 506
stamp duty in case of, **2,** 575, 576
alternative
drawees of, not valid where, **2,** 471
payees of, **2,** 473
ambiguity in, **2,** 462, 471—473, 476, 520; **7,** 520
amount of, alteration of, **2,** 556; **9,** 728
requisites as to, **2,** 467
antedated, validity of, **2,** 466
assignee in due course, position of, **2,** 514; **4,** 391. *See* HOLDER OF NEGOTIABLE INSTRUMENT.
assignment of, **2,** 509; **4,** 391, 394, 397; **20,** 758. *See* transfer, *infra.*
auctioneer, does not bind firm by giving, **1,** 521
payment of deposit to, by, **1,** 503
authority of parties to, **2,** 489—495
avoidance of, Betting and Loans (Infants) Act, under, **2,** 491; **17,** 65
duress, for, **2,** 500
illegal consideration, for, **2,** 501
material alteration, for, **2,** 555
backing, effect of, accommodation party, by, **2,** 520
Bank Holiday or Sunday, falling due on, **2,** 477, 478; **27,** 452
banker, accepted payable by, **1,** 614; **2,** 550; **13,** 394, 395; **21,** 432
acceptor of cheque, is not an, **2,** 465
acting for customer without title to, **1,** 599
authority of, **1,** 614, 615; **2,** 515—517
bearer bill, and, **1,** 614
collection by, **1,** 598; **2,** 531
cheques, in case of. *See* CHEQUE.
debiting in case of conversion, **1,** 619
discounting distinguished from, **1,** 629
lien on bills held for collection, **1,** 622
payment to true owner after crediting customer, **1,** 619
true owner, liability to, **1,** 599
customer, acceptances of, not bound to pay, **2,** 550
signature of, bound to know, **1,** 617; **2,** 550, 551
defective title of customer to, liability in case of, **1,** 599, 619; **27,** 894 n.
deposited as security with, **1,** 634
discounting, customer, for, rights of, **1,** 629, 630; **2,** 499
sale of goods, on, rights against buyer, **26,** 162
discretion of, **1,** 615; **2,** 516
duties of, **1,** 598, 599, 606, 622, 629; **2,** 515—517
employment of sub-agents by, **1,** 598
forged acceptance, paying on, cannot debit customer, **1,** 614; **2,** 551
forged indorsement, paying on, **2,** 614; **13,** 394, 395
statutory protection in case of, **2,** 550
indorsement by customer to, **1,** 598, 629; **26,** 162
insolvent, deposited with, **2,** 171
issue by, **2,** 489
lien of, **1,** 598, 622, 623; **2,** 499

BILL OF EXCHANGE—*continued.*
banker—*continued.*
negotiation by, of discounted bill, **1,** 629
indorsed bill, held under lien, **1,** 622
paid in for collection, when, **1,** 599
security, bill held as, **1,** 634
payable at office of, **1,** 614, 615
payable on demand, disability as to bill, **1,** 572; **2,** 489
payment by, **1,** 614; **2,** 550, 551; **13,** 394, 395
presentation by, **1,** 598, 622
prohibition in regard to, **1,** 572
remedies of, against customer on, **1,** 629
security, presumption as to taking as, **1,** 629
bankruptcy, accommodation bill in the event of, **2,** 207, 208, 255, 522
creditor's rights on, **2,** 68, 226
drawee, of, **2,** 205
excuse for non-presentment, **2,** 528
drawer, of, **2,** 205, 522, 545
notice of dishonour in case of, **2,** 545
offences connected with, **2,** 255
petition by holder of, **2,** 38
production in, of, **2,** 230, 231, 239
proof in, of, **2,** 205—209, 230, 231, 513, 522
transfer by or during, of, **2,** 511
vendor's rights on, **2,** 163
bearer, *defined,* **2,** 463
party to, as, **2,** 464
payable to, **1,** 614; **2,** 463, 472, 503, 513
banker's protection in case of, **1,** 614
fictitious person, in case of, **1,** 608; **2,** 474
negotiation of, **2,** 503
bet, in respect of. *See* gaming consideration, *infra.*
Betting and Loans (Infants) Act, void under, when, **17,** 65
bill of lading
accompanied by, **25,** 183; **26,** 160, 161
indorsed to buyer with advice of, effect, **25,** 181 n., 182 n., 184
security for acceptance of, **25,** 183
Bills of Exchange Act, 1855, affidavit of evasion of service, **8,** 479
affidavit of grounds of defence under, **8,** 489
county court jurisdiction under, **8,** 447, 448
judgment under, **8,** 448 n., 538
leave to defend under, **8,** 489
service of summons under, **8,** 479
third party notice under, **8,** 492
Bills of Exchange Act, 1882, history etc. of, **2,** 459—462
blank, acceptance in, partner has no authority to give, **2,** 493
bill in, estoppel in case of, **13,** 392, 401
security within Larceny Act, whether, **2,** 484 n.
signature of, effect of, **2,** 471, 483, 513
indorsement in, *defined,* **2,** 505
effect of, **2,** 472, 505
particulars, authority to fill up, **2,** 466, 472, 484
payee's name left, **2,** 472, 473
bottomry bond as security for, **26,** 73, 74
building contract, assignment of moneys due under, distinguished from, **3,** 267
paid under, **3,** 226
society's officer, liability of, on, **3,** 340
buyer of goods, effect of transmission to, **25,** 184
cancellation of, **2,** 552; **7,** 425
signature of party by holder, **2,** 555
capacity of parties to, **2,** 489—494

BILL OF EXCHANGE—*continued.*
careless drawing of, estoppel in case of, **13,** 401
carrier's liability for, **4,** 23
certainty, drawee, as to, **2,** 471
payee, as to, **2,** 473
sum, as to, requisite, **2,** 467, 468
characteristics of, **2,** 461
chattel, transfer as, **2,** 509
cheque as, **1,** 569; **2,** 460—462, 465, 518; **9,** 727
chose in action, how far a, **2,** 509; **4,** 360 n., 362
Christmas Day, falling due on, **2,** 477
classification of, **2,** 472—478
clergyman, of, **2,** 489
collateral security, advance by banker, **1,** 634
presumption against delivery as, **7,** 447
stipulation as to, in, **2,** 479 n.
colonial broker, usage as to, **10,** 287
colonial law as to, **2,** 462
company, of, **2,** 491, 492; **5,** 301, 304—306
form of, **15,** 466 n.
composition, payment of, by, **2,** 326, 327
conditional, **2,** 470, 482, 483
delivery, part evidence to prove, **7,** 528
payment, as, **7,** 449; **25,** 234
conflict of laws as to, **2,** 461, 561—564; **6,** 240; **15,** 508 n.
consideration for, **2,** 496—502
defined, **2,** 496, 497
absence of, **2,** 467
accommodation bill, in case of, **2,** 502
antecedent debt as, **2,** 497
conflict of laws, in case of, **2,** 563
duress, obtained by, **2,** 500
effect on holder of, **2,** 498, 499
evidence as to, **2,** 467, 483
failure of, **2,** 467, 497
fraudulent, **2,** 498—500
gaming, **2,** 501; **15,** 279, 281 n.
illegal, **2,** 467, 500, 501
inadequacy of, **2,** 497, 498
purchase for an inadequate, illegal, when, **7,** 393, 394
null and void, **2,** 501
presumption in favour of, **2,** 461, 496; **13,** 435
contingency, payable on, invalid, **2,** 477
contract, discharge of, by giving, **7,** 447—449
contribution, in case of, co-suretyship, **2,** 523
admissibility of evidence in action for, **15,** 533 n.
conversion of, **2,** 523; **27,** 892 n., 893
liability of banker for, **1,** 599
measure of damages for, **27,** 909
converted goods, representing proceeds of, **27,** 912 n.
copy of, indorsement on, **2,** 504
protest on, **2,** 515, 536
corporation, of, **2,** 491, 492; **8,** 361, 362, 382
county court jurisdiction, in case of, **8,** 447, 448, 479, 489. *See* Bills of Exchange Act, 1855, *supra*.
credit where payment to be made by, **25,** 236
damages in case of, measure of, **2,** 524—526
parties entitled to, **2,** 523
date of, **2,** 466, 486, 563
conflict of laws as to, **2,** 563
incorrect, **2,** 466
omission, holder's right to fill in, **1,** 604 n.; **2,** 466, 484, 486
days of grace in case of, **2,** 475, 477, 478; **19,** 45. *See* DAYS OF GRACE.

BILL OF EXCHANGE—*continued.*
dead person's name, made out in, **2,** 474; **13,** 383 n.
death of parties to, effect of, **2,** 528, 533, 545
debt, evidence of, **13,** 562
debtor, drawn on, not assignment of debt, **4,** 378
delay, enforcing payment of, in regard to, **2,** 557, 558
notice of dishonour, **2,** 547
presentment for acceptance, **2,** 528
payment, **2,** 533, 541
protesting, **2,** 538
delivery of, **2,** 480—484
defined, **2,** 463
acceptance of, **2,** 486
agent, by or to, **2,** 482
conditional, **2,** 482, 483, 505
parol evidence to prove, **7,** 528
essential to
issue of, **2,** 480, 481
negotiation of, **2,** 481
issue by, **2,** 463
mistake, by, **2,** 482
mode of, **2,** 481, 482
necessity for, **2,** 480, 481
negotiation by, **2,** 503
notice of acceptance equivalent to, **2,** 481
partial, **2,** 482
post, by, **2,** 481, 482
presumption as to, **2,** 482
revocation of, **2,** 482
specific purpose, for, **2,** 170
transfer by, **2,** 503, 521
what amounts to, **2,** 481, 482
delivery up on payment of, **2,** 530, 541
demand, payable on, **2,** 475
no days of grace on, **2,** 475
overdue, when, **2,** 475
separate promise to pay on demand, **15,** 466 n.
deposit of, banker's rights in case of, **1,** 634
insolvent banker, with, **2,** 171
deposit on sale paid by, **1,** 503
destruction of, conversion by, **27,** 892 n.
discharge of. *See* DISCHARGE, bill of exchange, of; party to bill of exchange, of, **2,** 549—554, 554—560
discount, banker taking for, as distinct from security, **1,** 634; **2,** 499
discounting of, banker, by, **1,** 606, 629, 630; **2,** 499
position of person discounting, **2,** 498
discrepancy in, effect of, **2,** 468
dishonour of. *See* DISHONOUR OF BILL OF EXCHANGE.
distress, right of, how affected by taking of, **11,** 153
documentary bill, acceptance of, effect of, **1,** 624, 625
drawer, rights of, **1,** 625
holder, rights of, **1,** 625
non-acceptance, effect of, **1,** 624
tender of documents, stipulation for, **1,** 625, 626
domiciled, payment of, by banker, **1,** 614 n.
donatio mortis causâ of, **2,** 510; **15,** 433
drawee. *See* DRAWEE OF BILL OF EXCHANGE.
drawer of. *See* DRAWER OF BILL OF EXCHANGE.
drawing of, *lex loci contractus* governs validity, **2,** 562
fraudulent, offence of, **9,** 727
place of, cause of action arises in, county court jurisdiction, under, **8,** 452
not necessary to state, **2,** 467

BILL OF EXCHANGE—*continued.*
drunkenness, duress, as **2,** 500
signature in state of, effect, **2,** 490
duplicate in case of loss of, **2,** 514
duress, effect of, **2,** 499, 500
embezzlement of, **2,** 511, 512
equitable assignment of, what amounts to, **4,** 378
escrow, delivered as an, **2,** 483
estoppel in case of, acceptor, against, **2,** 495, 517, 518; **13,** 324, 394
agent's authority to dispose, from disputing, **1,** 204, 205
blank, where bill made out in, **2,** 473; **13,** 392, 401
careless drawing, **2,** 556 n.; **13,** 400; **21,** 432, 433
dead person's name, where bill made out in, **13,** 383 n.
drawer, against, **2,** 518
fictitious bill, in case of, **1,** 614; **13,** 394
forgery, by adoption of, **1,** 614, 616, 617; **2,** 512; **13,** 384 n., 385, 396
fraud, from setting up, **2,** 483 n., 484 n., 513
holder in due course, against, **13,** 400—402
indorser, against, **1,** 618; **2,** 495, 520
signatory, of, **13,** 324
event, payable after, **2,** 476, 477
evidence, admissible as, if stamped, **2,** 576; **13,** 562
agreement to renew, of, **2,** 483
conditional delivery, of, **2,** 483; **7,** 528
consideration, impeaching, **2,** 467, 483
copy of protest as, **2,** 536
declarations of former holder not, **13,** 460
fraud, of, *primâ facie*, effect of, **2,** 500
fraud or duress, of, burden of proof in case of, **2,** 499
parol, admissible to explain, **2,** 483
character in which parties sign, as to, **2,** 520 n., 551
inadmissible to prove error in amount, **2,** 468
inadmissible to vary times of, **2,** 467, 483
varying guarantee, **15,** 466, 556
secondary, **13,** 520
evidence of payment, as, **7,** 446 n.; **13,** 562
exchange, indication of rate of, **2,** 469
execution upon, **2,** 510; **14,** 47
executor, notice of dishonour to, **2,** 545
presentment to, **2,** 528, 533
rights and duties of, **2,** 510, 511
fictitious, accrediting of, **13,** 394
estoppel in case of, **13,** 394
person drawn on, **2,** 528, 548, 549; **9,** 729
payable to, **2,** 474, 534; **9,** 729
figures differing from wording of, **2,** 468
marginal, **2,** 468
foreign, *defined*, **2,** 475
Stamp Act, under, **2,** 575
alteration of, **2,** 576
bankruptcy, proof in, of, **2,** 208
forged, **2,** 512
inland distinguished from, **2,** 475, 561
meaning of, **2,** 475, 575
payable in England, law applicable to, **6,** 240
presentation of, **21,** 500, 501
protest of, **2,** 536
stamping of, **2,** 561, 575—579
forged, **1,** 614, 618; **2,** 494, 495, 512; **9,** 719, 727
acceptance of, **1,** 614; **2,** 518; **9,** 730
adoption of, **1,** 614, 616; **2,** 512; **13,** 384 n., 385, 396

BILL OF EXCHANGE—*continued.*
forged—*continued.*
bank bill, possession of, **9,** 716
Bank of England, of, uttering, **9,** 715
delivery up by order of court of, **2,** 512
effect of, **1,** 618; **2,** 495, 512
estoppel as to, **1,** 614, 616, 617; **2,** 512, 518; **13,** 384 n., 385, 396
fictitious person, of, **9,** 712 n., 729
genuine signature subsequently attached, effect of, **2,** 512
holder of, position of, **1,** 618; **2,** 512
indorsement of, **2,** 512
fictitious payee, of, **1,** 614
money paid under, whether recoverable, **2,** 617, 618
payment on, banker, by, **1,** 614
non-disclosure as to, **2,** 512
payee's and payer's rights in case of, **1,** 617, 618; **2,** 550
rectification, incapable of, how far, **1,** 174, 616; **2,** 495, 512
signature on inoperative, **2,** 495, 512
forgery of,
assumed name, in, **9,** 712 n., 729
blank instrument, by filling up in excess of authority, **9,** 731
fictitious name, use of, whether amounting to, **9,** 712 n., 730
inchoate, none, **9,** 722, 728
instruments for, possession of, **9,** 716
procuration signature of, **9,** 731
raising amount constitutes, **9,** 728
form of, **2,** 466—472, 561, 562
additional stipulations, effect, **1,** 599, 613; **2,** 467, 470, 479 n., 573, 574
ambiguous, **2,** 462; **7,** 520
peremptory, must be, **2,** 469
unconditional, must be, **2,** 470
fraud, burden of proof in case of, **2,** 499
evidence as to, **2,** 467, 498, 499 n.
filling up and negotiation, in, no estoppel for setting up, **2,** 483 n., 513
holder not party to, rights of, **2,** 498
negotiation in breach of faith as, **2,** 500, 507 n.
signature procured by, whether binding, **2,** 484 n.; **15,** 543 n.
voidable on ground of, **2,** 500
gaming consideration, for, **2,** 501; **15,** 279, 281 n.
gift of, **2,** 510; **15,** 413, 433
giving time by taking, **15,** 555
payment of, for, **2,** 557, 558
good faith, *defined*, **1,** 609; **2,** 550 n.
banker, of, collection and payment, as to, **1,** 594, 609
payment in, as discharge, **2,** 549, 550
proof of, burden of, **2,** 499
taking in, as conferring title, **2,** 464, 479
Good Friday, falling due on, **2,** 477
guarantee by, **15,** 465, 504 n.
indorsement of, **15,** 558, 559
guarantee of, **1,** 629; **2,** 544; **15,** 480, 551, 559
parol evidence, whether admissible to vary, **15,** 556
guarantor of, discharged by creditor's laches, **15,** 559
history of, **2,** 460
holder of. *See* HOLDER OF NEGOTIABLE INSTRUMENT.

BILL OF EXCHANGE—*continued.*
husband, liability on wife's acceptance of, **16,** 417, 418
rights in case of bill payable to wife, **16,** 329
illegal, **2,** 467, 499—501; **17,** 65
gaming transactions, in case of, **2,** 501; **15,** 279—281
spirits, given in payment for, **18,** 171
incomplete, completion of, **2,** 484
liability on, **2,** 484, 513; **15,** 559
indemnity in respect of, **2,** 518, 519, 522; **15,** 460 n., 461 n.
Indian law as to, **2,** 462 n.
indorsee. *See* INDORSEE.
indorsement of. *See* INDORSEMENT.
indorser of. *See* INDORSER.
industrial society, of, **17,** 13, 26
infant, of, **2,** 41, 489—491, 494; **17,** 49, 65 n., 74
necessaries, for, invalid, **2,** 12 n., 41, 490; **17,** 69
signature by, as agent, **2,** 494
inland, *defined*, **2,** 475, 561
stamps on, **2,** 570, 575
instalments of, when payable, **2,** 469
interest on. *See* INTEREST ON MONEY.
interpleader with reference to, **17,** 587
Irish law as to, **2,** 461, 462
issue, alteration after, whether new stamp required on, **2,** 576
validity determined by law of place of, **2,** 561
issue of, *defined*, **2,** 463, 481
language in which written immaterial, **2,** 466
larceny and embezzlement of, **2,** 511—513; **9,** 727—730
law merchant as to, **2,** 459
law relating to, history of, **2,** 459
lex loci contractus, application of, **2,** 512, 561, 562, 575
lex loci solutionis, application of, **2,** 478; **6,** 240
date of payment determined by, **2,** 563
liabilities of parties to, **2,** 489—495, 515—526; **5,** 305; **14,** 315
acceptor, of, **2,** 515—518
accommodation party, of, **2,** 522, 523
agent, of, **1,** 221; **2,** 495, 523
drawee, of, **2,** 515, 563
drawer, of, **2,** 518
indorser, of, **2,** 519, 520
limitation of, **2,** 479, 506, 518, 519
proviso limiting, void, **5,** 305
transferor by delivery, of, **2,** 521, 522
lien, bank, of, **1,** 598; **2,** 499
holder of, of, **2,** 498, 499
ship, on, discharged by taking, **26,** 288
limitation of actions in case of, **2,** 553, 558—560; **19,** 44, 45
acknowledgment, given as, time runs from delivery, **19,** 70, 71
part payment, proof of, **19,** 71
liquidator's power to draw etc., **5,** 446
local situation of debt evidenced by, **13,** 309
loss of, **2,** 503 n., 514, 515
indemnity against, **2,** 514, 515
presumption as to stamp in case of, **2,** 576
lunatic, of, **2,** 489, 490
manager, authority to sign, **1,** 162, 163
married woman, of, **2,** 485, 489, 490; **16,** 412, 413, 417, 418
Mayor's Court proceedings in respect of, **20,** 290, 292 n.
minor, of. *See* infant, *supra.*

BILL OF EXCHANGE—*continued.*
misappropriation of, **2,** 511, 512
misrepresentation affecting, **20,** 739 n.
mistake, amount payable, as to, **2,** 468
date, of, effect of, **2,** 466
indorsement, in, **2,** 504, 505
payee, in name of, effect of, **2,** 473
payment by, **1,** 617; **2,** 550
rectification of, **21,** 13
signature to, by, effect of, **15,** 543 n.
surety's liability in case of, **15,** 559
money, must be for payment of, **2,** 467
month, meaning of, **2,** 476, 478; **27,** 439 n.
name, assumed, use of, **2,** 494; **9,** 729
fictitious, use of. *See* fictitious person, *supra.*
holder's authority to insert, **2,** 472
incorrect, indorsement in case of, **2,** 473
omission of drawer's, does not discharge surety, **15,** 559
trade, use of, **2,** 494
negligence in connection with, **2,** 556 n.; **13,** 400—402; **21,** 432
negotiability of, **2,** 479, 480, 506, 564, 565
duration of, **2,** 506—507, 542
negotiable instrument, is a, **2,** 460
negotiation of, **2,** 502—515. *See* NEGOTIATION.
non-acceptance, effect, **2,** 517
notice of, **2,** 529, 542
presumed, when, **2,** 528
subsequent acceptance after, **2,** 486
time, when commencing to run in case of, **19,** 45
non-mercantile, meaning of, **2,** 571 n.
stamp duty on, **2,** 571, 572
non-payment of, **2,** 542
notice and protest for, **2,** 465, 535
non-presentment of, discharge by, **2,** 554
non-trading corporation, of, **1,** 588; **2,** 489, 491; **5,** 304
notice, acceptance, of, **2,** 481
dishonour, of, **1,** 175; **2,** 529, 542—549, 554; **15,** 488 n. *See* DISHONOUR OF BILL OF EXCHANGE.
noting of, **2,** 465, 535, 538; **21,** 499, 500, 501
expenses of, **2,** 525, 537
time for, **2,** 465, 538
office, payable to holder of, **2,** 473
omission, drawer's name from, of, **2,** 483; **15,** 559
value in, to specify, **2,** 467
order other than for payment of money in, effect of, **2,** 467
order payable to, *defined*, **2,** 472
negotiation of, **2,** 479, 503
transfer of, without indorsement, **2,** 503
overdue, **2,** 475, 486, 507, 508, 527
parol evidence in regard to, **2,** 467, 483
part of instrument, delivery of, **2,** 482
parties to, **2,** 464—466; **15,** 442, 443
ambiguity as to, **2,** 471—473
discharge of, **2,** 554, 560
partner, authority of, as to, **2,** 492, 493; **20,** 513 n.; **22,** 26, 27, 33
debt of, for, **22,** 26, 27
notice of dishonour to, **2,** 545
partnership, of, **2,** 492—494; **20,** 513 n.
payable, bearer, to, **2,** 472, 503, 513
contingency, on, **2,** 477
demand, on, **2,** 475, 530, 531
event, after, **2,** 476, 477
fictitious person, to, **2,** 474, 534; **9,** 729
instalments, by, **2,** 469

BILL OF EXCHANGE—*continued.*
payable—*continued.*
particular place, at, **2,** 530
rate of exchange, at certain, **2,** 469
sight, after, **2,** 476, 477, 486, 527, 528
at, **2,** 475
usance, at, **2,** 476
payee, *defined*, **2,** 463
alternative, payable to, **2,** 473
certainty as to, **2,** 472, 473
collateral security, where given for, position of, **1,** 634 n.
drawer as, **2,** 464
fictitious person, where, **2,** 464, 474
holder, whether a, **1,** 569
holder in due course, whether a, **2,** 484 n., 519 n.
holder of office, payable to, **2,** 473
identification of, **2,** 473
impersonal, whether fictitious, **1,** 608
indorsement of bill by surety before indorsement by, effect, **2,** 520 n.
joint, **2,** 473
omission of name of, **2,** 472, 473
payment to, retracted, rights in case of, **2,** 551
right to retain money paid on forged indorsement, **1,** 618
several in number, payable to, **2,** 473
signature of name of, by person of same name, forgery, **9,** 730
payment by, credit by reason of, **11,** 153 ; **25,** 236
dishonoured, effect of, **26,** 307 n.
interest in case of, **25,** 238
rent, of, in case of distress, **11,** 153
sale of goods, on, **3,** 226 ; **19,** 70, 71 ; **25,** 183, 234, 236
payment of, **2,** 467, 549, 550, 554, 555
banker, by, **1,** 614, 615 ; **2,** 550 ; **21,** 432
debt by, evidence of, **11,** 153 ; **13,** 562
delay in enforcing, **2,** 557, 558
delivery up on, **2,** 530, 541
discharge by, due course, in, **2,** 549, 550
discharge of party by, **2,** 554, 555
fictitious, by banker, **13,** 394, 395
honour, for, *supra* protest, **2,** 541, 542
particular fund, out of, **2,** 470
place of, **2,** 467, 469, 530
presentment for, **2,** 530—535, 554. *See* PRESENTMENT FOR PAYMENT OF BILLS AND NOTES.
time for, **2,** 476, 477
personal estate, as, **22,** 389
pledge of collateral security in, **2,** 470
pledged, proof in bankruptcy on, **2,** 207
post, delivery by, of, **2,** 481, 482
notice of dishonour by, of, **2,** 543
presentment through, of, **2,** 527, 532
postdated, **2,** 466
stamp duty on, **2,** 572
power of attorney, whether authority to accept or indorse, **1,** 162, 163
presentment of, acceptance, for, **2,** 526—529, 535, 554. *See* PRESENTMENT FOR ACCEPTANCE OF BILLS OF EXCHANGE.
payment, for, **2,** 530—535, 554. *See* PRESENTMENT FOR PAYMENT OF BILLS AND NOTES.
principal, agent's liability to, on, **2,** 523
liability of, on, **1,** 163, 169, 208 ; **2,** 485, 486, 494, 495 ; **16,** 417, 418

BILL OF EXCHANGE—*continued.*
printer's name need not appear on, **23,** 213
procuration, drawn or signed by, **2,** 494
fraudulent signature by way of, felony, **9,** 727
proof, burden of, in case of, **2,** 496, 499
protest of, **2,** 535—539 ; **21,** 497, 499—501. *See* PROTEST.
rate of exchange, addition of, as material alteration, **2,** 469, 555
calculation of, where not expressed, **2,** 469
payable according to, **2,** 469
rate of interest, addition of, material alteration, is, **2,** 556
alteration of, material, **2,** 556
ratification in case of, **2,** 490, 491, 493—495, 513
recital in, effect of, **2,** 470
rectification of, **21,** 13
re-exchange, on, recovery of amount of, **2,** 525
referee in case of need, **2,** 464, 465, 563
release of party to, **2,** 553, 558 ; **15,** 565
renewal of, **2,** 553, 554
agreement for, **2,** 483, 553
guarantee of, effect on, **15,** 551
rent, payment of, by, **11,** 153 ; **18,** 474
renunciation of, **2,** 551, 552, 555
reputed ownership in relation to, **2,** 179
sale,
deposit on, paid by, **1,** 503
goods, of, as payment in case of, **3,** 226 ; **19,** 70, 71 ; **25,** 183, 184, 236
transfer by way of, **2,** 521
Scots Law as to, **2,** 461, 462
liability of drawee of, **2,** 515, 563
security, as a, **1,** 634 ; **2,** 171 ; **28,** 709. *See* collateral security, *supra*.
Carriers Acts, within, not where incomplete, **2,** 484 n. ; **4,** 23 n.
valuable, Larceny Act within, incomplete, where, **2,** 484 n. ; **9,** 642 n.
seizure of, in execution, **2,** 510
seller's right to draw on buyer on tender of bill of lading, **26,** 160, 161
set, drawn in a, **2,** 560, 561
stamp duty on, **2,** 572
set-off against, **1,** 391
action on, where, **25,** 496 n.
amount in, of, **25,** 492
shipowner's lien, when lost by taking, **26,** 288
short, remitted by customer to banker, trustee in bankruptcy's rights as to, **2,** 171
sight. *See* SIGHT.
payable after, **2,** 476, 477, 486, 527, 528
payable at, **2,** 475
signature of, agent, by, **1,** 169, 208, 209, 221 ; **2,** 489, 494, 495 ; **16,** 412, 417
assumed name, in, **2,** 494 ; **9,** 729
authority for purposes of, **2,** 489—495
without, **2,** 495
blank, **2,** 483
bankruptcy, effect of, **2,** 484 n.
fraudulent filling up of, estoppel in relation to, **2,** 484, 513 ; **13,** 401
cancellation of, **2,** 555
capacity with a view to, **2,** 489—494 ; **17,** 49, 65
company, by, **2,** 491 ; **5,** 304, 305
drawer, by, **2,** 471
estoppel by reason of. *See* estoppel, *supra*.
executrix, by, **1,** 163
forged. *See* forged, forgery, *supra*.
manager, by, **1,** 162, 163

BILL OF EXCHANGE—*continued.*
signature of—*continued.*
married woman, by, **2,** 485, 489; **16,** 412, 417
representative capacity, in, **2,** 494, 495; **16,** 417
steward, by, **1,** 167
trade name, in, **2,** 494
unauthorised, **2,** 495
spirits, for price of, **18,** 171
stamp duty on, **2,** 570—572, 575—580
ad valorem, **2,** 570
adhesive stamp, by, **2,** 577
calculation of, **2,** 578
exemptions from, **2,** 578—580
fixed, **2,** 570, 571
impressed stamp, by, **2,** 577
instrument chargeable with, **2,** 570 n.
presumption as to, **2,** 576
scale of, **2,** 579
time and mode of stamping, **2,** 576—578
stewards, authority as to, **1,** 167
stipulation, presentment for acceptance, as to, **2,** 527
restricting liability, **2,** 479, 506, 518, 519
sum payable under, **2,** 467, 563
summary procedure in respect of, **8,** 447, 448, 479, 489; **20,** 290, 292 n.
Sunday, dated on, **2,** 466
falling due on, **2,** 477; **27,** 452
surety on, indorser as, **2,** 520
liability of, **15,** 465, 466, 480, 481, 488 n.
theft of, **2,** 482, 511—513; **9,** 727—731
three days' bill, stamp on, **2,** 577
time, certainty required as to, **2,** 476
giving, effect of, **2,** 557, 558; **15,** 555
stipulation as to, insertion in, effect, **2,** 479 n.
limitation of, in case of, **2,** 553, 558; **19,** 44, 45
payment of, for, **2,** 476—478
reasonable, for presentment of demand, **2,** 475
title to, **2,** 461
trading corporation, of, **2,** 491, 492
transfer of, abroad, **2,** 514
bankruptcy of holder, by, **2,** 511
during, **2,** 511
chattel, as, **2,** 509
chose in action, as, **2,** 509
death, by, **2,** 510, 511
delivery, by, **2,** 503, 521
warranties in case of, **2,** 521
donatio mortis causâ, by, **2,** 510
fraudulent misappropriation of agent, in case of, **2,** 511
indorsement, by, **2,** 503—509
without, **2,** 503
larceny or embezzlement, by, **2,** 511
negotiation, by, **2,** 502—505
validity of, **2,** 511—513, 563
transferee of, action by or against, **2,** 513
loss of bill unindorsed, remedy of, **2,** 503 n.
proof in bankruptcy by, **2,** 513
rights of, **2,** 513, 514
transferor of, liability of, **2,** 521, 522
warranties by, **2,** 521
Treasury, **2,** 566
trover in respect of, damages in case of, **27,** 909
trust, indorsement of, created by, **2,** 506
third person, for, good against trustee in bankruptcy, **2,** 172

BILL OF EXCHANGE—*continued.*
trustee as holder of, **2,** 513
undated, **2,** 466
undue, banker's hands, in, bankruptcy, effect of, **2,** 171, 172
unindorsed, rights in regard to, **2,** 208
United States of America, in, **2,** 462
unstamped, **2,** 561, 571, 576—578
penalty in case of, **2,** 577, 578; **24,** 704 n.
usance, payable at, **2,** 476
value for, absence of, **2,** 467
holder for, **2,** 463
proof of, **2,** 467, 499
vitiated, renewal of, **2,** 554
void, **2,** 501, 571; **17,** 65; **20,** 739 n.
material alteration, for, **2,** 555
transaction, in respect of, **2,** 501
waiver as affecting, **2,** 479, 506, 518, 548
wife, payable to, husband's rights in case of, **16,** 329

BILL OF INDICTMENT,
consideration by grand jury of, **9,** 330, 346, 347; **18,** 242, 243
drafting of, **9,** 345
indictment, when it becomes an, **9,** 346, 347
names of witnesses indorsed on back of, **8,** 289; **9,** 346
preferment of, **9,** 330, 331; **18,** 242, 243
throwing out of, effect of, **18,** 243
Vexatious Indictments Act, 1859, for offence within, **9,** 331, 332

BILL OF LADING,
defined, **26,** 144
acknowledgment of receipt of goods, is, **26,** 144, 145, 149, 169
agent, holder, of, lien for charges, **26,** 288
shipowner, of, authority to sign, **26,** 145, 155, 165, 173
exceeding his authority, effect, **26,** 145, 155, 165, 171, 173, 174
shipper, of, transfer to, **26,** 159, 173
signature by, **26,** 145, 153, 165, 173
take transfer, to, **26,** 159, 288
assignment of, **4,** 395, 397; **20,** 758; **25,** 184; **26,** 157—168. *See* transfer, *infra.*
average and primage, provision for payment of, **26,** 311
bill of exchange, accompanied by, **25,** 181 n., 182 n., 183, 184; **26,** 160, 161
bill of sale, is not a, **3,** 6, 18
buyer of goods,
delivery to, of, **25,** 227, 228
bill of exchange, accompanied by, **25,** 181 n., 182 n., 183, 184; **26,** 160, 161
condition precedent to buyer's liability to accept and pay for goods, **25,** 228
goods delivered by, **25,** 226
time of, **25,** 227
duty to return, on non-acceptance of bill of exchange, **25,** 183
property passing to, by, **25,** 183, 193, 226; **26,** 163, 164
tender of bill of lading and bill of exchange, to, **25,** 183; **26,** 160, 161
title to goods passing to, by delivery of, extent of, **25,** 193; **26,** 163
transfer of goods to, by, **25,** 174, 226; **26,** 159, 163, 164

BILL OF LADING—*continued.*
buyer of goods—*continued.*
transfer to, goods deliverable as a whole by, relevancy to show indivisibility of contract, **25,** 174
waiving delivery of bill of lading by, **25,** 226 n.
when bound to return, **25,** 183
wrongful retention by, property in goods not passing in case of, **25,** 183
c.i.f. contract, performance of, as affected by, **25,** 227
cesser clause in, **26,** 293
charterer, indemnity to shipowner by, where master signs bills of lading, **26,** 87, 107, 174, 175
indorsee of bill of lading, **26,** 169 n., 171 n.
rights of, against consignee as to freight, **26,** 298
shipper, effect when, **26,** 168, 169
charterparty,
contract contained in, modification of, by, **26,** 148, 149
demising ship, parties to contract under bill of lading, **26,** 169, 297
signature of bills of lading by master, effect of, **26,** 87, 174
differing from, when prevailing, **26,** 169
inconsistent terms of, not incorporated in, **26,** 175
inconsistent with, bill of lading prevails, when, **26,** 169
buyer's right to enforce contract under bill of lading, effect as to, **26,** 166
charterparty prevails, when, **26,** 149, 169
consignee, rights of, **26,** 172
freight, provisions as to, **26,** 105, 106, 171, 177
goods shipped by charterer, where, **26,** 168, 169
goods shipped by person other than charterer, **26,** 169
shipper, rights of, **26,** 171
signature of bill of lading, authority to bind shipowner, **26,** 171, 172, 173—175
incorporation of, in, **26,** 106, 172, 175—177, 285, 286
negligence clause in, omission in bill of lading, shipowner's right of indemnity, **26,** 107 n.
not amounting to demise of ship, parties to contract under bill of lading, **26,** 170
signature of bills of lading, **26,** 174
provisions in, as to bill of lading, **26,** 105—107
provisions supplementary to, **26,** 168—173, 175—177
reference to, in bill of lading, strictly construed, **26,** 176, 285
ship not demised by, **26,** 170, 174
shipowner cannot rely on terms of, not incorporated in, **26,** 171
chose in action, is a, **4,** 364, 395
clean, meaning of, **26,** 106, 151
collision, damage to goods by, effect of terms of, **26,** 522
common carrier, as affecting liability of shipowner as, **26,** 326 n.
consignee, charterer's rights against, in respect of freight, **26,** 298
delivery to, of, rights and liabilities passing by, **26,** 164, 172
demurrage payable by, **26,** 164
freight, liability for, **26,** 164, 295, 298

BILL OF LADING—*continued.*
consignee—*continued.*
injunction to protect rights of, **26,** 164 n.
liability of, **26,** 164—166
freight, for, **26,** 164, 295, 298
insure, to, **17,** 372, 373
rights of, **26,** 164, 165, 172
inconsistency between charterparty and, in case of, **26,** 172
shipowner's liability to, in case of damaged goods, **26,** 165
transfer to, of, **26,** 164—167, 172, 173
contents unknown, reservation as to, **26,** 156
contract, between what persons, **26,** 148, 169, 170, 175, 293, 298
carriage, of, terms ascertained from, when, **26,** 144, 148—150, 175, 298, 522
when not found in, **26,** 169, 175, 522
freight, for payment of, as evidence of, **26,** 298
parties to the, **26,** 148, 169, 170, 175, 293, 298
ship demised and not demised by charterparty, where, **26,** 169, 170
transfer of bill of lading, after, **26,** 172
conversion of the goods, liability of indorsee for, **26,** 166
county court jurisdiction in reference to, **1,** 128
damage to goods carried, effect on liability for, **26,** 156, 157, 522
delivery of, master or shipowner, by, holder of mate's receipt, to, **26,** 152
owner of goods, to, **26,** 144
seller of goods to buyer, by, **25,** 225—228
condition precedent to buyer's liability to accept and pay for goods, **25,** 228
time for, **25,** 227, 228
waiver of, by buyer, **25,** 226 n.
wrong person, to, **26,** 152
delivery of goods,
holder of, to, **26,** 147, 167, 264, 265, 270, 286
restrictions on, **25,** 181
ship, on board, not an appropriation, **27,** 900 n.
transfer of bill of lading, by, **25,** 225—228; **26,** 146, 159, 164
wrong person, to, **26,** 147, 264
deviation, licence for, in, **17,** 398 n.; **26,** 150, 151
document of title, is a, **25,** 225; **26,** 146, 147, 157
drafting of, **26,** 106, 151, 156
estoppel by reason of statement in, **13,** 387; **26,** 145, 146, 153—157
evidence, as, **13,** 563; **26,** 144—148, 155, 298
freight, of, contract with shipowner for payment of, **26,** 298
pre-existing contract, of, **26,** 148
quantity of goods shipped, of, **26,** 145, 146
shipment, of, **13,** 563; **26,** 155
exceptions in, effect of, **26,** 171 n., 189, 325, 326
expenditure, general average, claim for, **26,** 319—322
forgery of, **9,** 711 n.
form of, **26,** 105, 106, 150, 151
qualification of statements in, **26,** 106, 151, 156
freight, advance, loss of cargo, effect of, **26,** 312
payment on signing, **26,** 106, 311—314
amount of, in, **26,** 106, 149, 150, 307—311
charterer's liability for, how affected by alternative liability of holder of, **26,** 294
consignee's liability for, **26,** 164, 295, 298
difference between amount under charterparty and, **26,** 106, 171, 177, 308 n.

BILL OF LADING—*continued.*
freight—*continued.*
free, carriage, effect of transfer of bill, **26,** 308, 309
general average loss of, **17,** 511 ; **26,** 318, 324
holder's liability for, **26,** 173, 176, 294, 297, 298, 309
indorsee of bill, liability for, **26,** 164—166, 296
lien for, effect in regard to, **26,** 107, 171, 176, 177, 283—288
partial loss of, may be total loss of profit, **17,** 478 n.
payable, by whom, effect of bill of lading, **26,** 293, 294, 295
to whom, effect of bill of lading, **26,** 149, 150, 296—303
when, **26,** 303—307
provisions as to, in, **26,** 106, 107, 303, 304
rate of, **26,** 106, 154
underwriter's rights in regard to, **17,** 490
general average, provision for payment of, **26,** 151
ship, goods carried in, **26,** 87, 100, 168, 195, 196
goods deliverable by, evidence of indivisible contract, as, **25,** 174
procedure, **25,** 226
holder of, agent of shipper, position, **26,** 159, 173
bankruptcy of consignee, in case of, **2,** 45
bonâ fide for value, position of, where agent's authority exceeded, **26,** 173
delivery of goods to, **26,** 147, 167, 264, 265, 286
conflicting claims to cargo, where, **26,** 264
discharge of shipowner by, **26,** 147, 167, 264, 265
right to claim, **26,** 147, 172, 264, 286
freight, alternative liability for, how affecting charterer's liability, **26,** 294
mortgagee taking possession cannot refuse delivery of goods until payment of, **26,** 309
purchaser of ship, no right to refuse delivery of goods until payment of, **26,** 309
shipowner's rights in respect of, against, where ship chartered, **26,** 297, 298
liability for freight, **26,** 173, 176, 294, 297, 298
secured creditor on bankruptcy of acceptor, as, **2,** 45
shipowner's lien, when subject to, **26,** 285, 286
shipper, agent of, **26,** 159, 173
title to receive cargo of, **26,** 147, 264, 286
illegality connected with, effect of, **26,** 173, 307
indivisibility of contract for sale of goods where deliverable as a whole by transfer of, **25,** 174
indorsee of, delivery of goods to, right to claim, **26,** 164, 165
indorsement by, to subsequent indorsee, **26,** 158, 166
injunction to protect rights of, **26,** 164 n.
insurable interest of, **17,** 372
liability of, **26,** 164, 165, 166, 296, 298
rights of, **26,** 164, 165, 166
shipowner and, contract between, **26,** 148
shipowner's liability to, where goods in damaged condition, **26,** 165
indorsement of,
bank, to a, **26,** 162
blank, in, **26,** 158, 162, 168
conditional, **26,** 161, 163 n.
effect of, **26,** 165, 166
pledge by, **26,** 162, 165

BILL OF LADING—*continued.*
indorsement of—*continued.*
restrictive, **26,** 157
seller of goods, by, to banker, effect of, **26,** 162
special, effect of, **26,** 158
transfer by delivery without, **26,** 158
insurance, condition to acceptance of, as, **17,** 356
indorsee of, by, **17,** 372
interests arising under, of, **26,** 315 n.
knowledge of special terms in, presumption as to, **13,** 448 n.
letters of credit against, **1,** 623
lien, agent, of, **26,** 288
contractual, not incorporated in, **26,** 285
freight, in respect of, **26,** 171, 177, 283—288
general average contribution, in respect of, **26,** 134, 284
holder of bill, when subject to shipowner's, **26,** 276, 285, 286
preservation of, by, **25,** 185 n.
seller of goods, of, by retaining bill of lading, **26,** 162 n.
shipowner, of, **26,** 171, 285, 286
loading under, conditions precedent to, **26,** 186—189, 192, 198, 199
loss of cargo, advance freight how affected by, **26,** 312
general average, in call of, **26,** 112, 151, 187, 316—325
master of ship, authority to sign, **26,** 34, 65, 106 n., 153—157, 171, 173—175
clean bill of lading given by, stipulation as to, effect of, **26,** 106
freight, insertion of rate of, provisions as to, **26,** 106
implied authority to sign, **26,** 65
number of sets to be signed by, provision as to, **26,** 106
qualification of statement as to goods on signature by, **26,** 106, 156
signature by, agent of charterer, as, **26,** 34, 106 n., 146 n., 153 n., 171, 174, 175
apparent authority, within, effect as to shipowner's liability, **26,** 154
effect of, **26,** 153
excess of authority, in, **26,** 155, 173
limits on authority to bind shipowner, **26,** 155, 171
personally liable, when, **26,** 155
shipowner, when bound, **26,** 34, 65, 146 n., 153—157
shipowner's right of indemnity against charterer, **26,** 107, 174
variation of charterparty by, no implied authority, **26,** 174
within specified time, **26,** 106
mate's receipt, consignee named in, delivery of goods to, where no bill of lading, **26,** 153
contract of carriage by, **26,** 147, 148
exchange for, in, **26,** 152, 153
possession of, entitling holder to receive, **26,** 152
transfer of, **26,** 153
misdescription in qualified, **26,** 99 n.
misstatement in, as to quantity of goods shipped, shipowner's liability, **26,** 164
mortgage or pledge of, **26,** 147, 162, 163, 165
name in, **26,** 144, 158
negligence clause in, **26,** 107 n., 151
negotiable instrument, how far a, **25,** 193; **26,** 147, 167, 168

BILL OF LADING—*continued.*
notice of special terms in, presumption as to, **13,** 448 n.
operation of, as regards performance of c.i.f. contract, **25,** 227
owner of goods, right to bill of lading on shipment of goods, **26,** 152, 199
particular average as distinguished from general average, **26,** 315
parts, in, **25,** 185; **26,** 106, 151, 152, 157
pledge of, **26,** 147, 162, 163, 165
possession of, equal to possession of goods, **26,** 146
primage, provision as to, **26,** 311
priority as between transferees of parts of, **25,** 185; **26,** 158
provisions in, **26,** 106, 107, 303, 304, 308, 309, 311, 322
qualification of statements in, **26,** 106, 151, 156
misdescription of cargo, effect of, **26,** 99 n.
quantities set out in, **26,** 142 n., 145, 146, 156
receipt of goods, as acknowledgment of, **13,** 563; **26,** 144, 145, 155, 169
refusal of, shipowner, by, **26,** 152
shipper, by, **26,** 172
reservation as to disposal of goods by, **25,** 181; **26,** 160
sale of goods, in case of, **25,** 174, 181, 183—185, 225—228, 244, 250; **26,** 160, 161
security, as, **26,** 147, 162, 165
seller, duty of, to deliver to buyer, **25,** 227, 228
goods deliverable to order of, under, **25,** 181, 244 n.; **26,** 160
rights on tender of, with bill of exchange, **25,** 183; **26,** 160, 161
set, in a, **26,** 106, 151, 152
delivery to holder of one part, **25,** 185; **26,** 265
judicial notice of custom of merchants, **13,** 485
transfer in case of, **25,** 185; **26,** 157, 164
shipment of goods evidenced by, **13,** 563; **26,** 144 155, 169
shipowner, affecting, as, **26,** 145—147, 153, 170, 171, 173
agent of, exceeding his authority, **26,** 145, 155, 165, 171, 173, 174
authority, in excess of, not bound by, **26,** 145, 153, 165, 168, 173
chartered ship, of, how far bound by, **26,** 168, 169
charterparty varying from bill of lading, effect, **26,** 148, 149, 168, 169, 171
contract of carriage, between what parties and, **26,** 148, 170, 175
discharge of, by delivery of goods to holder, **26,** 147, 167, 265
duty of, deliver bill of lading, to, **26,** 152, 199
deliver goods to holder of bill, **26,** 147, 264, 270, 304
estoppel of, by, **13,** 387; **26,** 145, 146, 153—157
freight, right to receive, **26,** 296, 297, 304, 305
general ship, position in case of, **26,** 87, 168
indorsee and, contract between, **26,** 148
liability of, consignee or holder, to, **26,** 164, 172, 173
damage to goods, for, **26,** 87, 156, 165, 232, 291
discharged on delivery of goods, **26,** 147, 167, 264, 265
master, on bills of lading signed by, **26,** 34, 107, 153, 157, 172

BILL OF LADING—*continued.*
shipowner—*continued.*
liability of—*continued.*
not liable where master of ship signs, as charterer's agent, **26,** 34, 106 n., 146 n., 153 n., 171, 174, 175
protection against, by exceptions, **26,** 171 n., 189, 326 n.
lien of, effect in regard to, **26,** 171, 172, 173, 285, 286
master's signature, usually bound by, **26,** 153, 174
when not bound by, **26,** 154, 155, 174, 175
position of, as regards, **26,** 144—150, 153—157, 170—173
transfer to consignee, in case of, **26,** 172, 173
rights and liabilities under through, **26,** 149
shipper and, when constituting contract between, **26,** 148
signature by, **26,** 144, 153
statements as to quantities etc., bound by, **26,** 145, 146
shipper, agent of, position of, **26,** 159, 173
transfer to, **26,** 159
cesser clause, effect of, on, **26,** 293
charterer of the ship, also the, **26,** 168, 169
entitled to, **26,** 152, 199
holder in position of, when, **25,** 173
liability for freight of, how affected by, **26,** 170, 171, 176, 177, 293
not compelled to accept terms of, when, **26,** 152, 172
possession by, several of a set, of, **26,** 157
refusal to accept, when inconsistent with charterparty, **26,** 172
rights of, under, **26,** 170, 171, 172, 199
signature of, **26,** 106, 107, 153—157, 173—175
agent, by, **26,** 107, 145, 153, 156, 165, 171, 173—175
broker, by, **26,** 153, 173
master, by, **26,** 107, 146, 153—156, 173—175
presumption of authority, **26,** 154
person other than the master, by, **26,** 173, 174
shipowner, by, **26,** 144, 153
stamp duty on, **7,** 533; **24,** 717 n.; **26,** 151
penalty for default as to, **24,** 704 n.
statements in, quantities, as to, **26,** 142 n., 145, 146, 156
shipowner bound by, **26,** 145, 146
stipulations in, **26,** 148
stoppage *in transitu*, **25,** 250; **26,** 160
defeat of right of, by resale accompanied by transfer to new buyer, **26,** 160
mortgage or pledge of bill as affecting right of, **26,** 163
sub-buyer as consignee, **25,** 250
transfer from buyer to seller as affecting right of, **25,** 250, 254 n.
symbolic nature of, **25,** 184; **26,** 146, 168
through, contract by, **26,** 149
freight under, to whom payable, **26,** 149, 150
shipowner's duty under, **26,** 149
transhipment under, **26,** 234
time of delivery of, to buyer, **25,** 227
title, a document of, **25,** 225; **26,** 146
transfer of, **4,** 395, 397; **25,** 184, 185, 250; **26,** 157—168, 172
agent, to, **26,** 159
buyer of goods, to, **25,** 226, 250
consideration for, **26,** 163
consignee, to, **26,** 172, 173

BILL OF LADING—*continued.*
transfer of—*continued.*
goods deliverable by, evidence of indivisible contract, as, **25,** 174
indorsement and delivery, by, **26,** 158, 162
banker, to a, **26,** 162
limit of operation, **26,** 159, 163, 168
mode of, **26,** 157—159
mortgage or pledge by way of, **26,** 162
operation of, **26,** 159, 163, 168
property passed by, **25,** 184, 185, 226; **26,** 146, 159, 160,.162
intention to pass the property necessary to, **25,** 181 n., 182 n., 184; **26,** 159
passing no property, when, **25,** 181, 182 n.; **26,** 163, 164, 168
seller reserving right of disposal, **25,** 181—184; **26,** 160
separate parts, in, two or more transferees, to, to whom property passes, **25,** 185
set, in case of a, **25,** 185; **26,** 157, 164
sub-buyer, to, as an assent to subsale, **25,** 250 n.
transfer of property in goods by, **25,** 174, 184, 225, 226; **26,** 159, 161, 163
transferee's rights under, **26,** 163, 164, 165, 167, 168
transferor no title, effect, **26,** 168
transhipment in case of through, **26,** 234, 235
transmission to buyer along with bill of exchange, **25,** 183, 184; **26,** 160, 161
waiver of delivery by buyer, **25,** 226 n.
weight, quality, quantity, and contents unknown, **26,** 156
wrong port, made out to, **25,** 226 n.
wrongful retention of, by buyer of goods, **25,** 183

BILL OF PEACE,
Chancery, jurisdiction of Court of, **13,** 42, 58
commoners, by, **4,** 518, 519 n., 520; **13,** 58, 59
copyholders, by, **13,** 59
equitable jurisdiction as to, **13,** 42, 58
fine, excessive, to obtain relief from, **13,** 59 n.
foundation of jurisdiction to entertain, **13,** 58
injunction to prevent multiplicity of suits, application for, formerly made by, **13,** 58, 59
nature of, **13,** 58
parties to action in nature of, **4,** 518, 520; **13,** 59
right of way, in respect of, **13,** 58
vexatious litigation, restraint of, **13,** 59

BILL OF QUANTITIES,
defined, **3,** 161, 163
accuracy of, architect or engineer, responsibility to persons tendering, **3,** 302
building owner's responsibility as to, **3,** 164, 169
architect's authority to obtain, **3,** 309, 310
architect's liability in respect of, **3,** 298, 302
form and nature of, **3,** 161, 163, 164
inaccuracy in, **3,** 164, 169, 186, 302
lithographer's charges for, **3,** 312, 313
payment of, who is liable for, **3,** 313, 314
warranties or representations as to, **3,** 169

BILL OF REVIEW,
action in nature of, **13,** 334 n., 352
barred by lapse of time, **19,** 192
leave to bring, **19,** 192

BILL OF RIGHTS,
army illegal in time of peace by, **25,** 37
confirmation by Parliament, **6,** 322 n.
declaration in, **6,** 321 n., 322 n., 324 n.
function of, in regulating relations between Crown and subject, **6,** 316 n., 319 n.
succession to the Crown, effect as to, **6,** 321 n., 322 n., 323 n., 324 n.

BILL OF SALE.
The title BILLS OF SALE *is contained in Vol. III., pp.* 1 *et seq.*
defined, **3,** 5, 6; **25,** 186
abroad, of goods situated, **3,** 18
absolute, **3,** 55—57; **25,** 186
attestation of, **3,** 45, 46
avoidance of, **3,** 45, 55, 56
British ship, of. *See* British ship, *infra.*
execution creditor, priority as against, **14,** 55 n.
form of, **3,** 34
registration of, **3,** 46
sale of goods by, **25,** 186
schedule not required for, **3,** 26
statutory provisions applicable to, **3,** 5, 8
abstract of, transmission to county court registrar, **3,** 52; **8,** 623
addition to, **3,** 29
affidavit,
defect in description cannot be cured by, **3,** 43
description of parties and witnesses in. *See* description, *infra.*
evidence by office copy of, **3,** 75
mistake in registration, to correct, **3,** 74
registration, required on, **3,** 45, 46, 48—51
renewal of registration, on, **3,** 52
after-acquired property, of, **3,** 17, 28, 29, 37; **22,** 410
agent, appointment of, **1,** 154
attestation by, **3,** 46
execution by, **1,** 148 n.
agreement
conferring lien constituting, **3,** 14, 265
distress, giving right of, **3,** 14—16; **11,** 118, 119, 156
equity, giving right in, **3,** 6
give, to, **3,** 13, 14
hold goods at creditor's disposal, to, **3,** 18
maintenance of security, for, **3,** 39, 40, 69
parol, incorporation of, **3,** 44, 45
when a, **3,** 13
apparent possession, effect of, **3,** 17, 56, 57
assignment, benefit of creditors, for, effect of, **3,** 6, 16, 56; **11,** 118
bill of sale, of. *See* transfer of, *infra.*
building agreement, of, effect of, **3,** 259
constituted by, **3,** 6, 8, 16
attestation of, **3,** 43, 45, 46, 53, 54. *See also* witness, *infra.*
affidavit on, **3,** 46, 48
attorney, execution under power of, **3,** 11
attornment clause constituting, **3,** 14, 15; **11,** 127
auctioneer's contract may constitute, **1,** 506; **3,** 10
avoidance of, **3,** 53—64; **15,** 88, 89
attestation, for want of, **3,** 53—55
bankruptcy rules as to, in winding up, **5,** 513
description of chattels, by want of, **3,** 54
execution creditor, as against, **3,** 61
fraud, for, **3,** 67; **15,** 89
fraudulent conveyance, as, **3,** 61, 62; **15,** 89
interpleader proceedings, in, **3,** 62, 63

BILL OF SALE—*continued.*
avoidance of—*continued.*
partial, **3,** 22, 29, 31, 45, 54, 55
possession under void bill, effect of, **3,** 54
rates and taxes, as against, **3,** 63
registration, for want of, **3,** 53, 54
reputed ownership, by doctrine of, **3,** 59—61
schedule, for absence of, **3,** 27
security, when given by way of, **3,** 53—55; **22,** 410
successive bills, in case of, **3,** 64
third parties, as against, **3,** 57—64
trustee in bankruptcy, as against, **3,** 57—59, 61
bailment distinguished from, **1,** 554, 555
bankrupt, grant by, **3,** 64, 65
bankruptcy, act of, on part of grantor, when, **3,** 58, 59, 69
payment after, of, **2,** 290; **3,** 5, 9
reputed ownership in case of, **1,** 276; **3,** 59—61
rights of holder in case of, **2,** 64, 301, 302; **3,** 57, 58, 69, 70
seizure, as ground for, **3,** 69
trustee in, and, **3,** 57—59
beneficial ownership, meaning of, **3,** 30, 35
bill of lading is not a, **3,** 6, 18
Bills of Sale Acts, 1878 and 1882, application of, **3,** 3—5
Ireland, in, **3,** 4 n.
bonus, agreement for payment of, **3,** 38
breach of covenant by grantor, effect of, **3,** 69
British ship, of registered, **10,** 372; **15,** 411; **26,** 21, 22
Bills of Sale Acts, not within, **3,** 6, 17, 18
evidence by production of, **13,** 426
execution of, **10,** 398; **26,** 22
unnecessary on transfer, when, **26,** 22
building contract, under, **3,** 11, 12, 14 n., 259, 264, 265
cancellation by successive, **3,** 64
catalogue distinguished from schedule and inventory, **3,** 47
chattels real, inclusion of, **3,** 22
choses in action, inclusion of, **3,** 21, 22
classes of, **3,** 5
clerical error, registration not avoided by, **3,** 47
collateral agreement, provisions as to, **3,** 32, 36, 44, 45
collusion, given in, **3,** 62
company, to, **5,** 335
composition with creditors, effect of, **3,** 65, 69
condition, inclusion of, **3,** 43
unregistered, effect of, **3,** 54
conflict of laws as affecting, **6,** 215
consideration for, **3,** 30—34, 53, 54, 61
agreement to repay part on demand, effect of, **3,** 31
deductions, **3,** 33
existing debt as, **3,** 31, 32
expenses of bill as part of, **3,** 33, 34
minimum amount lawful, **3,** 30, 31; **21,** 129
mis-statement of, **3,** 31, 53, 54
promissory note included in, **3,** 31
repayment to grantee of, **3,** 31, 33
statement of, **3,** 31, 37
time of payment of, **3,** 32
consolidation, doctrine of, not applicable, **3,** 72
construction of, under Bills of Sale Act, 1878, **3,** 4, 7, 8

BILL OF SALE—*continued.*
constructive possession, effect of, **3,** 7
Conveyancing Act, 1881, not a mortgage by deed within, **3,** 42; **21,** 97 n. *See also* sale, *infra.*
copy of,
evidence, as, **3,** 75, 76
registration, for, **3,** 47
right to obtain, **3,** 75
county court registrar, duties of, **3,** 52; **8,** 622, 623
course of business, transfer in ordinary, **3,** 18, 19
creditors, assignment for the benefit of, whether a, **3,** 616
date of, affidavit statement as to, **3,** 48
debentures,
covering deed to secure, **3,** 20; **5,** 365 n.
mortgage, loan, or other company, of, **3,** 19; **21,** 130
registration not required in case of, **3,** 19, 20; **5,** 345 n.
use of word not essential, **5,** 345
debt, assignment of, when a, **3,** 22
declaration of trust, incorporation of, **3,** 9, 43
deed, when required to be made by, **1,** 154; **10,** 372
deed of arrangement not to be registered as, **2,** 332; **3,** 6, 16
deeds scheduled as included in, **3,** 22, 37 n.
defeasances, meaning and incorporation of, **3,** 40, 43, 44, 54
delivery of chattels, transactions involving, are not, **3,** 6, 7, 22
description,
attesting witness, of, **3,** 35, 48—51
burden of proof of insufficiency of, **3,** 50
chattels, of, necessity for, **3,** 21, 23, 26—28, 54
defect in, cannot be cured by evidence, **3,** 43
grantee, of, omission of, **3,** 35
identification, must be sufficient for, **3,** 49
insufficiency of, **3,** 35, 49, 50
parties, of, necessity for, **3,** 35, 48, 49
distress,
cause for seizure of goods, as, **3,** 69
express powers of, **3,** 11, 12, 14—16; **11,** 156
instruments giving express powers of, **3,** 34; **11,** 118, 119
judgment in county court for rates, under, **3,** 63
mining lease, in case of, **3,** 15; **11,** 196 n.; **20,** 565
non-application of Distress Amendment Act, 1908, **11,** 145
ordinary powers of, **3,** 11, 15
rates and taxes, for, **3,** 54, 63, 70; **11,** 215
rent, for, **3,** 70; **11,** 145
divisible, effect of, **3,** 35
documents not within statutory definition of, **3,** 6
dumb barge, transfer or assignment of, **3,** 17
equity of redemption under, receiver of, **14,** 121
estoppel in regard to, **3,** 30, 55; **13,** 364 n., 370
evidence, office copies as, **3,** 75, 76
execution creditor in competition with grantee of, **3,** 61—63; **17,** 604
avoidance as against, **3,** 61
seizure of goods by, **14,** 55 n.
transferee's title against, **3,** 73
false pretences by sale of goods subject to, **3,** 68
fieri facias, avoidance as against sheriff executing, **15,** 89

BILL OF SALE—*continued.*
fixtures, assignment of, when a, **3,** 20, 21, 24, 29, 60
forfeiture under building contract, effect of, **3,** 259
form of, **3,** 34—53. *See* statutory form, *infra.*
formal defects, **3,** 36
fraud, induced by, **3,** 67
fraudulent conveyance, avoided as, **3,** 58, 61, 62; **15,** 89
preference by, **3,** 59, 64
removal of goods by grantor, **3,** 67, 69
furniture,
personal chattels, as, **3,** 22
reputed ownership of, **3,** 60
specific description of, **3,** 28
further advances, for, **3,** 32, 38, 58
stamp on, **3,** 77
general district rate, distress for, **3,** 63
gift by means of, **15,** 408, 410
grantee of, description of, **3,** 35, 48, 49, 50
gift of mortgaged chattels to, **15,** 412 n.
joint, **3,** 37
rights of, **3,** 68, 71, 73; **15,** 412 n.
seizure by, **3,** 40, 42, 65—67, 69—71
wrongful seizure by, **3,** 67
grantor of, act of bankruptcy by, **3,** 58, 59, 69
explanation before execution, whether entitled to, **3,** 45
false representation by, **3,** 67, 68
joint, **3,** 36
persons entitled to be, **3,** 64, 65
purchase from, **3,** 67, 68
removal of chattels by, **3,** 69
rights of, **3,** 64—67
growing crops, assignment of, when a, **3,** 20, 23, 37
reputed ownership in case of, **1,** 276
retrospective statutory provisions as to, **3,** 4
separate assignment of, **3,** 20, 23, 37
tenant's restricted right to dispose of, **1,** 275; **3,** 23 n.
true ownership of, **3,** 21, 29, 37
guarantee of third party, incorporation in, **3,** 45
sale of goods at insufficient price as affecting, **15,** 560
Statute of Frauds as affecting, **15,** 464 n.
hire-purchase agreement, as, **1,** 445, 554; **3,** 12, 13, 22
holder of, rights in bankruptcy of, **2,** 64, 301, 302; **3,** 57, 58, 69, 70
undertaking to pay rent in arrears, **15,** 463 n.
hypothecation, letter of, with deposit of goods, not a, **3,** 7, 18
identification of chattels by description, **3,** 27, 28
imported goods, charge on, not a, **3,** 9, 19
inconsistent clauses in, **3,** 35
incorporation of defeasances and documents in, **3,** 9, 43—45
indemnity, by way of, to surety, void, **15,** 517 n.
grantee, to, for goods distrained, **3,** 70
India warrant excluded from statutory definition, **3,** 6, 18
industrial and provident society, by debenture of, **5,** 365 n.; **17,** 20
injunction, date should appear in order for, **17,** 282 n.
restraining proceedings by, **3,** 58, 65, 66
injury to goods after seizure by grantee under, **3,** 67
instalments, provision for payment by, **3,** 39, 68
instrument falling within or without the term, **3,** 4—20, 29, 265; **25,** 186
insurance by grantee, power for, **3,** 41
interest, mode of charging, **3,** 38

BILL OF SALE—*continued.*
interpleader with reference to, **17,** 589
claim for costs and charges, **17,** 598 n.
costs, order against sheriff for payment of, **17,** 623 n.
deposit by grantee, effect of, **17,** 632
evidence in, **17,** 615
jus tertii, pleading of, **3,** 63
redemption order made in, **3,** 66
sale under, **3,** 62; **17,** 604, 632, 634
second execution, on, **3,** 63
sheriff in possession, by, **3,** 62, 63; **17,** 589, 623 n.
inventory with receipt attached as, **3,** 6, 9
Ireland, law as regards, **3,** 4
joint
grantors, bankruptcy of one of several, **3,** 55 n.
parties, statutory form does not permit of, **3,** 36, 37
possession, legal title as affecting, **3,** 17
legal estate, priority of, **3,** 72
legislation as to, objects of, **3,** 3, 4
liabilities of parties to, **3,** 64—72
licence to take possession constituting, **3,** 6, 11—13, 34, 35
lien, apparent possession prevented by, **3,** 56
building contract, in, effect of, **3,** 265
document giving, when is a, **3,** 7, 10, 11
machinery, of, **3,** 21, 25, 35. *See also* trade machinery, *infra.*
maintenance of security, agreement for, lawful, **3,** 39—41
seizure for default in complying with, **3,** 69
marriage settlement whether, **3,** 6, 16, 17; **25,** 706
married woman, by, **3,** 64
possession of chattels by, **3,** 57
marshalling in case of distress for rent, **3,** 70
meaning of, former, **3,** 5 n.
mercantile transfer, when a, **3,** 17—19
mining lease excluded from operation of Act, **3,** 15; **20,** 565
misdescription in affidavit on registration of, **3,** 49, 50
misleading terms of, **3,** 35, 36
mistake in, effect of, **3,** 35, 36, 42, 47, 74, 75; **17,** 403 n.
Money-lenders Act, 1900, relief under, **3,** 66, 67 n.
mortgage of chattels by, **3,** 5, 10, 13, 53; **21,** 97, 129, 130
mortgagee's power to sell in lots does not make instrument a, **3,** 26
non-existing chattel, inclusion of, in, **3,** 37
occupation, of grantor and witnesses, must be stated in affidavit, **3,** 48
what is, **3,** 50, 51
office copy of, **3,** 75
omission, accidental, from, **3,** 35, 36, 49, 74, 75
immaterial, from, **3,** 36
proviso for seizure of, **3,** 42
oral transaction, exception of, **3,** 7, 9, 10, 44, 45
parochial rates, effect of distress for, **3,** 54, 63
parties to, description of, **3,** 36
liabilities of, **3,** 64—72
names of, **3,** 36
rights of, **3,** 64—72
partnership, assignment of share in, whether a, **3,** 22
pawn or pledge, distinguished from, **22,** 236
excluded from statutory provisions, **3,** 7
ordinary course of business, not made in, **3,** 18

BILL OF SALE—*continued.*
payment in discharge of, **2,** 290 ; **3,** 38, 39, 59, 74
personal chattels, *defined,* **3,** 20, 21
chattel interests in real estate are not, **3,** 21
choses in action are not, **3,** 21
fixed machinery, exclusion of, **3,** 25
fixtures as, **3,** 24
growing crops as, **3,** 23. *See also* growing crops, *supra.*
loose machinery as, **3,** 25
trade machinery as, **3,** 25
transfer of, **3,** 5, 20—22
plant, *defined,* **3,** 22 n.
forfeiture of, **3,** 259
separate powers of selling, **3,** 12
substitution of, **3,** 29
pledge. *See* pawn, *supra.*
pledgee in competition with grantee of, **3,** 72
poor rate, how far a protection against distress for, **3,** 63 ; **11,** 215
possession under,
grantor's right to retain, **3,** 11, 68
seizure, after, **13,** 65—67
void instrument, in case of, **3,** 54
post-nuptial settlement, whether a, **3,** 17
power of attorney constituting, **3,** 6, 10, 11
priority, grantee and third parties, of, **3,** 72 ; **14,** 55 n.
inter se of, **3,** 71, 72 ; **21,** 340
proviso for seizure in, **3,** 42
purchase from grantee of, **3,** 71, 73
purchaser for value without notice, title of, **3,** 68
rates, how far a protection against distress for, **3,** 54, 63 ; **11,** 215
inability to produce receipt for, **3,** 69
receipts, purchase money of goods, for, **3,** 6, 9, 10
seizure for inability to produce, **3,** 69
receiver, possession taken against, **7,** 289
rights of grantee as against, **3,** 68
redemption of, **3,** 65, 66. *See also* REDEMPTION OF MORTGAGE.
register of, **3,** 74—76
expunging from, **3,** 74
rectification of, **3,** 74, 75
search of, **3,** 76
registrar of,
certificate of search issued by, **3,** 76
deeds of arrangement registered with, **2,** 331
who may act as, **3,** 75
registration of, **3,** 46—53, 71
affidavit on, **3,** 43, 48—51
avoidance of, **3,** 54
certificate of, **3,** 76
county court registrar and, **3,** 52 ; **8,** 622, 623
document not requiring, in case of, **3,** 75 n.
evidence of, **3,** 75, 76
fees on, **3,** 77
foreign, **3,** 18 ; **6,** 215
gift of chattels, in case of, **15,** 408
hire purchase agreement, in case of, **1,** 554 ; **3,** 12
local, **3,** 51—53, 74 ; **8,** 622, 623
mode of, **3,** 46
necessity for, **3,** 46
place of, **3,** 47
priority, as affecting, **3,** 71, 72
renewal of, **3,** 52, 53, 72
requirements for, **3,** 47, 48
time for, **3,** 47
extension of, **3,** 53, 74
transfer, in case of, **3,** 52, 72

BILL OF SALE—*continued.*
registration of—*continued.*
unnecessary, when, **3,** 56, 72
validity before, **3,** 47
want of, effect of, **3,** 54
removal of chattels by grantee,
cesser of grantor's interest on, **3,** 65
restriction on, **3,** 70, 71
sale after, **3,** 71
rent, payment of, in connection with, **3,** 41
seizure for non-production of receipt for, **3,** 69
repairs, provision as to, **3,** 41
repayment, agreement for, **3,** 31, 38, 39
immediate, agreement for, **3,** 32, 33
replacement of chattels, provision as to, **3,** 22—25, 29, 30
reputed ownership, effect of, **3,** 21, 59—61
trade custom as affecting, **3,** 60
residence, affidavit description of, **3,** 48, 50
retention after payment of, **3,** 42
reversionary right, assignment of, whether a, **3,** 22
rights of parties to, **3,** 64—72
sale, Conveyancing Act, power of, not exerciseable, **3,** 42
grantee, by, **3,** 41, 42, 65, 66, 70—73
grantor, by, **3,** 67, 68
interpleader proceedings, in, **17,** 604, 632, 634
powers of, under, **3,** 41, 42
proceeds of, application of, **3,** 42, 71
relief against, **3,** 65
Sale of Goods Act, 1893, with reference to, **25,** 282
satisfaction,
delivery up on, **3,** 74 ; **20,** 745 n.
entry of, at registry, **3,** 65, 73
schedule annexed to, description of chattels in, **3,** 21, 27, 28, 47
necessity for, **3,** 26, 27, 43 ; **21,** 130
registration of, **3,** 26, 43
Scotland, law as regards, **3,** 4
sea, of goods at, **3,** 4, 18
search of register for, **3,** 76
security, as a, **3,** 34—41
assignment of, duty on, **3,** 77
chattels assignable by, **3,** 21, 22 ; **22,** 410
deed in statutory form required for, **10,** 372
defeasance to, **3,** 39, 40
discharge of, duty on, **3,** 77
form of, **3,** 36—43
power of distress deemed to be, **3,** 11, 15 ; **11,** 118
seizure under, grounds for, **3,** 68, 69
seizure under, grantee, by, **3,** 40, 42, 65—71
levy of execution as ground for, **3,** 61, 69
proviso for, **3,** 40—42
relief against, **3,** 65
restriction on powers of, **3,** 69
statutory grounds for, **3,** 68—70
wrongful, **3,** 66, 67
separate
assignment, what amounts to, **3,** 23—26
owners of chattels, joint assignment by, **3,** 30
sale of chattels apart from land, **3,** 12, 26
setting aside of, **3,** 58, 61, 62, 67 ; **15,** 88, 89
shares, inclusion of, **3,** 21
sheriff, given to claimant by, **17,** 615
interpleader by. *See* interpleader, *supra.*
seizure by, rights in case of, **3,** 62 ; **14,** 55 ; **17,** 589, 604, 634

BILL OF SALE—*continued.*
ship, of,
Bills of Sale Acts, not within, **3,** 6, 17, 18; **26,** 22 n.
British. *See* British ship, *supra.*
correction of mistake in, **17,** 403 n.
forgery of, **9,** 752
sale by order of court, on, **26,** 22 n.
unregistered, not required for, **26,** 22
solicitor of grantee or grantor, affidavit sworn before, **3,** 48; **13,** 628
stamping of, **3,** 76, 77
assignment or transfer, **3,** 77
Statute of Frauds, application to a promise to pay, **15,** 464 n.
statutory form, accordance with, meaning of, **3,** 35, 36
acknowledgment of receipt of money in, **3,** 37
agreements for maintenance or defeasance of security, **3,** 39—41
analysis of, **3,** 36—43
attestation, form of, **3,** 43
avoidance by divergence from, **3,** 34, 35
consideration in, **3,** 37
distress, instruments giving powers of, **3,** 34
divergences from, material and non-material, **3,** 35, 36
growing crops, no deviation in case of, **3,** 37
inability to comply with, **3,** 34
joint parties in, **3,** 36
names of parties in, **3,** 36
object of providing, **3,** 3, 4
powers of sale under, **3,** 42
property other than personal chattels specifically described, assignment of, **3,** 37
requirements in, **3,** 30—53
requisite, when, **3,** 34; **10,** 372
specific description, goods must be capable of, **3,** 27
substituted articles, no deviation in case of, **3,** 37
stock and shares, inclusion of, in, **3,** 21
subject matter of, **3,** 20—30
sub-mortgage of, **3,** 72
subsequent agreements not incorporated in, **3,** 45
substitution of chattels, effect of, **3,** 22—25, 29, 37
successive unregistered, **3,** 53, 54, 64
sum secured by, **3,** 38
minimum allowed, **3,** 30, 31; **21,** 129, 130
tacking, doctrine of, **3,** 72
taxes, effect of distress for, **3,** 54, 63
payment of, **3,** 63, 69, 70
third persons, avoidance against, **3,** 57—63
rights not prejudiced by rectification, **3,** 74, 75
title of purchaser from grantor of, **3,** 67, 68
trade machinery, *defined*, **3,** 25
exceptions from definition of, **3,** 25 n.
personal chattels, as, **3,** 20, 21, 25, 26
substitutions for, **3,** 25, 29
true ownership of, **3,** 29
trading company, by, **3,** 19
transfer of, **3,** 72, 73; **21,** 176
registration in case of, **3,** 52, 72
stamp duty in case of, **3,** 77
transferee of, position of, **3,** 72, 73
true owner,
absolute disposition not subject to rule as to, **3,** 29
avoidance if not made by, **3,** 27, 30

BILL OF SALE—*continued.*
true owner—*continued.*
grantor must be, **3,** 21
growing crops, in case of, **3,** 23, 29
limited avoidance if not made by, **3,** 29
who is, **3,** 30
trust, declaration of, may constitute, **3,** 8, 9; **28,** 12
unregistered, may avoid bill, **3,** 43, 54
trustee in bankruptcy and, **3,** 55—59
unregistered,
execution creditor, as against, **3,** 61
extent of avoidance of, **3,** 54
preference in bankruptcy, **14,** 55 n.
vesting clause in building contract as, **3,** 12, 264
void, cannot be treated as licence to take possession, **3,** 34
payment by grantee under, **3,** 59
possession under, **3,** 34, 54
when valid as regards property not personal chattels, **3,** 22
voluntary, avoidance of, **3,** 62. *See also* fraudulent, *supra.*
winding up of company, bankruptcy rule not applicable in, **5,** 513
withdrawal from possession, high bailiff, by, **17,** 632
sheriff, by, **17,** 592
witness to, address and description of, **3,** 35, 43, 48—50
solicitor as, **3,** 45
writing necessary to constitute, **3,** 5—8
wrongful sale by grantor of, **3,** 67, 68

BILL OF SIGHT,
entry by, **24,** 588

BILL OF STORE,
revenue requirements as to, **24,** 602

BILL POSTING. *See also* ADVERTISEMENT.
hoardings for, licensing of, **23,** 400, 401. *See also* HOARDING.
municipal election, at, **12,** 348
parliamentary election, at, **12,** 294
rating of property used for, **24,** 18, 19
restrictive covenant as to, **27,** 584
unauthorised, in metropolis, **27,** 287

BILLETING,
defined, **25,** 53
billet money, how fixed, **25,** 56
Channel Islands, exemption as to, **25,** 53 n.
complaints in respect of, **25,** 55—58
court-martial of offenders in respect of, **25,** 57
fraudulent claims in respect of, **25,** 58
illegal, how far, **25,** 53
Isle of Man, exemption as to, **25,** 53 n.
methods of, **25,** 54
nature and extent of, **25,** 53
offences, civilians, by, **25,** 53, 57, 58
military persons, by, **25,** 57, 58
payments for, **25,** 56
penalties for offences in connection with, **25,** 53, 57, 58
persons and horses entitled to, **25,** 54
Petition of Right and, **25,** 53
police duties with reference to, **25,** 54—56
private houses exempt from, when, **25,** 55
requisition, under, **25,** 54, 56
Territorial Force embodied, where, **25,** 55, 56

BILLETING—*continued.*
route, by, **25,** 54, 55
constable's power as to, **25,** 54, 55
exemptions from, **25,** 55
Territorial Force, of, **25,** 55, 56, 71

BILLIARDS,
legality of game of, **15,** 286
licence for, grant of, **19,** 569; **27,** 424, 425
police powers as to, **22,** 502
offences relating to, **27,** 425, 426
public table without a licence, keeping, **27,** 425
room for, constable's power to enter, **27,** 426
licence for, **27,** 424, 425
regulations affecting, **27,** 424—426
unlicensed, penalty for keeping, **27,** 425
Sunday, Christmas Day etc., play not allowed on, **27,** 426

BILLS OF MORTALITY,
defined, **15,** 46 n.
fire insurance moneys, application of, within, **3,** 191; **25,** 615 n.
limits of, **3,** 191 n.

BINDING OVER. *See also* ARTICLES OF THE PEACE; BAIL; RECOGNISANCE.
coroner, by, **8,** 289
girl exposed to seduction or prostitution, of parent or guardian of, **17,** 164
good behaviour, to be of, **9,** 412—414; **19,** 605
indictment, to answer to, **9,** 332
judgment, to come up for, **9,** 413; **19,** 605
keep the peace, to, **9,** 412—414
prosecutor, of, by magistrates, **9,** 320, 321, 332
witnesses, of, **9,** 321
youthful offenders, of, **9,** 425

BINNACLE LIGHT,
not a proper stern light, **26,** 402 n.

BIRCH,
punishment by. *See* CORPORAL PUNISHMENT; WHIPPING.

BIRDS,
distress upon, **11,** 138
fowl of warren, when, **15,** 215
game. *See* GAME; GAME DEALER; GAME LICENCE; GROUSE; PARTRIDGE; PHEASANT etc.
defined, **15,** 208
eggs of. *See* EGGS.
wild, law as to, **1,** 405—409
close time for, **1,** 406, 407; **15,** 209, 210
eggs of, destruction of, **1,** 408
larceny of, **15,** 214
game, as, **15,** 209
traps for, **1,** 407, 409
Wild Birds Protection Act, 1880, and, **15,** 209

BIRETTA,
use of, **11,** 675

BIRMINGHAM,
local court of, **9,** 144
University of, constitution of, **12,** 96
matriculation at, articled clerk, of, **26,** 712 n.

BIRTH,
abroad, registration of, **6,** 437; **24,** 457—459; **26,** 658
British consul, registration by, **6,** 437; **24,** 458, 459; **26,** 658
return by, as to, **24,** 460; **26,** 658
British ship, on, entry in log of, **26,** 658. *See* sea, at, *infra.*
registration of, **24,** 457, 458
return of, **26,** 641
certificate, *defined,* **24,** 450
forgery etc., of, **9,** 737, 741—743
friendly society, privilege as to, **15,** 123 n.
navy, of person entering, **25,** 9
reduced rate, at, for Insurance Act, **28,** 888 n.
concealment of, **9,** 598
conviction for, murder indictment, on, **9,** 592
identification of dead body in case of, **9,** 599
date of, evidence as to, **11,** 19; **13,** 533
register of baptism, not evidence of, **11,** 687 n.; **13,** 537
day, computation of time from, **27,** 454
domicil of parents at time of, legitimacy decided by, **6,** 224, 274; **11,** 19
except as regards English real estate, **6,** 273; **11,** 10, 20
emigrant ship, on, **26,** 348
evidence with regard to, **11,** 19; **13,** 470, 533, 537—539; **25,** 9, 353
false statement regarding, **9,** 537; **24,** 451 n.
foreign country, in, returns of. *See* abroad, *supra.*
foundling, of, registration of, **24,** 451
insurance against, **17,** 512
friendly society, by, **15,** 124
issue, of, necessary for estate by the curtesy, **24,** 186
legitimacy,
declarations with regard to, evidence, as, **13,** 470
gestation, judicial notice of period of, with respect to, **13,** 495; **16,** 479
law of country of birth, in relation to, **6,** 224, 272—274; **11,** 10, 19
presumption of, **13,** 504, 505; **16,** 479
local authority, return to, **24,** 442
medical practitioner, duty of, **20,** 339
notification of, **20,** 339; **24,** 450, 451, 452 n.
metropolitan borough councils and, **20,** 404, 405
portion vesting at, **25,** 593
posthumous child, of, deemed to be prior to death of father for purpose of succession, **11,** 19
prison, in, registration of, **24,** 445 n.
proof of, **11,** 19; **13,** 533, 537—539; **25,** 9, 353
register of, **24,** 436, 445
alteration or correction of, **24,** 447, 459
certified copies of, kept at general register office, **24,** 436
clerical error in, correction of, **24,** 447, 459
consul, to be kept by, **6,** 437; **24,** 458—460
custody of, **24,** 438, 447
evidence, as, **13,** 533
extract from, evidence on mere production, **13,** 534
form of, **24,** 445
alteration of, **24,** 446
indexes of, Registrar-General must cause to be made, **24,** 438

BIRTH—*continued.*
register of—*continued.*
loss or injury to, penalty for, **24,** 448
offences in relation to, **9,** 741, 742
particulars required for, **24,** 445
searches in, **24,** 449, 450
transmission of, to superintendent, **24,** 448
registrar, appointment of, **24,** 440, 441
duties of, **24,** 441—444. *See* REGISTRAR OF BIRTHS AND DEATHS.
registration of, **20,** 339; **24,** 436, 445, 450, 451
British consul, by, **24,** 458, 459, 460; **26,** 658
certificate of, **24,** 450
delayed, **24,** 452
districts for, **24,** 439, 440
foundling, in case of, **24,** 451
General Register Office, at, **24,** 436
illegitimate child, **24,** 445 n., 451 n., 459
India, in, **24,** 458
information, person to give, **24,** 450, 451
foundling, in case of, **24,** 451
medical practitioner, **20,** 339
re-registration, in case of, **24,** 459
removal from sub-district, **24,** 451 n.
medical practitioner's duty with regard to, **20,** 339
name of child, **24,** 445 n., 459
particulars to be registered, **24,** 445
registrar's duties with regard to, **24,** 441, 442; **26,** 658
sea, where occurring at, **24,** 437, 457; **26,** 64, 348, 658
Board of Trade's authority in respect of, **27,** 513
stillborn child, of, not necessary, **24,** 451 n.
time limits for, **24,** 451, 452
twins, hour of birth, **24,** 445 n.
workhouse, in, **24,** 445 n.
remainder taking effect at, **25,** 596 n.
sea, at, registration of, **24,** 437, 457; **26,** 64, 348, 658; **27,** 513
settlement by, poor law, duration of, **22,** 577, 578
exceptions as to, **22,** 578, 579

BISHOP. *See* BISHOPRIC.
defined, **11,** 396
abroad, for spiritual sphere, **11,** 489, 498, 499
ad valorem payments by, commutation of, **11,** 400
age for, minimum, **11,** 396, 550
allotments, charge on, for common inclosure expenses, consent to, **4,** 583
Anglican Communion, Conference of Bishops of, **11,** 485 n.
appeal from, to archbishop, in respect of pension, **11,** 631
appointment of, **6,** 395—399; **11,** 386, 396, 398, 399
archbishop, duties in regard to, **11,** 396, 398
colonial, **6,** 398, 399; **10,** 539; **11,** 487—492
Crown, by, **6,** 395; **11,** 383, 396
foreign countries, to, **11,** 498
India, to, **11,** 495, 496
objections to, **11,** 397
archbishop, mandate of, to, convocation, for, **11,** 385
installation, for, **11,** 399
power of, to try and deprive, **11,** 385, 407
visitation of, **11,** 385
authority over clergy of, **11,** 400, 406, 410, 491
Bath and Wells, of, rights at coronation, **6,** 333

BISHOP—*continued.*
benefice, presenting to lapsed, **11,** 400, 426, 587, 590
burial ground, consecration of, **3,** 412, 413, 438, 466, 509
additional ground, **3,** 412, 413
cemetery, **3,** 509, 512, 517
guardians, land belonging to, **3,** 543
refusal to consecrate, **3,** 467
cathedral, as visitor of, **11,** 385, 540 n.
chancellor of. *See* CHANCELLOR.
chaplain of, **11,** 386, 400, 652
charge to clergy of, privilege as to, **11,** 403
charity, as trustee or visitor of, **4,** 289—291, 317
church, consent to use of, before consecration, **11,** 719, 729
consecration of, by, **11,** 719, 728, 729. *See* CONSECRATION.
petition for, **11,** 729
churchwarden, declaration by before, **7,** 27 n.; **11,** 465
churchyard, consecration of, **3,** 412, 413; **11,** 719, 728—730
coadjutor, **11,** 389, 405
collation by, canon, of, **11,** 428
clergy, of, lapse, on, **11,** 426, 587, 590—593, 601
patron, as, **11,** 601, 602
colonial, appointment etc. of, **6,** 398, 399; **10,** 539; **11,** 405, 484 n., 486 n., 487—494
choice of, by local synod, **10,** 538; **11,** 494 n.
Colonial Bishoprics Fund, **11,** 484 n.
consecration of, **6,** 399; **11,** 386, 488, 489, 491, 498 n.
ministry, ordination for, by, **11,** 488
sphere outside colony, with, **11,** 499
territorial title of, **11,** 489
colonies, episcopal organisation in, **11,** 488, 492
commissary of, **11,** 412, 505
confirmation by, **11,** 688
of, **11,** 397, 398
objections to, **11,** 398
mandamus to hear, **10,** 92
consecration of, **11,** 397, 398, 488
abroad, for spiritual sphere, **11,** 489, 498
colonial, of, **11,** 489
Crown discretion as to, **11,** 489
Indian, **11,** 496
consistory court, chancellor appointed by, **11,** 400, 412
costs in **11,** 413
deputy chancellor appointed by, **11,** 507
jurisdiction over, of, **11,** 413, 505
no appeal from, to decision of, **11,** 413, 506
trial of cause where interested party, **11,** 413, 506
veto of proceedings in, **11,** 389, 407
convocation, summons to attend, by citation or mandate, **11,** 391, 392
coronation, Bishop of Bath and Wells at, **6,** 333
Bishop of Durham at, **6,** 333
homage at, **6,** 328
corporation sole, is a, **8,** 306; **11,** 404, 793
criminal cases in House of Lords, withdrawal from, of, **9,** 22 n.; **11,** 404; **21,** 621
criminal clerk pardoned, admission of, **11,** 523, 524
Crown, appointment in patronage of, **6,** 392, 395; **11,** 383, 396
chaplain of, right to maintenance at expense of, **6,** 394

BISHOP—*continued.*
curate, appointment of, by, **11,** 614
cure of souls, has, **11,** 442 n., 609
dean of cathedral, as, **11,** 417
deprivation of, **11,** 385, 407
diocesan court of. *See* consistory court, *supra.*
diocese of. *See* DIOCESE.
Durham, of, coronation rights of, **6,** 333
revenue, rights as to, **7,** 216
duties generally, **11,** 400, 401
election of, **6,** 395—397; **11,** 396
congé d'élire for, **6,** 395, 396, 398; **11,** 396, 399
fitness of bishop elect, archbishop in relation to, **11,** 398
episcopal visitation by, **11,** 409, 465
fees payable by, **6,** 398; **11,** 400
fencing of ecclesiastical property, and, **3,** 130
firstfruits and tenths, payment of, **11,** 400, 779, 800
foreign countries, for, **11,** 489, 498, 499
homage by, **7,** 25, 54; **11,** 399
coronation, at, **6,** 328
House of Lords, as member of, **11,** 403, 404; **21,** 619; **22,** 262
spiritual duties in relation to, **21,** 622
income of, **11,** 406
Crown's right to, on vacancy, **6,** 392; **11,** 383
incumbent, alternatives, bishop cannot compel to adoption of one of two, **11,** 406
collation of, lapse, on, **11,** 400, 426, 587, 590—593, 601. *See* COLLATION.
patron, as, **11,** 601, 602
commission of inquiry as to neglect of duty by, may issue, **11,** 407, 613, 614
curate appointed in case of neglect of, **11,** 614
curate's stipend, neglecting to pay, powers of, **11,** 623
divine service, may enforce, by, **11,** 613
may perform, without licence of, **11,** 609
induction of, mandate issued for, **11,** 602
court cannot order, **4,** 252
inhibition of, by, **11,** 614, 621
institution of, by, **11,** 601, 602
refusal to institute, **11,** 512, 600
licence for non-residence granted to, by, **11,** 611
revoked by, **11,** 612
non-resident, monition to, by, **11,** 622
sequestering benefice of, **11,** 622, 623
performance of duties by, enforcement of, **11,** 613, 614
preferment of, may declare vacant, when, **11,** 523
Queen Anne's Bounty money, failing to pay, power in case of, **11,** 624
resignation of, enquiry as to, **11,** 629
to be made to bishop, **11,** 627, 628
return as to residence by, to, **11,** 612
sentence on pronounced by, **11,** 527, 539
sequestration of benefice of, by, **11,** 616 *et seq.*
stipend appointed to, by, on sequestration, **11,** 620
India, for, **11,** 495, 496
inhibition by, incumbent, of, **11,** 614, 621
inferior clergy of, on visitation of, **11,** 411
injunction against, **4,** 252; **17,** 226, 227
installation of, **6,** 397; **11,** 386, 399
institution of presentee to benefice by, **11,** 597
refusal of, **11,** 598
appeal against, **11,** 512, 589, 592

BISHOP—*continued.*
judge,
ancient county court, of, **11,** 499
consistory court, of, when, **11,** 412, 505, 506
hundred court, as, **11,** 499
visitation, on, **11,** 410
jurisdiction in colony or dependency of, **11,** 488 n., 489—491, 498
foreign countries of, **11,** 498, 499
jus liturgicum of, **11,** 406 n., 659 n.
land tax, redemption of, **18,** 330
letters patent, appointment by, of, **6,** 396, 397, 398; **11,** 396, 399, 496 n.
colonial bishop appointed by, **6,** 398; **7,** 13 n.
colonial sees no longer created by, **6,** 398; **11,** 491 n.
licence of, chapel for banns and marriage, **11,** 697
chaplain, for, **11,** 650, 651
curate, for, **11,** 638. *See* CURATE.
perpetual curacy, in case of, **11,** 602
divine service in unconsecrated building, for, **11,** 609
marriage, **11,** 701 *et seq.* *See* MARRIAGE, LICENCE.
minister of chapel, **11,** 646, 647
non-residence, for, **11,** 611
preacher or lecturer, **11,** 645
tombstone, to remove, **3,** 535, 536
unbeneficed clergy, to, **11,** 636
London, of, jurisdiction in colonies of, **11,** 488 n.
ordination for ministry abroad, **11,** 498, 553
mandamus to, **10,** 92; **11,** 513
monumental inscriptions, control over, **3,** 511, 522; **11,** 541
structures, control over, **3,** 522, 535, 536; **11,** 540, 541
nomination of, **6,** 392, 393; **11,** 396
oath by, **6,** 397; **7,** 25, 26 n.; **11,** 386, 397, 489, 495, 498
colonial, in case of, **11,** 489
obedience to, **11,** 406, 410, 538, 613
enforcement of, **11,** 512, 521, 534—538, 622
oath of, **11,** 401, 406
officials appointed by, **11,** 412
ordination by, **11,** 401, 549—553
ordinee, when liable to maintain, **11,** 401
ornaments of, **11,** 402
pastoral staff of, **11,** 403, 675
patronage of, **4,** 250; **11,** 406, 581. *See* COLLATION.
canons, as regards, **11,** 427, 428, 429
peculiars, diocese, of, exempt from jurisdiction, **11,** 395, 411
statutory powers over, **11,** 412
peer, is not a, **11,** 403, 404; **21,** 621; **22,** 262
petition to, for consecration, **11,** 729
powers of, generally, **11,** 400 *et passim.*
Church Discipline Act, in regard to, **11,** 526—530
deposition, of, **11,** 539
precedence of, **11,** 404
preferments, vacation of, on election, **11,** 405
presentation to benefice by, **11,** 400, 406, 581, 601, 602. *See* collation, *supra.*
prison visit by, **23,** 236
privy council, homage before, of, **7,** 54
procurations of, **11,** 411
prohibition of, **11,** 415
public documents, when bishop's documents are, **13,** 530, 531

BISHOP—*continued.*
public worship, powers as to, of, **11,** 406, 528, 613, 659—662
qualifications of, **11,** 396
register of, as evidence, **13,** 474, 538
repair of episcopal property, **11,** 771, 772; **14,** 90
residence of, **11,** 401
resignation of, **11,** 407
benefice, of, to, **11,** 627, 628
retiring allowance of, **11,** 407 n.
ring, illegal, **11,** 402
Roman Catholic, a corporation sole, not, **8,** 306 n.
gift for establishment of, valid, **4,** 121; **11,** 810
rubrics, bound by, when officiating, **11,** 388, 389
interpretation of, by, **11,** 676
sanction of, to foundation of church, right to give or withhold, **11,** 719
secretary of, **11,** 400
sequestrari facias de bonis ecclesiasticis or *fieri facias de bonis ecclesiasticis*, writs of, **11,** 771, 772; **14,** 90
sequestration of benefice, **11,** 616—626. *See* SEQUESTRATION OF BENEFICE.
spiritualities of, **11,** 408
style and title of, **11,** 403, 404, 489, 498
suffragan, income of, **11,** 405 n.
position and powers of, **11,** 404, 405
temporalities of, **11,** 408
territorial jurisdiction of, **11,** 488 n., 489—491, 498, 499
title of, **11,** 489, 490
tombstones, control over, by, **3,** 511, 522, 535, 536
translation of, **11,** 399
fees payable on, **11,** 400 n.
trial of, not by peers in Parliament, **11,** 385, 403, 510, 513; **21,** 621
triple preconisation, **11,** 397
trustee or visitor, charity, of, **4,** 289—291, 317
patronage, of, **11,** 581
vestments of, **11,** 389 n., 402, 675
veto of, **11,** 389, 407
visitation by, charity, of, **4,** 289—291; **11,** 409, 465; **23,** 236
diocese, of, **11,** 409—412. *See* VISITATION.
entries by, on, as evidence, **13,** 530
prison, of, **23,** 236
visitation of, archbishop, by, **11,** 385
waste, liability for, **11,** 768, 772
wife's rank, **11,** 404 n.
Winchester, of, Court of, **9,** 212

BISHOP'S LIBERTY OF THE SOKE OF WINCHESTER,
jurisdiction in, **9,** 212

BISHOPRIC,
charitable character of, **4,** 112, 121
creation of, **4,** 112, 121; **11,** 384 n., 405, 484 n., 491
colonial, **6,** 398; **10,** 537, 539; **11,** 405, 484 n., 487, 491 n.
Colonial Bishoprics Fund, administration of, **11,** 484
Crown, powers of, as to, **11,** 383, 407, 408
temporalities, guardian of vacant, **6,** 392; **11,** 383, 408
fee simple in, bishop has, **11,** 408
gift, conditional, to, **4,** 158
resignation of, **11,** 407
vacancy of, **11,** 383, 407, 408

BISULPHIDE OF CARBON WORKS,
defined, **23,** 405 n.
statutory provisions as to, **23,** 404—414. *For these provisions see under* ALKALI WORK.

BISULPHITE WORKS,
defined, **23,** 405 n.
statutory provisions as to, **23,** 404—414. *For these provisions see under* ALKALI WORK.

BLACK BEER,
customs duty on, **24,** 594
licence for, **18,** 16; **24,** 630
Revenue Acts, beer within, **15,** 45; **18,** 6; **24,** 630 n.
spruce beer, distinguished from, **18,** 16 n.

BLACK GAME,
close season for, **15,** 209, 210 n.
damage to crops by, **15,** 224
eggs of, **15,** 214 n., 236
game, as, **15,** 208, 236, 242 n., 258

BLACK GOWN,
legality of, **11,** 376

BLACK LIST,
habitual drunkards, of, **18,** 167, 168
trade disputes, in, **27,** 658

BLACK ROD,
gentleman usher of, **9,** 23, 24; **21,** 630, 631, 692, 790
appointment of, **21,** 631

BLACKLEG,
society's rule as to circulation of name of, whether illegal, **27,** 603 n.

BLACKMAIL,
offences constituting, **9,** 669 *et seq.*; **18,** 740. *See* EXTORTION.

BLANDFORD FORUM,
local court of, **9,** 145

BLANDFORD PARISHES,
formed under Blandford Act, **11,** 444 n., 445 n.

BLANK
acceptance of bill of exchange, acceptor becoming bankrupt before issue, effect, **2,** 484 n.
authority to fill up, **2,** 483; **13,** 392
completion after acceptor's death, **2,** 483 n.
fraudulent completion and issue, effect, **2,** 483 n., 513
holder filling up, not a holder in due course, **2,** 484 n.
particulars in, authority to fill up, **2,** 484; **13,** 392
partner, by, not binding, **2,** 493
security, whether a, **2,** 484 n., **9,** 642 n.
bill of exchange, blank stamped paper signed, **2,** 471, 483, 513
indorsement in, **2,** 479, 480, 505, 557
payee's name left, **2,** 472, 473
bond, in, filling up after execution, **3,** 98
parol evidence to supply, **3,** 83
building contract, in, construction of, **3,** 173
charitable gift with name of charity left in, **4,** 197; **28,** 635 n.

BLANK—*continued.*
cheque, filling in, in excess of authority, forgery, **9,** 712 n.
space in, filling up, estoppel in case of, **1,** 616; **2,** 556 n.; **13,** 401
theft and negotiation of, effect, **13,** 401
contract, in, evidence as to, **3,** 173
debenture, indorsement in, as equitable assignment, **4,** 377
deed, in, filled up having reference to context, **10,** 455 n.
filling up, whether avoiding, **10,** 384, 412 n.
deed of transfer is inoperative, **27,** 237
delivery order, authority to fill up, **13,** 392
promissory note, fraudulent filling up and issue, estoppel in case of, **2,** 483 n.; **13,** 401
space, cheque, in, filling up, estoppel in case of, **1,** 616; **2,** 556 n.; **13,** 401
summons in county court, filling up and signing, **9,** 736 n.
transfer, agent, in hands of, **1,** 636; **27,** 238
American securities, of, **27,** 237
authority conferred by, **1,** 636; **5,** 191; **27,** 237, 238
completion of, effect of, **5,** 191, 192
cover, as means of, **27,** 236, 237
equitable mortgage by deposit of, **5,** 191; **21,** 246; **27,** 236—238
filling in, estoppel in case of, **13,** 400 n., 412
forgery by, **27,** 238
number and description of shares after execution, **5,** 192 n.
redelivery after, **1,** 636
foreign share certificates, on back of, probate duty, **5,** 762
gift, effect as, **15,** 411 n.
ineffectual to pass legal estate, when, **1,** 636; **27,** 237
notice of possible infirmity in title as, **27,** 236
registered holder transferring by, **27,** 237
warrant, issued in, illegal, **9,** 574
will, in, *cyprès* doctrine and, **28,** 635 n.
evidence to fill up, **28,** 635 n.
filled up, by construction, **28,** 675 n., 679 n.
pencil, in, **28,** 547
presumption in case of, **28,** 560
inspection to explain, **28,** 634 n.

BLASPHEMY,
defined, **9,** 530, 531
blasphemous libel, **9,** 531
deprivation for, **11,** 538
offence of, **9,** 530, 531
ecclesiastical law, in, **11,** 653

BLAST FURNACE,
defined, **14,** 439

BLASTING,
coal mine, in, regulations as to, **20,** 615, 616
special rules as to, power to make, **20,** 621
explosive for, licences not required for, **14,** 364
highway, near, **16,** 156
liability for illegal, **16,** 156; **21,** 375 n.
metalliferous mine, in, regulations as to, **20,** 629

BLEACHER,
trade usages of, **10,** 275

BLEACHING WORKS,
defined, **14,** 438
child, employment of, in, **14,** 490, 491

BLEACHING WORKS—*continued.*
hours of employment in, **14,** 490, 491, 501
women and young persons, employment of, in, **14,** 490

BLENDED,
gift by will, **28,** 600. *See* MIXED FUND.

BLIND,
affidavit of person who is, **2,** 318 n.; **8,** 520; **13,** 627; **16,** 535
alley. *See* CUL DE SAC.
child, *defined,* **12,** 41. *See also* DEFECTIVE CHILD.
children, certified schools, in, religious instruction of, **12,** 43
education of, compulsory, **12,** 55, 60
expenses of, **12,** 44
grants in aid of, **12,** 11 n., 12, 49, 50
local education authority and, **12,** 40, 41
parents' contribution towards, **12,** 51
parents' duty as to, **12,** 60; **17,** 115
period of compulsory education of, **12,** 55
special elementary, **12,** 24, 25
guardians' powers as to poor, **12,** 83
deaf and dumb and, gift by, **15,** 403
deed of person who is, execution of, **10,** 393
dog of person who is, licence in case of, **1,** 404
education of, local education authority and, **12,** 17, 18 n., 25
public expense, at, parents' franchise unaffected by, **12,** 143
national insurance, employed contributor who is, **28,** 906 n.
pauper, maintenance of, **22,** 565
postal rates for books for, **22,** 638
probate of will of person who was, **14,** 167
proxy of person who is, **5,** 468, 469
school for, grant by Board of Education to, **12,** 11 n., 12
voter, **12,** 317
will of person who is, probate of, **14,** 167

BLINDS,
footway, over the, **27,** 283, 287

BLOCK SYSTEM,
Board of Trade order to adopt, **23,** 693

BLOCKADE,
abandonment of voyage in consequence of, not a peril insured against, **17,** 438, 439
breach of, barratry, as, **17,** 444
capture of vessel committing, **23,** 279
liability for, **23,** 279, 280
ship liable to capture for, policy on, void, **17,** 430
what is, **23,** 279
charterparty, rights under, how affected by, **26,** 109
effective, must be, **23,** 280, 281
loss occasioned by, when underwriter excused from, **17,** 438, 439
marine insurance, effect of, in, **17,** 430, 438, 439, 444
nature of, **23,** 279—281
neutral ship, in relation to, **6,** 447; **23,** 279, 280
notice of, essential to validity of capture, **6,** 447; **23,** 280
to master is notice to shipowner, **23,** 280
when master presumed to have, **23,** 280

BLOCKADE—*continued.*
promulgation of, **6,** 447 ; **7,** 15
extent must correspond with actual, **23,** 281
raising of, proclamation of, **6,** 447
running, partnership for, **22,** 16 n.
validity of, **6,** 447 ; **23,** 280

BLOCKING MOTION,
House of Commons, in, **21,** 669

BLOOD,
attainted, restitution in case of, **21,** 727 ; **22,** 276
boiler, consent to carry on trade of, **23,** 562
establishment in London of, **23,** 565
corruption of, attainder, on, **6,** 457 ; **9,** 20 ; **22,** 275, 276
treason or felony, on conviction for, abolished, **9,** 428 n. ; **11,** 26 n.
poisoning, Workmen's Compensation Act, 1906, and, **20,** 162 n., 170 n.
privity of, **13,** 344, 459
bastard, none in case of, **2,** 440
estoppel by, **13,** 344
fee simple, descent in, half blood, in case of, **11,** 11
forfeiture through attaint, as causing, **9,** 428 n. ; **11,** 26 n. ; **24,** 330 n.
title by purchase or from another ancestor excludes estoppel from, **8,** 95 ; **13,** 345

BLOW,
assault and battery, as, **9,** 606—610. *See* ASSAULT ; BATTERY.
trespass in respect of, **27,** 874

BLUE ENSIGN,
vessels entitled to hoist, **6,** 362 n. ; **26,** 660

BLUE PAPER,
agenda of House of Commons proceedings notified by, **21,** 670 n.

BOARD,
Admiralty, of, **7,** 88 ; **25,** 6. *See* ADMIRALTY, THE.
Agriculture and Fisheries, of. *See* BOARD OF AGRICULTURE AND FISHERIES.
directors, of, in relation to promoters, independent, **5,** 54. *See* DIRECTORS.
Education, of. *See* BOARD OF EDUCATION.
guardians, of. *See* BOARD OF GUARDIANS.
highway, powers of, **16,** 25 n.
Inland Revenue, of. *See* BOARD OF INLAND REVENUE.
Local Government. *See* LOCAL GOVERNMENT BOARD.
Ordnance, of, transfer of powers to Secretary of State for War, **7,** 95
public, bribery of members of, **12,** 141
road, powers and duties of, **16,** 13, 28, 29, 48, 49, 94, 106, 129, 196, 201. *See* ROAD BOARD.
Trade, of. *See* BOARD OF TRADE.
visitors, of. *See* BOARD OF VISITORS.

BOARD AND LODGING,
apprentice, in case of, **20,** 118 ; **25,** 501
boarding out of children by guardians, **22,** 564, 565
master's duty to provide for apprentices and servants, **20,** 118
prosecution for neglect of, **9,** 623 ; **22,** 541

BOARDAND LODGING—*continued.*
set-off, claim for sum due for, not subject of, **25,** 501
Workmen's Compensation Act, 1906, remuneration within, **20,** 201

BOARD OF ADMIRALTY,
administration of the Navy by the, **7,** 88 ; **25,** 6

BOARD OF AGRICULTURE AND FISHERIES,
actions by or against, **1,** 299
administrative powers transferred to, **1,** 297—299, 360 ; **12,** 15 n.
agricultural
education, powers as to, **1,** 298 ; **12,** 15
holdings, powers as to, **1,** 298
produce, offence relating to, prosecution for, **1,** 299
agriculture, promotion of, by, **1,** 298 ; **12,** 15
allotments, annual report as to, **1,** 360
appropriation for, common inclosure powers, under, **1,** 335
compensation, appeal in respect of, to, **1,** 356
compulsory hiring scheme submitted to, **1,** 345
compulsory purchase, order for, submitted to, **1,** 348
co-operative working, consent to, of, **1,** 355
grant in aid of, **1,** 361
Local Government Board powers transferred to, **1,** 360
petition for compulsory acquisition for, **1,** 348, 349
small holdings, in case of, **1,** 350
sporting rights over, provisional order as to, **4,** 577
substitution of other land, power of, **1,** 336
transfer of management subject to consent of, **1,** 349
waste land of common, out of, **1,** 336
analysis of food, control over, **1,** 299 ; **15,** 7, 13, 15 n., 29 n.
analysts, appointment of, **1,** 287, 299 ; **15,** 8 n.
animals, carriage of, controlled by, **1,** 433 ; **4,** 39
compensation for slaughtered, fixed by, **1,** 429
conveyance by sea of, powers as to, **1,** 424, 433
diseases of, powers in case of, **1,** 421 ; **20,** 32. *See* DISEASES OF ANIMALS.
importation of, controlled by, **1,** 424
infected areas, powers to declare, **1,** 425, 426
infected circles, power to declare, **1,** 427
isolation of diseased or suspected, **1,** 422, 423
markets or fairs for sale of, may prohibit, **1,** 423 ; **20,** 32 n., 53
slaughter of
diseased, regulated by, **1,** 298, 427, 428
foreign, regulated by, **1,** 427
apportionment of
improvement charges by, **18,** 299
rent by, **3,** 113 ; **7,** 206, 207 ; **21,** 833
arbitration, costs, scale fixed by, **6,** 169
arbitrator appointed by, for compensation claim, **1,** 264 ; **6,** 168
Assistant Commissioner, appointment of, by, **4,** 500, 555
boundaries, settlement of, in connection with, **4,** 550—552
commons, counter-claims, as assessor to decide, **4,** 555
metropolitan, inquiry into scheme for regulation of, **4,** 607
decision of, appeal from, **4,** 551, 552, 559

BOARD OF AGRICULTURE AND FISHERIES—*continued.*
Board of Education, co-ordination with, **12,** 15 n.
Board of Trade, powers of, over fisheries, transferred to, **4,** 536 ; **27,** 513 n.
boundaries, powers as to, **3,** 112—114 ; **4,** 550—553 ; **8,** 47, 128
powers under Survey Act, 1870, **1,** 298
butter, regulations as to, **15,** 54, 59, 60
milk-blended, regulations as to, **15,** 58—61
canal as improvement, powers in case of, **18,** 280 n., 300
cattle markets, powers as to, **1,** 292, 423 ; **20,** 28, 30, 53
regulation of weighing of cattle in, **1,** 292 ; **20,** 28, 29
returns as to, **20,** 30
certificate of, conclusive evidence, **1,** 299
light railway, as to, **27,** 839, 840
certiorari, writ of, against, **10,** 175
charity lands, consent to exchange of, **4,** 232
partition of, **4,** 234
property, consent to investment of, of, **4,** 241
cheese, regulations as to, **15,** 54
Colorado beetle, regulations as to, **1,** 280 n.
Commissioner of Works, powers transferred from, **1,** 298
Commissioners of Sewers, appointment of, **25,** 774
sanction to acts of, **25,** 782, 784, 785
common, allotment out of waste land of, by, **1,** 336
approvement of, consent to, **4,** 509
boundaries of, powers as to, **3,** 112, 114
inclosure, appeal, boundaries, as to, **4,** 551
High Court to, from, **4,** 558, 559
application for, to, **4,** 543, 544 : **20,** 533
notice of, **4,** 543, 598, 599, 600
award on, of, **4,** 560
charge on allotments for expenses of, by consent of, **4,** 583
claims out of time, powers as to, **4,** 554
compensation in lieu of allotment, may sanction, **4,** 581
consent to, of, **4,** 509, 510 ; **6,** 19
jurisdiction of, **4,** 541
meeting to appoint valuer called by, **4,** 548
notice to reversioners before certifying, **4,** 588
origin of powers of, **4,** 536
provisional order for, **4,** 544, 545
consents necessary, **4,** 546, 547
recreation purposes, allotment for, by, **4,** 590
sale on exchange of land for, may authorise, **4,** 592, 596
rehearing of claims, powers as to, **4,** 558
report to Parliament on, **4,** 547
representatives of persons under disability appointed by, **4,** 543
sale in lieu of division by order of, **4,** 559
surplus purchase money paid to trustees approved by, **4,** 584
title, cannot investigate, **4,** 556
valuer, alteration of award of, may approve, **4,** 581
authority of, as to, **4,** 549, 550, 581, 583, 585, 588
award of, confirmation by, **3,** 113 ; **4,** 553, 586
rectification of award of, by, **4,** 587
purchase, powers as to, **4,** 492—499 ; **6,** 19
regulation of, by, **1,** 335 ; **4,** 544

BOARD OF AGRICULTURE AND FISHERIES—*continued.*
compensation paid in respect of small holdings by, **26,** 671, 672
constitution of, **1,** 297 ; **7,** 104
copyhold, boundaries, powers as to, **3,** 112, 114; **8,** 47, 128
enfranchisement. *See* ENFRANCHISEMENT.
corn returns to, **28,** 490
crops, destruction of tainted, **1,** 280
Crown lands, apportionment of rent etc. on, **7,** 206, 207
documents of, unlawful printing of, **23,** 226
dogs, importation of, controlled by, **1,** 402, 403
muzzling and collars of, regulated by, **1,** 401
rabies, powers in case of, **1,** 402, 421
slaughter of, regulated by, **1,** 401, 402
straying of, prevention by, **1,** 281, 401
drainage, authorisation of works for, by, **4,** 561 ; **18,** 301, 302
consent to separate district for, by, **25,** 788
loan for, by, **18,** 303
reports by tenant for life to, **19,** 293
educational powers of, **1,** 298 ; **12,** 15
Board of Education and, **12,** 15 n.
evidence from documents of, **1,** 299 ; **3,** 144, 146 ; **25,** 352
exchange of lands by order of, **24,** 296, 297
charity, in case of, **4,** 232
partition, in lieu of, **21,** 833
expenses of analysing food, how defrayed, **15,** 7
fairs. *See* market, *infra.*
fertiliser or feeding stuff, analysis of, regulations as to, by, **1,** 289
analyst of, appointed by, **1,** 287
may not sell or import during office, **1,** 287
report of, to, **1,** 288
consent to prosecution for offence in respect of, by, **1,** 290
field gardens, powers as to, **1,** 335—338
reports concerning, to, **1,** 336 ; **4,** 592—594
fisheries, freshwater, regulation of, **14,** 594—600, 602—606
borrowing by conservators, power to sanction, **14,** 602
close time fixed by, **14,** 597
conservators' bye-laws approved by, **14,** 597
districts, alteration of, by, **14,** 596, 597, 598
creation of, by, **14,** 600
petition for reduction of, to, **14,** 606
fish-pass over dam, consent to construction of, **14,** 595, 596, 603
gratings, approval of, by, **14,** 596
license duties, powers as to, **14,** 597, 603
officer appointed by, **14,** 598
provisional orders as to, by, **14,** 598, 604
parliamentary confirmation of, **14,** 599
scope of, **14,** 599, 600
river, declaration of extent of, by **14,** 594
fisheries, sea, regulation of, **14,** 621—624, 626
bye-laws confirmed by, **14,** 621, 623
crab and lobster fishing, orders as to, by, **14,** 622
districts created by, **14,** 621
expenses of restocking, may sanction, **14,** 624
oyster beds, powers as to, **14,** 622
returns by local committees to, **14,** 624
fishing industry, offence against, prosecution by, **1,** 299
food, regulations as to butter and margarine factories, inspection, **15,** 60

BOARD OF AGRICULTURE AND FISHERIES—*continued.*
food—*continued.*
default of local authorities, power in case of, **15,** 7
marking margarine, **15,** 57
regulations as regards standards of purity, **15,** 11, 54, 64, 65, 67
samples, procuring of, **15,** 7, 13, 15 n.
foot and mouth disease, notice of, to, **1,** 422
forestry, promotion of, **1,** 298; **12,** 15
forged documents of, offences as to, **23,** 226
fuel allotments, appointment of trustees for, **1,** 333, 334
glebe lands, approval of sale of, **1,** 298; **11,** 765
herrings, powers as to sale of, **28,** 484, 487
Home Secretary as member of, **7,** 83
horticulture, promotion of, **1,** 298
improvement of land, advance out of public fund authorised by, **18,** 304
application in regard to, **18,** 293—295, 303
approval of, by, **18,** 280—282
certificate of repayment, power to give, **18,** 300
entry, power to grant rights of, **18,** 301, 302
inspection, powers of, **18,** 295, 299
investigation in regard to, by, **18,** 294, 295
particulars to be furnished to, **18,** 281
rent-charges, apportionment of, by **18,** 299
power to sanction for, **18,** 280, 296; **21,** 828; **24,** 477
industrial society's rules, powers in regard to, **17,** 12
small holdings, consent to, **17,** 7
insects, control of importation of, **1,** 280
inspectors of, *defined,* **1,** 425 n.
powers of, **1,** 432; **14,** 595
instruments of, as evidence, **3,** 146
Land Commissioners' powers transferred to, **1,** 297, 298; **4,** 536
light railway, acquisition of commons for, **27,** 834
certification of, **27,** 821, 839, 840
Local Government Board powers transferred to, **1,** 298, 360
local inquiries, public health, regulations as to, **26,** 671
margarine, approval of fancy name for, by, **15,** 57, 58
factory inspected by officer of, **15,** 60
register of, inspected by officer of, **15,** 59
registration of, notified to, **15,** 59
markets, bye-laws for, approved by, **20,** 13, 24, 42
cattle, weighing of, in, controlled by, **1,** 292; **20,** 28
Local Government Board's powers over, vested in, **1,** 298
power to make or revoke orders as to, **20,** 32
prohibition of holding of, by, **1,** 423; **20,** 32 n., 53
returns, receipts to, of, **20,** 13, 29
sale of cattle in, to, of, **20,** 30
merchandise marks, prosecutions in respect of, **1,** 298, 299
milk and cream, regulations as to purity of, **15,** 64, 65, 67
milk-blended butter, approval of fancy name for, by, **15,** 61
factory of, register of, inspected by officer of, **15,** 59
registration of, notified to, **15,** 59
inspection of, by officer of, **15,** 60

BOARD OF AGRICULTURE AND FISHERIES—*continued.*
mines and minerals, reservation of, inclosure award, in, **4,** 545, 573—576
partition order, in, **21,** 833
mining leases by universities and colleges, consent to, **20,** 534
officers of, powers in relation to margarine etc., **15,** 60
orders of, evidence of, **1,** 299
publication in *London Gazette* of, **1,** 281
removal of, *certiorari,* by, **8,** 128; **10,** 175
partition of land, powers as to, **21,** 812, 824—833. *See* PARTITION.
pests, control of importation of, **1,** 280
President of, **7,** 104
private Acts of Parliament, powers under, **1,** 298
Privy Council powers transferred to, **1,** 297
prosecution of offences as to fertilisers and feeding stuffs, consent to, **1,** 290, 291
public schools, powers as to, transferred to, **1,** 298
railway company's capital, consent to charge land with owner's subscription to, **23,** 631
recreation grounds, powers in respect of, **4,** 590, 592, 593, 596
regulations, power to make, **1,** 289, 297—299; **15,** 67
sea wall, obligation to repair, commuted by consent of, **25,** 784
seal of, **1,** 299
Settled Land Acts, powers with regard to improvements under, **18,** 290, 293
sheep dipping, control of, by, **1,** 424, 430
small holdings,
annual report as to, **1,** 360; **26,** 671
commissioners, appointment etc. of, **1,** 350, 351; **26,** 670, 672
compensation, arbitration, costs of, fixed by, **6,** 169; **26,** 681
arbitrator as to, appointed by, **6,** 168; **26,** 681
improvements, for, appeal in respect of, to, **1,** 356
compulsory acquisition for, controlled by, **6,** 168, 169; **26,** 671, 672, 680—682
order for confirmed by, **6,** 168; **26,** 685
compulsory hiring, order for, by, **6,** 169; **26,** 682
county council's report as to, to, **26,** 675
industrial and co-operative societies, lease of allotments to, by sanction of, **17,** 7, 12; **26,** 675, 690
Public Health Acts, local inquiries under, **26,** 671
scheme, power to approve and direct or annul, **26,** 672, 673, 678
Small Holdings Account, grants out of, by, **1,** 361
tithe commutation, powers as to, **3,** 113, 114; **9,** 222, 223
rent-charges, powers as to, **1,** 297; **11,** 747 n., 752; **15,** 407
university or college building lease, consent to, **12,** 93; **18,** 366
estates, powers as to, **1,** 298; **12,** 93; **18,** 366; **20,** 534
mining lease, consent to, **12,** 93; **20,** 534
valuations, powers as to, on partition or exchange, **21,** 829, 830; **24,** 297
stamps on, **28,** 231, 232

BOARD OF AGRICULTURE AND FISHERIES—*continued.*
vegetable substances, control of importation of, **1,** 280
waste, allotment out of, power to order, **1,** 336
inclosure of, grant made with consent of, **4,** 510, 532
water supply, charges in favour of contributors to, **1,** 299; **18,** 282; **28,** 246, 262
weighing of cattle, powers as to, **1,** 292, 298; **20,** 28

BOARD OF EDUCATION,
actions by or against, **7,** 105; **12,** 8
aid grant by, **12,** 10, 11 n., 12, 45, 50
appeal from, to Privy Council, **12,** 104, 105 n., 110
to, against new public elementary school, **12,** 26
appointment of charity trustees by, **4,** 215, 267, 268 n.
art schools, grants to, **12,** 9; **23,** 594
bequest of land for purpose of education, consent to, **4,** 133—136
blind children, powers as to, **12,** 12, 41, 43, 44, 45, 50
Board of Agriculture and Fisheries, co-ordination with, **12,** 15 n.
educational powers transferred from, **12,** 15 n.
building grants by, **12,** 50
bye-laws of local education authority, approval of, **12,** 59
school attendances, relating to, **12,** 13
canal boat children, powers as to, **12,** 67
certificates of, **12,** 9 n.
schools for blind, deaf, and defective children, for, **12,** 41, 42—45
teachers, for, **12,** 9, 127, 128
certified schools, grants to, **12,** 50
powers as to, **12,** 41, 44, 45
certiorari, writ of, against, **12,** 8 n.
Chancellor of Exchequer as member of, **12,** 8
charities, educational, powers as to. *See* educational charities, *infra.*
Charity Commissioners, powers of, exercised by, **4,** 280, 291, 317; **12,** 13, 21
trustees appointed by, **4,** 215, 267, 268 n.
code of, **12,** 10, 11, 49
colleges, grants to, **12,** 9
compulsory acquisition of land, powers as to, **12,** 27
constitution of, **4,** 317, 318; **7,** 104; **12,** 8, 9
consultative committee, reference to, **7,** 105; **12,** 8, 10
deaf children, powers as to, **12,** 12, 41, 43, 44, 45, 50
defective children, certificate prescribed in case of, by, **12,** 42
certified contribution of local authority to, settled by, **12,** 43
certified schools for, approved by, **12,** 42, 44, 45
report on, of, **12,** 45
grants in aid of, **12,** 12, 45
religious education of, controlled by, **12,** 43
Education Act, 1902, powers under, **12,** 12, 50
Acts, must comply with, **12,** 11 n.
education committee of local education authority, control over, **12,** 13, 19
Education Department, as successor to, **4,** 317; **12,** 9

BOARD OF EDUCATION—*continued.*
educational charities, powers as to, **4,** 317, 318; **12,** 13
Endowed Schools Acts, under. *See* endowed schools, *infra.*
grammar schools, **12,** 116
legal proceedings, as to, **4,** 310—313, 320, 321
mortgage or charge, in regard to, **4,** 235, 276
new trustee, as to appointment of, **4,** 215, 267, 268 n.
sale or lease of land, in regard to, **4,** 218, 223, 231, 246, 247
scheme, to frame, **4,** 182, 187; **12,** 53, 54, 100, 105—115
schools excluded from Endowed Schools Acts, in regard to, **12,** 103, 115
educational institutions, grants to, **12,** 10
elementary education, in relation to, **12,** 9—12, 25, 26, 29, 30, 46, 115
elementary schools, consent to joint maintenance by local authorities of, **12,** 46
employers, enforcement of duties of, **12,** 54 n.
endowed schools, alteration of trusts of, by, **12,** 100
annual renewal of powers of, **12,** 102
annual report on, of, **12,** 101
ordinary's jurisdiction may be abolished by, **12,** 106
powers as to, **12,** 103, 115
scheme for, by, **12,** 100, 101
draft of, **12,** 109
liberty of religious opinion, must safeguard, **12,** 107, 108
necessary provisions in, **12,** 105, 106
Order in Council confirming, **12,** 109, 110
Parliament, consideration by, of, **12,** 110, 111
visitation of, provision for, by, **12,** 106
Endowed Schools Acts, powers under, transferred to, **4,** 291; **12,** 13
schools excluded from, **12,** 102, 103
epileptic children, powers as to, **12,** 12, 42, 43, 44, 45, 50
equal treatment of voluntary and local education authority schools by, **12,** 31
evidence, before, compulsory powers, **12,** 13 n.
documents of, as to, **12,** 8 n.
examinations by, **12,** 9 n.
exchange of land or school house, jurisdiction over, **12,** 21
expenses of, compulsory powers, when arising in exercise of, **12,** 28
how payable, **12,** 8
factories and workshops, powers as to children in, **12,** 68, 69
fee grant, regulations as to, **12,** 11, 12, 30, 31, 50
fees, school, consent to, **12,** 30, 31
foundation managers to voluntary school, appointment of, **12,** 35
functions of, **12,** 9—15
Geological Survey and Museum, powers as to, **12,** 9 n.
grammar schools, powers as to, **12,** 103, 116
grant, aid by, **12,** 10, 12, 45, 50
building, by, **12,** 50
code, control of, **12,** 49
Education Act, 1902, under, control over, **12,** 12, 50
educational, by, **12,** 9—12, 48—50
elementary school, powers as to, **12,** 9, 11, 12, 49, 50

BOARD OF EDUCATION—*continued.*
grant—*continued.*
evening schools, for, **12,** 10, 48
fee, powers as to, **12,** 11, 12, 50
higher education, powers as to, **12,** 10, 48
library authority, to, **23,** 594, 595
local authority, to, **12,** 9, 48—50
Parliamentary, control over, **12,** 9, 11, 49, 50
science or art school, to, **12,** 9; **23,** 594
small population, powers as to, **12,** 11, 49
special schools, to, **12,** 12, 50
technical schools, for, **12,** 10, 48
health of children in public elementary schools, powers as to, **12,** 31, 32
higher education, grants for, **12,** 10, 48
land appropriation for, **12,** 21
powers as to, **12,** 10, 18, 22
returns as to, may call for, **12,** 14
inquiry by, acquisition of land for school, as to, **12,** 27
compulsory powers, in case of, **12,** 13 n.
local authority's default, as to, **12,** 12
public, mode of, **12,** 14
subject matter of draft scheme, as to, **12,** 109
voluntary schools, as to application of funds of, **12,** 40
inspection of schools by, **12,** 10, 12, 23
inspectors of schools, appointment of, **12,** 12 n.
duties of, **12,** 30
standard of child certified by, **12,** 61
voluntary schools supervised by, **12,** 16
institutions, provision and supervision of, **12,** 9
instruments of, proof of, **12,** 8 n.
land appropriated to educational purposes, consent to, **4,** 133, 223, 276; **12,** 24, 27
for other purposes, consent to appropriation of, **12,** 21
sale, lease, or exchange of, jurisdiction with regard to, **4,** 218, 223, 231, 246, 247, 276; **12,** 21
lease of land or school house, jurisdiction with regard to, **12,** 21
library authority, grant to, **23,** 594, 595
local education authority, accommodation provided by, as required by, **12,** 12, 25, 26
bye-laws of, approved by, **12,** 59
certified schools, provision of, by, subject to, **12,** 42, 43, 44, 45
combination of several authorities, may sanction, **12,** 46
compulsory powers exercised by, under provisional order of, **12,** 27
default of, **12,** 10, 12, 13
disputes of, with voluntary school manager settled by, **12,** 38, 39
education committee of, control of, **12,** 19
default in establishing, **12,** 13
expenses attending provisional order paid by, **12,** 28
expenses of inspection of, paid by, **12,** 23
fees charged by, under sanction of, **12,** 31, 39, 40
food, expenditure on, of, sanctioned by, **12,** 33
grants to, **12,** 48—50
conditional, **12,** 9, 30
higher education, must consult as to, **12,** 10, 22
purposes of, determined by, **12,** 18
land, may not alienate, without leave of, **12,** 21
London, in, schemes for application of money made by, **12,** 54

BOARD OF EDUCATION—*continued.*
local education authority—*continued.*
medical inspection provided by, according to directions of, **12,** 31
returns from, may call for, **12,** 14, 21
London, powers as to public elementary schools in, **12,** 53
Lord President of the Council as member of, **12,** 8
maintenance of certain institutions by, **12,** 9
mandamus, against, **12,** 8 n.
to enforce order of, **12,** 12
meals to children, consent to contribution out of rates to, **12,** 32
medical inspection of children, powers as to, **12,** 31
minutes of, **12,** 10
conduct of public elementary school, as to, **12,** 10, 30
mixed educational endowments, powers as to, **12,** 104
religious instruction in, **12,** 107
necessitous areas, grants for, **12,** 50
new elementary schools, consent to, **12,** 26
notice as to charitable trust scheme to, **4,** 339
notices of, **12,** 8 n.
oaths, administration of, by, **12,** 13 n.
officers and servants of, **7,** 105; **12,** 8
remuneration of, **12,** 8
official trustees of charity lands or funds, no powers in regard to, **4,** 280; **12,** 13 n.
order of, compulsory acquisition of land, for, **12,** 27
mandamus to enforce, **12,** 13
Parliamentary control over, **12,** 35
parents, powers with regard to duties of, **12,** 54 n.
Parliament, orders to be laid in draft before, **12,** 35
report, annual, to, **12,** 14, 31, 101
special, to, **12,** 14, 26
parliamentary grant, power to give aid from, **12,** 12, 45, 49
persons engaged in educational work, grants to, **12,** 9
petition of local education authority to, **12,** 27
powers generally, **12,** 7 n., 9—15
President and members of, **7,** 104, 105; **12,** 8
Privy Council, appeal to, **12,** 104, 105 n., 110
Vice-President of Committee of, office of, **12** 8 n.
provisional order of, acquisition of land, as to, **12** 27, 28
education committee, as to, **12,** 13
public elementary school, accommodation in, regulated by, **12,** 25
annual report on, of, **12,** 14
appeal against new school to, **12,** 26
Charitable Trusts Acts, as Commissioners under, **12,** 13, 21
code of, annual issue of, **12,** 10, 11
compulsory purchase, petition for, to, **12,** 27
sanction for, of, **12,** 27
defective children, provision for education of, by, **12,** 42—45
fees of, regulated by, **12,** 30, 31
grant, to, by, **12,** 9—11
inquiry ordered by, new school, as to, **12,** 27, 109
report after, **12,** 27
inspection of, by, **12,** 12
new, discretion as to, **12,** 26

References in thick type are to volumes; small type to pages.

BOARD OF EDUCATION—*continued.*
public elementary school—*continued.*
provisional orders as to, by, **12,** 13, 27
report on refusal to recognise school as, **12,** 26
unnecessary, how determined by, **12,** 26, 29
voluntary school, consent to transfer of, **12,** 28
public schools, powers in regard to, **12,** 98, 102
recognition of public elementary school by, **12,** 26
regulations of, **12,** 10, 18
religious instruction, defective etc. children, to, powers as to, **12,** 43
religious matters, schemes as to, of, **12,** 106—108
time-table for, approved by, **12,** 30
relinquishment of powers by local education authorities, powers as to, **12,** 19
report, annual, to Parliament of, **12,** 14, 45
public inquiry, after, **12,** 27
refusal to recognise public elementary school, on, **12,** 26
retransfer of school to managers under original trusts, powers as to, **12,** 29 n.
returns from local education authorities to, **12,** 14, 21
Royal College of Art, powers as to, **12,** 9 n.
sale, lease, or exchange of land or schoolhouse, powers as to, **4,** 218, 223, 231, 246, 247; **12,** 21
schemes for educational charities, powers as to, **4,** 182, 187; **12,** 53, 54, 100, 105—115
school, accommodation, powers as to, **12,** 25
grant to, **12,** 9—12; 48—50
house, sale, lease, or exchange of, powers as to, **12,** 21
master, control over, **12,** 9, 30, 125
premises, alienation or charge on, consent required to, **12,** 120
alteration of, consent required to, **12,** 101
time table, powers as to, **12,** 30
Science Museum, powers as to, **12,** 9 n.
seal of, **7,** 105; **12,** 8 n.
secondary schools, expenses of inspection of, recovery of, **12,** 23
regulations as to, **12,** 9 n.
Secretaries of State, members of, **12,** 8
secretary of, **12,** 8
signature of, **12,** 8 n.
small population grant by, **12,** 11, 49
special schools, grants in aid of, **12,** 12, 50
teachers certificated by, pension scheme for, **12,** 122
control over, **12,** 9
National Insurance Act, payment to Board for, **28,** 993, 994
technical schools, grants for, by, **12,** 10, 48
time table, school, powers as to, **12,** 30
title, legal, of, **12,** 8
training institutions, powers as to, **12,** 10
transfer of school to local education authority, powers as to, **12,** 28
original managers, powers as to, **12,** 29 n.
Treasury, First Lord of, duties of, **12,** 8
trustees of charity lands, powers of, not transferred to, **4,** 280
universities, colleges etc., powers as to, **4,** 247; **12,** 8, 9
Victoria and Albert Museum, powers as to, **12,** 9 n.
visitatorial powers of, **4,** 288, 291, 300; **12,** 106

BOARD OF EDUCATION—*continued.*
voluntary schools, disputes as to, settled by, **12,** 38, 39
endowments, in regard to, **12,** 40
fees in, proportion payable to managers fixed by, **12,** 39
London, in, schemes as to, **12,** 53, 54
managers of, appointed by order of, **12,** 35
revocation or amendment of order as to managers of, **12,** 35
Welsh Intermediate Education, powers as to, **12,** 113, 114
will, powers over land assured by, **4,** 133—136
witnesses, power to compel attendance of, **12,** 13 n.

BOARD OF GUARDIANS,
For the powers of guardians, see GUARDIANS OF THE POOR.
accounts of, **22,** 550, 551
actions by, **22,** 539, 540, 541
bankrupt, disqualification of, **2,** 89
borrowing powers of, **22,** 537, 538, 556, 557
clerk to, **22,** 542, 543
return of accounts by, **22,** 538
common seal of, **22,** 535
appointments requiring to be made under, **8,** 384 n.; **20,** 78; **22,** 543 n.
authority to take proceedings must be under, **22,** 539
conferences of, **22,** 548
constitution of, **22,** 530, 531, 535
proof of, in legal proceedings, **22,** 539
deputations of, **22,** 549
district councillors are, in rural districts, **22,** 531
election of, **12,** 192, 389—392, 397; **22,** 528, 531, 532
candidates, qualification of, **12,** 391
withdrawal of, **12,** 392
casual vacancy, how filled, **12,** 390
chairman of, **12,** 393; **22,** 533
counting the votes, **12,** 373, 392
county councils, power of, as to, **22,** 528, 531 *et seq.*
failure to make, effect of, **22,** 533
franchise in case of, **12,** 192
metropolis, in, **12,** 397 n.
nomination of candidates, **12,** 391, 392
ordinary, of, **12,** 390
petition, place of trial of, **12,** 516
place for, **12,** 371, 391
polling arrangements for, **12,** 391, 392
districts for, **12,** 369, 392
notice of, **12,** 371
poor law union, for, questioning, mode of, **12,** 503
returning officer, duties of, at, **12,** 369—372 390—393
rules of Local Government Board for, **12,** 390
urban districts, in, **12,** 390
combining with election of councillors, **12,** 369
hours of polling, **12,** 369
vice-chairman of, **12,** 393
voter's disqualification through receipt of relief, **12,** 142
wards as polling districts for, **12,** 369
expenses of, **22,** 537, 549, 570; **24,** 53, 54, 128
recovery from local authority of, **19,** 492, 493
guardians of the poor, as. *See* GUARDIANS OF THE POOR.

BOARD OF GUARDIANS—*continued.*
Local Government Board control of, **22,** 525, 527, 541—545
Local Loans Act, local authority within, **22,** 535
mandamus to, **10,** 89
meeting of, **22,** 533, 534
essential to transaction of business, **22,** 535
report of, **18,** 698
metropolis, in, **12,** 397; **20,** 415; **22,** 529; **24,** 128
expenses of, **20,** 415; **24,** 128
payments by London County Council to, **20,** 450; **22,** 529
training ships, provision of, **12,** 89
name of, as corporation, **22,** 535
office, term of, of, **12,** 390; **22,** 533
officers of, *defined*, **22,** 542
appointment of, **8,** 384 n.; **20,** 78; **22,** 541—544
assaults on, **22,** 545
compensation for loss of office, **22,** 548
contribution for payment of, county council, by, **19,** 353; **20,** 450
default by guardians in appointment of, effect of, **22,** 542
dishonest, **22,** 545
disobedient, penalty, **19,** 545
removal of, by Local Government Board, **22,** 544
duties of, **22,** 541—546
illicit profits of, **22,** 536, 545 n.
injured, power to reimburse, **22,** 545
neglect or default of, liability for, **22,** 546
removal of, **22,** 544
medical, **20,** 466
superannuation of, **22,** 546—548
forfeiture of, **22,** 547
payment of, alteration of union, on, **22,** 548
return of, to Local Government Board, **22,** 548
superannuation allowance of, **22,** 547
torts of, **22,** 545, 546; **27,** 847 n.
payments by, **19,** 180; **22,** 536, 541; **24,** 53, 54
poor law conferences of, **22,** 548, 549
powers of, **22,** 535 *et seq.*
proceedings of, at meetings, **22,** 533, 534
profits, illegal, of, **22,** 536
of officers of, **22,** 536, 545 n.
Public Authorities Protection Act, within, **22,** 539 n.
qualification and disqualification for membership of, **2,** 89; **22,** 532, 533
register office, duty to provide, **24,** 440
resignation of, **22,** 533
returns to Local Government Board by, **22,** 538
rural district, in, **12,** 389; **22,** 531

BOARD OF INLAND REVENUE,
chairman of, friendly society, notice of cancellation of registry of, to, **15,** 204 n.
constitution etc. of, **16,** 612, 614; **24,** 544, 700, 701
discovery of documents, privilege in case of, **11,** 84 n.
income tax, forms of proceedings in respect of, settled by, **16,** 678
relief in regard to, granted by, **16,** 678
statement of case by, **16,** 682
taxes under management of, distress for, **11,** 218

BOARD OF ORDNANCE,
Secretary of State for War, transfer of powers to, **7,** 95

BOARD OF TRADE,
accidents, powers in regard to, **12,** 615; **23,** 747—753. *See* ACCIDENT, railway.
accounts, electric undertaking, **12,** 604, 605
gas company, **15,** 373 n.
railway company, **23,** 643—646
winding up of companies, **5,** 436, 437
actions by or against, **1,** 18 n.; **7,** 103; **26,** 649
adjudication order, notice of, to, **2,** 87
Admiralty droits, Receiver-General of, **1,** 76
Advisory Committee of, **27,** 514
anchors, inquiry into condition of, **27,** 545 n.
licence for testing of, **27,** 545
appeals by and to. *See* APPEAL.
arbitration powers of, **27,** 516—518
canals, **23,** 791
compulsory purchase of land, **6,** 80; **27,** 832
electric undertakings, **12,** 615
light railways, **27,** 831, 832
railways, **23,** 739, 740, 754
weights and measures, **28,** 479
wrecks, **26,** 554
assurance company, accounts of, to be deposited with and considered by, **5,** 632, 633
amalgamation, duties in case of, **5,** 636
annual statement to Parliament as to, **5,** 641
default by company, duty in case of, **5,** 642
documents deposited with Board, **5,** 632, 642
forms, power to alter, **5,** 641
Attorney-General, certificate to, enforcement of, Railway Acts, **23,** 740, 741
auditor of railway company, appointment of, **23,** 645, 646
authentication of acts etc. of, **5,** 437; **7,** 102; **23,** 741
ballast or shingle, powers as to removal of, **28,** 383, 384
banking companies, powers as to, **5,** 270, 613
bankruptcy, accounts and audit, powers as to, **2,** 129—133. *See* BANKRUPTCY.
appeals by, **2,** 110, 302
bond by assurance company against loss by trustee in, effect of, **15,** 483 n.
business of, **2,** 8, 77, 128—133, 302; **7,** 103, 305; **27,** 513
Estates Account of, **2,** 129, 130
order of, disobedience to, **7,** 305
taxation of costs, powers as to, **2,** 128
Board of Agriculture and Fisheries in relation to, **27,** 513 n.
Board of Commissioners of, appointment of, **7,** 102
boiler explosions, investigation of, **14,** 474, 475; **27,** 513
notice of, **14,** 474
brakes for railway trains, returns as to, **23,** 693
bridge construction, powers as to, **23,** 661, 662, 744
buoy, control of, during seashore telegraph construction, **27,** 362
bye-laws, canal company, powers as to, **14,** 385, 387; **23,** 787
coal, for sale of, approval of, **28,** 483
explosives, relating to carriage of, **14,** 385, 387
harbour authorities, powers as to, **14,** 384, 387; **23,** 572
petroleum, confirmation of, **23,** 572
pilotage authorities, confirmation of, **26,** 600

BOARD OF TRADE—*continued.*
bye-laws—*continued.*
railway company, powers as to, **4,** 62; **14,** 385, 386; **23,** 728
rifle range etc., consent to, **28,** 375
tramway, powers as to, **4,** 62; **27,** 797
cable traction, regulation as to, **27,** 796 n.
canals, explosives carried on, bye-laws as to, **14,** 385
inspection of, **14,** 389
powers as to, **4,** 72 n.; **14,** 389; **23,** 784, 787, 791; **27,** 513
through rates for traffic on, powers as to, **4,** 72 n.
census of production, powers as to, **7,** 69, 70; **27,** 514, 415
certificate of, Attorney-General enforces Railway Acts on, **23,** 740, 741
companies incorporated by, **5,** 14; **23,** 625, 626
evidence, as, **2,** 316; **5,** 437; **22,** 144, 145
exhibition of inventions, as to, **22,** 144, 145
passenger ship, as to, **26,** 332—334
railways, in connection with, **23,** 624, 632, 636—638, 711, 740, 741, 744
ship captain, mate etc., powers as to, **26,** 38, 649
trustee in bankruptcy, as to, **2,** 108
chain cables, inquiry into condition of, **27,** 545 n.
licence for testing of, **27,** 545
coal, approval of bye-laws relating to sale of, **28,** 483
coinage, powers as to, **6,** 468, 469, 470, 472; **27,** 513
collecting societies, powers as to, **15,** 129
collisions at sea, powers as to, **26,** 359, 360, 649
Commissioners of Railways, transfer of powers of, **23,** 738
committee of inspection, acting as, **2,** 114; **5,** 436, 464
Committee of the Privy Council, as, **7,** 54
companies, appeals from, **5,** 458, 552, 554
association for promoting commerce, art, science, etc., powers in regard to, **5,** 77, 78, 79, 334
assurance companies. *See* assurance company, *supra.*
capital of, consent to payment of interest on, **5,** 118
changes in names and objects of, consent to, **5,** 86, 330
committee of inspection of, as, **2,** 114; **5,** 436, 464
first meeting of creditors and contributories of, notice of, to, **5,** 428
forms, alteration of, **5,** 553
incorporated by certificate of, **5,** 14; **23,** 625, 626
investigation of affairs of, by, **5,** 159, 270
liquidation account of, kept by, **5,** 435, 436, 456—460
liquidator, jurisdiction over, **5,** 421, 435, 444, 452, 453, 527—529
promotion of art, etc., for, licence to hold land, **5,** 334
licence to omit word Limited, **5,** 77, 78
registration offices and officials, powers as to, **5,** 59
regulations in regard to, **5,** 553
Table A, alteration of, **5,** 205
winding up, jurisdiction with regard to, **5,** 418, 428, 434—437, 553
notice of order for, to, **5,** 418

BOARD OF TRADE—*continued.*
companies—*continued.*
winding up—*continued.*
special managers, security found by, **5,** 436
Treasury allowances to, **5,** 437
control over accounts of, **5,** 437
Comptroller-General, Exchequer, of, transfer of powers of, to, **15,** 344 n.
Patents, Designs, and Trade Marks, of, control over, **22,** 153 n.
compulsory purchase of land, powers with regard to, **6,** 80; **27,** 832
conciliation boards, powers with regard to, **27,** 516—518
consent of, artillery or rifle range bye-laws, to, **28,** 375
change of name, objects etc., of company, to, **5,** 86, 330
electrical undertaking's works, to, **12,** 570, 571, 635
local authority's acts, to, **12,** 569, 600, 601, 621; **27,** 802, 806
payment of interest on company's capital, **5,** 118
sea marks, for removal of, **27,** 362
works by sea or tidal waters, to, **23,** 673; **28,** 375
constitution of, **7,** 102, 103
consular officers, reports as to shipping or seamen by, to, **26,** 652
contract, execution of, by, **7,** 102
costs, electric matters, **12,** 609, 610
order for, **5,** 270; **23,** 740
railway matters, **23,** 740
shipping casualty appeal, of, **1,** 117
counsel, consent to employment of, **5,** 436
Crown Lands Acts, 1829 and 1866, powers under, **7,** 174, 175
Crown rights, consent to interference with, **12,** 612
customs officers abroad, reports as to shipping or seamen by, to, **26,** 652
deed, execution of, by, **7,** 102
deeds of arrangement, returns of registration of, to, **2,** 331
departments of, **7,** 103; **27,** 513
deposit with, documents of assurance company, of, **5,** 632, 642
draft order for light railway, **27,** 822
local Bill, **28,** 270
metric standards with inspector of, **28,** 473, 474
plans of proposed works with. *See* plans, *infra.*
private Bill of gas undertaking with, **15,** 311
tramway proposals with, **27,** 784
disputes, settlement of, **26,** 554; **27,** 516—518, 831; **28,** 479
docks and wharves, powers as to, **14** 387
documents of, authentication of, **5,** 437; **7,** 102; **12,** 609; **23,** 741
evidence from, **23,** 741
pilotage authorities, inspection of, **26,** 604 n.
sealing of, **5,** 437; **7,** 102; **23,** 741
signature of, **7,** 102; **23,** 741
electricity, in regard to. *See* ELECTRIC LIGHTING AND POWER; ELECTRICAL UNDERTAKING; ELECTRICITY; POWER COMPANY.
emigration officers appointed by, **26,** 353
exhibition of inventions certified by, **22,** 144, 145

BOARD OF TRADE—*continued.*
expenses of, electrical inquiry, of, **12,** 609, 610
harbour provisional order, of, **28,** 416
inquiries, of, **27,** 516
railway arbitration, of, **23,** 740
explosives, bye-laws as to carriage of, **14,** 385, 387
powers as to, **14,** 385, 387, 389, 390; **27,** 513
finance business of, **7,** 103
foreshore, Crown Lands Act applies to Board in relation to, **7,** 174
management of, transferred to, **7,** 142, 144 *et seq.* *See* FORESHORE.
notice of intention to register title to, **7,** 113
prohibition of taking of shingle from, **28,** 383
forging seal, mark, or form, penalty for, **9,** 754
friendly societies, powers as to, **15,** 129, 164
functions of, **7,** 102, 103; **27,** 513 *et seq.*
gas, examiner of, appointment of, **15,** 390
measures and standards, powers as to, **15,** 343—347
pipes, powers as to, **15,** 379
referees, appointment and duties of, **15,** 388, 390
Sale of, Acts, administration of, **15,** 344
supply, inquiries as to, **15,** 332
powers as to, **15,** 314—317, 332, 344, 376 n., 379, 383 n., 386 n., 390; **27,** 513
undertakers, inquiries with reference to, **15,** 313, 315
private Bill, powers as to, **15,** 311
release of, **12,** 645
works, powers as to, **15,** 320
gas company, accounts of, powers as to, **15,** 369, 373 n.
sale of shares, powers as to, **15,** 371
special purposes fund, powers as to, **15,** 369
harbour, bye-laws in regard to, **14,** 384, 387; **23,** 572
construction of, powers in regard to, **28,** 412—421. *See* HARBOUR.
without required consent, **28,** 414
explosives in, in regard to, **14,** 389
inspection of, by, **14,** 389
petroleum, cargo of, in regard to, **23,** 572
wreck in, settlement of dispute in regard to, **26,** 554
harbour authority, lifeboat and rocket apparatus provided by, approval of, **26,** 645
settlement of dispute with, **26,** 554
tide gauge, barometric and weather reports to be sent by, **26,** 645
harbour department of, **7,** 103; **27,** 513
light railways affecting tidal lands, powers in regard to, **27,** 822
Home Secretary as member of, **7,** 83
imperial standards, powers as to, **28,** 464—466, 473, 474, 477, 478
inquiries by, **7,** 103; **27,** 513, 516
anchors and cables, into condition of, **27,** 545 n.
electrical undertakings, in connection with, **12,** 609, 610, 615; **27,** 513, 516
expenses in connection with, **27,** 516
gas undertaking, in connection with, **15,** 313, 315, 332; **27,** 513, 516
misconduct at sea, as to, **26,** 649
railways and canals, in connection with, **23,** 731, 732, 739, 740, 748—750; **27,** 513, 516
shipping casualties, in connection with, **1,** 117; **26,** 594, 595

BOARD OF TRADE—*continued.*
inquiries by—*continued.*
trade dispute, in case of, **27,** 517, 518
tramways, with reference to, **27,** 782, 783
inspectors, Companies Act, 1908, appointed under, **5,** 270, 271; **13,** 546
Electric Lighting Acts, under, **12,** 597, 605
explosives, of, **14,** 389, 390
marine, of, powers of, **14,** 389; **26,** 650, 651
Merchant Shipping Act, 1894, under, **14,** 389; **26,** 650
railway, of, **14,** 389; **23,** 646, 738, 739, 743
report of, as evidence, **13,** 546
interest paid with consent of, during construction of works by company, **5,** 118
investigation by, banking company's affairs, of, **5,** 613
company's affairs, of, **5,** 159, 270
complaints by workers, **27,** 524
shipping casualties, **1,** 117; **26,** 591—595
joint district boards, control of, **28,** 876, 877
labour exchanges, powers as to, **27,** 513; **28,** 878
land, below high-water mark, notice on registration of title to, **7,** 113
purchase of, by, **7,** 102 n.
compulsory, by order of, **6,** 80; **27,** 832
local authority, by, consent in case of, **12,** 569
level crossings, in regard to, **23,** 661
licences by, companies, to, **5,** 15, 31, 77, 78, 334, 335
manufacture patented articles, to, **22,** 197, 198
supply of electricity, for, **12,** 544
Light Railway Commissioners, appeal from, **27,** 827, 828
appointment of, **27,** 818, 819
consideration of schemes of, **27,** 827, 828
orders of, **27,** 828
light railways, deposit of draft orders for, **27,** 822
powers as to, **27,** 784—787, 810, 818 n., 827, 828
settlement of disputes as to, **27,** 831
winding up of light railway companies by, **27,** 830 n.
lighthouses authorities, settlement of disputes with, **26,** 554
control of, **26,** 629, 631—633, 649; **27,** 513
Lloyd's report as to wreck to, **26,** 590
local authority, acquiring electrical undertaking, determination of questions in case of, **12,** 600, 601
acquisition of land by, consent to, **12,** 569
representations as to electricity supply by, **12,** 621
tramway, loan for purchase of, consent to, **27,** 806
purchase of, by, consent to, **27,** 802
locomotives on bridges, powers in regard to, **27,** 314
mandamus against, **10,** 87
marine, authorities, control of, **26,** 650, 651
board, control of, **26,** 652—655
business of, **7,** 103; **26,** 649—659; **27,** 513
inspectors of, **26,** 650
master's certificate, cancellation or suspension of, **26,** 649
surveyors, appointment etc. of, **26,** 650
memorial as to public undertaking to, **15,** 315 n.
mercantile, laws, power to enforce, **26,** 652
marine offices, control of, **26,** 655—657

BOARD OF TRADE—*continued.*
merchandise marks, powers as to, **9,** 569 ; **27,** 513
Merchant Shipping Acts, legal proceedings under, **26,** 649
metric standards, deposit of, **28,** 473, 474
military tramways, powers as to, **27,** 815—818
Minimum Wages Boards, power as to, **28,** 876, 878
naval, court, report by, **9,** 109
tramways, powers as to, **27,** 815—818
notices to, accidents on electrical undertaking, of, **12,** 615
adjudication order, of, **2,** 87
boiler explosions, as to, **14,** 474
light railways, in case of promotion of, **27,** 822
liquidator, of appointment of, **5,** 435
railway accidents, in case of, **23,** 747, 748
opening of, on, **23,** 742
registration of title of foreshore, as to, **7,** 113
service of, **12,** 608
winding up of companies, as to, **5,** 418, 421, 428
officers of, documents signed by, **5,** 437 ; **7,** 102 ; **23,** 741
official receivers, jurisdiction over, **2,** 7, 99—101, 103, 106—108 ; **5,** 421, 436
consent to employment of solicitor by, **5,** 436
orders of, authentication of, **5,** 437 ; **12,** 609 ; **23,** 741
bankruptcy, in, **7,** 305
disobedience to, **7,** 305 ; **26,** 651
evidence, as, **2,** 316 ; **5,** 437
penalty in case of disobedience to, **7,** 305 ; **26,** 651
pilotage, as to, **26,** 596
railway accidents, as to, **23,** 751, 752
Parliament, annual report to, **5,** 437 ; **12,** 645
report as to accounts of electrical undertakings to, **12,** 605
Parliamentary Secretary of, **7,** 102
passenger ships, powers as to, **26,** 332—334, 338
patents and inventions, powers as to, **22,** 144, 145, **27,** 513
compulsory licence to work, application for, **22,** 197, 198
petroleum, confirmation of byelaws as to, **23,** 572
pilotage, byelaws, confirmation of, **26,** 600
inspection of documents of authorities, **26,** 604 n.
orders as to, **26,** 596
powers as to, **26,** 596, 597, 600, 604 n., 608, 609, 649
plans, approval of electrical undertaking, **12,** 610
deposit of,
electrical undertaking, of, **12,** 610
light railway, of, **27,** 822
railway, tramway or canal bill, of, **21,** 733 n.
railway to be constructed under certificate, **23,** 624
powers, statutory and transferred, of, **2,** 8 ; **23,** 738 ; **27,** 513
President of, **7,** 102
assistants of, **2,** 316 ; **5,** 437 ; **7,** 102
certificate of, **2,** 316 ; **5,** 437 ; **7,** 102 ; **12,** 609
Privy Council, as committee of, **7,** 102
prohibition in case of, **10,** 151 n.
prosecutions as to merchandise marks by, **9,** 569
provisional orders, powers as to, electrical undertaking, **12,** 556—560, 600
gas undertaking, **15,** 313—317
harbours etc., **28,** 416, 418
tramways, **27,** 784—787, 815
water supply, **28,** 272, 274, 276, 418

BOARD OF TRADE—*continued.*
railway, abandonment of, **23,** 772—774
warrant for, **23,** 774
accidents, investigation of, **23,** 738, 739, 747—753
accounts, control of, **23,** 632, 643—646
Acts, enforcement of, **23,** 632, 740, 741
application for additional powers, **23,** 636—638
arbitrations, powers as to, **23,** 717, 739, 740, 754
auditor of, appointment of, **23,** 645, 646
block system, order to adopt, **23,** 693
bridge, powers as to construction of, **23,** 661, 662, 774
business of, **7,** 103 ; **14,** 389 ; **23,** 624, 738, 741 ; **27,** 513
byelaws, powers as to, **4,** 62 ; **14,** 385, 386 ; **23,** 728
capital, authorisation to raise, **23,** 632, 633
Commissioners, reference to, **23,** 740
company, certificate authorising, **23,** 624
deviation from plans of, in regard to, **23,** 652, 653, 674
disputes, settlement of, **23,** 744, 746
documents relating to, authentication of, **23,** 741
electric traction, powers as to, **23,** 697
inquiry into affairs of, by, **23,** 646, 739, 748, 749
result of, to be reported to Board of Trade, **23,** 646
inspectors, appointment of, **14,** 389 ; **23,** 646, 738, 739, 743
level crossings, in regard to, **23,** 661
opening of, powers as to, **23,** 742, 743
promotion, application in support of, **23,** 624—626, 742
rates and charges, powers as to, **4,** 83, 89—91 ; **23,** 744—747
servants' hours of employment, powers as to, **23,** 731, 732
service of documents relating to, **23,** 741
signals, points etc., powers as to, **23,** 693
statutory and transferred powers, as to, **23,** 738
through traffic, powers as to, **4,** 72 n.
time limit for proceedings by Board of Trade, **23,** 740, 741
trains, cheap, as to provision of, **4,** 71, 72 ; **23,** 747
powers as to speed of, **23,** 696
workmen etc., for, **4,** 71, 72 ; **23,** 747
works, powers as to construction of, **23,** 632, 673, 693, 697, 744, 773, 774
Railway and Canal Commission, reference to, **23,** 740, 754
Railways, Commissioners of, powers transferred from, **23,** 738
Receiver-General of Admiralty droits, **1,** 76
referees, appointment of, **15,** 388, 390 ; **27,** 783 n., 803
Registrar-General of Shipping and Seamen, appointment of, **26,** 31, 657, 658
registration, births and deaths at sea, powers as to, **26,** 658 ; **27,** 513
conciliation boards, by, **27,** 516
ship's private signals, of, **26,** 408
shipping and seamen, of, **26,** 17, 657—659
trade marks etc., of, **27,** 694, 695, 704
regulations of, Companies Act, 1908, under, **5,** 553

BOARD OF TRADE—*continued.*
regulations of—*continued.*
electric lighting, **12,** 545, 551, 609
shipping, as to, **26,** 338, 359, 360, 362, 363
weights and measures, as to, **28,** 478, 479
work and labour, as to, **28,** 887, 900
report of, Companies Act, 1908, under, **5,** 437
Electric Lighting Acts, under, **12,** 645
railway servants, in regard to, **23,** 732
report to, canal company, by, **23,** 784
conciliator in trade dispute, by, **27,** 518
inspector under Companies Act, 1862, as evidence, **13,** 546
Light Railway Commissioners, by, **27,** 827
marine authorities, by, **26,** 652
naval court, by, **9,** 109
shipping appeal, as to, **1,** 116
shipping casualty, as to, **1,** 115, 116; **9,** 108; **26,** 590, 594
returns to,
railway rates, of, **23,** 744
railway servants' employment, as to, **23,** 731
registrar of deeds of arrangement by, **2,** 331
winding up of companies, of, **5,** 436
rifle ranges, powers as to, **27,** 513; **28,** 375
road construction in connection with railways, powers as to, **23,** 744
rules of, validity of, **7,** 104
Science and Art Department as department of, **12,** 9 n.
sea fisheries, powers as to, **14,** 621, 629—633; **27,** 513
sea marks, removal of, **27,** 362
Sea Regulations supplied by, **26,** 362, 363
seal of, **2,** 316; **5,** 437
forgery of, **9,** 754
sealing of documents of, **5,** 437; **6,** 102; **23,** 741
seamen, distribution of effects of, in case of death, **26,** 58, 59
registration of, **26,** 657—659
savings banks for, **1,** 579
seashore, consent to works on, **23,** 673; **28,** 375
Secretary of, Parliamentary, **7,** 102
signature of, **2,** 316; **5,** 437
security for costs, power to order, **15,** 316; **23,** 740
ship, collisions, inquiries into, **26,** 649
regulations as to, **26,** 359, 360
detention of, by order of, **26,** 81
liability in respect of, **1,** 18 n.
infected, regulations as to, **23,** 465
inspection of, **14,** 389; **26,** 650
measurement of, control over, **26,** 19, 20
passengers, regulations as to, **26,** 338
private signals of, **26,** 408
survey of, powers on, **26,** 17
shipping
authority, supervising, **26,** 649—651; **27,** 513
casualties, jurisdiction in case of, **1,** 115—117; **26,** 594, 595
reports as to, **1,** 115—117; **9,** 108; **26,** 590, 594
certificates, powers as to, **26,** 649
inquiries into, by, **1,** 115—117; **9,** 107, 108; **26,** 594, 595, 649
registration of, **26,** 17, 657—659
regulations as to, **26,** 338, 359, 360
surveyors and inspectors appointed by, **26,** 650
slate clubs, powers as to, **15,** 122
standard weights and measures, powers as to, **28,** 464—466, 473, 474, 477, 478
standardisation marks, powers as to, **27,** 685

BOARD OF TRADE—*continued.*
statistical and commercial business of, **7,** 103
steerage passengers, regulations as to, **26,** 338
streets, consent to breaking up of, **12,** 586
superintendent, mercantile marine, control of, **26,** 656
taxation of costs in bankruptcy matters, powers as to, **2,** 128
telegraph works on seashore, powers as to, **27,** 362, 380, 381, 384, 386
tidal lands affected by proposed works, powers as to, **27,** 822
tide-gauge readings in harbours, powers as to, **26,** 645
trade, powers with regard to, **27,** 513—525, 670, 671; **28,** 878. *See* TRADE.
trade boards, powers as to, **27,** 518—525; **28,** 878
trade disputes, powers as to settlement of, **23,** 746; **27,** 516—518. *See* TRADE DISPUTES.
trade marks etc., powers with regard to, **9,** 569; **27,** 513, 685, 741. *See* TRADE MARK.
registration of, **27,** 694, 695, 704
tramways, bye-laws, powers as to, **4,** 62; **27,** 797
discontinuance of, powers in regard to, **27,** 810
inquiries with reference to, **27,** 782, 783, 809
lease of, approval of, **27,** 805
licence to work, granted by, **27,** 809
loan for construction, consent to, **27,** 806
local authority working, powers in case of, **27,** 802, 803, 806
military, in regard to, **27,** 815, 818
provisional order for construction of, application for, **27,** 815—818
trustee in bankruptcy, jurisdiction in regard to, **2,** 108—113, 115, 126—133
umpire appointed by, **6,** 80; **23,** 739
unemployment insurance, administration of, **27,** 513; **28,** 888, 889, 893, 899—902
arrangements with trade union as to, **27,** 670, 671
association of workmen, payments by, regulations as to, **28,** 898, 899
benefit, alteration of rates of, by, **28,** 894
form of claim for, settled by Board of Trade, **28,** 892 n.
exclusion of certain occupations from, **28,** 888
extension to other trades, **28,** 887
return of contributions, in regard to, **28,** 895, 896
wages, minimum rate of, powers as to, **27,** 521—525
suspension order as to, **27,** 522
water supply, powers with regard to, **27,** 513; **28,** 271, 272, 274, 418
weather reports to be sent to, **26,** 645
weights and measures, inspectors of, **28,** 473—475
powers as to, **27,** 513; **28,** 464—466, 473, 474, 477—479
regulations as to, **28,** 479
wharves and docks, powers as to, **14,** 387
winding up of companies, powers with regard to, **5,** 434—437, 553. *See* WINDING UP.
work and labour
complaints, investigation of, **27,** 524
disputes, settlement of, **27,** 516—518; **28,** 876, 877, 901, 902
regulations as to, **28,** 887, 900
wreck, receivers of, appointment etc., **26,** 549
report by, **26,** 550
superintendence of matters relating to, **9,** 107, 108; **27,** 549, 550, 553, 590, 649

BOARD OF VISITORS,
lunacy, in, **19,** 467
prisons, for, **23,** 231, 234, 235

BOARDING HOUSE,
keeper of, position of, **17,** 305
liability in respect of property of guests, **17,** 316; **18,** 339 n.
no obligation to receive guests of, **17,** 308
nature of, **17,** 304, 305, 308
restrictive covenant, keeping in breach of, **18,** 517 n.

BOARDING INSTITUTION,
school attached to, public elementary, **12,** 29 n.

BOARDING WRECK,
unauthorised, liability in case of, **26,** 556

BOAT,
barge is a rowing, **26,** 392
canal. *See* CANAL BOAT.
cargo loaded or discharged by, liability in case of, **26,** 118
drill, on board ship, record of, **26,** 78
excise licence for, **18,** 105
Explosives Act, 1875, for purpose of, **14,** 359, 360
fishing. *See* FISHING VESSEL.
fishing vessel, to be provided on, **14,** 629; **26,** 78
house, powers of Thames Conservancy in regard to, **20,** 414
sanitary convenience on, **28,** 451
life. *See* LIFE BOAT.
lights, regulations as to, **26,** 390—392, 397
open, lights on, **26,** 393, 397
pilot, regulations as to, **26,** 605, 606. *See* PILOT VESSEL.
pleasure, licensing of, **23,** 580, 581
Port of London authority, powers of, **20,** 411
rowing, lights on, **26,** 391
what is, **26,** 392
sea fishing. *See* FISHING VESSEL.
ship distinguished from, **26,** 374, 375
steam. *See* STEAM VESSEL.
Thames Conservancy, powers of, **20,** 414
transfer of, bill of sale, by, **3,** 17

BOATLOAD,
contract for sale of, **25,** 173

BOCLAND. *See* BOOKLAND.

BODILY HARM,
duress by fear of, **7,** 356, 357; **9,** 661; **13,** 19
grievous, offence of causing, **9,** 600, 601
corrosive substance, by, **9,** 604
explosive substance, by, **9,** 604
man-trap, by, **9,** 605
poison etc., by administering, **9,** 603
what amounts to, **9,** 600

BODLEIAN LIBRARY,
delivery of books to, **8,** 175; **23,** 214

BODMIN,
local court of, **9,** 145

BODY,
corporate. *See* CORPORATION.
dead. *See* BURIAL; CORPSE; CREMATION.

BODY—*continued.*
deed, of a, **10,** 459—462
heirs of the. *See* HEIRS.
politic. *See* CORPORATION; STATE.
telegraph legislation, defined for purpose of, **27,** 352 n.

BOILER,
defined, **14,** 474
explosion, Board of Trade investigation of, **14,** 474, 475; **27,** 513
domestic boiler, in case of, **14,** 475
His Majesty's service, boiler used in, in case of, **14,** 474
marine insurance, in, **17,** 446
fixture, as a, **18,** 419
steam, factory or workshop, in, regulations as to, **14,** 467

BOLT,
entry upon premises by drawing, **11,** 164; **14,** 40

BONÂ FIDE. *See also* GOOD FAITH.
act of bankruptcy committed, protection in case of, **2,** 288
belief, as a defence in trespass, **27,** 860—862, 870
marine policy, in statements in, effect of, **17,** 413, 414
prospectus, in regard to statements in, **5,** 134, 137
what amounts to, **20,** 688, 689, 692
claim of right, religious brawling, in case of, **9,** 478 n.
conveyance made, effect of, as regards subsequent purchasers, **15,** 92—101
error of judgment, liability for, **21,** 369
holder for value of bill of exchange, **2,** 464, 479, 498
hotel, restaurant, refreshment room etc., reduced rate for excise licence for, **24,** 671 n.
intention, defence in tort, **27,** 499
interrogatories not put, **11,** 110
licensed person, entertainment of visitor by, **18,** 143
misrepresentation, **17,** 414; **20,** 692
remedies in case of, **20,** 721, 737, 754
mistake. *See* MISTAKE.
mortgagee must exercise power of sale, **21,** 254
persons attending theatres etc., sale of intoxicating liquors to, **24,** 671 n.
purchaser. *See also* PURCHASER FOR VALUE.
fraud, of property obtained by, **25,** 199 n.
market overt, in, **20,** 54; **25,** 195, 196
mortgagee, from, **21,** 258
person in possession of goods or documents of title from, **25,** 199—203
protection of, creditors of grantor, against, **15,** 78, 81—83. *See* FRAUDULENT CONVEYANCE, creditors.
previous conveyances, against, **15,** 92—102. *See* VOLUNTARY CONVEYANCE.
reversion, of, sale not set aside for undervalue, **13,** 20, 21; **27,** 42 n.
Settled Land Act powers, under, **25,** 669
stoppage *in transitu,* right in case of, **25,** 260, 261
voidable title, from seller with, **25,** 196
transactions with bankrupt before discharge, protection of, **2,** 164—166

BONÂ FIDE—*continued.*
traveller, false representation by, **18,** 143
guest of, **18,** 143
liquor supplied to, **18,** 127, 128
meaning of, **18,** 94, 95
traveller in exciseable goods, person soliciting orders who is not, **24,** 629
trustee who has acted, relieved from liability, **28,** 120, 185, 196—198, 200, 201

BONÂ PARAPHERNALIA. *See* PARAPHERNALIA.

BONA VACANTIA,
defined, **7,** 209
chose in action, in regard to, **11,** 28
Cornwall, Duchy of, in, **11,** 31
County Palatine of Durham, in, **11,** 31
Crown rights in respect of, **4,** 197; **7,** 209; **11,** 28, 30, 31; **15,** 198; **28,** 53, 54
debt as, **11,** 28
extinct corporation, arising from, **8,** 401; **11,** 28
foreigner, property of, in case of, **1,** 307; **11,** 28
friendly society, arising from, **15,** 198
game as, **15,** 212
interest payable by Crown to subsequent claimant, **11,** 31
Lancaster, Duchy of, in, **7,** 217 n.; **11,** 31
non-charitable society, arising from, **4,** 197
recovery of, **11,** 30
Settled Land Acts, under, **11,** 28
trust, in case of failure of purpose, of, **11,** 28; **28,** 53

BOND,
The title BONDS *is contained in Vol. III., pp.* 79 *et seq.*
defined, **3,** 80
accord and satisfaction as a defence to action on, **3,** 97, 98; **13,** 64 n.
action on, **3,** 91, 100—103
assignee, by, **13,** 31 n.; **14,** 209
costs in case of, **3,** 93
default of appearance in, **3,** 102; **18,** 186
equitable relief in case of, **13,** 20, 48
executed abroad, in case of bond, **3,** 101
executor of obligee, by, **3,** 91
joint, plaintiffs in case of, **3,** 102, 103
lost bond, **3,** 101; **13,** 7 n., 25
specially indorsed writ in case of, **3,** 101
time for bringing, **3,** 94, 100, 101
administration. *See* ADMINISTRATION BOND.
agreement, for performance of, **3,** 81, 90, 94; **18,** 186
alien immigration, in connection with, **1,** 322, 323
alteration, discharge by reason of, **3,** 98
ambiguity in, **3,** 87
amount recoverable on, **3,** 93, 94
annuity, for payment of, **3,** 81, 82, 94, 104; **13,** 263
arbitration, **1,** 440; **3,** 82, 95
assignee of void, or voidable, rights of, **3,** 97; **4,** 387
assignment of, **3,** 97; **4,** 387, 393, 394; **13,** 31 n., 345; **14,** 209
assignee, position of, under, **3,** 97; **4,** 387; **13,** 345; **15,** 425
assignor, position of, under, **13,** 345
breach of, in action on, **3,** 94, 102; **15,** 502 n.
statutory, **4,** 393

BOND—*continued.*
assurance company, by, covering loss of trustee in bankruptcy, effect of, **15,** 483 n.
average contribution, for, **17,** 450 n.
bail bonds, assignment of, **4,** 393
discharge of bankrupt will not release, **2,** 270
revenue offence, for, discharge in case of, **2,** 270
salvage case, in, **1,** 90, 91, 132, 133; **26,** 580 n.
sheriff's fees in case of, **25,** 830, 838
ship's safe return, for, **1,** 63; **26,** 37
surety's liability in respect of, **9,** 323 n.; **15,** 557 n.; **19,** 608, 609
admiralty actions, in, **1,** 90, 131, 132
bailiff, of, **8,** 662; **25,** 803
bequest of, effect of, **28,** 522, 523
blanks in, **3,** 83, 98
bottomry. *See* BOTTOMRY.
breach of, **3,** 80; **15,** 487 n.
administration bond, of, **13,** 31; **14,** 209, 210; **15,** 487 n.
amount recoverable on, **3,** 93—96; **25,** 490 n.
act other than payment of money, when securing, **3,** 96
agreement, bond to secure performance of, **3,** 94
instalments, when securing payment by, **3,** 94, 95
interest, on default in payment of, **3,** 96
money bond, **3,** 94
part payment, agreement to accept, **3,** 95
assignment of, in action, **3,** 94, 102; **15,** 502 n.
replevin bond, of, **11,** 203
when time runs in respect of, **3,** 100; **19,** 77
cancellation of, **3,** 98; **7,** 425
chose in action, whether a, **4,** 360 n.
classification of, **3,** 81, 82
co-debtor, liability of, **19,** 76
cohabitation, in consideration of, **3,** 85, 86; **13,** 73 n.
collateral security, as, **3,** 99, 100; **21,** 90, 91
collector, church and poor rates, of, **15,** 495 n., 497 n.
taxes, of, **15,** 487 n.
common money, rights in respect of, **3,** 81, 93, 94
Companies Clauses Act, 1845, under, **3,** 82 n., 97 n.; **4,** 394; **5,** 730—735
company, priority in case of bond given to, **5,** 734, 735
security for money borrowed by, **3,** 82 n.; **5,** 730, 731, 733
compulsory purchase of land, with a view to, **6,** 101, 159, 162
condition in, **3,** 80, 84—86, 87, 88
alternative, **3,** 84, 93
breach of. *See* breach, *supra.*
controlled by recitals in, **3,** 87
estoppel in respect of, **3,** 91; **13,** 372
impossible, **3,** 84, 85, 92, 93, 97
indorsement, effect of, **3,** 88
performance of, **3,** 88, 92, 93
uncertainty, unlawfulness etc., of, **3,** 85, 86
validity of, **3,** 84
conditional, **3,** 80
consideration for, **3,** 83, 86; **13,** 73 n.
construction of, **3,** 86—89; **19,** 226
parol evidence in aid of, **3,** 87
corporation sole, given in favour of, **3,** 83
costs, recovery of, in action on, **3,** 93
to secure, **4,** 215; **8,** 600, 601; **21,** 645, 646

BOND—*continued.*
counter-bond given to surety, creditor not entitled to benefit of, **15,** 505
covenant and, distinguished, **3,** 81
not to sue, effect of, **3,** 97, 99
performance of, for, **3,** 81, 94 ; **18,** 186
crime, conditioned for commission of, **3,** 85, 86
customs or excise, **3,** 104, 105 ; **24,** 590
damages for breach of condition in, **3,** 93—96 ; **11,** 203 ; **25,** 490 n.
date, requisite as to, **3,** 84
debenture, negotiability of, **2,** 568 ; **5,** 357 ; **27,** 247 n.
debt, discharged by agreement with creditor, **15,** 565 n.
deed poll, as, **3,** 81
default in paying instalments under, **3,** 92
defeasance condition in, **3,** 80
delivery of, what constitutes, **3,** 84
demand for performance, **3,** 92
destroyed, remedy in case of, **3,** 101 ; **13,** 7 n., 25
discharge of, accord and satisfaction, by, **3,** 97
alteration, by, **3,** 98
cancellation, by, **3,** 98
covenant not to sue, by, **3,** 97, 99
impossibility of performance, by, **3,** 92, 93, 97
joint obligees, in case of, **3,** 98, 99
joint obligors, in case of, **3,** 99
modes of, **3,** 97, 98
payment by, **3,** 97
performance, by, **3,** 97
release, by, **3,** 97, 99
donatio mortis causâ of, **15,** 433
double, **3,** 80
equitable relief in case of, **13,** 20, 48
escrow, operation as, **3,** 84
estoppel by reason of, **3,** 90, 91, 97 ; **13,** 372
evidence in case of, **3,** 83, 85, 87
execution of, **3,** 84, 99 ; **20,** 678 n.
execution on, **3,** 94, 102 ; **14,** 47, 48
fidelity, assignment of breach of, **15,** 502 n.
collector of church and poor rates, for, **15,** 495 n., 497 n.
collector of taxes, for, **15,** 487 n.
construction of, **15,** 475, 476
death, agreement for determination by, **15,** 494 n.
provisions of, **15,** 494 n.
stranger's rights in regard to, **15,** 503
foreign, debt on, not a chose in action, **4,** 360 n.
drawing for payment of, **21,** 500
estate duty in case of, **13,** 193
indorsement of, **2,** 567
marriage settlement, of, **25,** 712 n.
negotiability of, **2,** 567, 568
forfeiture of, **3,** 80
forgery of, **9,** 731, 733
form of, **3,** 80, 81, 83, 85
fraud, effect of, **3,** 98, 99 ; **13,** 20
friendly society, in favour of, **15,** 170 n.
officer of, by, **10,** 399 ; **15,** 143, 163
stamp duty on, **15,** 161
gaming consideration, for, **3,** 85, 86 ; **15,** 272 n., 279
gift of, **15,** 413, 429 n., 433
guarantee by, **15,** 485, 551, 571
guardian of the poor, by, stamp duty, **22,** 536
heir, binding on, **3,** 89
husband's, delivery out in Divorce Division of, **16,** 524, 583

BOND—*continued.*
illegal consideration, for, **3,** 85, 86 ; **13,** 73 n.
immoral consideration, for, **3,** 85, 86 ; **13,** 73 n.
impossible condition in, **3,** 84, 85, 93, 97
indorsed memorandum on, **3,** 88
indorsement, foreign bonds, of, **2,** 567
payee, by, how far evidence of payment, **19,** 80
restraint of condition, in, **3,** 88
special, of claim on, **3,** 101
industrial society's capital invested in, **17,** 21
infant's, **3,** 83 ; **17,** 49, 63 n.
limitation of action in respect of, **3,** 100
injunction, breach of covenant secured by bond, to restrain, **3,** 90
parting with bond, against, **17,** 265
penalty, in case of, **3,** 90
instalments, payable by, **3,** 81, 82, 92, 94, 95
interest in case of, **3,** 93, 95, 96 ; **21,** 41
interpleader, in, **17,** 612, 613
investment business, meaning of, **5,** 622, 623
joint, action on, **3,** 102, 103
construction of, **3,** 99
discharge of, **3,** 98, 99
guarantee by, **15,** 565 n.
discharge of, **15,** 567 n., 568, 569
in law, may be joint and several in equity **14,** 308
joint and several, action on, **15,** 504
construction of, **3,** 88, 89 ; **14,** 308
contribution, right to, **15,** 528 n.
judgment against one obligor, **15,** 569 n.
obligees on, **3,** 80, 91
obligors on, **3,** 80, 88, 89, 91 ; **14,** 308 ; **15,** 508 n.
stamp duty on, **24,** 708 n.
joint obligee on, **3,** 98, 99, 102
joint obligor, covenant not to sue by, **3,** 99
death, effect of, **15,** 568
executed by, **3,** 84, 99, 102, 103
insurable interest in life of co-obligor, **17,** 545
release of, **3,** 99
seal, destruction of, effect of, **3,** 99
Statute of Limitations, how affected by, **19,** 81
judgment on, **3,** 93, 102, 103
payment of amount of a judgment, for, **15,** 551
land acquired compulsorily, bond given on entry on, **6,** 101, 159, 162
liability of principal and surety where penalty attached to, **15,** 485
limitation of actions in case of, **3,** 94, 99—101 **19,** 77. *See also* SPECIALTY.
liquidated damages in respect of, **3,** 82, 96
Lloyd's, *defined,* **3,** 82
borrowing on, by railways, **3,** 82 n. ; **23,** 631
impliedly prohibited by express power, **5,** 730
effect of, **3,** 82 ; **23,** 632
loan society, given to, **19,** 219, 226
local situation of, **13,** 309
loss of, remedy in case of, **3,** 101 ; **13,** 7 n., 25
lunatic, party to, **3,** 83, 100
committee of, given by, **19,** 433, 434
marriage brocage etc., relief in case of, **3,** 86 ; **13,** 20
marriage settlement, with a view to, **25,** 536 n., 547
married woman as party to, **3,** 83
master of emigrant ship, by, **26,** 343, 344
merger of simple contract in, **3,** 90
misrepresentation, effect of, **20,** 678 n.
mistake, effect of, **3,** 85, 98

BOND—*continued.*
money, rights in respect of, **3,** 81, 93, 94. *See* MONEY BOND.
mortgage, as collateral security for, **3,** 99, 100; **21,** 90, 91
negotiability of, **2,** 567, 568; **10,** 286
debenture bond, **2,** 568; **5,** 357; **27,** 247 n.
foreign corporation, in case of, **2,** 567, 568
foreign Government, in case of, **2,** 567, 568; **27,** 247 n.
joint stock companies, in case of, **2,** 569; **27,** 247 n.
notary, drawing for payment by, **21,** 500
notice determining, **15,** 494 n.
obligee of. *See* joint and several, joint obligor, *supra*; OBLIGEE.
obligor of. *See* joint and several, joint obligor, *supra*; OBLIGOR.
parliamentary agent, of, **21,** 729
parol evidence in regard to, **3,** 83, 85, 87
parties to, capacity of, **3,** 80, 83
partners, given by, **3,** 91; **22,** 26
payment, discharge by, **3,** 88, 94, 97, 98, 102
giving whether amounting to, **15,** 522
one obligor, to, **13,** 64 n.
part, of, **3,** 95, 100
time for, **3,** 88
penalty, *defined,* **3,** 95
failure to stamp, for, **24,** 704 n.
infant cannot give, **17,** 49
injunction in case of, **3,** 90
judgment for, **3,** 102
limitation of liability in case of, **3,** 89, 93, 94; **15,** 485
liquidated damages, distinguished from, **3,** 96
performance of condition of bond secured by, **3,** 80
relief against, **3,** 94; **13,** 151
rights in regard to, **3,** 80, 89, 90, 93—95, 102
statutes of Anne and William III. apply to, **3,** 95
performance, effect of, **3,** 92, 93, 97
personal representatives, rights of, **3,** 91
pilot, of, **26,** 605, 615
post obit. See POST OBIT BOND.
priority in administration, by court of insolvent estate, **14,** 344, 345
executor, by, **3,** 89; **14,** 247; **15,** 426; **25,** 565 n.
priority in administration of assets in case of, **3,** 89; **14,** 247; **15,** 426
insolvent estate administered by court, **14,** 344, 345
voluntary bonds, **3,** 89; **15,** 425; **25,** 565 n.
profert of, dispensation with, **13,** 25, 26
railway company's power to borrow on, **3,** 82 n.; **23,** 631, 632
real estate, binding on, **3,** 89
receiver, from, **24,** 371
recital in, **3,** 80, 87, 88
estoppel by reason of, **3,** 90, 91
rectification of, **21,** 13
release, effect of, **3,** 97—99
relief, against breach of condition, **13,** 151
obligor of, to, **11,** 202 n.; **17,** 587
plaintiff suing on, to, **13,** 48, 49
void bond, in case of, **13,** 73 n.
replevin, **11,** 201, 203, 204
action on, **11,** 203, 204
assignment of, **4,** 393; **15,** 425, 426
breach of condition in, **11,** 203, 204

BOND—*continued.*
replevin—*continued.*
excessive security, for, **11,** 207
restraining obligor from proceeding on, **11,** 202 n.
stamp duty on, **11,** 202
surety's liability in, **11,** 203, 204; **15,** 483 n., 554
representatives, real and personal, liability of, **3,** 91
resignation of benefice, for, **3,** 85, 86; **11,** 628
respondentia,
maritime lien in respect of, **26,** 620
nature of, **26,** 241
preparation of, by notary public, **21,** 499
salvage reward, no contribution to, **26,** 586
validity of, **1,** 66; **26,** 241, 242
restrained from suing under, effect of, **13,** 48, 49
restraint of trade, in, **3,** 86
satisfied, position of assignee of, **4,** 387
Secondary of City of London, of, **25,** 801
set-off in respect of, **25,** 490
settlement, of, **25,** 531
several persons, of, liability in case of, **3,** 88, 89; **15,** 489 n.
sheriff of City of London, by, **25,** 797
sheriff's fees, for, **25,** 833
officer, of, **25,** 803
right of action in case of execution on, **14,** 48
signature on, necessity for, **3,** 84
simple, **3,** 80
single, **3,** 80
specially indorsed writ for claim on, **3,** 101
specialty debt created by, **3,** 89
specific performance in case of gift of, **25,** 547
stamp duty in respect of, **3,** 103—105; **4,** 215; **24,** 590
exemptions from, **19,** 219; **22,** 536
sum of money expressed in, **3,** 83
surety, counter bond given to, creditor not entitled to, **15,** 505
suretyship, enforcement of, **15,** 504 n., 551; **91,** 434
surrender of voluntary, effect of, **15,** 97
survivorship in case of joint, effect of, **3,** 91
third person, delivered to, **3,** 84
tort, conditioned for commission of, **3,** 85, 86
trade union agreement, to secure performance of, **27,** 617
transfer to volunteer of, **13,** 98 n.
Treasury, to, **15,** 549
under-sheriff, of, **25,** 800
validity of, **3,** 83—86
void, money paid in respect of, whether recoverable, **15,** 272 n.
void or voidable, position of assignee, **4,** 387
voluntary,
administration, in, **3,** 89; **15,** 425; **25,** 565
enforcement of, **15,** 425; **25,** 565 n.
surrender of, consideration for new bond, **15,** 97
wife's costs, to secure, **16,** 524, 583
wilful violation of, relief in case of, **13,** 151 n.
will, bequest in, of, **28,** 522
wording of, mistakes in, effect of, **3,** 85

BOND,
deposit of goods in. *See* BONDED WAREHOUSE.

BONDED WAREHOUSE,
defined, **24,** 590 n.
access to goods in, by officer of customs and excise, **8,** 152; **24,** 589
accommodation to be provided for customs officer at, **18,** 151

BONDED WAREHOUSE—*continued.*
chicory to be deposited in, **24,** 595; **27,** 539
custody of goods in, liability for, **24,** 589
deposit in, ship's stores, for, **24,** 599, 604, 606
destruction or embezzlement of goods in, **24,** 589
drawback on goods in, for ship's stores, **24,** 599, 604, 606
duty free warehouse, deposit of imported goods in, **24,** 589, 601, 609
duty on goods in, calculation of, on delivery of goods, **24,** 590, 591
exportation, on, **24,** 590
removal to another warehouse, in case of, **24,** 590
alteration of goods to free from liability, on, **24,** 590
payable on delivery from, **24,** 590, 598, 602, 604, 609
security for, **24,** 590
gold and silver plate, imported, to be deposited in, **24,** 593
London Building Acts, exemption from fire protection clauses of, **20,** 476
marine insurance risk in case of goods delivered at, **17,** 386, 387
rates in respect of, **24,** 13, 41
shipowners' right to deliver goods to, **26,** 279
spirits in, clearance and use of, **24,** 601
racking of, provision for, **18,** 152
receipt for, **18,** 152
false receipt for, penalty in case of, **18,** 152
warehoused duty free, **24,** 601
sugar in, operations on, **24,** 604
tobacco in, abandonment of, **24,** 608
operations on, **24,** 608
wine warehoused in, duty free, **24,** 609
racking of, **24,** 609

BONDHOLDER. *See* DEBENTURE HOLDER.
bond investment business, in case of, rights of, **5,** 623

BONDSMAN. *See* SURETY.

BONE-BOILER,
consent to carrying on trade, **23,** 562, 565

BONE-DEALER,
metropolis, in, regulations as to, **23,** 567

BONFIRE,
lighting in streets, **27,** 284, 287

BONIFACE VIII.,
decretals of, **11,** 378 n.

BONUS,
defined, **5,** 271
bill of sale, in relation to, **3,** 38
building
contract, in relation to, **3,** 224
society's loan, for, **3,** 339
company directors on sale, to, **5,** 336
dividend, meaning of, **5,** 271
Irish Land Acts, on sale under, **25,** 550 n., 640 n.
money-lending, relief in case of, **21,** 53 n.
mortgage, stipulation in, for, **21,** 144, 145, 224
policy of insurance, assignment of, carries, **25,** 532; **17** 560
settlement of, effect as regards, **25,** 532

BONUS—*continued.*
tenant for life's right to, **25,** 608—610
sale under Irish Land Acts, on, **25,** 550 n., 640 n.
wages, included in term, **26,** 53 n.

BOOK. *For business books, see* BOOKS.
account, of. *See* ACCOUNT BOOKS; BOOKS.
bequest, for storage of, not charitable, **4,** 123, 206
to charity of, death duties in case of, **4,** 206
binding works, meaning of, **14,** 439
British Museum, deposit at, **8,** 174; **19,** 213; **23,** 214
Common Prayer, of. *See* BOOK OF COMMON PRAYER.
convicts, supply to, **23,** 264
copyright in, abridgment, in, **8,** 146, 147
abroad, published, action in respect of, **8,** 140, 157
assignment of, **4,** 395, 396; **8,** 157—161. *See* COPYRIGHT.
author, publication after death of, **8,** 137, 138, 140; **14,** 227
rights, **8,** 137, 148, 157, 158. *See* AUTHOR.
blasphemous, **8,** 144
catalogue, **8,** 145
Common Prayer, of, **8,** 173. *See* BOOK OF COMMON PRAYER.
compilation, **8,** 145
definition for purpose of, **8,** 142, 143 n., 205
false statements, containing, **8,** 144
illustrations, **8,** 155, 198
immoral, no copyright in, **8,** 144
infringement of, **8,** 163—170. *See* INFRINGEMENT OF COPYRIGHT.
licence to print, **8,** 161—163
map, chart, or plan as, **8,** 144
nature of, **8,** 139, 143, 144, 152—157
new edition, assignee may publish, **8,** 159
how far registration covers, **8,** 154
newspaper, magazine etc. is a, **8,** 142 n., 147, 154
passing off, as written by a particular author, **8,** 143 n., 159, 165
pirated copy of, detinue or conversion of, **8,** 167, 168
importation of, **8,** 170 n.
publisher's rights, **8,** 148
registration for purpose of, of, **8,** 144, 152—157. *See* REGISTRATION OF COPYRIGHT.
seditious, no copyright in, **8,** 144
title of book, **8,** 143
translation, **8,** 149, 150
unauthorised copy, author's rights in case of, **8,** 163, 167, 168, 170 n.
unpublished work, in regard to, **8,** 137, 163; **14,** 227
distress upon, **11,** 142, 143
divine service, provision for, **11,** 471
hawking of, **20,** 57 n., 59
pass. *See* PASS BOOK.
price of, when fixed by publisher, **23,** 217
prisoner awaiting trial, for, **23,** 244
sale on commission, custom to have for, **10,** 274, 282
scientific, as evidence, **13,** 479
university libraries, delivery of copies to, **8,** 175; **23,** 214

BOOK DEBTS,
defined, **2,** 121
assignment of, creditor, to, valid against trustee, when, **2,** 289

BOOK DEBTS—*continued.*
assignment of—*continued.*
future, valid, **4,** 375 n.
partner, by, **4,** 371 n.
trustee in bankruptcy's rights in case of, **2,** 118
bequest of, business may include, **28,** 700
bill of sale void for inclusion of, **3,** 22
choses in action, as, **4,** 362 n.
diary, memorandum in, as constituting, **2,** 121 n.
sale along with partnership business of, **22,** 103
trustee in bankruptcy, by, **2,** 119, 121

BOOK-KEEPER,
market-of, duties as to sale of horses, **20,** 31

BOOK OF COMMON PRAYER,
abridgment for use in colleges, **11,** 658 n.
Act of Uniformity
forbids departures from, **11,** 676
offences under, in respect of, **11,** 536, 654
power under, to alter, **11,** 382
purpose of, **11,** 675
additions to, lawful, **11,** 677
unlawful, proceedings for, **11,** 529, 530, 655
almanack annexed to, as evidence, **13,** 479
assent to, by presentee to benefice, **11,** 601, 659
bishop, resort to, in case of doubtful interpretation of rubric, **11,** 676
ceremony and rite in, *defined*, **11,** 675
Convocation, power of, to alter, **11,** 676 n.
depraving, **9,** 532 ; **11,** 654
incumbent, by, forfeiture of benefice for, **11,** 536
refusal of communion for, **11,** 691
forms in, use obligatory, **11,** 529, 530, 657—661, 676
variations from, what allowed, **11,** 382, 659—661
notices prescribed by, **11,** 660, 680, 681
ordination vows as to use of, **11,** 551, 554, 684 n.
printing of, **6,** 497 ; **8,** 173, **27,** 527 n.
services, unlawful alteration or departure from prescribed, **11,** 529, 530
trust for service in accordance with, **11,** 658 n.

BOOK PACKET,
postal packet, included in the term, **22,** 630 n.

BOOKING OFFICE,
enlargement of, **4,** 67

BOOKLAND,
ownership of, **24,** 139 n.

BOOKMAKER. *See* BETTING.
agent, representing himself to be an, **15,** 276 n.
business of, account in respect of, **15,** 278 n. ; **22,** 71, 72
partnership, in, **15,** 277 ; **22,** 16 n., 71
club of, **9,** 550
commission account of, **15,** 277 n.
deposit with, recovery of, **15,** 272, 273, 275, 276
income tax in case of, **16,** 656
place, use of, by, **9,** 548—550 ; **15,** 294—299
position of, **15,** 276 n.
streets or public places, in, **9,** 551 ; **15,** 291—293

BOOKS,
This word contains references to account and business books. For references to other books, see BOOK.
account, of, evidence, as, **13,** 561. *See* ACCOUNT BOOKS.
approved society, of, national health insurance, relating to, **28,** 966
asylum, duty to keep, **19,** 484
Bank of England, falsification of, **9,** 755
banker's. *See* BANKERS' BOOKS.
bankrupt, of. *See* BANKRUPTCY.
borough council, inspection of, **20,** 436
building society's, inspection of, **3,** 390
burial board, of, **3,** 457
inspection of, **3,** 458
registration, for, **3,** 556, 557, 559—561
business, discovery in case of, **11,** 91
inspection of, **11,** 89
church, churchwardens, detention by, of, on resigning office, **11,** 467. *See also* REGISTER.
provision by, of, **11,** 471, 472
custody of, **11,** 468, 686, 706, 736, 741
evidence, as, **11,** 687 ; **13,** 474, 536—538
inspection and copies of, **10,** 83 ; **11,** 687, 707
company, of, alteration or destruction of, **5,** 313 ; **9,** 660
auditor's access to, **5,** 268
books and papers, meaning of, **5,** 36, 559 n.
powers of Board of Trade as to, **5,** 452, 455, 563
charge on, **5,** 344
Companies Clauses Act, under, **5,** 722 ; **10,** 83
directors' knowledge of contents of, **5,** 231 ; **13,** 449
discovery of, **5,** 324, 474, 476 ; **10,** 83, 86 n. ; **11,** 39, 40, 46, 47
evidence, as, **5,** 239, 324, 325, 505, 559 ; **13,** 478, 555
falsification of, **5,** 313 ; **9,** 660
inspection of, committee of inspection, by, **5,** 452
contributories, by, **5,** 442, 451
creditors, by, **5,** 152, 365, 370, 442, 560, 696
debenture-holders, by, **5,** 357
mortgagees, by, **5,** 722
official receiver, by, **5,** 445
shareholders, by, **5,** 152, 266, 365, 370, 442, 451, 561, 722
lien on, officer has no, **5,** 243
liquidation, in case of, **5,** 344 ; **13,** 555
liquidator, charge on books invalid against, **5,** 344
delivery up by, **5,** 455
inspection, must allow, **5,** 442, 443, 445
keeping by, **5,** 429, 451, 452
not liable for, after five years from dissolution, **5,** 563, 592
official receiver's duty to keep, **5,** 428, 429, 451, 452
presumption that entries are in order, **5,** 239
production at private examination of, **5,** 474, 476
winding-up, disposal in, of, **5,** 563, 592
inspection in, of, **5,** 442, 560, 561
corporation, of, evidence, as, **13,** 478
debtor, of, bankruptcy offences in respect of, **2,** 346—348
lien on, **2,** 117
omission to keep, **2,** 251, 252
petition in bankruptcy, in case of, **2,** 52

BOOKS—*continued.*
debtor—*continued.*
sale of, **2,** 104
seizure of, **2,** 55, 75
trustee in bankruptcy takes possession of, **2,** 117, 188
deceased person's transactions, as evidence of, **13,** 465, 561
distress upon, **11,** 142, 143
Education Committee etc., of, **13,** 478
evidence from entries in bankers'. *See* BANKERS' BOOKS.
borough councillors' attendance, of, **19,** 306
company, against, **5,** 324, 325
company meeting proceedings, of, **5,** 239; **13,** 555
company's and corporation's, **13,** 478
deceased person, by, **13,** 465
partnership, against, **13,** 424
pedigree, as to, **15,** 560
surety under fidelity guarantee, against, **15,** 479
friendly society's, inspection of, **15,** 174
gas company's, production of, **15,** 368
highway traffic, inspection in respect of, **16,** 179
industrial or provident society, of, **17,** 15, 16, 18
inspection of business, **11,** 89
knowledge of contents, presumption as to, **5,** 231, 232; **13,** 448, 449
limited partnership, of, power of Court as to, **22,** 121
mandamus to deliver up, **10,** 81
parish, **19,** 253, 254. *See* church, *supra, and* REGISTER.
partnership, access to, **22,** 50, 65, 66
evidence, as, **22,** 66
improper extracts from, **22,** 65, 66
inspection of, **22,** 50, 65, 66
limited, power of court as to, **22,** 121
private matter, containing, **22,** 46, 65, 66
production in action of, **11,** 89; **22,** 66
removal by partner of, **22,** 82
restraint on extracts from, **22,** 65, 66
pawnbroker, of, **22,** 249, 250
production of, **22,** 256
production for inspection of business, **11,** 89; **22,** 66, 256. *See* ACCOUNT BOOKS.
public documents, as, **13,** 473, 478, 479, 530, 531
register. *See* REGISTER.
Statute of Frauds, whether satisfied by entries in books, **5,** 239; **7,** 368, 371; **25,** 135 n.
trustee in bankruptcy, of, **2,** 130, 131
witness, referred to by, **13,** 424, 596, 597
workhouse, entries by visiting guardians in, **19,** 517
master's creed register book, **22,** 561, 562
master's custody of, **19,** 517

BOOKSTALLS,
railway, rating of, **24,** 13

BOOTH,
bye-law reserving power to erect, validity of, **23,** 397
highway, on, **10,** 226; **27,** 276
indecent exhibition in, misdemeanour, **9,** 537
land tax, rating for, of, **20,** 40
polling, **12,** 310
strolling players, used by, position of, in respect to licence, **27,** 402 n.

BOOTS,
inn of, authority to receive goods for custody, **17,** 322

BOOTY,
Admiralty jurisdiction in regard to, **9,** 57
capture of, **1,** 78; **6,** 444, 445
prize, as distinguished from, **6,** 445; **23,** 277

BORE-HOLES,
coal mine, regulations as to, **20,** 616, 617

BORING,
lease of rights of, **20,** 558
promoters' right of entry on lands for, **6,** 97

BORNEO,
protectorate over, **10,** 524

BOROUGH,
defined, **18,** 230; **19,** 293
accounts of, **17,** 323—325
alderman, council, member of the, **19,** 302
disqualification of, **2,** 88; **19,** 307, 309
election of, **12,** 352, 354, 355; **19,** 308, 309
number of, **12,** 354; **19,** 308
outgoing, **12,** 353 n., 354; **19,** 309
re-election of, **19,** 309
preparation of list of persons qualified to be, **12,** 205
qualification for, **12,** 354
returning officers, as, **12,** 340
term of office of, **12,** 354; **19,** 309
analyst, appointment and duties of, **15,** 7, 8
area of, alteration of, **19,** 323
defined, how, **19,** 293
assessors, election of, **12,** 350
asylum, conveyance of land for, **19,** 481
county, contract by, for reception of lunatics in, **19,** 486
contribution by, to, **19,** 485, 486
county borough, in case of, **19,** 485, 486
provision and maintenance of, **19,** 479
receipt of private patients in, **19,** 482, 487
auditor, casual vacancy in office of, **19,** 325
classes of, **19,** 324, 325
elective, **12,** 355, 356; **19,** 324
mayor's, **12,** 355; **19,** 324
powers of, **19,** 325
remuneration of, **19,** 325
boundaries of, alteration of, **19,** 322, 323
duty to ascertain, **3,** 112 n.
bridges, repair of, **16,** 184, 188, 189, 190
county, exempt from repair of, **16,** 190
burgess. *See* BURGESS.
Burial Acts in metropolitan, **3,** 447, 500—503
Cambridge, of, **19,** 302
burgess and occupation franchises in, **12,** 188, 189
precedence in, **19,** 309
classification of, **19,** 299—301, 540—542
clerk of peace, position and duties of, **19,** 625—628. *See* CLERK OF THE PEACE.
commission of the peace, with separate, **19,** 301, 541, 542
transfer of powers to county council, **19,** 374
compensation authority for refusal of licence in, **18,** 68
conversion into county, effect on compensation charge of, **18,** 73

BOROUGH—*continued.*
constable. *See* BOROUGH POLICE.
chief, costs of opposing licence not chargeable on borough, **18,** 43 n., 85
notice of application for licence served on, **18,** 41
chief constable of county, appointment of additional, by, **22,** 488
under control of, **22,** 490
coroner, appointment, etc. of, **8,** 218, 225, 226, 236
bail, may admit to, **8,** 228
county, jurisdiction in, of, **8,** 220
deputy of, appointment of, **8,** 236
qualifications for office of, **2,** 384; **26,** 728
fees of, **8,** 227, 228; **19,** 636
jurisdiction of, **8,** 226, 227
officer of the Crown, as, **8,** 226
prison, inquest on death in, not held by, **8,** 227, 241
qualification of, **8,** 226
removal of, **8,** 228
remuneration of, fixed by recorder, **8,** 227; **19,** 636
return of inquests by, **8,** 296
corporation, **19,** 302
establishment of market by, **20,** 11, 12, 21
indictment against, non-repair of highway, for, **16,** 140
council. *See* BOROUGH COUNCIL.
councillors, election of, **12,** 339—352; **20,** 433. *See* BOROUGH COUNCILLOR.
county, conversion into, **18,** 73
coroner's jurisdiction, within, **8,** 220, 241
council jurisdiction in case of, **19,** 372—374
franchise, qualification of owners of land within borough for, **12,** 152, 154, 155
meaning of, **19,** 300, 301
police, incorporation of, with, **22,** 490
rate, exemption from, **19,** 354—357
court-house not within, in trial of election petition, **12,** 516
court leet of, **9,** 216
court of *pie poudre* of, **9,** 136
court of the staple of, **9,** 137
courts, appeal from, **9,** 133, 134
certiorari to remove from, **9,** 136; **10,** 185
defences and counterclaims in, **9,** 131
deputy judge of, **2,** 382
judge of, **9,** 84, 133, 134
qualifications of, **2,** 382, 384
removal of, **9,** 135
Judicature Acts, application of, to, **9,** 132
jurisdiction of, **9,** 129
exclusion of, where county court has concurrent, **9,** 130
extension of, **9,** 130, 131
officers and juries of, **9,** 129, 135
procedure and rules in, **9,** 132, 133
quarter and special sessions, of. *See* quarter sessions, **9,** 82, 84, *and* special sessions, *infra.*
disfranchisement of, **12,** 138, 470 n.
education managers appointed by council of, **12,** 34
Food and Drugs Acts, administration of, **15,** 7 n., 8, 9, 34
franchise, burgess, **12,** 184—189
qualification for, **12,** 184—187
household, in, **12,** 163—174. *See* HOUSEHOLD FRANCHISE.

BOROUGH—*continued.*
franchise—*continued.*
lodger, in, **12,** 174—177. *See* LODGER FRANCHISE.
municipal, **12,** 189, 190
occupation, in, **12,** 158, 159. *See* OCCUPATION FRANCHISE.
service, in, **12,** 165, 166, 172—174. *See* SERVICE FRANCHISE.
freedom of, acquisition of, modes of, **19,** 322
honorary, **19,** 322
freeman of. *See* FREEMAN.
fund. *See* BOROUGH FUND.
gift for, **4,** 114, 115
government of. *See* BOROUGH COUNCIL; MUNICIPAL CORPORATION.
household franchise in, **12,** 158, 159, 163—174
inquest in, return by coroner of, **8,** 296
inspector of food and drugs, **15,** 7 n.
intoxicating liquor compensation charge, effect of conversion of borough on, **18,** 73
jury
list in, **18,** 236
service in, **18,** 229, 230
justice, appointment and qualification of, **19,** 536, 543
gaol delivery, sessions of, no jurisdiction at, **9,** 84
jurisdiction of, **19,** 545, 630
petty sessions, in, **19,** 561
quarter sessions, in, **9,** 84; **19,** 563
licensing, in, **9,** 85, 86; **18,** 34; **19,** 637
lunacy authority and visitor, as, **19,** 637
mayor as *ex officio,* **19,** 538
Municipal Corporations Act, jurisdiction under, **9,** 84; **19,** 563
oath of office of, **19,** 543
polling district division by, **12,** 308, 309
powers transferred to, **19,** 371, 372
powers when county justices have jurisdiction in borough, **19,** 544, 545
precedence of, **19,** 543, 544
separate commission of peace, boroughs which have, **19,** 301, 541
petition for, **7,** 84; **19,** 301
special sessions, in. *See* special sessions, *infra.*
land ownership in, whether a qualification for county franchise, **12,** 152, 154, 155
Land Tax Commissioner in, qualification of, **18,** 313
licensing authorities in, **18,** 34, 35
confirmation authority in, **18,** 51
local courts of record in, **9,** 129
lodger franchise in, **12,** 174—177
lunacy authority in, **19,** 374, 467 n.
justice as, **19,** 637
main road in. *See* MAIN ROAD.
mayor of. *See* MAYOR.
metropolitan. *See* METROPOLITAN BOROUGH.
Burial Acts, in relation to, **3,** 447, 501, 502
powers as to compulsory purchase of, **6,** 171—174
municipal election petition costs payable by, **12,** 522, 523
occupation franchise in, **12,** 155, 156, 158—177
Oxford, of, **19,** 302
burgess and occupation franchise in, **12,** 188, 189
precedence in, **19,** 309
parish burgess list, offences relating to, **12,** 539 n.

BOROUGH—*continued.*
police. *See* BOROUGH POLICE.
polling districts, division into, **12,** 204 n., 308, 309
quarter sessions borough, **9,** 82, 84 ; **19,** 622, 623
defined, **19,** 301
county council powers as to, **19,** 355, 356, 372, 373, 374
enumeration of, **19,** 541 n., 542 n.
financial relations between county council and, **19,** 355, 356
jurisdiction, criminal, of, **9,** 85
jury for, **18,** 238 ; **19,** 628, 631
powers in case of, **19,** 372
smaller, county council administration of, duties of, **19,** 372, 373, 374
quarter sessions, court of, borough fund, may authorise payment out of. *See also* QUARTER SESSIONS.
caption of proceedings in, **19,** 624. *See also* QUARTER SESSIONS.
certiorari in, how returned, **19,** 662
costs of, **19,** 629, 630
court of record, is, **9,** 84
custody of records of, **19,** 627, 628
fees and fines in, **19,** 630
judge of, **9,** 82, 84 ; **19,** 622, 623
jurors in, how summoned, **18,** 238 ; **19,** 628, 631
police at, **19,** 631
second court, **19,** 623, 626
rate. *See* BOROUGH RATE.
recorder of. *See* RECORDER.
register, parliamentary, for, **12,** 139
reserved franchise, rights in, **12,** 178—180
returning officer for, **12,** 259, 260, 340, 350, 396 n.
separate commission of peace, with, **19,** 301, 374, 541 n., 542 n.
county council powers where, **19,** 374
sessions, **9,** 84. *See* quarter sessions borough, *supra.*
several constituencies, divided into, franchise qualification in case of, **12,** 165
sheriff for, appointment of, **19,** 540, 541 ; **25,** 796
special sessions, appeal from, **19,** 650
business transacted at, **9,** 87 ; **19,** 569—571
licensed premises, may not be held on, **9,** 87
mayor and ex-mayor may hold, **19,** 545
stage plays licensed at, **9,** 87 ; **19,** 569
time for holding, **9,** 86
stipendiary magistrate of, **19,** 545
clerk to, **25,** 547
court of, **19,** 547, 579
court of gaol delivery or quarter sessions, no jurisdiction in, **19,** 547
deputy, **25,** 547
ex-officio justice of the peace, **25,** 546
qualifications of, **2,** 382 ; **19,** 546
recorder may not be, **19,** 544
salary of, **19,** 546
town clerk of. *See* TOWN CLERK.
town councillor, disqualified, vote of, **12,** 352 n.
council of, polling districts, division into, by, **12,** 308, 309
transferred powers in, **19,** 371, 372
treasurer, appointment and duties of, **19,** 313, 323, 324
disqualifications for office of, **19,** 313
half-yearly accounts of, **19,** 323, 324
audit of, **19,** 325
legal proceedings, exclusive powers as to, of, **19,** 313
penalties payable to, **15,** 238

BOROUGH—*continued.*
treasurer—*continued.*
Poaching Prevention Act, penalties under, payable to, **15,** 238
police fund, *ex-officio* position as to, **22,** 488
tenure of office of, **19,** 313
trustee, as, position of, **19,** 313
vacancy, time limit as to, **19,** 313
union of, **19,** 323
usage of, franchise rights by, **12,** 179 n.
varieties of, **19,** 299—301, 540—542
voters' lists in, **12,** 216, 221
ward roll of, **12,** 344
wards, with, alteration and division, in case of, **19,** 323
elections in, **12,** 339
without, election in, **12,** 339
watch rate leviable in, **24,** 81
water supply of, **28,** 254, 325. *See* WATER SUPPLY.
Weights and Measures and Diseases of Animals Acts, relief in respect of, **19,** 356, 357 ; **28,** 498
powers in regard to, **28,** 497, 498

BOROUGH COUNCIL,
defined, **12,** 17 n. ; **19,** 296 n., 302
accounts of, **19,** 323, 324 ; **20,** 436, 451
audit of, **10,** 174 ; **19,** 324, 325
advertising structures, powers in Metropolis as to, **16,** 207 ; **20,** 406
allotments, powers with regard to, **1,** 352 ; **6,** 168—171 ; **17,** 7
area of, educational, **12,** 17
Baths and Washhouses Acts, adoption of, by, **23,** 487, 488, 490 n.
Bill in Parliament, Borough Funds Act, powers under, as to, **19,** 380—384
opposition to, by, **19,** 381
promotion of, by, **19,** 381, 382, 383
borough rate, appeal against, **24,** 80
collection, etc. of, **24,** 78, 79
borrowing powers of, Baths and Washhouses Acts, under, **23,** 490 n.
bridges, for erection and maintenance of, **19,** 317, 318
burial purposes, for, **3,** 486, 502, 503
Education Acts, for purposes of, **12,** 51
Electric Lighting Act, under, **12,** 553 ; **19,** 317 n.
erection of buildings, for, **19,** 317
inebriate reformatories, for purposes of, **18,** 169
light railway, in connection with, **27,** 830, 838, 839
metropolitan, **20,** 447—449 ; **23,** 386, 387
municipal buildings and bridges, for erection and maintenance of, **19,** 317, 318
Public Health Acts, under, **23,** 382—384
Public Works Loans Act, under, **21,** 59—63
purchase of land, for, **19,** 317
road improvement, for, **16,** 201
sanitary purposes, for, **19,** 317
security of sewage works, on, **23,** 386
unauthorised borrowing restrained by injunction, **19,** 317
bribery
by member, officer or servant of, disqualification from, **12,** 141
of member, officer or servant of, disqualification from, **12,** 141

BOROUGH COUNCIL—*continued.*
bridges, maintenance and improvement of, by, **16,** 26 ; **19,** 317
mortgage for purposes of, by, **19,** 317
repair of, **16,** 26, 189, 190
building projections, powers in Metropolis as to, **16,** 210
burial board, with powers of, **3,** 484—486, 491
grounds, powers with regard to, **3,** 486, 487, 503
business of, conduct of, **19,** 315
bye-laws of, **16,** 117, 118 ; **19,** 328 ; **20,** 461, 462 ; **21,** 514, 540 ; **23,** 390, 563
certiorari against, illegal highway expenditure, for, **16,** 131
committees, appointment of, **19,** 316, 317
common pasture land, acquisition of, **4,** 601
contract of, **8,** 386 ; **19,** 268, 313
conveniences, erection in Metropolis of, **16,** 205
coroner, appointment of, by, **8,** 218, 226
of, time limit for, **8,** 225
postponement of, **8,** 226
councillors of. *See* BOROUGH COUNCILLOR.
county borough, of. *See* COUNTY BOROUGH COUNCIL.
county council, concurrent powers with, **12,** 23, 24 n.
financial relations with, **19,** 353—357
crossing sweepers, control in Metropolis, of, **16,** 204
Crown lands, Commissioners of Woods must consent to use of, by, **7,** 201
deputy coroner appointed subject to approval of mayor of, **8,** 236
education authority, as, **12,** 16, 17, 23
committee of, **12,** 19
concurrent powers as to, **12,** 23, 24 n.
expenses of, **12,** 23, 47
rate for higher, **12,** 23
election of. *See* BOROUGH COUNCILLOR.
expenses of, burial, for, **3,** 485, 486, 502
common, suburban, in relation to, **4,** 598
education, for, **12,** 23, 47
electric lighting, for, **12,** 552, 553
fire, for providing means of extinguishing, **23,** 550
general, **19,** 319, 321
highways, for, **16,** 125
small holdings, for, **26,** 694
fire
engines, escapes, etc., provision of, by, **23,** 549
plugs, provision of, by, **23,** 548
food, unwholesome, powers as to, **15,** 36
game dealers' licences, powers as to, **15,** 255 n.
gas, mains and pipes, powers as to, **15,** 378, 380
measures, powers as to, **15,** 344, 346
Sale of Gas Act administered by, **15,** 344
supply of, by, **15,** 309
metropolis, in, **20,** 404
gifts by, illegal, **15,** 402
highway authority, as, **6,** 171 ; **16,** 24—26, 29, 163
delegation of powers by, **16,** 26
diversion or stopping up, consent to, **16,** 72, 200, 201
maintenance of, **16,** 125, 200, 203
metropolitan, powers in case of, **16,** 200—207, 210
roadside wastes vest in, as, **16,** 163
streets, duty to maintain, **16,** 101

BOROUGH COUNCIL—*continued.*
inclosure of common, suburban, powers as to, **4,** 598
inebriate reformatory, provision for, **18,** 162, 169
injury caused by default of, **15,** 380 n.
inquests, powers as to fees etc., at, **8,** 293
labour bureaux in Metropolis, powers as to, **20,** 407
land, acquisition of, Burial Acts, under, **3,** 486, 487, 503
labouring population, for, of common pasture, **4,** 601
mortmain restrictions, exempt from, **4,** 137 n.
Municipal Corporation Act, under, **19,** 318 ; **25,** 310
recreation ground, for, **21,** 587, 590
small holdings, for, **6,** 168—171 ; **26,** 692
land, sale of, by, small holdings, for, **26,** 692
library authority, as, **12,** 15 n. ; **23,** 582—585. *See* LIBRARY AUTHORITY.
lien of town clerk etc. on documents of, **26,** 815
light railway, application for, by, **27,** 819, 837
borrowing for purpose of, **27,** 830, 838, 839
construction of, by, **27,** 837
deposit of plans, maps, etc., for, with, **27,** 821, 822
expenses in connection with, **27,** 838
joint committee, may appoint, for working of, **27,** 839
loans for, by, **27,** 830, 837
Treasury may supplement, **27,** 839
promoters, differences with, how settled, **27,** 795
lighting of streets, powers in Metropolis, as to, **16,** 204
loans by, light railway, for, **27,** 830, 837, 838, 839
small dwellings, for purchase of, **26,** 695
loans to. *See* borrowing powers, *supra.*
market rights, power as to, **20,** 14
meetings of, admission of public to, discretionary, **19,** 316
business at, how conducted, **19,** 315
minutes of proceedings at, **19,** 316
notice of, **19,** 314
quarterly, **19,** 314
summoning of, **19,** 314
voting at, **21,** 315
Metropolitan. *See* METROPOLITAN BOROUGH COUNCIL.
midwives, control over, **20,** 367, 368
military purposes, powers to hire land for, **25,** 100
minor local authority for educational purposes, as, **12,** 34
mortgage by, **19,** 317, 318 ; **21,** 112 ; **23,** 386
seal conclusive as to, **20,** 449
nuisances, abatement of, **21,** 536, 540, 566 *et seq.*
byelaws as to, **19,** 328 ; **21,** 540
officers of, **19,** 311—313, 327, 624—628
parish council powers transferred to, **16,** 29
petty sessional court-houses, provision of, **19,** 567
pleasure grounds, provision of, **21,** 587, 590
powers of, **12,** 23, 24 n. ; **16,** 29 ; **19,** 310
borough rate, as to, **24,** 78, 79
borrowing. *See* borrowing powers, *supra.*
Burial Acts, under, **3,** 447, 505
byelaws, to make, **19,** 328 ; **20,** 461, 462 ; **21,** 540
commons, with regard to, **4,** 598
education authority, as, **12,** 16, 17, 19, 23, 24 n.
food, unwholesome, as to, **15,** 36

BOROUGH COUNCIL—*continued.*
powers of—*continued.*
game dealers' licences, as to, **15,** 255 n.
gas supply, as to, **15,** 309, 344, 346, 378, 380
highway authority, as. *See* highway authority, *supra.*
inebriate reformatories, with regard to, **18,** 162, 169
inquests, as to fees etc. at, **8,** 293
light railways. *See* light railways, *supra.*
midwives, as to, **20,** 367, 368
military purposes, to hire land for, **25,** 100
nuisances, as to, **21,** 536, 540, 566
Public Health Acts, under, **19,** 313
public pleasure grounds, as to, **21,** 587, 590
sanitary authority, as, **23,** 372, 373
statues and monuments, as to, **16,** 205; **21,** 602, 606
promotion of bill by, **19,** 382—384
Public Health Acts, as authority under, **19,** 313; **21,** 536
rate for higher education, limits of, **12,** 23
rating authority, as, **24,** 78. *See* BOROUGH RATE.
collection of rates, **24,** 80, 81, 82, 90—93
general district rate levied by, **24,** 82
highway rate, **16,** 126; **24,** 96
option to rate owner in lieu of occupier, **24,** 84
relief in respect of drainage, may allow, **24,** 87
remission of rate by, **24,** 94
watch rate levied by, **24,** 81, 82
refuges in streets, provision in Metropolis of, **16,** 204
roadside wastes, powers as to, **16,** 163
sanitary authority, as, **23,** 372, 373
separate commission of peace, petition for, **7,** 84; **19,** 301
sewers under streets, powers in Metropolis as to, **16,** 206
sky signs, powers in Metropolis as to, **16,** 207
small dwellings, loans for purchase of, by, **26,** 695
small holdings, acquisition of land for, by, **6,** 168—171; **26,** 692
expenses in respect of, **26,** 694
sale of land for, by, **26,** 692
statues and monuments, powers as to, **16,** 205; **21,** 602, 606
watch committee of, **19,** 321; **22,** 487
rate, borough fund, paid into, **19,** 319
levied by, **24,** 81, 82

BOROUGH COUNCILLOR,
bribery of and by, disqualification, **12,** 141
disqualification of bankrupt for office of, **2,** 88; **19,** 304, 307
contract, by reason of, **19,** 304—306
highway, for repair of, **16,** 113
infant as, **17,** 47
statutory, **19,** 303—308
election of, **12,** 339—352
agents, workers and assistants, **12,** 341, 342
bands of music, payments for, **12,** 347
casual vacancy, on, **19,** 299
committee rooms, **12,** 348, 349
corrupt practices, **12,** 345, 387. *See* CORRUPT PRACTICES.
disturbance at, **12,** 349
double return, **20,** 433, 434

BOROUGH COUNCILLOR—*continued.*
election of—*continued.*
expenses, limit of, **12,** 346, 347
return and declaration as to, **12,** 351, 352
false statement as to withdrawal, **12,** 347
franchise for, **12,** 182—190
metropolitan borough, **12,** 190; **20,** 433
freedom of, **12,** 345
illegal employment, **12,** 348
hiring, **12,** 348, 349
payments, **12,** 347
practices, **12,** 345, 346, 349. *See* ILLEGAL PRACTICES.
joint candidates, **12,** 346
metropolis, in. *See* METROPOLITAN BOROUGH COUNCIL.
nomination, **12,** 342—344
notice of, **12,** 340
petition against, **12,** 486—525. *See* ELECTION PETITION, municipal.
placards and posters, **12,** 348
poll, **12,** 349—351
procuring improper votes, **12,** 347
returning officer, **12,** 340
time for, **12,** 339, 340
unauthorised payments, **12,** 349
wards, in, **12,** 339
list of persons qualified to be, preparation of, **12,** 205
metropolitan. *See* METROPOLITAN BOROUGH COUNCIL.
office of, corruptly procuring or promising, as election offence, **12,** 284 n.
qualification for office of, **19,** 302, 303, 307 n.
statement of, at meeting, privilege, **18,** 681, 682
term of office of, **19,** 307, 308; **20,** 433

BOROUGH ENGLISH,
descent of land according to custom of, **8,** 86; **11,** 3 n., 5, 12, 15, 16; **24,** 155
devise of land to testator's heir, how construed, **28,** 749, 750
dower by custom of, **24,** 189 n., 190, 194
enfranchisement of, **8,** 126
nature etc. of custom of, **24,** 148, 149, 155
personal estate, land so held not reckoned as, **11,** 16

BOROUGH FUND,
Borough Funds Acts, 1872 and 1903, powers of local authorities under, **19,** 380—384
borough rate payable into, **11,** 217; **19,** 319—321; **24,** 78
breach of trust, jurisdiction of court as to, **17,** 225
constitution of, **19,** 319, 320
corporate expenses charged to, **11,** 217; **19,** 295, 319, 320
election penalties payable into, **12,** 540
Food and Drugs Acts administration expenses charged to, **15,** 34
gas expenses payable out of, **15,** 346
profits payable into, **15,** 366
land hired for military purposes paid for out of, **25,** 100
light railway promotion expenses charged to, **27,** 838
local education authority's expenses charged to, **12,** 47
municipal election court expenses charged to, **12,** 489, 491
petition costs charged to, **12,** 523

BOROUGH FUND—*continued.*
payment
into, of what items, **19,** 319
out of, rules as to, **19,** 319, 320
quarter sessions expenses charged to, **19,** 629, 630
fees and fines paid into, **19,** 319, 630
sheriff's fees charged to, **25,** 833 n.
telegraph work's expenses charged to, **27,** 392
treasurer, payments made by or to, **19,** 319, 630

BOROUGH POLICE,
adoptive Act, powers under, of, **22,** 488
area of authority of, **22,** 487
bail, power to admit to, **22,** 506
borough with separate, **22,** 486, 487
chief constable, costs of opposing licence, cannot charge, on borough fund, **18,** 43 n., 85
notice of application for licence served on, **18,** 41
chief constable of county, appointment of additional by, **22,** 488
control of, over, **22,** 490
controlling authority over, **22,** 487
county and borough, consolidation of, **22,** 490, 491
development of, **22,** 485, 486
dismissal of, **22,** 488, 490
disqualifications affecting, **22,** 489
duties of, **22,** 489
finance of, **22,** 487, 488
firemen, acting as, **22,** 489
franchise rights of, **22,** 489
fund, treasurer of, **22,** 488
local authority, powers of, **22,** 488
maintenance of, **22,** 487, 488
powers and duties of, **22,** 488, 489
quarterly returns to Home Secretary by, **22,** 489
separate force of, **22,** 486 n.
special constable, **22,** 492, 495
statutory powers of, **22,** 488
superintendent constable, **22,** 488
swearing in of, **22,** 489
watch committee, under control of, **22,** 486, 487, 489, 490

BOROUGH RATE,
defined, **19,** 320, 321; **24,** 78
appeal against, **24,** 80
assessment on parishes of, **11,** 217; **24,** 78, 79
borough council as rating authority, **24,** 78—80
borough fund, payable into, **11,** 217; **19,** 319; **24,** 78
collection and recovery of, **11,** 217; **24,** 78, 80, 81
distress in respect of, **11,** 217; **24,** 81
fire brigade expenses payable out of, **23,** 550
Food and Drugs Acts administration expenses charged to, **15,** 34
franchise qualification by payment of, **12,** 187
highway expenses payable out of, when, **16,** 126
instalments, payable by, **12,** 188
land hired for military purposes paid for out of, **25,** 100
local education authority's expenses charged to, **12,** 47
municipal election court expenses charged to, **12,** 489, 491
petition costs charged to, **12,** 523
nature and purposes of, **11,** 217; **19,** 320, 321; **24,** 78, 79

BOROUGH RATE—*continued.*
overseers' duties in regard to, **11,** 217; **24,** 78, 80, 81
liability in regard to, **24,** 80, 81
parish contribution to, **11,** 217
penalties payable in relief of, **15,** 52
poor rate, levied as part of the, **11,** 217; **24,** 78
purposes of, **19,** 320, 321; **24,** 78
rating authority in regard to, **24,** 78—80
recovery of, **11,** 217; **24,** 80, 81
total rateable value for purpose of, **24,** 79
warrant for levy etc. of, **11,** 217

BORROWING. *See also* ADVANC; LOAN; LOAN OF MONEY; MONEYLENDER.
agent, by, in excess of authority, lender's remedy in case of, **1,** 202, 203; **13,** 150 n.; **22,** 27
allotments, for purposes of, **1,** 353, 360, 361; **19,** 283
assignment of benefit of contract to lend, **4,** 369, 378, 379
bank overdraft, by means of, **1,** 630, 631; **5,** 338
banker, from, **1,** 569, 630—639
stockbroker, by, **27,** 218, 231
bankruptcy, effect of, **2,** 159, 177, 189, 222—224; **21,** 55, 61
Baths and Washhouses Acts, under, **19,** 283 n.; **23,** 489, 490
benefice, for improvements etc. in connection with, **11,** 755—759, 782, 788
betting, for purpose of, **15,** 278—281
bill of sale, on security of. *See* BILL OF SALE.
boards of guardians, by, **22,** 536—538, 556, 557
borough council, by,
Baths and Washhouses Acts, under, **23,** 490 n.
bridges, for, **19,** 317
burial purposes, for, **3,** 486, 502, 503
educational purposes, for, **12,** 51
electrical purposes, for, **12,** 553; **19,** 317 n.
erection of buildings, for, **19,** 317
inebriate reformatory, for purposes of, **18,** 169
light railway, for, **27,** 830, 838, 839
metropolitan. *See* metropolitan borough council, *infra.*
mortgage in case of, **19,** 317, 318
municipal buildings, for, **19,** 317
Public Health Acts, under, **23,** 382—384
Public Works Loan Commissioners, from, **21,** 59
purchase of land, for, **19,** 317
road improvement, for, **16,** 201
sanitary purposes, for, **19,** 317
security of sewage works, on, **23,** 386
borrower, obligations of, **1,** 538, 539; **3,** 346; **21,** 53—57
bottomry, on. *See* BOTTOMRY.
British Government, on guarantee of, **24,** 757
building societies, in case of. *See* BUILDING SOCIETIES.
burial, for purposes connected with, **3,** 461, 476—479, 483, 486, 488, 489, 496, 498, 500, 502, 503, 567
canal company, by, **23,** 786, 787
cargo, on security of, **1,** 66; **26,** 241. *See* BOTTOMRY.
chattels, of. *See* BAILMENT; LOAN.
churches, for repair of, **11,** 734, 755
churchwardens, by, for repairs of church or chapel, **11,** 734

BORROWING—*continued.*
City of London Corporation, by, **20,** 447 ; **23,** 386
club, by, **4,** 427
collateral security in case of, **5,** 339 ; **21,** 89, 90
Commissioners of Sewers, by, **24,** 104 ; **25,** 785
Companies Clauses Acts, under, **5,** 730—743
assignment, calls, of, **5,** 733
mortgages and bonds, of, **4,** 394
bondholders, rights of, **5,** 734, 735
bonds, on security of, **3,** 82 n. ; **5,** 730, 731, 733
canal company, in case of, **23,** 786, 787
debenture stock as security in case of, **5,** 731, 739—743
deed, necessity for, **5,** 733
evidence of authority for, **5,** 733
gas companies, in case of, **15,** 365
interest in case of, **5,** 736, 737
transfer of, **5,** 739
irregularity in issue of securities, **5,** 739
limits of power, **5,** 730, 731
Lloyd's bond, upon, **3,** 82
modes of, **5,** 730
mortgage of undertaking, **5,** 731
meaning of undertaking, **5,** 732
priority in case of, **5,** 741, 742
railway companies, in case of, **23,** 632, 633
reborrowing in case of, **5,** 731
receiver, appointment of, **5,** 737, 738
register of mortgages and bonds, **5,** 735
remedies of mortgagees and bondholders, **5,** 735—738
repayment, **5,** 735, 736
statutory form of mortgage, **5,** 734
subrogation in case of excessive, **5,** 730
transfer, interest, of, **5,** 739
mortgage or bond, of, **5,** 738
registration of, **5,** 738, 739
uncalled capital, on security of, **5,** 734
company under Act of 1908, by, **5,** 224, 337—345, 390
after-acquired property, on security of, **5,** 342—344
bank overdraft, by, **5,** 338
books and papers, on security of, **5,** 344
calls, on security of, **5,** 342
commencement of power of, **5,** 344
condition precedent to exercise of power, **5,** 341
debenture stock, on security of, **5,** 339, 347
debentures, on, **5,** 345—364. *See* DEBENTURE.
director, from, **5,** 340
powers of, **5,** 224, 234, 295, 338, 339
enforcement of securities for, **5,** 372—389
floating security, on, **5,** 348—352, 388
implied power in trading company, **5,** 337
improper exercise of, **5,** 337—342
interest in case of, **5,** 389
irregularity as to, **5,** 341
limits of, **5,** 338, 340
priorities among securities for, **5,** 356
private company, in case of, **5,** 344
purposes of, **5,** 339, 340
registration of mortgages etc. in case of, **5,** 364—372
securities in case of, **5,** 337, 338, 342—389
inspection of, **5,** 364, 365, 370
parol agreement by company to give, **5,** 339, 343
transfer of, **5,** 357—360, 579
subrogation in case of excessive, **5,** 337 ; **13,** 149

BORROWING—*continued.*
company under Act of 1908—*continued.*
terms of power must be complied with, **5,** 342
two companies jointly, by, **5,** 340
uncalled capital, on security of, **5,** 342, 343
undertaking, on security of, **5,** 348—352, 388
winding up, effect of, **5,** 373, 388, 389
compensation authority, by, **18,** 73
consideration for a settlement, as, **15,** 96
corporation, by, **8,** 360, 363 ; **21,** 110. *See* borough council, *supra.*
county council, by,
allotments, for, **1,** 263
educational purposes, for, **12,** 50, 51
highways, for, **16,** 132
isolation hospital, for, **23,** 441
mortgage, upon, **21,** 112
Public Works Loans Commissioners, from, **21,** 59 ; **26,** 694
small dwellings, for, **26,** 701
small holdings, for, **1,** 361 ; **26,** 693, 694
statutory purposes, for, **19,** 361
delegation of user of chattel, in regard to, **1,** 540
dilapidations of benefice, for, **11,** 759, 782
Diseases of Animals Act, for expenses incurred under, **1,** 430
district council, by, **21,** 59. *See* local authorities, by, *infra.*
education, for purposes of, **12,** 20, 50, 51, 88
district board, by, **12,** 88
electric lighting etc., for purposes of, **12,** 553, 554, 623
executor, by, **14,** 294, 296—298 ; **21,** 105, 106
from, **14,** 243
expectant heirs, by, **15,** 111—113 ; **21,** 53
false representations in connection with, **3,** 68 ; **9,** 697, 704 ; **21,** 51
fine art society, by, **4,** 236
freight, on security of, **26,** 241
friendly societies, in case of, **15,** 164, 165 ; **21,** 111, 112
gaming consideration, on a, **15,** 282
glebe, for compensation paid to tenant of, **11,** 759
guardians, by, **22,** 536—538, 556, 557
harbour authority, by, **28,** 420
highway authorities, by, **16,** 105, 106, 132, 236
housing of working classes, for, accounts of loans to be kept, **19,** 283
additional accommodation, for, **23,** 540
local authority, by, **23,** 535, 536, 541
metropolis, in, **20,** 444 ; **23,** 535, 541
Public Works Loan Board, from, **21,** 59 n. ; **23,** 538, 541, 542
Small Dwellings Acquisition Act, under, **26,** 701
hypothecation of cargo, by, **1,** 66 ; **26,** 240, 241
income tax deductions in respect of interest, **16,** 652
industrial societies, powers of, **17,** 20
infant, by, **17,** 65, 69, 172 ; **21,** 53
isolation hospital, for purposes of, **16,** 132 ; **23,** 441
joint board, by, **19,** 339 ; **23,** 386
land tax, for redemption of, **11,** 760
library authorities, by, **23,** 594
light railways, for purposes of, **27,** 838, 839
literary or scientific institution, by, **4,** 236 ; **19,** 200, 201
loan distinguished from sale, **5,** 338
loan society, from, **8,** 666 ; **19,** 222—226. *See* LOAN SOCIETY.

BORROWING—*continued.*
local authorities, by,
application of loan to authorised objects, **21,** 60
borough council, by. *See* borough council, *supra.*
control over, **21,** 60
default in payment of loan, remedies in case of, **21,** 61
Diseases of Animals Acts, for expenses under, **1,** 430
duration of loan, **21,** 60; **23,** 383
electrical purposes, for, **12,** 553, 554
highway purposes, for, **16,** 106, 132
housing of working classes, for, **23,** 535, 536, 541
interest in case of, **21,** 60
light railways, for, **27,** 838, 839
Local Government Board in relation to, **19,** 282; **21,** 60; **23,** 374
Local Loans Act, 1875, under, **21,** 61—63
debenture securities in case of, **19,** 361; **21,** 62
local loans stock, by, **21,** 60
mortgage of property in case of, **23,** 384—386
mortgage of rates in case of, **21,** 60, 112
mortuary, for, **3,** 567
permanent works, for, **21,** 58; **23,** 383
private street works, for, **16,** 236
Public Health Acts, for purposes of, **23,** 382, 384
Public Works Loan Commissioners, from, **21,** 58—63
reborrowing to discharge loan, **21,** 61 n.
reformatory and industrial school, for, **12,** 79
restrictions in case of, **23,** 383, 384
rural district council, in case of. *See* rural district council, *infra.*
security for loan to, **21,** 59, 60, 62
small dwellings, for, **26,** 701
special accounts to be kept of, **21,** 59
street improvement, for, **16,** 106
urban district council, in case of. *See* urban district council, *infra.*
water supply, for, **28,** 325, 326
local education authority, by, **12,** 20, 50, 51
Local Loans Act, 1875, under,
county court jurisdiction in relation to, **8,** 666, 667; **24,** 344
debenture securities in case of, **3,** 479; **4,** 394; **19,** 361; **21,** 62
discharge of loan, **21,** 63
duration of loan, **21,** 63
inquiries by lender in case of, **21,** 63
mandamus to enforce payment of sums due, **10,** 106
nominal securities in case of, **21,** 62, 63
priority in case of, **21,** 63
register of securities in regard to, **21,** 63
sinking fund for repayment of loan, **21,** 63
London County Council, by, **20,** 394, 396, 444—447
lunatic, for maintenance of, **19,** 441
manager appointed by the court, by, **24,** 431
Metropolitan Asylums Board, by, **22,** 538
metropolitan borough council, by, **3,** 502, 503; **12,** 553; **20,** 447—449; **23,** 386, 387
Metropolitan Police Force, for purposes of, **22,** 469
Metropolitan Water Board, by, **28,** 334, 335
money, of, from money-lenders, **21,** 44—53
interest in case of, **21,** 37—43
relief in case of, **3,** 66; **21,** 53—57

BORROWING—*continued.*
money-lenders, offences by, **21,** 57, 58
mortgage, on. *See* MORTGAGE.
mortuaries etc., for, **3,** 567
municipal council, by, **19,** 317, 318
parish council, by, **1,** 353; **3,** 496; **19,** 244; **23,** 490, 491
parish meeting, by, **3,** 498
parsonage, for purchase or improvement of, **11,** 754—759, 788
partner of firm, by, **21,** 94—97; **22,** 11, 12, 27, 28, 33, 98
personal representatives, by, **14,** 243, 294, 296—298; **21,** 105, 106
from, **14,** 243
poor law purposes, for, **8,** 676; **22,** 537, 538
poor law relief in the shape of loans, recovery of, **22,** 566, 567
port sanitary authority, by, **23,** 386
prison authority, by, **23,** 242
Private Street Works Act, 1892, under, **16,** 236
public health purposes, for, **16,** 132; **23,** 382—387, 441. *See* local authority, *supra.*
Public Works Loans Commissioners, from, **1,** 430, 431; **21,** 58—61; **23,** 384, 538, 541, 542; **26,** 694
railway company, by, **23,** 631, 632
priority of securities in case of, **23,** 633, 634
receiver, by, **24,** 397
reformatory and industrial schools, for, **12,** 79
relief apart from Money-lenders Acts in case of, **15,** 113; **21,** 56, 57
under Money-lenders Acts in case of, **3,** 66; **21,** 53—56
reputed ownership of borrower, **2,** 177
respondentia, on. *See* RESPONDENTIA.
reversionary interest as security in case of, **15,** 113
rural district council, by,
electrical supply, for, **12,** 553, 554
highways, for, **16,** 106, 132
housing of working classes, for, **23,** 541
mortgage, upon, **21,** 112; **23,** 385
private street works, for, **16,** 236
Public Health Act, 1875, under, **19,** 337; **26,** 701
small dwellings, for, **26,** 701
street improvement, for, **16,** 214
sanitary authority, by, **3,** 567
security, parol agreement by company to give, **5,** 339, 343
personal, on, from executors, **14,** 243
loan by trustee on, **28,** 131
production in case of bankruptcy, of, **2,** 189, 230
seizure of chattels given as, **3,** 69
servant, of, liability in case of, **20,** 267
sewerage board, by, **23,** 386
sewers and drains, for purposes of, **23,** 386; **25,** 785
ship, cargo, or freight, on security of, **26,** 69, 70, 241
small dwellings, for purposes of, **23,** 541, 542; **26,** 701
small holdings, for purposes of, **26,** 693, 694, 701
Stock Exchange, on, **27,** 218, 231—238
stockbroker, by, from banker, **27,** 218, 231
street, improvement of, for, **16,** 106, 214
making new, for, **16,** 236
tithe commutation expenses, for, **11,** 760
town planning scheme, for, **21,** 59 n.; **23,** 527

BORROWING—*continued.*
trustees, by, **28,** 149
literary etc. institution, of, by, **19,** 200, 201
universities, by, **12,** 93
urban district council, by,
accounts of loans to be kept, **19,** 283
allotments, for, **1,** 353; **19,** 283
baths and washhouses, for, **19,** 283; **23,** 490 n.
burial purposes, for, **3,** 488, 489; **19,** 283
Diseases Prevention Acts, under, **19,** 283 n.
electrical purposes, for, **12,** 553, 554; **19,** 283 n.
highways, for, **16,** 132
housing of working classes, for, **19,** 283 n.; **23,** 541; **26,** 701
isolation hospital, for, **19,** 283
mortgage, upon, **21,** 112
Public Health Acts, under, **19,** 282
public libraries, for, **19,** 283
small dwellings, for, **26,** 701
street improvement, for, **16,** 106
tramways, for, **19,** 283 n.
valuation list, to defray expenses of, **24,** 52
void loan, position of lender when debts paid with, **3,** 377; **5,** 337, 341, 342, 376, 377; **21,** 51, 52
water supply, for purposes of, **28,** 325, 326, 334, 335
wife, by, **2,** 159; **16,** 421, 426, 433
wife as lender, **2,** 159, 222, 223; **16,** 433, 434, 435
workhouse, for purposes of, **22,** 537, 538
working class dwellings, for, **19,** 283; **21,** 59 n.; **23,** 522, 536, 538, 541, 542; **26,** 701
metropolis, in, **20,** 444; **23,** 535, 541

BORSHOLDERS,
police duties of, **22,** 462

BORSTAL INSTITUTION,
defined, **9,** 418; **23,** 235
detention of young offenders in, **9,** 418—420; **23,** 261
Home Secretary, under control of, **9,** 419; **23,** 231
visiting committee for, **23,** 235

BOSTON,
local court of, **9,** 145

BOTANIC BEER,
included under the term beer, **15,** 45 n.; **18,** 6

BOTANICAL GARDEN,
charitable gift for, **4,** 116

BOTE,
defined, **4,** 447 n.
copyholder may sell surplus timber felled for, **8,** 25
nature of right of, **4,** 447 n., 467, 468 n.
tenant for life's right to, **25,** 600

BOTTLE,
burst, containing sample, evidence in case of, **15,** 32 n.
corking and sealing, by licence-holder, when selling liquor to child, **18,** 122
importation of spirits in, **24,** 599, 600
washing works, meaning of, **14,** 440

BOTTOMRY,
defined, **1,** 65; **26,** 69
action of, **1,** 65—67, 118; **26,** 73
reference to assess damages, **1,** 117, 118
warrant of arrest in, **1,** 82; **26,** 73
bill of exchange, bond as collateral security to, **26,** 73
collateral security for bond, as, **1,** 66
bond,
defined, **1,** 65; **26,** 69
bill of exchange in regard to, **1,** 66; **26,** 73, 74
British ship in British port, in case of, **26,** 70 n.
common law lien in case of, **19,** 2
enforcement of, **26,** 73
form of, **26,** 69
interest on, **26,** 70, 73
law of the flag, governed by, **6,** 241
lien, execution of bond, upon, **26,** 620
freight, on, **26,** 303
precedence of, **26,** 623
salvage, on, **17,** 491 n.
loan to master of ship secured by, **26,** 70
maritime interest, payment of, in regard to, **1,** 66, 67
maritime risk in regard to, **1,** 66; **26,** 71
negotiability of, **26,** 73, 74
payment of, liability for, **26,** 72
pledge of ship and freight by, **26,** 69, 70
priority of claim in regard to, **1,** 67; **26,** 29 n., 53 n., 73, 246, 622, 623
repairs to ship, in case of, **26,** 71
shipowner's liability in regard to, **26,** 70, 71
supplies to ship, in case of, **26,** 70
translation of foreign, **1,** 82
validity of, jurisdiction of court as to, **1,** 66, 67
voyage, given upon, effect of, **26,** 72
cargo etc., on security of, **1,** 65, 66; **26,** 69, 70, 241, 246
collateral security given with contract of, **1,** 66; **26,** 73
communication to owners of notice as to, **26,** 71
conflict of laws in regard to, **6,** 241
contract of. *See* bond, *supra.*
contribution to salvage, liability to, **26,** 586
evidence of necessity for loan by, **1,** 66; **26,** 242, 243
freight, effect of assignment of, **26,** 303
lien on, **26,** 303
on security of, **1,** 65, 66; **26,** 69, 72, 241, 246
priority of claim in regard to, **26,** 246
insurable interest in case of, **17,** 373
insurance of loan on, **17,** 366
interest, deduction in marine insurance adjustment of, **17,** 468
liability for, on bond, **26,** 70, 73
maritime, necessity for, **1,** 67
lender,
enforcement of claim by, **26,** 245, 246
lien by, freight, on, **26,** 303
salvage, on, **17,** 491 n.
lien,
execution of bond, upon, **26,** 620
freight, on, **26,** 303
possession not essential to, **19,** 2
postponement of, **26,** 246, 623
precedence of, **26,** 623
priority of, **26,** 623
salvage, on, by holder of bond, **17,** 491 n.
transfer of, **26,** 625

BOTTOMRY—*continued.*
marine insurance, in, **17,** 468, 469 n., 485 n.
maritime risk, necessity for, **1,** 66; **26,** 71
master of ship, authority to hypothecate by contract of, **26,** 69
claim for wages in regard to claim under bond, **26,** 623
duty, before raising money on, **26,** 70, 71
mortgagee, holder of bond in competition with, **26,** 29
necessity, in case of, requisite as to, **1,** 66; **26,** 242, 243
notary public's assistance in preparing bond, **21,** 499
ownership, questions of, **1,** 67; **26,** 70, 72, 246
payment under contract of, time for, **26,** 72, 73
personal credit, effect of loan on, **1,** 66
pledge, cargo by way of, **1,** 65; **26,** 70, 241
freight by way of, **1,** 65; **26,** 69, 72, 241
ship by way of, **1,** 65; **26,** 69, 70
possession not necessary to lien under, **19,** 2
priority of claims in respect of, **1,** 67; **26,** 29 n., 53 n., 73, 246, 623
repairs defrayed by money raised on, **17,** 469 n.
risk undertaken by lender on, **1,** 66; **26,** 71
salvage and average in relation to, **17,** 491 n.; **26,** 246, 586
security obtained in case of, **1,** 65, 66; **26,** 70
several loans raised on, effect of, **26,** 246
ship, cargo, or freight, on security of, **1,** 65; **26,** 69, 70, 72, 241, 246
ship lost, rights in case of, **1,** 65, 66; **26,** 73
shipowner's position in case of, **1,** 67; **26,** 70, 72, 246

BOUGHT AND SOLD NOTES,
contract by, **7,** 351; **25,** 140, 141. *See also* CONTRACT NOTE.

BOULDER,
preventing encroachment of sea, right to place, **11,** 328

BOUNDARIES. *See also* FENCE.
The title BOUNDARIES, FENCES, AND PARTY WALLS *is contained in Vol. III., pp.* 107 *et seq.*
defined, **3,** 108
accretion, effect of, **3,** 122; **28,** 362, 398. *See* ACCRETION.
action in regard to, discovery of documents in, **3,** 150; **20,** 540
ad medium filum rule. *See* MEDIUM FILUM RULE.
adjoining lands, between, **3,** 108, 109, 111, 134; **13,** 39
agreement, fixed by, **3,** 109, 110, 140
alteration of, Board of Agriculture, by, **3,** 112
borough, of, **19,** 322, 323
county, of, **19,** 340 n.
parish, of, **11,** 450, 451; **20,** 408
ambiguity in description of, **3,** 139, 140
apportionment of rent, ascertainment for purposes of, **3,** 113
arbitrator's award as evidence of, **3,** 145, 146
archbishop's province, of, **11,** 383
assessments for land tax or poor rate as evidence of, **3,** 146
Attorney-General as party in suit against Crown respecting, **3,** 118
auction, particulars of sale at, as evidence of, **3,** 148

BOUNDARIES—*continued.*
Board of Agriculture and Fisheries, powers of, **3,** 112—114, 146; **4,** 550—553; **8,** 47
borough, alteration of, **19,** 322, 323
ascertainment of, **3,** 112 n.
boundary wall, covenant to repair, **3,** 131
inscription on, as evidence of, **3,** 147
burial ground, of, **3,** 467, 505
charity lands, of, **3,** 117 n.; **4,** 200, 203
city, ascertainment of, **3,** 112 n.
commission to ascertain, **3,** 117, 118
costs in regard to, **3,** 141
common, of, **3,** 112, 113; **4,** 550—553, 602, 603
confusion of, determination in case of, **3,** 112, 113, 116, 117; **13,** 39
conveyance, defined in a, **3,** 110, 111; **18,** 414, 415
copyhold, in case of, **3,** 112, 114, 144, 149; **8,** 47, 128
county, of, **3,** 112 n.; **19,** 340 n.
evidence as to, **3,** 141, 148
court rolls as evidence of, **3,** 149; **8,** 18
courts having jurisdiction in case of, **3,** 115—118; **4,** 551; **13,** 39
Crown lands, of, **3,** 118; **7,** 175, 176
Crown survey as evidence of, **3,** 143, 144
dangerous articles near, duty as to, **21,** 395, 396
deceased persons' statements as evidence of, **3,** 141, 142
deed, fixed by description in, **3,** 110, 111, 138, 139, 147; **10,** 467; **20,** 540
description of, **3,** 110; **10,** 468, 469
evidence in, conflicting, **3,** 140
inaccuracy in, effect of, **3,** 110; **10,** 467
determination of, **3,** 108—125, 138—150; **13,** 10, 39, 432
charity lands, of, **3,** 117 n.; **4,** 200, 203
commons, of, **3,** 113; **4,** 602, 603
consideration for contract, as, **3,** 110
copyholds, of, **3,** 112, 114, 141, 148, 149; **8,** 47, 128
inclosure, in case of, **3,** 112; **4,** 550—553, 590
diocese, of, **11,** 395
discovery of documents in action in regard to, **3,** 150; **20,** 540
discrepancy as to, **3,** 109, 110, 138, 140
ditches as, **3,** 109, 111, 112, 124, 125, 148, 149
Domesday Book, evidence from, **3,** 143
easements in respect of, **3,** 132, 136; **11,** 237 n.
ecclesiastical terrier as evidence of, **3,** 145
equitable jurisdiction in determination of, **3,** 116, 117; **13,** 10, 39
legal titles, importance of, **13,** 39
wrongful possession, proof of, **13,** 39
evidence as to, **3,** 138—150; **8,** 18
fence, repairing, as evidence of, **3,** 149. *See also* REPAIR OF FENCES.
fencing of. *See* FENCE.
fishing, acts of, as evidence of, **3,** 121, 148
fixing, modes of, **3,** 109, 139
foreshore as, **3,** 118, 119; **28,** 361
forest, royal, of, **7,** 184
glebe, of, **11,** 718, 748 n.
hamlet, of, **3,** 141; **4,** 550
hedges as, **3,** 109, 124, 125, 148, 149
highways as, **3,** 109, 110, 122—124; **10,** 468, 469; **16,** 51—55, 99, 100; **18,** 414

BOUNDARIES—*continued.*
inclosure of commons, in case of,
appeal from valuer's decision, **4,** 551, 552
award not conclusive as to, **4,** 552, 553; **16,** 100 n.
power of Board of Agriculture to set out, **3,** 112—114
regulated common and inclosed common, between, **4,** 544
river as part of, **3,** 114
settlement of, **4,** 550—552
town green or village green, of, **4,** 590
valuer, may be settled or modified by, **3,** 112; **4,** 553
included in properties bounded, **3,** 109
inscriptions as evidence of, **3,** 147
intermixed land, of, settlement by Board of Agriculture, **3,** 112
island in midstream, in case of, **3,** 122; **28,** 371
judge and jury, respective functions of, **13,** 432
jury's function to determine, **3,** 139; **13,** 432
verdict as evidence of, **3,** 145
lakes, as to, **3,** 120; **28,** 399
land out of jurisdiction, in case of, **3,** 110
Land Transfer Act, 1897, registered under, **3,** 115
leasehold property, of, **3,** 113; **18,** 414, 514
leases etc. as evidence of, **3,** 146
licensed premises, of, powers of justices as to, **18,** 33
maintenance of, **3,** 467; **8,** 47; **18,** 514
manorial, **3,** 112, 118; **4,** 550; **8,** 18; **11,** 443, 715 n.; **28,** 381 n.
evidence as to, **3,** 141, 146, 148; **8,** 18
maps as evidence of, **3,** 110, 139, 140, 144, 145, 147; **10,** 467; **13,** 531, 532, 563, 564 n.; **25,** 423.
medium filum rule. *See* MEDIUM FILUM RULE.
metropolitan parishes, of, **20,** 408.
military land, of, **6,** 159, 160
mines, of, ascertainment of, **3,** 108 n.; **20,** 539, 540
damages for breaking through, **20,** 542.
mistakes in regard to. *See* discrepancy as to, *supra*.
non-maintenance by tenant in copyhold of, **8,** 47
ordnance map as evidence of, **3,** 111, 144; **13,** 532, 564
Ordnance Survey Act, 1841, transfer of powers in regard to, **3,** 112 n.
ownership, acts as evidence of, **3,** 148, 149; **28,** 397
parish, **19,** 237
alteration of, **11,** 443 n., 450; **19,** 238, 377, 379; **20,** 408
settlement affected by, **22,** 577
ascertainment of, **3,** 112 n.; **11,** 747 n.; **19,** 237
county council, by, **19,** 377
inclosure of common, on, **4,** 550
tithe, in relation to, **11,** 747 n.
evidence as to, **3,** 141
highway, in the middle of, alteration for purposes of repair of highway, **16,** 99, 100
new parishes, of, **11,** 443, 450
party wall as, **3,** 108 n., 134—138, 147
perambulations as evidence of, **3,** 148
plans as evidence of, **3,** 110, 139, 140, 144, 145, 147; **10,** 467; **13,** 531, 532, 563, 564; **25,** 423
possession, acquired by, **3,** 111, 112
posts, erection of, in highways, **16,** 116
prescription, acquired by, **3,** 111, 112, 138

BOUNDARIES—*continued.*
preservation of, equitable right to enforce, **3,** 116, 117
presumption as to, hedges and ditches, by, **3,** 124, 125
highway, by, **3,** 122—124; **11,** 155; **16,** 52—55; **24,** 554 n.
lake, by, **3,** 120, 121; **10,** 469 n.
medium filum rule, under, **11,** 155
private ways, by, **3,** 123; **10,** 469 n.
railway, by, **3,** 124
river, by, **3,** 120—122; **10,** 469 n.
sea-shore, by, **3,** 118—120
private agreement as evidence of, **3,** 109, 148
private documents as evidence of, **3,** 146—148
private maps or plans as evidence of, **3,** 147; **13,** 563, 564 n.
private roads as, **3,** 109, 122—124
private settlement of, **3,** 109—111; **4,** 553
public documents as evidence of, **3,** 143; **13,** 528, 529
railways as, **3,** 124, 130, 131
rent-charge, in case of land subject to, **3,** 117; **4,** 203
repair of, **3,** 128—134; **8,** 47; **18,** 514. *See* REPAIR OF FENCE.
reputation, evidence of, **3,** 141, 142
rivers as, **3,** 109, 110, 114, 120—122; **10,** 468, 469; **28,** 392, 396, 397
roads as, **3,** 110; **10,** 468, 469; **18,** 414, 415
roadside waste, in case of, **3,** 123
sea as, **3,** 108 n., 118—120; **28,** 361, *et seq.*
sessions, ancient orders of, as evidence, **3,** 146
settlement of. *See* determination of, *supra*.
streets as, **3,** 124; **16,** 53
sudden changes in, effect of, **3,** 119, 120; **28,** 362
tenant's duty to maintain, **18,** 514
tithe commutation, ascertainment for purposes of, **3,** 113, 114
evidence from maps and proceedings, **3,** 144, 146
title deeds, evidence from, **3,** 110, 138, 139, 150; **20,** 540; **25,** 328
town or township, of, evidence as to, **3,** 141; **4,** 550
valuer, fixed by award of, **3,** 112—114; **4,** 550—597; **8,** 128
village green, of, **4,** 590

BOUNTY,
prize, on seizure of ship as. *See* PRIZE BOUNTY.
Queen Anne's. *See* QUEEN ANNE'S BOUNTY.
slave trade, in respect of ship engaged in, **27,** 537, 538
testator's, objects of, **28,** 518

BOW BEARER,
right at coronation, of, **6,** 331

BOX,
ballot. *See* BALLOT.
legacy of, whether contents included in, **28,** 697
letter. *See* post office letter-box, *infra*.
mail-bag,
included in definition of, **22,** 654 n.; **26,** 354 n.
making, regulations as to trade wages in, **27,** 518 n.
restrictions under Factory Acts on home work in, **14,** 461 n., 513 n.
trade boards for fixing wages in, **27,** 878

BOX—*continued.*
pillar, post office letter box includes, **22,** 630, n.
post office letter box, *defined,* **22,** 630 n.
attempt to injure, offence by, **9,** 259 n.; **22,** 666
compulsory closing or removal of, **22,** 666
explosives placed in or near, **14,** 395; **22,** 666
injury to, penalty for, **22,** 666
insecure, power in case of, **22,** 646
offences in respect of, **22,** 666
post office, included in definition of, **22,** 630 n.
private letter box, may be declared to be, **22,** 646
unauthorised use of the words, **22,** 666
private posting, **22,** 646
signal box, rating of railway for, **24,** 31 n.
street, in,
electricity supply, for purposes of, **12,** 576, 577; **16,** 207 n.
water stop-cock, for. *See* water stop-cock, *infra.*
theatre, in, right of lessee in regard to, **27,** 408, 409
title deeds, used for custody of, devolution of, **14,** 218; **24,** 240
water stop-cock, for,
negligence by non-repair of, **21,** 376 n., 377; **28,** 340 n.
nuisance, as, **16,** 153 n.; **28,** 340 n.

BOXING,
assault by reason of injury in, **27,** 874
death resulting from, **8,** 268; **9,** 582
legality of, **9,** 582

BOY. *See also* CHILD; INFANT; JUVENILE OFFENDERS; YOUNG PERSON.
defined, Coal Mines Regulation Act, 1887, in, **17,** 154
apprenticeship of, **14,** 630. *See* APPRENTICE.
charitable gift for education of, **4,** 108
coal mines, employment in, **17,** 154, 155
contributory negligence by, **21,** 453 n.
criminal incapacity, presumption as to, **9,** 240
educational endowments for, **12,** 101
employment, advice and assistance in obtaining, **28,** 882
marriage by, validity of, **16,** 281 n.
messenger, sale of tobacco to, **17,** 175
metalliferous mines, employment in, **17,** 156, 157
parents' contributions to reformatory and industrial schools for, **12,** 78 n.
pauper, apprenticeship of, **20,** 80; **22,** 565; **26,** 41
performances in streets or licensed premises, restrictions on, **17,** 152
public schools for, **12,** 97—99. *See* PUBLIC SCHOOL.
Royal Navy,
certificate of birth as evidence in, **25,** 9
duties of chaplain in, **11,** 649
help by poor law guardians to join, **22,** 566
period of engagement in, **25,** 8
school fees, deductions from wages for, **17,** 155
sea fishing boy, *defined,* **14,** 633 n.
discipline of, **14,** 632
employment as, **14,** 630
offence by taking money for procuring, **9,** 558; **14,** 630
seaman, included in warranty as, **17,** 418
smoking by, **17,** 175
sodomy by or with, **9,** 540
trade union rule as to, **27,** 601 n.

BOY—*continued.*
Westminster School, of, coronation claims on behalf of, **6,** 335
Workmen's Compensation Act, 1906, claims under, **20,** 174 n.

BOYCOTT,
injunction to restrain false allegation of, **27,** 658 n.
traders, of, **27,** 658 n.

BRACKEN. *See also* FERN.
right to take, **4,** 468

BRACKETS,
interpretation of statutes with reference to, **27,** 122
street lighting, for, **12,** 642

BRAKE,
mine machinery, for, **20,** 619, 631
motor car, regulations as to, **27,** 322, 323
railway train, regulations as to, **23,** 692, 693

BRAKES,
right to take, **11,** 337
Ashdown Forest (Lancaster Great Park), in, **7,** 190

BRANCH,
approved society, of,
accounts to be kept by, **28,** 966
administration account, maximum to be carried to, **28,** 966 n.
amalgamation of, **28,** 942
approval, disqualification for, **28,** 938
arrears, payments in respect of, **28,** 962, 963
audit of accounts of, **28,** 966
benefits, additional, administration of, **28,** 958
books of, **28,** 966
complaint as to, by inspector, **28,** 940
compulsory levy, **28,** 969
deficiency, failure to deal with, **28,** 969
powers to deal with, **28,** 968, 969
dissolution of, **28,** 940
expulsion from society, restriction on, **28,** 940
friendly society, superannuation schemes of, **28,** 972, 973
grouping of, **28,** 969—971
income tax, exemption from, **28,** 965
inspection of affairs of, **28,** 940
meaning of, **28,** 938 n.
members going abroad, provision for, **28,** 965
position of, in matters other than national health insurance, **28,** 941, 942
regulations by Commissioners, compliance with, **28,** 939
re-insurance by, **28,** 972
returns to be made by, **28,** 966
rules for administration, duty to make, **28,** 939
secession of, from society, **28,** 940
security to be given for, **28,** 939
separation of accounts and funds of, **28,** 966, 967
surplus funds, application of, **28,** 967
transfer of members, **28,** 940, 965
transferred member, liability of, **28,** 968, 969
valuation of assets and liabilities of, **28,** 967
valuer, power to refer disputes to, **28,** 969
withdrawal of approval from, **28,** 939

BRANCH—*continued.*
bank,
combination of account at, **1,** 622
customer's cheques, duty in respect of, **2,** 516
relation to head office and other branches, **1,** 602, 612
Bank of England, of,
notes issued by, **1,** 570
power to establish, **1,** 570
Catholic Church, of,
Church of England as, **11,** 370
foundation of, **11,** 355 n.
Church of England, of, colonies and dependencies, in, **11,** 491—494
company, of,
service of process, for purpose of, **10,** 17, 18
winding up, for purpose of, **5,** 763
foreign or colonial company, of, in England, **5,** 763
friendly society, of. *See* FRIENDLY SOCIETY; LODGE.
lopping of trees,
adjoining owner, by, **1,** 296; **3,** 126, 127; **27,** 857 n.
Highway Acts, under, **16,** 113, 114
railway, of,
construction of, **23,** 681—683
facilities for passenger traffic on, **4,** 67
junctions for, **23,** 682, 683
private, reasonable facilities for use of, **4,** 68
rating of, **24,** 33, 34
rebates on charges in respect of, **4,** 87
undue preference in respect of, **4,** 77
seamen's savings bank, of, power to establish, **1,** 578
secretary, trade union not represented by, **27,** 664 n.
trade, of, insurance contributions during short time in, **28,** 895, 896
trade union, of, action against, **27,** 664 n., 665
central body, in relation to, **27,** 661
claim by officers of union against, **27,** 619 n., 634
registration of union in another country, effect of, **27,** 625 n.
torts, exemption from liability for, **27,** 665
trustee of, transfer of funds on change of, **27,** 633
vesting of property of, **27,** 632
tree, of,
adjoining owner, rights of, **3,** 126, 127; **16,** 258 n.
overhanging, injunction to restrain damage by, **3,** 126
liability for damage by, **16,** 258 n.; **21,** 530
lopping of, **3,** 127; **16,** 113, 114
nuisance, as, **1,** 296
poisoning of animals in adjoining field by, **3,** 126, 127
profit à prendre in, **11,** 337
right of lopwood in, **7,** 189 n.
unlawful society, as part of, **9,** 466

BRANDING. *See also* MARKING; STAMPING OF WEIGHTS AND MEASURES.
branded goods, warranty for, **15,** 27
cran measures, of, **28,** 485
lambs, **1,** 410

BRANDING—*continued.*
margarine or margarine-cheese, of packages of, **15,** 56, 57
spirit casks and vessels, of, **18,** 153; **28,** 493

BRANDY. *See also* SPIRITS.
customs duty on, **24,** 600 n.
spirit held not to be, **15,** 21 n.
standard of purity for, **15,** 67.
strength of, ascertainment of, **24,** 669 n.

BRASSFOUNDER,
restrictive covenant as to, **27,** 584

BRAWLING. *See also* DISORDERLY CONDUCT; DISORDERLY PERSON; DISTURBANCE.
arrest, powers of, **9,** 478 n.; **11,** 470, 664 n.
burial ground, in, **11,** 369, 817
service, during, **3,** 422, 426, 523; **9,** 478, 479
cemetery, in, **3,** 523
certified place of worship, in, **9,** 478; **11,** 369
church, in, **11,** 369, 663 n.
churchwardens, arrest of offender by, **3,** 422; **9,** 478 n.; **11,** 470, 664, 665
powers in respect of, **11,** 469, 470
churchyard, churchwarden's control over, **3,** 410; **11,** 470
misbehaviour in, **3,** 422; **11,** 663 n.
clergyman, by,
churchyard, in, **3,** 422
punishment for, **11,** 470 n., 521
common law offence, as, **9,** 477 n.; **11,** 663 n.
disturbance of religious service as, **9,** 477, 478; **11,** 369, 665 n., 817
Established Church, in case of, **9,** 477 n., 478 n.
divine service, what constitutes administration of, **11,** 664 n.
ecclesiastical courts,
jurisdiction of, **11,** 369, 470, 663 n.
partial abolition of jurisdiction of, **3,** 422 n.; **11,** 663 n.
High Court, jurisdiction of, **9,** 478
justices, jurisdiction of, **11,** 470, 521, 665 n.
marriage, at celebration of, **11,** 369
object of prohibiting, **11,** 663
obstruction of clergyman, by, **9,** 478; **11,** 555, 817
police powers as to, **22,** 502
preacher, disturbance of, by, **9,** 477; **11,** 369, 470, 665 n.
public worship, in place of, **11,** 817
quarter sessions,
appeal to, **3,** 422; **11,** 470
punishment at, **9,** 478
removal of offenders, powers for, **11,** 469, 664, 665; **27,** 876
rites of Church of England, during burial without, **3,** 427
statutes relating to, **11,** 664 n.
statutory offence, as, **9,** 477, 478; **11,** 663 n., 665 n.
suspension of clergyman for, **3,** 422; **11,** 521 n.

BREACH.
agreement, of. *See* BREACH OF CONTRACT.
bond, of condition in, **3,** 93—96; **25,** 490 n. *See also* BOND.
charterparty, of
damage to goods, by, **26,** 291
delay on voyage, caused by, **26,** 289

BREACH—*continued.*
charterparty—*continued.*
indemnification for, **26,** 291
limitation of damages for, **26,** 290
measure of damages for, **26,** 288, 289
non-delivery of goods, by, **26,** 288, 289
special damage by, **26,** 290
comity of nations, of, foreign judgment, by, **6,** 288
marriage officer may refuse to commit, **6,** 259
statute must not be interpreted to involve, **27,** 154, 155
condition, of,
attached to gift, contract, or assurance, **13,** 152
bond, in, **3,** 93—96; **25,** 490 n. *See also* BOND.
building contract, in. *See* BUILDING CONTRACT.
charterparty, in, **26,** 143, 144, 192, 217
discharge of contract by, **7,** 520
estate in land, attached to, **24,** 168—170, 330, 331
waiver of, **26,** 193
will, attached to gift by, **13,** 152; **28,** 593—595
confidence, of. *See* faith, *infra.*
agent or servant, by, **17,** 254, 255; **20,** 126
artistic work, in use of, **8,** 190
bailee, by, **1,** 534
consular officers, by, **6,** 435
counsel, by, **2,** 394—396; **15,** 109
equitable jurisdiction to restrain, grounds of, **17,** 255 n., 257
fiduciary position, by person in, **15,** 103—111. *See also* FIDUCIARY POSITION; UNDUE INFLUENCE.
injunction to restrain, **17,** 254, 255, 257
medical practitioner, by, **20,** 337
objection to interrogatory on ground of, **11,** 110
official secrets, by disclosure of, **7,** 30; **23,** 351
private hearing of motion to restrain, **17,** 255
privilege of witness as to. *See* PRIVILEGE OF WITNESS.
public documents, by disclosure of, **7,** 31—33; **13,** 573 n.
solicitor, by, **26,** 726, 735
specific delivery of chattel obtained by, order for, **27,** 917, 918
trade secret, contract not to divulge, **27,** 557, 558
trust, in relation to. *See* BREACH OF TRUST.
contract, of. *See* BREACH OF CONTRACT.
covenant, of. *See* BREACH OF COVENANT.
duty, of. *See* BREACH OF DUTY.
etiquette in House of Commons, of, **21,** 680
faith, of. *See* confidence, *supra.*
agent, by, **1,** 184, 196
bailee, by, **1,** 534
bankruptcy, effect in, **2,** 288
design, by publication of, **27,** 733
servant, by, **20,** 126
injunction, of. *See* BREACH OF INJUNCTION.
order in House of Commons, of, **21,** 679—681
parliamentary privilege, of,
attachment for, **9,** 21 n.
classes of, **9,** 21 n.
Commons, claims by House of, **9,** 25; **21,** 790, 791
freedom of speech, in respect of, **21,** 783 n.

BREACH—*continued.*
parliamentary privilege—*continued.*
habeas corpus not granted in respect of, **21,** 791 n.
House of Lords, powers of, **9,** 21, 22; **21,** 778 n., 790
molestation of witnesses and speakers, by, **21,** 782
offences constituting, **21,** 778 n.
officer of either House, by interference with, **21,** 778 n., 781 n.
publication of proceedings, by, **21,** 783, 784
House of Commons, of, **21,** 783, 793
Speaker's duty as to, **21,** 664
peace, of the. *See* BREACH OF THE PEACE.
pound. *See* POUND-BREACH.
prison, of, offence of, **9,** 507, 598; **22,** 614
privilege from distress, of,
landlord's liability for, **11,** 204, 205
replevin, in case of, **11,** 200
promise of marriage, of. *See* BREACH OF PROMISE OF MARRIAGE.
trust, of. *See* BREACH OF TRUST.
undertaking, of,
attachment for, **1,** 85; **7,** 306
committal for, **7,** 306, 312
company or corporation, by, **7,** 305, 306; **17,** 292 n.
contempt of court by, **7,** 297, 298, 305
married woman, by, **7,** 306
mistake, effect of, **17,** 293
Parliament, not to apply to, **7,** 306
payment into court, for, **7,** 305
retiring partner, by, **22,** 84
sequestration as remedy for, **7,** 306 n.
solicitor, by, **1,** 85; **7,** 306; **26,** 829—832
warranty, of. *See* BREACH OF WARRANTY.

BREACH OF CONTRACT,
accord and satisfaction as defence to, **7,** 441—444
agency, of, injunction to restrain, **1,** 182
agent's right to sue for, **1,** 207—209; **7,** 343, 344
alien enemy, with, **1,** 310, 311; **7,** 463
anticipation, by, **7,** 438—440
apprentice, by, no remedy by injunction or specific performance, **20,** 114
rights of master in case of, **20,** 108, 109, 116
arbitration, settled by, **1,** 444, 445; **7,** 460, 461
architect, with, **3,** 305
assignment of breaches, in action on bond, **3,** 94, 102; **15,** 502 n.
bankruptcy,
disclaimer by trustee in, **2,** 124, 191—196; **5,** 437
right of proof in, **2,** 162, 197, 199
benefit resulting from, no bar to injunction, **17,** 238
building contract, in case of, **3,** 238—249; **10,** 339. *See* BUILDING CONTRACT.
carriage, of, **7,** 345; **26,** 346, 347
cause of action arising from, **7,** 343, 441—463; **19,** 42, 43; **25,** 141—143
discharge of, **7,** 441—463
cestui que trust affected by, **7,** 344
charterparty, in case of, **26,** 86, 87, 91—138, 175, 177—315
penalty clause providing as to, **26,** 135, 136
protection against, **26,** 95—97, 129—134, 192—201, 204, 240—254
common law, relief at, **10,** 302, 313—317; **27,** 13

BREACH OF CONTRACT—*continued.*
company winding up, proof of damages in, **5,** 509
condition, through failure of, **7,** 432—436
conflict of laws as affecting, **6,** 248, 305
continuing,
building contract, in case of, **3,** 256, 257
cause of action in respect of, **19,** 78
waiver of, **3,** 258
contract, effecting discharge of, **7,** 410, 440, 441
criminal offence, as, **9,** 564—566; **15,** 357; **20,** 127
damages for, **7,** 441; **10,** 302—350. *See* DAMAGES; MEASURE OF DAMAGES.
death of party, effect of, **7,** 461, 462
debentures, for taking, damages in case of, **5,** 352 n.; **10,** 332
deed, contained in. *See* BREACH OF COVENANT.
discharge of right of action for, **7,** 441—463
effect of, **7,** 440, 441; **10,** 302; **27,** 60
election between damages and injunction, **17,** 237
electric lighting undertakers, by, **12,** 592
gas supply, by persons employed in, **9,** 564, 565; **15,** 357, 358; **20,** 127
goods, for sale of. *See* sale of goods, *infra.*
inducing, liability incurred through, **7,** 345; **9,** 564
tort by, **27,** 649, 650
injunction against, **17,** 235—252
actor's contract to perform, whether enforceable by, **27,** 412
basis of jurisdiction, **17,** 235
Common Law Procedure Act, 1854, under, **18,** 733 n.
contract of service, in case of, **1,** 182; **20,** 114
discretion of court, **17,** 238
ineffectual defences in case of, **17,** 238
instances of, **17,** 245
jurisdiction to grant, **17,** 203, 204, 235
liquidated damages, provision for, **17,** 236, 237
mutual covenants, in case of, **17,** 247
negative stipulation, in case of, **7,** 441; **13,** 49, 51 n.; **17,** 245, 246
newspaper, on sale of, **23,** 220 n
parties to application for, **17,** 271, 272
penalty for breach, not usually barred by, **10,** 496; **13,** 151
principles and rules for granting, **17,** 236
servant, against, **17,** 255; **20,** 270
specific performance, impossibility of, **17,** 246
unpublished writings, in case of, **17,** 257
when granted, **7,** 441; **17,** 235—249
insolvency, by declaration of, **7,** 440
instalments, for delivery in, **7,** 439
land, for sale of. *See* sale of land, *infra.*
lease, agreement for, **18,** 378—383
licence, by revocation of, **18,** 339
Limitation, effect of Statutes of, **7,** 461; **19,** 37, 38, 43
master of servant, by, **20,** 109—113
injunction to restrain, **20,** 114
non-performance, excuses for, **7,** 417—426, 439; **27,** 57
Parliament, contract not to apply to, injunction to enforce, **17,** 241
partial, **7,** 379—383, 439; **25,** 294, 295; **27,** 33
payment as discharging, **7,** 444—454
penalty or liquidated damages for, **10,** 304, 328; **12,** 592; **17,** 236, 237
performance, impossibility of, **7,** 426—432, 438; **28,** 870
what is sufficient, **7,** 410—417

BREACH OF CONTRACT—*continued.*
personal service, for. *See* service, *infra.*
quantum meruit in case of, **7,** 381, 440, 441; **20,** 111
railway company, by, statutory rules, caused by observance of, **23,** 752
release in case of, **7,** 454—457
remedies in case of, **7,** 441; **10,** 302—350
repetition or continuance restrained, **17,** 203, 204
repudiation, by, **7,** 438, 439; **10,** 335; **25,** 402—406
restitutio in integrum in case of, **10,** 302, 303
restraint of trade, in, **27,** 575—580
sale of goods, for,
buyer, by, seller's remedy, **25,** 232, 266—268, 277
effect of, **25,** 118
injunction to restrain, **17,** 242
non-delivery of instalment, by, **7,** 439; **25,** 220, 221
seller, by, buyer's remedies, **25,** 268—279
breach of warranty, in case of, **25,** 273—277
See BREACH OF WARRANTY.
damages for non-delivery of goods sold, **10,** 333—337; **25,** 268—272, 277
recovery of money paid, **25,** 277
special damages, **25,** 277
specific performance, **25,** 272
trover by buyer, **25,** 273
sale of land, for,
bankruptcy of vendor, effect of, **25,** 382
company winding up, effect of, **25,** 386
damages, for, **25,** 409—412; **27,** 106
measure of, **10,** 337, 338; **25,** 409, 411
purchaser's right to, **25,** 397 n., 401, 409—412
deposit, forfeiture of, **25,** 320, 398—400
recovery of, by purchaser, **25,** 401, 402
repudiation of contract by purchaser, **25,** 402—406
rescission by vendor, **25,** 400
specific performance in case of, **25,** 407, 408. *See* SPECIFIC PERFORMANCE.
vendor and purchaser summons, jurisdiction by, **25,** 390, 392, 393
Secretary of State, by, **7,** 66, 67
separation articles, in case of, **16,** 450, 451
service, for, **20,** 107—113, 115—117
service, of, damages for, **20,** 107—113
injunction to restrain, **17,** 242, 243; **20,** 113, 114
measure of damages, **10,** 339; **20,** 107, 270
procuring, **20,** 267—269, 279, 280; **27,** 657, 660 n.
remedies in case of, **8,** 646, 647; **20,** 107—117; **27,** 407, 408
servant, by, **20,** 107—109
summary proceedings on, **8,** 646, 647; **20,** 115—117
third persons, remedy against, **20,** 267—270, 279, 280
wages, forfeiture of, **20,** 107, 108
what constitutes, **20,** 107
set-off in case of, **7,** 445, 461
shipowner, for delivery of goods by, **26,** 288
specific performance as remedy for, **27,** 3. *See also* SPECIFIC PERFORMANCE.
building contract, in case of, **3,** 248, 249
non-performance by plaintiff, in case of, **27,** 57—59

BREACH OF CONTRACT—*continued.*
specific performance as remedy for—*continued.*
personal service, not granted for, **20,** 113, 114 ; **27,** 9, 10
positive contract, in case of, **17,** 235
sale of goods, in case of, **25,** 272
sale of land, in case of, **25,** 407, 408. *See* SPECIFIC PERFORMANCE.
statutory, when the obligation is, **7,** 343 n. ; **12,** 592
Stock Exchange, on the, **27,** 249—258
anticipatory, **27,** 252
broker, by, **27,** 249, 250
call on shares, no defence on ground of, **27,** 252
client, by, **27,** 250, 251
damages for, **27,** 254
indemnity as remedy for, **27,** 253
purchaser and seller, between, **27,** 253—255
remedies for, **27,** 253
securities not being genuine, by, **27,** 255
specific performance as remedy for, **27,** 254
wrongful detention of securities, by, **27,** 255, 256
stranger's right to sue in case of, **7,** 343—345 ; **10,** 313, 327 ; **27,** 79, 80
sub-contract, in case of, **10,** 315
summary procedure in case of, **20,** 115—117
threatened, **17,** 237, 238
title to real property, affecting, **24,** 330, 331
tort, as a, **7,** 343 ; **10,** 344 ; **25,** 273
trade unionists, by, **20,** 107 n.
unincorporated association, by officer of, **7,** 339—341
unknown, limitation of actions in case of, **19,** 43
volunteer corps, in case of, **7,** 340
water supply, by persons employed in, **9,** 564—566 ; **20,** 127 ; **28,** 325
will, agreement for gift by, **28,** 514, 515
work and labour, for, **10,** 338, 339 ; **20,** 107—113 ; **28,** 869—871

BREACH OF COVENANT,
accrual of cause of action, time of, **19,** 77, 78
acquiescence in, injunction barred by, **17,** 248, 249
waiver of remedy by, **18,** 519, 539
adjoining premises, against causing damage to, **17,** 239
alteration of premises, against, enforced by injunction, **17,** 239
annoyance to adjoining premises, against, **17,** 239
apprentice, by, right of action for, **15,** 494 n. ; **17,** 243 n. ; **20,** 105—114
apprenticeship, in contract of, **20,** 105—114
master, by, **20,** 103 n., 105, 109, 113
assignee of land, by, **7,** 505 ; **11,** 247 ; **13,** 100—102 ; **25,** 455, 456
assignment of lease, against, **18,** 542, 576, 577, 581
costs, liability of assignees of lessee for, **18,** 594, 595
injunction to restrain, **17,** 240
remedies, **17,** 239 ; **18,** 542, 581
bill of sale, in case of, **3,** 69
building contract, in, **3,** 174, 236, 237 ; **10,** 339
business, not to carry on, **18,** 516—518 ; **25,** 456 n. ; **27,** 580, 581
outward mark or sign of, injunction to restrain, **17,** 239
cestui que trust affected by, **10,** 380, 381
church bells, injunction to restrain ringing of, **17,** 240

BREACH OF COVENANT—*continued.*
coal mine, against removing pillars of, **17,** 240
compensation for, on relief from forfeiture of lease, **18,** 541
consumption of hay, straw etc., for, **1,** 248
continuing. *See* CONTINUING.
corporation, by, prevention of, **17,** 245
damages for, assignment, against, **18,** 581
build wall, to, **10,** 339
deliver up premises, to, **18,** 556
further assurance, for, **25,** 468
quiet enjoyment, for, **11,** 4 n. ; **18,** 529, 530 ; **25,** 466
repair to, **10,** 339 ; **18,** 510—512 ; **25,** 466 n.
restraint of trade, in, **27,** 580—582
right to convey, of, **10,** 338 ; **25,** 465
tenant for life's right to, **25,** 607, 608 n., 664
death as affecting right of action, **14,** 225
farm, in lease of, injunction to restrain, **17,** 245
farming, tenants restrained from breaking, **17,** 240
fixtures, against removal of, **17,** 244
forfeiture of lease for, **18,** 530—546. *See* FORFEITURE.
relief against, **18,** 539—546
waiver of, **18,** 537—539
further assurance, for, **25,** 467—469
measure of damages for, **25,** 468
what amounts to, **25,** 467
indemnity against, on sale of land, **25,** 428 ; **27,** 41
infant, by, **17,** 49, 70, 71 ; **18,** 352
injunction to prevent, **10,** 496 ; **17,** 235—249
affirmative covenant, in case of, **17,** 208, 242—247, 293
ambiguous or vague covenant, in case of, **17,** 236
balance of convenience, when considered, **17,** 236, 239
bond, where penalty imposed by, **3,** 90
building scheme, injunction to enforce restrictions under, **13,** 101
copyright, on sale of, **17,** 240
damage inappreciable, when, **17,** 239
implied negative covenant, **17,** 235, 243—247
interlocutory, when granted, **17,** 237
leases, particular covenants in, **17,** 239
limits of jurisdiction undefined, **17,** 244
negative covenant, in case of, **17,** 208, 235, 238 *et seq.*, 243
oppressive covenant, in case of, **17,** 236
party no power to perform at date of contract, but subsequently acquires it, **17,** 244 n.
penalty imposed, when, **3,** 90 ; **10,** 496 ; **17,** 236
plaintiff, acts of, when a bar to relief, **17,** 247, 248
restraint of trade, in case of, **17,** 241 ; **27,** 580
rules and principles for granting, **17,** 236
specific performance impossible, when, **17,** 244, 246
supervision of court involved, when, **17,** 236, 246
tenant, in case of, **1,** 251 ; **17,** 245 ; **18,** 497, 500
threatened breach, **17,** 237, 238
trifling breaches, in case of, **17,** 248
inn, to keep premises as, injunction to restrain, **17,** 245
insure, to, **18,** 521, 522

BREACH OF COVENANT—*continued.*
judgment, against entering up or publishing, **17,** 240, 241
land, relating to, death as affecting right of action, **14,** 225
landlord and tenant, as between, **17,** 244, 245; **18,** 470, 588, 589; **24,** 382
relief in case of, **18,** 542
licence, to maintain, **18,** 572
limitation of action for, **19,** 76—82
liquidated damages for. *See* penalty, *infra.*
machinery, against removing, **17,** 240
maintenance of security for bill of sale, for, **3,** 69
malt liquors, as to purchase of, **17,** 239
marriage settlement, in death before performance, **13,** 74 n.
mine, to work, continuously, **20,** 562, 563
mining lease, under, **20,** 561—565
mortgage, in, payment, for, **21,** 267—271
receiver, appointment of, **21,** 261—267
negative covenant, defences which are ineffectual to application for injunction, **17,** 238, 239
implied, enforcement of, **17,** 243—247
injunction to restrain, **17,** 242, 243
proof of damage unnecessary on application for injunction, **17,** 238
proper remedy for, **17,** 235
strict enforcement of, **17,** 238, 239
offensive trade, against, **18,** 516, 518, 519
partner engaging in similar business, against, **22,** 84
penalty for, bond, in, set-off as affected by, **25,** 490
breach authorised by, when, **10,** 495; **17,** 236; **18,** 470
injunction as affected by, **27,** 16 n., 580
liquidated damages distinguished from, **3,** 90; **10,** 495; **17,** 236
publication by author after sale of copyright, **17,** 240
pulling down of buildings by lessee, when restrained by injunction, **17,** 244
pumping of mine, as to, **20,** 564
quiet enjoyment, for, **17,** 244; **18,** 527—530; **25,** 466
date from which reckoning of, **25,** 464
disturbance of covenantee, arises on, **25,** 466
temporary, effect of, **18,** 529
fact, pleading of, **25,** 466 n.
question of, as, **18,** 527
improvements, payment for, **25,** 466
injunction to enforce, **17,** 244
lease, in, **18,** 523—530
lessor, by acts of, **18,** 527
measure of damages in case of, **11,** 4 n.; **18,** 529, 530; **25,** 464—466
remedies for, **25,** 468
rates and taxes, to pay, **18,** 492
rebuild, to, **18,** 508, 509
remedies for, election between, **10,** 496
renewal of lease, for, **18,** 461—463
repair, to, **18,** 508, 510—512, 520. *See also* REPAIRS TO LEASEHOLDS.
indirect enforcement of, **17,** 245
restraint of trade, in, **17,** 241; **27,** 562, 580, 581
restrictive covenant,
acquiescence as affecting, **17,** 248
charitable institution, by, **4,** 183
lease, in, **17,** 239, 240
predecessor, by, liability of present owner, **13,** 101 n.
reversioner entitled to relief, when, **17,** 241

BREACH OF COVENANT—*continued.*
reversioners, rights of, **17,** 241; **18,** 595, 596
right to convey, for, **25,** 464, 465, 470
running with the land, **7,** 504; **17,** 241, 242
separation deed, in, **17,** 240
set-off of claim in respect of, **25,** 500
tenant for life of settled land, by, **25,** 607, 608 n.
threatened, remedy in case of, **17,** 237, 238
tied house, as to, **18,** 573, 574
trade, not to carry on, **17,** 239
underlessor, by, to observe head lease, **17,** 244
underletting, against, **18,** 389, 464, 542, 578, 579, 581
waiver, effect of, **18,** 519
will, to settle property by, **25,** 543

BREACH OF DUTY. *See also* NEGLIGENCE.
absolute duty under statute, **21,** 518
action in respect of, **27,** 466, 468—470
agent, by, **1,** 183, 184, 190—193, 196, 211—214; **21,** 433; **27,** 485
bailee, by, **1,** 544, 545, 560; **21,** 430, 431
banker, by, **1,** 608; **21,** 432, 433
bankruptcy, effect on right of action, **2,** 139; **27,** 502, 503
care, through want of, **21,** 362—375
carrier of passengers, by, **4,** 44—60; **21,** 426—429
common carrier, by, **4,** 6—44; **21,** 429, 430
company, liability of, **5,** 311, 312
promoter, by, **5,** 52, 56
company's officer, by, **5,** 479
conflicting duties, in case of, **27,** 469, 470
contractor, independent, on the part of, **27,** 485, 486
corporation, by, criminal liability in case of, **8,** 391; **9,** 235
criminal, **9,** 582—586; **21,** 420—426
damages in case of, **10,** 305, 306; **21,** 480 *et seq.*; **27,** 192
dangerous articles, as to, **4,** 27, 46, 85
dangerous premises, as to, **4,** 35, 48—51; **21,** 397—401; **23,** 698, 727, 728
death of party, effect of, **27,** 502
defences to action for, **21,** 445—454, 463—480; **27,** 492—501
discretionary duty under statute, of, **21,** 518
employer's liability for, **27,** 486
husband and wife, as between, **27,** 487
injunction in case of, **27,** 490, 491
injury and damage arising from, **27,** 470—472
innkeeper, by, **17,** 313, 314; **21,** 431, 432
intention, relevancy of, **17,** 294; **27,** 466—470
justification and excuse for, **21,** 445—454, 463 476; **27,** 194—196, 469, 470, 492—501
licensees, towards, **17,** 313; **21,** 385—394
limitation of actions in respect of, **27,** 501, 502
measure of damages for, contract, not arising out of, **21,** 482
statute, under, **27,** 223
nature of act constituting, **27,** 464
negligence, caused by, **21,** 362—375. *See* NEGLIGENCE.
when essential to liability, **21,** 518
neighbours, to, **21,** 395—397, 524—535
nonfeasance and misfeasance in relation to, **21,** 375—378; **27,** 481, 482
nuisance caused by, **21,** 518
partner, by, **22,** 30—32, 100, 101; **27,** 485
public body, by, **23,** 313, 316—323
liability for acts of officers, **27,** 480, 481
nuisance, in case of, **21,** 518 n.

BREACH OF DUTY—*continued.*
public body—*continued.*
remedies for, **27,** 483
statutory powers, acting under, **27,** 481
tort, as, **8,** 386—390; **23,** 316—323
public nature, of, **21,** 397—401; **23,** 313
criminal act, amounting to, **21,** 420—426
damages for, **23,** 316, 317
executive duties, in discharge of, **23,** 316—323
statutory authority, under, **23,** 313
reliance on other persons, when arising from, **21,** 479, 480
remedies in case of, **21,** 481; **27,** 470, 490, 491
statutory duties. *See* statutory powers, *infra.*
servant, by, **7,** 396; **8,** 387; **21,** 415
master's liability for, **23,** 321—323
third parties, injured by, **20,** 250—257
tort, as, **27,** 484, 485
statutory powers and duties, in case of, **21,** 467; **23,** 316—323; **27,** 173—176
allotments, as to, **1,** 341—344, 350—352
corporation, by, **8,** 389
crime, when breach involves, **9,** 582—586; **27,** 420
criminal negligence, amounting to, **21,** 421—425
exemptions from liability for, **23,** 312, 313
inevitable accident, caused by, **21,** 471
nuisance caused by, **21,** 518
private agreement to waive, effect of, **7,** 396; **21,** 476; **27,** 196
public bodies and officers, by, **27,** 480—484
remedies for, **21,** 377, 518; **23,** 317; **26,** 698—700; **27,** 174, 178—180, 188—193
small holdings etc., as to, **26,** 698—700
stoppage *in transitu*, as to, **4,** 96—99
third party's interference, caused by, **21,** 400, 401, 414, 471—476; **27,** 485
trespassers, towards, **21,** 394
unconstitutional act, by committing, **6,** 317
vehicles, as to, **4,** 35, 45, 51—53; **23,** 691, 692
waiver of, **7,** 396; **21,** 476; **27,** 196
workmen, by, **1,** 560; **28,** 872—874. *See* servant, *supra.*

BREACH OF INJUNCTION,
acquiescence in, effect of, **17,** 296
acts regarded as, **17,** 292, 293
agent, by, **17,** 294
aiding and abetting, **17,** 294
application for committal for,
notice of motion on, **17,** 291
service of notice of, **17,** 295
attachment for, **7,** 307 n.; **8,** 577; **17,** 291
committal in case of, **7,** 297, 298, 312; **17,** 291
costs on refusal to commit, **17,** 296
irregularity in proceedings for, effect of, **17,** 295
lenient view taken by court in applications for committal, **17,** 295
practice in, **17,** 294—296
waiver of irregularities in committal proceedings, **17,** 295
company, by, **5,** 325, 326; **17,** 292
contempt of court by, **15,** 145; **17,** 292
contumacious act, what amounts to, **17,** 293
corporation, by, remedy for, **14,** 80, 81; **17,** 292
director of company, attachment of, **17,** 292 n.
effect of, **17,** 292—294
evidence of, **17,** 293

BREACH OF INJUNCTION—*continued.*
former practice on, **7,** 307 n.
husband and wife, in case of order against, **17,** 294
intention to commit, no breach by, **17,** 294
irregular order, in case of, **17,** 293
mandatory injunction, enforcement of, **7,** 302 n., 312
married woman, by, **17,** 294
misrepresentation by plaintiff causing defendant to commit, **17,** 293, 294
notice of order, after, **17,** 292, 294
party out of jurisdiction, sequestration against, **17,** 292
remedies for, **17,** 291—296
sequestration for, **17,** 292
negative order, not issued to enforce, **14,** 79, 80
servant or agent, by, **17,** 294
several defendants, committal of one of, **17,** 295
spirit of the injunction must be complied with, **27,** 294 n.
stranger, by, **17,** 294
threats by patentee, in case of, **17,** 259 n.
trustees, effect of notice of order against predecessors of, **15,** 145
what amounts to, **17,** 293

BREACH OF PROMISE OF MARRIAGE,
county court jurisdiction in case of, **8,** 432; **16,** 274
damages for, **10,** 323; **16,** 274—277
mitigation of, **16,** 277
death of promisor, effect of, **14,** 225, 305, 306; **16,** 275
defences to action for, **16,** 275—277
evidence of bad character, **16,** 276
misrepresentation, **16,** 275; **20,** 755 n.
mutual release, **16,** 276, 277
offer to marry, **16,** 277
unchastity, **16,** 276
unsoundness of mind, **16,** 276; **19,** 401
evidence in action for, **13,** 421, 459, 603; **16,** 272, 274, 275
corroborative, **13,** 421, 603; **16,** 274, 275
gifts, recovery of, **15,** 421
infant, action by, **16,** 273; **17,** 57, 58, 65
jurisdiction where contract made abroad, **16,** 274
jury in, right to, **23,** 171
remedy in case of, **16,** 274—277
representatives of
promisee, rights of, **14,** 225; **16,** 275
promisor, liability of, **14,** 225; **16,** 275

BREACH OF THE PEACE,
defined, **9,** 297 n., 468, 469
arrest for, **9,** 296—300; **27,** 876, 879, 880
binding over to prevent, **9,** 412; **19,** 607
challenge to fight as, **9,** 469
contract tending to provoke, not enforced, **17,** 236
criminal proceedings for libel tending to, **18,** 605, 606
duel as, **9,** 468
nuisance, by abatement of, **21,** 549
punishment in case of, **9,** 469
quarter sessions jurisdiction in case of, **9,** 469; **19,** 633
recaption, in exercising right of, **11,** 194
recognisance to prevent, **9,** 412; **19,** 607

BREACH OF THE PEACE—*continued.*
security against, **9,** 412; **19,** 607, 633—635. *See* ARTICLES OF THE PEACE.
Parliamentary privilege, none in respect of, **21,** 780
Sunday, in case of process executed on, **25,** 813
threatened, remedy in case of, **19,** 633, 634
trespass constituting, **27,** 846

BREACH OF TRUST,
defined, **28,** 184
acquiescence in, effect of, **5,** 234, 235; **13,** 170, 172; **28,** 198—200
action for, **13,** 67 n.; **28,** 187 n.
acts or omissions amounting to, **13,** 13; **26,** 745; **27,** 39; **28,** 121, 184, 185, 206
advance to beneficiary for trustee's benefit as, **28,** 121
agent, by, **1,** 226; **4,** 278; **20,** 126
employment of, by, **26,** 745; **20,** 122, 144, 145; **28,** 122
liability for, **28,** 122, 144, 204, 205
attachment for, **7,** 299; **28,** 189
banker's duty in respect of cheques, **1,** 606
bankruptcy, effect in, of, **2,** 251, 260, 261, 270
bare trustee, liability of, **28,** 186
bargain with *cestui que trust*, **28,** 166
cestui que trust, position of, **28,** 202, 203
benefit accruing to, **13,** 67 n.
creditor, is not strictly, **28,** 186 n.
defaulting trustee as, liability of, **28,** 187
infant's settlement, remedy in case of, **25,** 562
instigation by, effect of, **28,** 202, 203, 205, 206
liability of, **28,** 153, 204—206
limitation of action by. *See* limitation of action, *infra.*
remedies of. *See* remedies of *cestui que trust, infra.*
rights of, **28,** 189—198
Chancery, remedy in Court of, **13,** 67
charity trustees, by, **4,** 269—273, 323, 330; **28,** 188 n.
compensation for, **4,** 279
following trust property in case of, **4,** 200, 201
injunction to restrain, **4,** 323·
liability for, **4,** 276—279
petition for relief in case of, **4,** 330
presumption against, **4,** 276
chattel, by detention of, **13,** 13
civil liability for, **28,** 186—188
condonation of, **28,** 199, 200
connivance by trustee in act of stranger, **28,** 119, 122
constructive trustee, by **28,** 185, 206
contract involving, specific performance in case of, **27,** 39, 41; **28,** 206
contribution in case of, **5,** 234; **28,** 203, 204
corporation, by, **8,** 367, 387; **17,** 225, 226
removal of trustees for, **4,** 269
sequestration for, **4,** 277, 279
costs of proceedings occasioned by, **28,** 161, 193—195
co-trustee, trustee liable for acts of, **28,** 122, 123, 195
covenant, when amounting to breach of, **28,** 187
criminal liability for, **9,** 656; **28,** 189
damages not given in equity for, **13,** 67
debt arising from, nature of, **28,** 186, 187
debtor, defaulting trustee is not strictly, **28,** 186 n.

BREACH OF TRUST—*continued.*
delegation of authority, whether a, **26,** 745; **28,** 122, 144, 145
deviation from strict letter, when allowed, **28,** 120
director, by, **5,** 232—235, 478
bankruptcy, when discharged by, **5,** 235
injunction to restrain, **5,** 227
partnership firm, liability for, **5,** 235
personal representative's liability for, **14,** 314
Statutes of Limitation as affecting, **5,** 235
disclosure of information, by. *See* BREACH, confidence.
ecclesiastical corporation, by, **17,** 226
eleemosynary corporation, by, **4,** 269, 276; **17,** 226
equitable jurisdiction in case of, **9,** 61; **13,** 7—9, 13, 67; **28,** 180
error of judgment, caused by, **28,** 185
following trust property in case of, **13,** 159, 160; **28,** 207—209
bankruptcy, in, **2,** 169
charitable trust, in case of, **4,** 200, 201
party to breach, in case of, **28,** 90
purchaser for value, against, **21,** 345; **28,** 89
fraudulent, effect of, bankruptcy in, **2,** 251, 260, 261, 270
liability of trustee, on, **19,** 163; **28,** 188, 201
ignorance, fact, of, may excuse, **28,** 125, 196
law, of, does not excuse, **28,** 125
indemnification, right of trustee to, **28,** 185 n., 202—206
indemnity, claim against trustees for, estoppel in case of, **13,** 347
innocent co-trustee's right to, **15,** 486 n.
infant's liability in respect of, **17,** 51, 52
injunction to restrain, **17,** 253, 254; **28,** 155, 206
charitable trust, in case of, **4,** 323; **12,** 125 n.
corporate property, in case of, **17,** 225, 226
co-trustee, by, **4,** 323; **17,** 253
eleemosynary corporation, in case of, **17,** 226
intended breach, in case of, **28,** 155
sale of property, on, **17,** 254
several beneficiaries, on application of one of, **17,** 253
unpublished writings, in case of, **17,** 257
interest on income arising in respect of, liability for, **28,** 191, 192
investment of fund, by improper, **28,** 129—138, 190. *See also* INVESTMENT.
mortgage, on, **28,** 133—135, 198
retaining investment which has ceased to be authorised, **28,** 137
laches as bar to proceedings for, **13,** 172; **28,** 202
lease of trust property to trustee, **28,** 171
legal personal representative, by, **28,** 60, 61
liability of trustee in case of, **28,** 113, 185—189, 204
charitable trust, under, **4,** 269
equity, in court of, **13,** 67
exemptions from, **28,** 195—199
measure of, **28,** 189—195
limitation of action for, **19,** 161—164; **28,** 200—202. *See* TRUSTEE.
account, in action for, **19,** 170
beneficiary who is barred cannot benefit by action of another, **19,** 163
cases when action barred, **19,** 162
fraud, time no bar in case of, **19,** 161, 163; **28,** 201
interest, effect of payment of, **19,** 164
laches, effect of, **13,** 172; **28,** 202

BREACH OF TRUST—*continued.*
limitation of action for—*continued.*
period allowed, **19,** 162 ; **28,** 201
property converted to trustee's use, time no bar when, **19,** 161, 163, 164 ; **28,** 201
property retained by trustee, time no bar when, **19,** 161, 163 ; **28,** 201
real property, in case of, **19,** 139—143, 161, 163, 164
time begins to run, when, **19,** 163
married woman, by, **16,** 369, 375, 439 ; **28,** 186
husband's liability, **16,** 439 ; **28,** 186
restraint on anticipation, effect of, **16,** 369, 375 ; **28,** 203
mistake of law does not excuse, **28,** 125
money had and received, when trustee may be sued for, **28,** 187 n.
mortgage of trust property to trustee, **28,** 171
municipal corporation, by, injunction against, **17,** 225
necessity as excuse for, **28,** 185
negligence, by, **28,** 186, 190
partner, borrowing money with knowledge of, liability of, **22,** 100
liability of, **22,** 35, 100 ; **26,** 759, 760 ; **28,** 64, 91 n., 188 n.
personal advantage, trustee must not use trust property for, **28,** 121
persons liable for, **28,** 185, 186
plaintiff himself, procured by, **13,** 72 ; **28,** 198
pleading, rules of, **22,** 425, 458 ; **28,** 186 n.
power, by improper exercise of, **18,** 361
presumption against, **4,** 276
profits, accounting for, **13,** 67 ; **28,** 192, 193
public officer, by, **9,** 485
purchase by trustee of trust property, **28,** 167—171
purchaser for value, by conveyance of legal estate to, **13,** 82, 83
quasi-trustee, by, **4,** 278
receiver appointed in case of, **24,** 352 ; **28,** 173—175
relief of trustee who has committed, **5,** 232 ; **28,** 195—204
concurrence of beneficiary, **28,** 198
condonation, **28,** 199, 200
contribution from co-trustee, **28,** 203, 204
costs, in regard to, **28,** 194
indemnity by beneficiaries, **28,** 202, 205, 206
Judicial Trustee Act, under, **28,** 196—198
lapse of time. *See* limitation of action, *supra.*
statute, under, **28,** 195—198
remainderman's right where tenant for life responsible for, **25,** 623
remedies of *cestui que trust,*
account, **13,** 67 ; **28,** 191, 192
administration by the Court, **28,** 179—184
charities, in case of, **4,** 200, 269, 323, 330
company officials, against, **5,** 232, 234, 478
following trust property, **28,** 190 n. *See also* following trust property, *supra.*
injunction, **28,** 206. *See also* injunction, *supra.*
receiver, appointment of, **24,** 352 ; **28,** 173—175
removal of trustee, **4,** 269 ; **28,** 114
restoration of property, **13,** 13, 67 ; **28,** 189
third parties, against, **25,** 623 ; **28,** 204—206
repair of, trust for, not revocable, **15,** 419 ; **28,** 39 n.
representatives of trustee, liability of, **14,** 312 ; **19,** 140 ; **28,** 185
restoration of trust property on, **28,** 189—191

BREACH OF TRUST—*continued.*
retirement in contemplation of, effect of, **28,** 113
sale of land involving, set aside, when, **4,** 200 ; **19,** 140 ; **28,** 89, 207, 208
specific performance refused, **27,** 39, 41 ; **28,** 206
servant, by, **20,** 126. *See* BREACH, confidence.
set-off in respect of, **28,** 188
Settled Land Acts, by tenant for life under, **25,** 635, 636 ; **28,** 185
settlement of fund by the court no bar to complaint as to prior, **25,** 562
several trustees implicated, liability where, **28,** 187, 188, 203, 204
solicitor trustee, by, penalty, **26,** 850 ; **28,** 188
striking off rolls for, **26,** 849
summary jurisdiction in case of, **28,** 207
specialty debt arising from, **28,** 187
tacking by mortgagee, by conveyance for purpose of, **13,** 82, 83
tenant for life, by, lease, by grant of, **18,** 361
liability for, **28,** 185
remainderman, rights of, **25,** 623

BREACH OF WARRANTY,
action in respect of, in county court, **8,** 451
agent, when principal is bound by warranty of, **1,** 167, 393
animals, on sale of, **1,** 388—394
authority, of, **1,** 221, 222
architect, by, **3,** 291, 301, 302, 314
auctioneer, of, **1,** 519
club, to act for, by, **4,** 424
company's agent, by, **5,** 295
directors, by, **5,** 233, 295
shares, to take, **5,** 146, 147
solicitor, by, **26,** 742, 746
stockbroker, by, **27,** 223
wife, by, **16,** 415
ratification as affecting, **16,** 432
condition, breach of, election to treat as, **25,** 150
conflict of jurisdictions in respect of, **8,** 451
contraband, against, effect of, **17,** 422
damages in case of, **1,** 222, 391 ; **10,** 336 ; **25,** 274, 276, 278
costs of legal proceedings, recoverable, **1,** 222 ; **10,** 326
expense of keeping goods after, liability for, **25,** 276
food, on sale of, **15,** 4 n.
horses etc., in respect of, **1,** 391, 392 ; **25,** 278 n.
infant, liability of, **1,** 394 ; **17,** 75
impossibility of fulfilment as excuse for, **25,** 151
instances of, **25,** 275 n.
latent defect, by reason of, **25,** 278 n.
life insurance in, effect of, **17,** 560 n.
marine insurance, in, effect of, **17,** 413, 417, 423, 499
time policy, **17,** 397 n.
notice of, whether necessary, **25,** 276
patent defect, by reason of, **1,** 389 ; **25,** 164
quality, of, **25,** 276
rejection of goods for, **1,** 391, 392 ; **7,** 520, 521 ; **25,** 273, 276, 277
remedies in case of, **1,** 221, 222, 391 ; **7,** 520, 521 ; **25,** 273, 274, 276, 277
set-off, **1,** 391 ; **25,** 273, 274
special damages for, **25,** 275 n., 277—279
time limited for complaint as to, **1,** 392 ; **25,** 275 n.
tort, remedy in, **25,** 274 n.

BREAD,
adulteration of, **15,** 46
alum, use of, **15,** 47 n.
basket, delivery by, **15,** 50 n.
beans, use of, **15,** 48
Bread Acts, 1822 and 1836, application of, **7,** 406 ; **15,** 46
conviction under, appeal against, **15,** 53
improvement of, **15,** 52, 53
obstructing execution of, penalty for, **15,** 52
penalties under, **15,** 46—53
proceedings under, **15,** 30—33
time limit for, **15,** 30
usually, meaning of, as used in, **15,** 51
carts, sale from, **15,** 50, 51
components for, legal, **15,** 47, 48
compulsory marks, **27,** 722
condemnation as food, **15,** 42
crescents, sale of, **15,** 52 n.
delivery of, **15,** 50 n., 51
flour, adulteration of, **15,** 48
Food and Drugs Acts, application of provisions of, to, **15,** 46
French or fancy, sale of, **15,** 51, 52
what is, **15,** 52 n.
Holy Communion, for, **11,** 472, 677, 678, 683
inspection and examination of, **15,** 37
loaf, legal size of, **15,** 49
marking, in particular cases, **15,** 48 ; **27,** 722
offences in connection with, **15,** 46—53
common informer, **15,** 53
peas, use of, **15,** 48
police powers as to, **22,** 502
potato yeast, use of, **15,** 48
preparation of, provisions as to, **15,** 46—48, 52, 53
private houses, baked in, **15,** 46 n.
rolls, sale of, **15,** 52 n.
sale of, regulations as to, **15,** 46—53
sponge, meaning of, **15,** 46 n.
Sunday baking and sale of, restrictions as to, **15,** 46, 47 ; **27,** 444 n.
unwholesome materials in, **15,** 48
weighing of, **15,** 49—52
instruments for, provision of, **15,** 50—52
weight, evidence as to, **15,** 49
penalty for selling otherwise than by, **15,** 49, 50
selling by, **15,** 49—52
wholesale transactions in, **15,** 46

BREAKAGE,
charterparty, exception as to, **26,** 115
hirer of goods, liability of, **1,** 552, 553
servant, by, **1,** 553 ; **20,** 125

BREAKDOWN,
machinery, of, effect on freight, **26,** 105

BREAKING,
and entering, plea justifying, **27,** 862 n.
licence to enter as justification for, **27,** 861
bulk. *See* BULK.
burglary, in relation to, **9,** 669
church etc., into, **9,** 675
descent of customary lands, **11,** 14
house. *See* HOUSEBREAKING.
in, distress, for purpose of levying, **11,** 164, 165, 219
execution, for purpose of levying, **14,** 40 ; **25,** 813, 814
journey, passenger's right as to, **27,** 808 n.

BREAKING-UP,
bridges, public utility, for works of, **16,** 198
highway, for works of public utility, **16,** 198
road, of, tramway, for purposes of, **27,** 788—794
street, of, drain connection with sewer, to make, **25,** 762 n., 766
electric supply, for purposes of, **6,** 157 ; **12,** 564, 570 *et seq.* ; **16,** 198
alteration of pipes, wires, etc., in, **12,** 579
area of supply, outside, **12,** 638
Board of Trade, powers of, **12,** 558, 586
boxes and ventilating apparatus, for, **12,** 576, 577
fencing and lighting, **12,** 575
metropolis, in, **12,** 618
not repairable by local authority or county council, **12,** 570, 578
notices and approvals, **12,** 577, 578
power of certain persons to act on behalf of undertakers, **12,** 578, 579
powers, **12,** 564
reinstatement, **12,** 575
restrictions on powers, **12,** 574—585
special powers, **12,** 573—579
undedicated streets, **12,** 574
without special powers, **12,** 570, 571
gas supply, for purposes of, **15,** 307 *et seq.*, 325 *et seq.* ; **16,** 198
authority, **6,** 156
metropolis, in, **15,** 378—381
notice before, **15,** 327
powers, **15,** 325—331
reinstatement, **15,** 328
unauthorised, **15,** 307
water supply, to examine, **15,** 361, 362
telegraphs, for purposes of, **16,** 198 ; **27,** 360, 361, 386
water supply, for purposes of, **16,** 198 ; **28,** 291—294
powers, **28,** 259, 260
reinstatement, **28,** 293

BREAKWATER,
damage caused by ship to, **26,** 547 n.

BRECON,
local court of, **9,** 146

BREEDING STOCK,
distress upon, **1,** 253 ; **11,** 140

BRESSUMMER,
London Building Act, 1894, regulations in, **20,** 473 n., 483

BREWER,
defined, **18,** 11 n. : **24,** 630, 632
adulteration of beer by, **15,** 45, 46
arsenic, use of, **24,** 631 n.
beer duty payable by, **24,** 613—615, 631, 632
customs and excise officer, powers of, **18,** 133 145, 146 ; **24,** 630
dilution of beer by, **15,** 45
distillery, premises connected with premises of, **18,** 147 ; **24,** 637
distress, beer duty, in respect of, **24,** 615
goods supplied by, on, **3,** 11, 12 ; **11,** 117 n.
domestic use, for, **18,** 11, 146 ; **24,** 632
excise licence in case of, **18,** 10, 11 ; **24,** 630, 632
glucose, use of, **15,** 45 ; **18,** 145

BREWER—*continued.*
income tax, deductions allowable for purposes of, **16,** 652
tied houses, compensation charges deductible in case of, **16,** 653
invert sugar, use of, **15,** 45
justice of the peace, disqualification for licensing purpose through interest of, **18,** 53
nuisance caused by premises of, **21,** 535
other than for sale, *defined,* **24,** 632
beer duty in case of, **24,** 613, 632, 633
brewing paper of, **18,** 146; **24,** 633
excise licence of, **18,** 10; **24,** 632
brewing without, **18,** 11; **24,** 633
duration of, **18,** 20; **24,** 633
duty in respect of, **24,** 632
form of, **18,** 104
no discretion as to granting, **18,** 62
renewal of, **18,** 18, 39
offences by, **18,** 11, 146; **24,** 633
premises of, provisions as to, **18,** 146; **24,** 632
premises of, distillery, connected with, **18,** 147; **24,** 632
nuisance by reason of, **21,** 535
officer of customs and excise, powers of, as to, **18,** 133, 145, 146; **24,** 630
provisions as to, **18,** 11, 144—146; **24,** 630—633
restrictive covenant in relation to, **27,** 584
retailer, also carrying on business of, **18,** 11, 140
saccharine, use of, **15,** 45; **18,** 140; **24,** 631 n.
sale, for, *defined,* **18,** 11; **24,** 630
beer duty payable by, **24,** 613—615, 631
brewing book to be kept by, **18,** 144; **24,** 630
entry of business with officer of customs and excise by, **24,** 630
excise licence of, **18,** 10, 11; **24,** 630
authorises sale of beer wholesale, **18,** 11; **24,** 631
brewing without, **18,** 11; **24,** 631
duration of, **18,** 20
duty in respect of, **18,** 17; **24,** 630
extent of, as to persons and premises, **18,** 20, 21
form of, **18,** 104
grant of new, **18,** 17, 18, 62
renewal of, **18,** 18, 39
gravity to be entered by, **24,** 614, 631
manufacture by, provisions as to, **18,** 11, 144, 145; **24,** 630, 631
marking of vessels etc. in case of, **18,** 144
noxious substances in possession of, **15,** 45; **24,** 631
offences by, **15,** 45; **18,** 144, 145; **24,** 631
officer of customs and excise, powers of, **18,** 145; **24,** 630
premises of, regulations as to, **18,** 11, 144, 145; **24,** 630—632
sales authorised by, **24,** 631, 632
sugar, in possession of, **15,** 45; **18,** 140, 145; **24,** 631
weights and measures in case of, **18,** 144
sucramine, use of, **15,** 45
tied houses, provisions applicable in case of, **16,** 652; **18,** 571—574
trade usages affecting, **10,** 275
vats of, as fixtures, **18,** 417 n.
weights and scales of, provisions as to, **18,** 144
wholesale dealing, authority for, **18,** 11; **24,** 631

BREWSTER SESSIONS,
court of summary jurisdiction, whether a, **19,** 569, 651 n.
holding of, **9,** 86, 87; **19,** 569

BRIBERY. *See also* CORRUPTION.
agent,
action for bribe promised to, **1,** 227
election, by, **12,** 476 n.
agent, of, **1,** 189—191, 216, 300
building contract, in case of, **3,** 299, 300
commission, forfeiture of, through taking bribe, **1,** 191
company, in case of, **5,** 54, 228
criminal offence, as, **1,** 191 n., 217 n.; **9,** 710
damages for, **1,** 217
dismissal for, **1,** 230
money followed as trust money, when, **13,** 160
Prevention of Corruption Act in relation to, **7,** 191 n., 217 n.; **9,** 710
principal's remedies, **1,** 191, 217, 230
public body, of, **4,** 248; **9,** 484; **23,** 351
arbitrator, of, **1,** 478, 480
architect, of, **3,** 299
bribe, nature of a, **1,** 190
building contract, in relation to, **3,** 168, 299, 303. *See* BUILDING CONTRACT.
charity officers, etc. of, **4,** 248
company director, of, **5,** 54, 228, 336
constable, of, **18,** 134; **22,** 502
contempt of court by reason of, **7,** 291
corrupt practice, as, **12,** 141, 279, 281—293, 345, 476 n., 491, 525. *See* CORRUPT PRACTICES.
criminal proceedings in respect of, **1,** 217; **9,** 484, 485, 710; **12,** 529; **15,** 424
evidence suppressed by exercise of, **7,** 291
gift in nature of, **15,** 424; **18,** 134
inspector or officer, of, **9,** 484; **15,** 33; **23,** 351
judge, of, **9,** 484; **23,** 351
licensed
person, by, **18,** 103, 134; **22,** 502
premises, on, **12,** 471, 485, 525; **22,** 502
misdemeanour, punishable as, **9,** 484, 710; **12,** 529
municipal election, at, disqualification from, **12,** 141, 524
effect of, **12,** 345, 491, 525
punishment for, **9,** 484; **12,** 529
offer to bribe, effect of, **12,** 282 n.
parish council election, at, **12,** 387
councillor disqualified by reason of, **12,** 387
parliamentary election, at, **12,** 279, 476 n.; **23,** 351
charity at election time, when amounting to, **12,** 287, 287 n.
commission to inquire into, appointment of, **12,** 138
corrupt practice, as, **12,** 281—293. *See* CORRUPT PRACTICES.
Director of Public Prosecutions, action by, **12,** 138, 471, 476 n., 485
disqualification for, **12,** 141, 305 n., 483—485
evidence as to, **12,** 286—289, 445 n., 448, 476
gift to voter as, **12,** 282; **15,** 424
invalidation of election by, **12,** 286
penal action by common informer for, **12,** 539
practices amounting to, **12,** 287, 288
punishment for, **9,** 484; **12,** 135, 529
relief in case of, **12,** 399

BRIBERY—*continued.*
parliamentary election—*continued.*
unsuccessful attempt at, **12,** 283 n.
vote, right to, how affected by conviction for, **12,** 141, 455, 456
party to action, of, **7,** 291
Privy Counsellor, of, **9,** 484
public
body, of member of, **4,** 248; **5,** 228; **9,** 484, 485; **12,** 141; **23,** 351
officer etc., of, **4,** 248; **9,** 484, 485; **23,** 351
punishment for, **9,** 484, 485, 710; **12,** 135
salvage matters, in connection with, **26,** 571 n.
sheriff, of, **25,** 830, 833
tenant for life, of, **25,** 636, 654 n.
tender obtained by, **3,** 168
witness, of, **7,** 291. *See* SUBORNATION OF PERJURY.

BRICK,
earth, whether a mineral, **20,** 503 n.

BRICKFIELD,
nuisance by reason of burning bricks, **21,** 528, 533
open, when, **20,** 505
rateable value of, **24,** 43

BRIDEWELL HOSPITALS,
land tax in respect of, **18,** 311

BRIDGE,
The title HIGHWAYS, STREETS, AND BRIDGES *is contained in Vol. XVI., pp.* 1 *et seq.*
defined, **16,** 185 n.
adoption, by local authority, **16,** 190, 196
by public, **16,** 186, 187
approaches, duty to repair, **16,** 193, 194; **23,** 656, 657 n.
Board of Trade powers in regard to, **23,** 744
borough, **16,** 184, 187 n., 189, 190
council, duties of, **16,** 189, 190, 201
building, as a, within a covenant not to erect, **23,** 656 n.
canal, adoption of, **16,** 190
company, construction and maintenance by, **23,** 781
dangerous, provisions of London Building Act, **20,** 493 n.
metropolitan area, in, **16,** 201
position of, **16,** 185 n.
regulation of, **16,** 192
charitable gift for purposes of, **4,** 106, 107, 115; **16,** 130
combination of authorities with a view to construction of, **16,** 195
Commissioners of Woods in relation to, **7,** 192
Commissioners of Works, conveyance to bridge authority by, **16,** 196
common inclosure, provision in case of, **4,** 549, 559—561
construction of, materials obtained for, **16,** 197
power of county and other authorities to undertake, **16,** 194—196; **25,** 771
county, *defined,* 184—188
adoption as, **16,** 186—188
borough or district, distinguished from, **16,** 184, 185
conversion into, by statute, **16,** 188
expenses of, **16,** 189; **24,** 77
transfer of liability to, **16,** 195, 196
date of construction as affecting, **16,** 187, 188

BRIDGE—*continued.*
county—*continued.*
highway, whether a, **16,** 8, 9
non-repair of, action for, **16,** 192
qualifications to which subject, **16,** 185, 186, 187, 188
rate for repair of, **16,** 189 n.; **24,** 77
repair of, **16,** 184, 188, 189, 192—194, 197; **24,** 77
what constitutes a, **16,** 184—188
county council, duties of, **16,** 184, 188, 189, 194, 197; **24,** 77
county surveyor, powers and duties of, **16,** 187, 192, 196, 197
damage to, **9,** 785, 786; **16,** 167, 169, 197; **27,** 314, 328
dangerous, **4,** 48 n., 50; **16,** 139, 154, 192, 194—196, 212
dedication of, to public, **16,** 37, 45
district, **16,** 184
electric undertaking's works, interference for purposes of, **12,** 573—575, 638; **16,** 198
enlargement of, **16,** 105, 192, 194—196, 201, 214
ferry
duties, no relief from, **14,** 559
rights, erection of bridge does not disturb, **14,** 561
footbridge, public footpath, construction on, **16,** 183
repair of, **16,** 103, 104, 182
gas undertaking, opening for purposes of, **6,** 156; **15,** 326—329; **16,** 198
gift for building etc., **4,** 106, 107, 115; **16,** 130
highway, as part of the, **16,** 184, 189, 190, 191
authority, duties of, **16,** 190
carrying a, **16,** 189
distinguished from, **16,** 8, 9, 185 n.
hundred, **16,** 184, 187 n.; **24,** 77
rate for repair of, **24,** 77
improvement, as an, **1,** 347; **16,** 105; **18,** 280 n., 284 n.
of, **16,** 194—196
income tax in respect of, **16,** 625
indictment for non-repair of, **16,** 139, 192
injury to, **9,** 785, 786; **16,** 169, 170
justices, jurisdiction of, **16,** 197; **23,** 662
Lancashire, expenses of maintenance in, **24,** 77
land, acquisition of, for purposes of, **16,** 195
level crossing, substitution for, **23,** 659, 661, 697
light railway, affected by construction of, **27,** 789
opening for purposes of, **16,** 198
locomotive traffic, **27,** 313, 314
London, City of, in, **20,** 428
London County Council, powers of, **20,** 395
main road, carrying, **16,** 189
over, **23,** 655—658
maintenance of. *See* repair, *infra.*
malicious damage to, **9,** 785, 786; **16,** 169
materials for construction etc., of, procuring, **16,** 197
metropolitan, control of, **16,** 201; **20,** 395, 428
Montgomeryshire, in, **16,** 32
motor car traffic on, **27,** 328, 332, 333
movable, regulation of, **16,** 154, 192; **23,** 696, 697
nature of, **16,** 185, 189, 191
new, construction of, **16,** 105, 194
street, when part of, **16,** 21, 22
non-repair of, action in respect of, **16,** 139, 192; **21,** 514
nuisance by reason of, **16,** 153—158; **21,** 514

BRIDGE—*continued.*
offences connected with, **16,** 167, 169
poor rate in relation to, **24,** 17
prescription, liability to repair by, **16,** 188, 189, 191
private individual, duty to repair of, **16,** 191, 192, 195
position of, **16,** 186 ; **27,** 789
public, meaning of, **16,** 186
repair of, **16,** 184, 187 n., 188—190, 192—194
Public Health Acts and, **23,** 366
railway, accommodation work, as, **23,** 668
approaches to, maintenance of, **23,** 656, 657
Board of Trade, powers in regard to, **23,** 661, 662, 744
canal company, maintained by, **23,** 781
construction etc. of, **23,** 655—659, 668, 696, 697, 781
construction, opening for purposes of, **16,** 198
dangerous, **4,** 48 n., 49, 50 ; **23,** 658, 659
fencing etc., of, **23,** 658
footpath under, **23,** 658
level crossing, substitution for, **23,** 661, 662
main road or highway, over, **23,** 655—658
maintenance of, **20,** 405 ; **23,** 655, 656
movable, **23,** 696, 697
navigable tidal waters, over, **23,** 659
over, **23,** 658, 661, 662
adoption of, **16,** 190
dimensions etc. of, **23,** 658
width etc. of, **23,** 657—659
raising of, when obligation arises as to, **16,** 193 ; **23,** 662
rating for repair of, **24,** 77
ratione tenurae, liability to repair by, **16,** 182, 191
rebuilding of, liability as to, **16,** 192
repair of, **16,** 184, 185, 188—194
approaches of, **16,** 193, 194
boroughs, situated in, **16,** 189, 190, 201
charitable purpose, as a, **4,** 106, 107, 115
common law liability for, **16,** 184
county councils, liability of, as to, **16,** 188, 189
power of, to contract for, **16,** 197
enforcement of liability as to, **16,** 139, 192
expenses of, **16,** 189 ; **24,** 77
extent of duty as to, **16,** 192
highway authorities, by, **16,** 190
improved, where, **16,** 195, 196
individuals, liability of, by prescription, **16,** 191
liability as to, **16,** 184, 185, 188, 189, 192—194, 201
materials for, **16,** 197
metropolitan area, in, **16,** 201
non-county, **16,** 189—192
non-repair, remedy for, **16,** 139, 192 ; **21,** 514
prescriptive liability for, **16,** 188, 189, 191
rating for, **16,** 189 n. ; **24,** 77
Road Board, by, **16,** 196
roadway, of, **16,** 190, 193, 194
trust for, **4,** 106, 107, 115 ; **16,** 130
Road Board, construction and maintenance by, **16,** 28, 196
sewer or drain, opening for purposes of, **16,** 198
encroaching on, **25,** 768 n.
in connection with, **25,** 735
South Wales, in, **16,** 198
statute, liability to repair by, **16,** 191
stream, right to construct over, **16,** 183

BRIDGE—*continued.*
substitution in case of dangerous or inconvenient crossing of, **16,** 183 ; **23,** 661, 662
swing, canal company's duty as to, **16,** 192
dedication of, limited, **16,** 47
keeping open, **16,** 154, 192 ; **23,** 696
tenant of tolls of, rateability of, **24,** 8 n.
telegraphs and telephones, opening for purposes of, **16,** 198
toll, rateability of, **24,** 9, 17
repair, under, ferry established instead, **16,** 191, 192
toll-free, not rateable, **24,** 17
tolls in respect of use of, **16,** 63, 197
common law, at, **16,** 62
Crown grant of, **16,** 62
motor car, in case of, **27,** 333
rates and taxes, when exempt from, **18,** 309 ; **24,** 17
tramway, affected by construction of, **27,** 789
opening for purposes of, **16,** 198
over, adoption of, **16,** 190
water pipes, opening to lay, **16,** 198
widening of, **16,** 105, 192, 194—196, 201, 214

BRIDGNORTH,
local court of, **9,** 146

BRIDGWATER,
local court of, **9,** 146

BRIDLE PATH,
common inclosure, provisions on, **4,** 545, 549, 559, 560, 562—564
driftway, whether also a, **16,** 10
highway, as, **16,** 7
repair of, **16,** 101

BRIDPORT,
local court of, **9,** 147

BRIEF,
acceptance of, duty as to, **2,** 393, 395, 404, 406, 408
King's Counsel, by, **2,** 388, 408
restrictions on, **2,** 388, 389, 406, 407
senior stuff gownsman, by, of junior, **2,** 388
administration action, in, **2,** 407
appeal, on, **2,** 376, 378, 406, 407
authority evidenced by delivery of, **2,** 397
change of solicitors, effect of, on, **2,** 406, 407
complimentary, **2,** 406
criminal proceedings, in, **2,** 389, 407
direct acceptance from client of, **2,** 389
fees on, **2,** 390, 392, 406, 408
indorsement on, production as evidence of, **11,** 75
interrogatories as to contents of, **11,** 93
privileged from production, **11,** 74
refusal of, **2,** 393, 395, 406
right to, by reason of pleadings etc., **2,** 406
solicitors' costs with reference to, **2,** 391, 418—423 ; **26,** 801

BRIMSTONE,
hops adulterated with vapour of, **15,** 69

BRINE,
pumping of, compensation for subsidence due to, **8,** 636, 637 ; **20,** 580, 581
right of support from, **20,** 580, 581

BRISTOL,
freeholders and burgage tenants in, **12,** 179, 180
local courts of, **9,** 147, 148
Mayor's Court of, **9,** 148
Pie Poudre court of, **9,** 147
port usages of, **10,** 292
Staple court of, **9,** 148
Tolzey court of, **9,** 147
execution in, **14,** 129
University of, **12,** 97
wine trade usages of, **10,** 281

BRITISH,
ambassador. *See* AMBASSADOR.
bonds, negotiability of, **2,** 567, 568
capture, insurance on property liable to, **17,** 430
Central Africa absorbed in Nyasaland, **10,** 522
chargé d'affaires, administration of oaths by, **26,** 858. *See* CHARGÉ D'AFFAIRES.
colony. *See* COLONIES.
Columbia. *See* BRITISH COLUMBIA.
consul. *See* CONSUL.
copyright, title to, **8,** 141. *See* COPYRIGHT.
dependency, *defined*, **10,** 503. *See* COLONIES.
dominions. *See* BRITISH DOMINIONS; BRITISH POSSESSION.
East Africa, courts of, **10,** 522, 523, 555
government of, **10,** 522
flag, failure in proper circumstances to hoist, **26,** 11, 32
improper use of, **26,** 11, 32, 33, 660, 661
government vessel. *See* GOVERNMENT, ship; KING'S SHIP; WARSHIP.
Guiana, courts of, **10,** 555
government of, **10,** 503 n.
Honduras, courts of, **10,** 555
government of, **10,** 503 n.
India, **10,** 503, 505, 584—622; **26,** 332 n. *See* INDIA.
Islands, what comprised in, **10,** 505; **22,** 631 n.
Law Ascertainment Act, 1859, provisions of, **13,** 490, 491
Museum. *See* BRITISH MUSEUM.
national character of ship, improper assumption or concealment of, **26,** 11, 32, 33
nationality. *See* BRITISH NATIONALITY.
New Guinea, dependency of Australia, **10,** 510
North America. *See* CANADA.
Pharmacopœia. *See* BRITISH PHARMACOPŒIA.
Prize Courts, jurisdiction of, **23,** 285, 286. *See* PRIZE COURT.
protectorate, *defined*, **10,** 504, 521. *See* PROTECTORATE.
settlement, **10,** 503, 572, 573
ship. *See* BRITISH SHIP; KING'S SHIP.
spirits, *defined*, **18,** 6
excise duty in respect of. *See* SPIRITS.
reimported, duty on, **24,** 602
subject. *See* BRITISH SUBJECT.
territory, Crown's power to alienate, **1,** 316, 317; **6,** 440, 441 n.
waters, *defined*, **1,** 74
wines, licences in respect of. *See* SWEETS.

BRITISH CENTRAL AFRICA,
absorbed in Nyasaland, **10,** 522

BRITISH COLUMBIA,
courts of, **10,** 554
Government of, **10,** 505 n.

BRITISH DOMINIONS. *See* BRITISH POSSESSION.
defined, **1,** 303; **10,** 503—505
beyond the sea, title of sovereign, **6,** 360
British ship included in, **1,** 303
Official Secrets Act applies in all, **7,** 33

BRITISH EAST AFRICA,
courts of, **10,** 555
Government of, **10,** 522

BRITISH GUIANA,
courts of, **10,** 555
Government of, **10,** 503 n.

BRITISH HONDURAS,
courts of, **10,** 555
Government of, **10,** 503 n.

BRITISH INDIA. *See* INDIA.

BRITISH ISLANDS,
meaning of, **10,** 505; **22,** 631 n.

BRITISH MUSEUM,
Chancellor of the Exchequer as trustee of, **7,** 101
Charity Commissioners, jurisdiction of, **4,** 305; **19,** 213
collections contained in, **19,** 210 n.
delivery of books etc. to, **8,** 174; **19,** 213
penalty for failure, **23,** 214
foundation and constitution of, **19,** 210, 213
income tax in relation to, **4,** 208—211; **16,** 629
land for, acquisition of, **19,** 212
librarian of, appointment of, **19,** 211
National Gallery, removal of pictures to, **19,** 212
Natural History Museum, removal of collections to, **19,** 212
property tax in relation to, **19,** 213
staff of, appointment of, **19,** 211
trustees of, appointment and powers of, **19,** 210—212
bye-laws and rules, power to make, **19,** 211

BRITISH NATIONALITY. *See also* BRITISH SUBJECT.
acquisition of,
annexation of territory, by, **1,** 313
British protectorate, by subject of, **6,** 341
effect of, **1,** 312, 314
infant, by, **1,** 315, 319
letters of denization, by, **1,** 312, 313
married woman, by, **1,** 315, 319
Naturalization Act, under, **1,** 313—315. *See* NATURALIZATION.
private Act of Parliament, by, **1,** 315, 316; **21,** 761
loss of, **1,** 316—319
alienage of parent, by, **1,** 318
cession of British territory, by, **1,** 316, 317
common law, at, **1,** 316; **6,** 341
declaration of alienage, by, **1,** 317, 318; **6,** 340, 341
infant, by, **1,** 319
marriage, by, **1,** 318
naturalization in foreign state, by, **1,** 317; **6,** 341
readmission to, British possession, in, **10,** 529
certificate, by, **1,** 319
infant, in case of, **1,** 319
widow, in case of, **1,** 319

BRITISH NEW GUINEA,
dependency of Commonwealth of Australia, **10,** 510

BRITISH NORTH AMERICA. *See* CANADA.

BRITISH PHARMACOPŒIA,
admissibility in evidence of, **13,** 479
medicines to be compounded in accordance with, **20,** 356, 377
publication and contents of, **20,** 324
standard for purity of drugs, as a, **15,** 21

BRITISH POSSESSION,
The title DEPENDENCIES, COLONIES AND BRITISH POSSESSIONS *is contained in Vol. X., pp.* 501 *et esq.*
defined, **8,** 141 n., 166 n.; **10,** 503, 505; **14,** 404 n., 417 n.; **22,** 631 n.
cession of, effect on nationality, **1,** 316. *See* BRITISH NATIONALITY.
copyright provisions applicable in, artistic works, **8,** 188—192, 195
extensions by treaty, **8,** 138, 139
extent of, **8,** 140
first publication in, **8,** 141
literary work, as to, **8,** 140, 141, 166, 167
performing right, as to, **8,** 175, 176
formalities and conditions, **8,** 178—180
notice reserving, **8,** 178
period of protection, **8,** 179
prints, engravings, lithographs, as to, **8,** 200—202
proceedings for infringement, where to be brought, **8,** 142
sculpture, models, casts, as to, **8,** 208
designs, registration of, by persons in, **27,** 736
estate duty in respect of property in, **13,** 200, 221, 226
commissioners may not take proceedings for, in, **13,** 226
extraction in case of, **10,** 562, 563; **14,** 417, 418
crimes to which applicable, **14,** 407, 408
fugitive offender within, surrender of, **10,** 529, 562, 563; **14,** 419—430. *See* FUGITIVE OFFENDER.
laws of, proof of, **13,** 487, 488, 490, 491
light dues in, recovery of, **26,** 631
lunacy jurisdiction over property in, **19,** 413
Merchant Shipping Acts, application of, **26,** 13
notaries in, **21,** 497, 501
Official Secrets Act, application in, **7,** 33
passenger steamer certificate granted in, **26,** 335
post offices in, **22,** 657
prisoner, removal of, from one to another, **10,** 564
prize jurisdiction in, **23,** 286
seamen's certificates granted in, **26,** 38 n.
shipping inquiries in, **26,** 593
trade marks, registration of, by persons in, **27,** 708
vesting orders as to land in, **28,** 103

BRITISH SHIP,
Admiralty jurisdiction in regard to, **1,** 63—77: **9,** 57. *See* ADMIRALTY JURISDICTION.
alien cannot own, **1,** 306; **26,** 16
may hold shares in company owning, **1,** 306; **5,** 758

BRITISH SHIP—*continued.*
bill of sale of, Bills of Sale Acts, not within, **3,** 6, 17, 18
form and execution, **10,** 398; **26,** 21, 22
mistake in, **17,** 403 n.
transfer by, **10,** 372; **15,** 411; **26,** 21, 22
transfer without, **26,** 22
birth or death on, registration of, **24,** 457, 458
Board of Trade powers with regard to. *See* BOARD OF TRADE.
certificated officers on, **26,** 38
character of, assuming or concealing, **26,** 11, 32, 33
colours to be worn by, **1,** 77; **6,** 362, 363; **26,** 11
consular officers' duties in respect of, **6,** 436. *See* CONSUL.
Crown, the dominions of the, include, **1,** 303
detention by British Government of, effect on policy, **17,** 443
forgery of documents relating to, **9,** 752—754
holding out as, **26,** 11, 32, 33
inquiry by naval officer abroad as to, **26,** 593
jurisdiction over, at sea, **6,** 251
marking of, deck and load lines, **26,** 78, 79
exemptions from, **26,** 79, 660 n.
name etc., **26,** 17, 18
penalties for omission of, **26,** 32
marriage on, **6,** 260, 261; **16,** 308; **24,** 455
measurement of, **26,** 19
mortgage of, **21,** 133, 134; **26,** 23, 24
Admiralty jurisdiction over, **1,** 65
appurtenances, with her, effect of, **26,** 24 n.
assignee of freight as affected by, **26,** 29, 303
certificate of, when ship abroad, **26,** 30
discharge of, **21,** 313, 314; **26,** 30
registration of, **21,** 314
execution of, **10,** 398
form of, **3,** 18; **10,** 372
formalities of, **26,** 23, 24
gear included in, **21,** 133
nature of, **26,** 24, 25
power of sale, **21,** 249; **26,** 27
priority of, **21,** 133, 340; **26,** 28, 29
registration of, **21,** 133; **26,** 23, 24
expunging entries, **26,** 24 n.
transfer of, **21,** 176; **26,** 30
unregistered, effect of, **26,** 23, 28, 30
mortgagee of, possession, right to, **26,** 25
rights and liabilities on taking, **26,** 26, 29
rights of, law governing, **26,** 24
mortgagee of shares in, position of, **26,** 25, 26 n.
mortgagor of, powers of, **21,** 133, 134; **26,** 24
ownership of, **1,** 77, 306; **5,** 758; **26,** 15, 16, 19
corporation, by, **5,** 758 **26,** 16
oath by claimant to, **7,** 25, 26 n.
registration, effect of, **26,** 15
port of registry, **26,** 20
ship, situation of, for probate duty purposes, **13,** 310
registered
abroad, deemed foreign, **26,** 612 n.
owner, person wrongly registered as managing owner, not agent of, **26,** 525 n.
tonnage, calculation of, **26,** 19
registration of, **26,** 16—21
abandonment or loss, on, **26,** 658
alterations to be registered, **26,** 31
application for, **26,** 18
authorities, **26,** 657—659. *See* REGISTRAR-GENERAL OF SHIPPING AND SEAMEN.

BRITISH SHIP—*continued.*
registration of—*continued.*
builder's certificate to be produced, **26,** 18
certificate of, **26,** 20, 21
detention for production of, **26,** 16
order for delivery up of, **1,** 65
primâ facie evidence, **13,** 477 ; **26,** 31, 32
change of employment of ship, **26,** 658
closing of registry of ship, **26,** 19
effects of, **26,** 16, 17
exemptions from, **26,** 16, 659
Government ships, power as to, **26,** 16
light signals, of private, **26,** 408
object of, **26,** 11
obligation to register, **26,** 16
place of, **26,** 20
procedure, **26,** 17, 18
rectification of, **1,** 64
register as evidence, **26,** 31, 32
register book, particulars to be inserted, **26,** 18
regulations as to, **26,** 657—659
renewal of, after wreck or abandonment, **26,** 31
requirements, **26,** 17
returns to be made by registrar, **26,** 31
shares, registration in, **26,** 18
survey before, **26,** 17
temporary prohibition of, **26,** 23
transfer of ownership, **26,** 658
transmission of title, on, **26,** 22, 23
to incapacitated person, on, **26,** 23
trusts and equitable interests not to be entered, **26,** 30
seamen, on,
accommodation, **26,** 46. *See also* SEAMAN.
death of, **26,** 51, 58
discharge of, **26,** 55
shares in, **26,** 15, 16, 18
owners of, tenants in common, **26,** 34, 35
transfer of, **3,** 17, 18 ; **15,** 411 ; **26,** 21, 22
evidence of, **13,** 426
form of, **10,** 372
prohibition of, **26,** 23
transmission of title to, **26,** 22, 23
yacht, **26,** 659—661. *See* YACHT.

BRITISH SUBJECT,
alienage, declaration of by, **1,** 317, 318
child born abroad of, position of, **1,** 318
illegitimate, in case of, **24,** 459
consular officers' duties to, **6,** 435—438. *See* CONSUL.
Crown's right of recalling from abroad, **6,** 446, 447
flag privileges of, **26,** 660, 661
injured by act of State outside the jurisdiction, remedy where, **23,** 309
marriage abroad of, **6,** 257—260 ; **16,** 306—308.
registration of, **6,** 260 ; **24,** 454—456
natural born, who is a, **6,** 340, 341 ; **14,** 163 ; **24,** 459
naturalized, **1,** 312 *et seq.*
passports for, **6,** 439
will made out of United Kingdom, of, **14,** 162, 163

BROKER,
defined, **1,** 153 ; **25,** 138
account, duty to, **1,** 186—189 ; **27,** 222, 243, 244
right to an, **1,** 200
agency of, **1,** 153 ; **17,** 347, 348, 357 ; **25,** 139—141

BROKER—*continued.*
authority of, **1,** 160, 161, 164, 168 ; **17,** 353, 358 ; **25,** 138 ; **26,** 173
guarantee, in relation to, **15,** 470
bailiff as, **1,** 152 ; **8,** 565
bankruptcy, effect of, **17,** 350 352 ; **27,** 251, 256—258
bill broker, lien of, **2,** 499
books of, evidence of contract from, **7,** 351 ; **25,** 140
bought and sold notes, effect of delivery of, **7,** 351 ; **25,** 139, 140
brokerage payable to. *See* BROKERAGE.
care and skill required of, **1,** 185, 186 ; **17,** 356, 357
colonial, usage affecting, **10,** 287
commission, right to, **10,** 285 ; **26,** 136—138. *See also* BROKERAGE.
usage as to future, **26,** 137 n.
commission agent distinguished from, **25,** 138 n.
company promoter, as, **5,** 48
contract, no power to cancel, **25,** 138 n.
contract of, **1,** 182, 186, 207—211 ; **25,** 138—141
enforcement of, **1,** 206, 207
contract to employ, specific performance, **26,** 137 n. ; **27,** 10
conversion of goods, liability for, **27,** 893
cotton trade, in, **10,** 285
customs affecting, **1,** 168, 182, 208 ; **10,** 284—286 ; **25,** 138, 140
del credere agent, as, **1,** 153, 184 ; **17,** 348 n., 350, 351
distress, levying, costs of, **11,** 215
drug trade, in, **10,** 285
duty of, **25,** 138 ; **27,** 219—222, 243, 244
factor distinguished from, **1,** 152, 153 ; **25,** 495 n.
fraud of, **1,** 216 ; **27,** 256
goods sold, position in regard to, **1,** 153 ; **25,** 138 n. ; **27,** 893
guarantee signed for principal by, **15,** 470
hop trade, usages affecting, **10,** 284
indemnity, by, **15,** 558 ; **27,** 223
in favour of, **1,** 196, 197 ; **15,** 447 n. ; **27,** 223, 224, 241, 260
insurance. *See* INSURANCE BROKER.
interpleader proceedings by, **1,** 200 ; **17,** 587
Irish provision trade, in, **10,** 285
knowledge of, how principal is affected by, **17,** 406 n., 407
liability of, **1,** 183—193, 229, 235 ; **10,** 284—286
parol evidence as to, **1,** 220
lien of, **1,** 197—200 ; **17,** 350—352 ; **19,** 7 ; **27,** 238
Liverpool wool market, in, **10,** 285
London
colonial trade, in, **10,** 285
corn market, in, **10,** 285
dry goods market, in, **10,** 284
fruit trade, in, **10,** 285
oil trade, in, **10,** 284
tallow trade, in, **10,** 285
market customs, liability for non-observance of, **10,** 284, 285 ; **21,** 369
mistake of, **17,** 406 n.
negligence, liability for, **1,** 196, 230 ; **17,** 357 ; **21,** 369, 370
note of, alteration of, **25,** 141
contract by, **7,** 351 ; **25,** 138—141
partnership not constituted by remuneration by share of profits, **22,** 10, 11

BROKER—*continued.*
passage, **26,** 350, 351
agent of, statutory provisions as to, **26,** 351, 352. *See* EMIGRANT RUNNER.
regulations affecting, **26,** 350—352
principal, effect of acting as, **1,** 169, 219; **10,** 284, 285; **15,** 521 n., 523 n.; **27,** 893 n.
implied existence of, **20,** 675
rice trade, in, **10,** 285
sale, for, *defined,* **25,** 138
contract of, **25,** 138—141
sale of goods taken in execution by, **8,** 565
set-off by or against, **25,** 495, 496
settled estate, employed with reference to, **25,** 670, 689; **28,** 144, 145
ship, berth-note, liability under, **26,** 84 n.
bill of lading signed by, **26,** 153 n., 173
charterer, executing charterparty for, **26,** 88
commission payable to, **26,** 136—138
reporting ship, **26,** 137
salvage services, rendering, **26,** 567
usages affecting, **10,** 285, 286
skill and care expected of, **1,** 185, 186; **17,** 356, 357
Stock Exchange, on the. *See* STOCKBROKER.
stoppage *in transitu* by, **1,** 199, 200; **15,** 521 n.
trespass by, on wrongful distress, **27,** 846 n.
trust arising in case of, **28,** 59, 90
trustee's liability on employment of, **25,** 670, 689; **28,** 144, 145
undisclosed principal, for, **1,** 169, 219; **10,** 284, 285; **15,** 521 n., 523 n.; **27,** 893 n.
usages affecting, **1,** 182, 208; **10,** 284—286; **13,** 445 n; **25,** 138, 140
quasi-surety for principal, **15,** 523 n.

BROKERAGE,
clause in charterparty, **26,** 136, 137
company's shares, for placing, **5,** 92—95
ship broker, in case of, **10,** 285, 286; **26,** 136—138, 153 n., 173
stock exchange transactions, in respect of, **27,** 229, 230
underwriter's liability for charges on sale of damaged goods, **17,** 465 n.

BROMLEY,
college of, exemption from land tax, **18,** 311

BRONZE,
legal tender of, **6,** 463

BROOK. *See* WATERCOURSE.
easement permitting interference with, **11,** 314 n.

BROTHEL. *See also* BAWDY HOUSE; DISORDERLY HOUSE.
defined, **9,** 542
abroad, procuration for, **9,** 542
child's residence in, permitting, **9,** 408 n.; **17,** 163
detention of woman in, **9,** 543
keeping, offence of, **9,** 541—543
licensed premises used as, penalty in case of, **18,** 56, 138
nuisance, as a, **21,** 541
police powers as to, **22,** 502

BROTHER,
borough English, rights in case of, **11,** 15, 16
descent to, how traced, **11,** 10 n.

BROTHER—*continued.*
father inherits before, **11,** 10
gavelkind, rights in case of, **11,** 15; **14,** 152
half-blood, order of inheritance of, **11,** 11
intestacy, rights as to personalty upon, **11,** 22
legacy duty payable by, **13,** 243
possessio fratris, doctrine of, **11,** 10 n.
sister, preferred to, **11,** 9, 10
succession duty in case of, **13,** 282, 284
undue influence on the part of elder, **15,** 108

BROTHERHOOD,
Court of, in Cinque Ports, **9,** 129

BUB,
use in distilling of, **18,** 150

BUBBLE COMPANY,
winding up of, **5,** 397

BUCKET SHOP,
nature of business of, **27,** 260, 261

BUCKINGHAM,
local court of, **9,** 149

BUDGET,
Committee of Ways and Means and, **21,** 774, 775
county council, of, **19,** 357
derivation of the term, **21,** 774 n.
financial proposals of, **21,** 775
preparation by the Treasury of, **24,** 539, 540
resolutions, **21,** 775
speech of Chancellor of the Exchequer, **21,** 774

BUGGERY,
attempt to commit, **9,** 540
matrimonial offence, as, **16,** 477, 497
crime of, **9,** 539
proof of, **9,** 540
soliciting to commit, **9,** 541

BUILDER, *See also* CONTRACTOR.
defined, **3,** 159; **20,** 473 n.
bankruptcy of, **2,** 152; **3,** 251, 252, 254, 255, 262, 263, 272
assignments, how affected by, **3,** 268
reputed ownership, **3,** 263, 265
trustee adopting contract, position of, **3,** 268
building
agreement, interest of builder under, **18,** 567, 568. *See* BUILDING CONTRACT.
beyond building line, proceedings in case of, **16,** 246
foundation, right to materials dug out of, **3,** 187
lien of, **3,** 165
London, right to enter premises in, to comply with orders, **20,** 480
trade usages affecting, **10,** 276

BUILDER'S MERCHANT
defined, **3,** 163
building owner's liability to, **3,** 278, 279
designation in contract of, **3,** 163
restraint of trade of, **27,** 574 n., 587 n.

BUILDING,
agreement. *See* BUILDING LEASE.
contract. *See* BUILDING CONTRACT.
grant, educational purposes, for, **12,** 6, 11, 16, 50, 120

BUILDING—*continued.*
grant—*continued.*
reservation of mines, in, effect, **20,** 585
Settled Land Acts, under, reservation of rent-charge on, **25,** 656
lease. *See* BUILDING LEASE.
line. *See* BUILDING LINE.
materials. *See* BUILDING CONTRACT, materials.
landowner, covenant vesting in, **10,** 497
obstruction of streets, in relation to, **27,** 284, 286
projecting, provisions as to, **16,** 211
notice, **20,** 477
arbitration in case of non-assent, **20,** 492
by whom given, **20,** 477
form of, **20,** 479
inspection by surveyor on receipt of, **20,** 477
objection, notice of, **20,** 477
Public Health Acts, under, **23,** 421
approval or disapproval by local authority, **23,** 422, 423
return of, by surveyor, **20,** 478
time for, **20,** 477
notice of irregularity, **20,** 478
operations, hoardings erected during, **16,** 205, 251, 252
negligence in carrying out, **21,** 396
owner, *defined,* **3,** 159; **20,** 473 n. *See* BUILDING CONTRACT, employer.
arbitration, entitled to, in case of non-assent to notice, **20,** 492
metropolis, in, provisions to, **20,** 491—493
party wall, not entitled to build, **20,** 492
service of notice of objection on, in metropolis, **20,** 477
plot, rateable value of vacant, **24,** 6 n.
powers, local authorities, of, working class dwellings, as to, **6,** 21; **23,** 539
purposes, lands used for, *defined,* **3,** 176
scheme. *See* BUILDING SCHEME.
ship, ownership acquired by, **26,** 15
site. *See* BUILDING CONTRACT; SITE.
society. *See* BUILDING SOCIETY.
structure. *See* BUILDING (Structure).
trade, usages in, **10,** 276

BUILDING (STRUCTURE),
defined, **3,** 175, 176, 533; **14,** 485 n.; **23,** 415 n.; **28,** 702
Factory and Workshop Act, for, **14,** 485 n.
franchise purposes, for, **12,** 160
London Building Act, for, **16,** 210; **20,** 477 n.
Public Health Acts, for, **23,** 415 n., 244, 567 n.
abutting, **3,** 175
accessory, inhabited house duty in respect of, **17,** 183
accident in, notice of, **14,** 485
acquiescence in, owner of soil estopped by, when, **13,** 167 n., 168, 397
adjacent, meaning of, with reference to, **3,** 175; **28,** 462
adjoining, deposited plan must show, **23,** 421 n.
adjoining owners, metropolis, in, disputes between, **20,** 492
rights of, **11,** 321; **20,** 491, 492; **21,** 396, 526. *See* ADJOINING OWNER.
agricultural holding, on, compensation for, **1,** 258, 260 n.
air, right to passage of, **11,** 326
allotment, on, **1,** 355

BUILDING (STRUCTURE)—*continued.*
alteration of, bye-laws as to, **23,** 415
faculty necessary for, in case of consecration of, **2,** 540, 731
land improvement by means of, **1,** 347; **18,** 284 n., 287
metropolis, in, **20,** 476, 477
architectural interest, of, London County Council may purchase, **20,** 397
restoration of, **20,** 475
arson of, **9,** 770—773. *See* ARSON.
breaking and entering, **9,** 669, 673. *See* BREAKING.
brick-built, meaning of, **3,** 175
burial ground, in disused, **3,** 196, 397, 532, 533
bye-laws as to, architect's duty to know, **3,** 296
disregard of, as avoiding contract, **13,** 195
demolition, in case of, **3,** 296; **23,** 425
fine for, **3,** 256
local authority cannot waive, **23,** 397 n.
local authority, powers to make, **23,** 415, 417—421
Local Government Board's power to revoke and enact, **23,** 426
metropolis, in, **20,** 461, 480
notices and plans deposited pursuant to, **23,** 421, 422, 424, 425
observance of, how enforced by local authorities, **23,** 421, 422
prevention of alteration, as to, **23,** 415
removal for infringing, expenses of, **23,** 424
revocation of, **23,** 426
ultra vires, Public Health Act under, **23,** 393 n.
certified, under London Building Act, meaning of, **20,** 474 n., 489
church, for use as, consecration of, **21,** 719, 720
test whether building is a, **11,** 715 n.
cinematograph exhibition, for, inspection of, **27,** 420
licence for, **27,** 420, 421
City of London, in, **20,** 475
clock affixed to public, **4,** 114; **23,** 502
closing of, bye-laws as to, **23,** 420
Commissioner of Works, powers over public, **7,** 135, 136
common, on, effect of, **4,** 527
pulling down of, by commoner, **4,** 516
compensation for, agricultural holding, on, **1,** 258, 260 n.
compulsorily acquired, part acquisition, in case of, **6,** 71; **27,** 829
power to expend on substituted, **18,** 288
rounding off of corner, **16,** 249
setting back of, **15,** 246, 247
compulsory acquisition of, customs purposes, for, **6,** 7, 161, 162
defence of realm, for, **6,** 448
erection of substituted, Settled Land Acts, under, **18,** 288
light railway, for, **27,** 820 n., 829
part, taking of, **6,** 70—73; **27,** 829
concrete, use of, **20,** 483, 487, 488
construction of, bye-laws as to. *See* bye-laws, *supra.*
insanitary site, on, prohibited, **23,** 426
metropolis, in, **20,** 473, 474, 477—491. *See* LONDON BUILDING ACTS.
public resort, for, **23,** 429, 430
railway company, by, **23,** 679, 680
temporary, **23,** 427

BUILDING (STRUCTURE)—*continued.*
construction, under, Factory Act regulations applicable to, **14,** 485, 486
continuous row, regarded as one, **12,** 160
conversion of, consent of London County Council to, **20,** 476, 491
nuisance by reason of, **21,** 528
what it is, **20,** 474 n., 491 n.
co-ownership of land for, partnership by virtue of, **22,** 6
corner, metropolis, in, special provisions as to, **20,** 481
rounding off of, **16,** 249
county council, inquiry by, working class dwelling, for, **23,** 537
management and maintenance by, of public, **19,** 364, 365
vesting in, of, **19,** 364
county courts in London, jurisdiction as to, **8,** 667, 668; **20,** 480
provision of, for, **8,** 414
court-house, gift for, charitable, **4,** 115
covenant to
build, breach of, **10,** 339
leave in repair, specific performance in case of, **27,** 41 n.
rebuild, construction of, **18,** 508, 509
repair, construction of, **18,** 505, 514, 520. *See* REPAIRS TO LEASEHOLDS.
Crown, building line rule not applicable to, **16,** 244, 246
Infectious Diseases (Notification) Act, 1889, does not apply to, **7,** 200
London Building Acts, exempt from, **20,** 474
rateability of persons permitted to use, **24,** 5, 12 n.
customs, acquisition for purpose of, **6,** 7, 161, 162
damage to, rights in case of, **17,** 539; **20,** 542, 582; **21,** 486
withdrawal of support, by, **11,** 321, 322
dangerous
factories, in the case of, **14,** 471
fencing of, **16,** 252; **23,** 430
health, to, closing orders as to, **23,** 527—529
appeal against, **23,** 545, 546
highway, abutting on, **16,** 153; **21,** 371, 372, 397
landlord and tenant, liability as between, **18,** 504, 505; **20,** 382—385
London Building Act, provisions as to, **16,** 210; **20,** 479 n., 493, 494
nuisance from, **16,** 153; **18,** 504; **21,** 515
occupier's liability for, bare licensee, to, **21,** 391—394
invitees, to, **21,** 388—391
neighbours, to, **21,** 395—397
public, to, **21,** 397—401
trespasser, to, **21,** 394
pulling down, **20,** 494; **21,** 404; **23,** 430, 530, 546
repair of, **18,** 504, 505; **21,** 382—384; **23,** 430, 431
defect in, nuisance from, **21,** 538
demolition of. *See* pulling down, *infra.*
deposit of plans with reference to, **20,** 472, 474 n., 479, 489 n.; **23,** 421—425
destruction of, explosives, by, **6,** 355; **9,** 776
riot, in case of, **6,** 358; **9,** 473, 778
tenant, by, misdemeanour, **9,** 780
district surveyor, duties of, **20,** 471, 472, 477, 478; **23,** 422—424

BUILDING (STRUCTURE)—*continued.*
domestic, *defined,* **20,** 481
regulations as to, **20,** 474 n., 481—483
doors of, regulations as to, **16,** 249; **20,** 487; **23,** 429, 430
sheriff's right to break open, **25,** 813—815
drainage of, power as to, **23,** 419; **25,** 720, 727 n., 730. *See* DRAIN.
dwelling-house. *See* DWELLING-HOUSE.
improperly using as, **23,** 425
easement of
air in case of, **11,** 326
light in case of, **11,** 303. *See* LIGHT (Easement of).
support in case of. *See* support, *infra.*
erection of, insanitary site, on, penalty, **23,** 426
miners in Derbyshire, by, **20,** 643
new, of, what is, Public Health Acts, under, **23,** 415, 416
nuisance from, **21,** 524
owner's duty to neighbour in case of, **21,** 396
London, in, **20,** 491—493
purchase of land, equivalent to, **18,** 276
restrictions in case of, **3,** 532, 533; **14,** 485; **23,** 415
tenant for life, by, **25,** 600
trespasser, by, **27,** 857
acquiescence in, effect of, **13,** 166, 167, 397
estate, control over sewers of, **25,** 727 n., 730
existing, meaning of, in London Building Act, **20,** 474 n.
explosive, destruction by, of, **9,** 776
keeping of, in, near highway, as nuisance, **16,** 153
placing, in or near, **9,** 777
factories and workshops, regulations affecting, **14,** 443, 444, 483—486. *See* FACTORY.
separate contained in same, **14,** 443
field garden, not to be erected on, **1,** 337; **4,** 593
fire, damage by, loss in case of, **17,** 539; **18,** 519, 520, 522, 523; **21,** 404. *See* insurance, *infra.*
protection against, **20,** 474 n., 488—491; **21,** 404; **23,** 548—551; **23,** 249
fixture, as constituting a, **18,** 424
fixtures annexed to, **18,** 416—421. *See* FIXTURES.
foundation of. *See* FOUNDATION.
friendly society, investment of funds of, in, **15,** 168
powers of, **15,** 169
frontage of metropolitan, **16,** 209; **20,** 473, 490
gas pipes, construction of, in, **15,** 327, 330
gift, land with uncompleted, of, **3,** 273; **14,** 288; **15,** 426, 434
maintenance of, charity, for, **4,** 113
Government, special provisions in case of, **20,** 474
habitable, special provisions in case of, **20,** 473 n., 481 n.; **23,** 425, 503—548
height of, regulations as to, **20,** 395, 481—483, 489, 490; **23,** 421
high, *defined,* London Building Acts, under, **20,** 488 n.
regulations as to, **14,** 485, 486; **20,** 474 n., 488 n., 489, 490
historical interest, of, London County Council powers as to, **20,** 397
restoration of, **20,** 475
hoarding, putting up of, during erection or repairs, **16,** 155, 205, 251, 252
improvement to land, as, **18,** 280, 281, 284 n., 286, 287
not justified as, when, **28,** 147

BUILDING (STRUCTURE)—*continued.*
income tax in respect of,
occupation, on profits from, **16,** 636—638
occupied as part of terms of employment, **16,** 667
ownership, in respect of, **16,** 619—623, 627—636
person chargeable, **16,** 631
trade, occupied for purposes of, **16,** 648, 654
partly occupied for, **16,** 651
unoccupied, **16,** 631, 634
Inhabited House Duty in respect of, **17,** 182, 183, 191, 193
injunction, adjoining owner not entitled to, for line regulation infringement, **16,** 248
Attorney-General may obtain, breach of bye-law, for, **23,** 423 n.
line regulation, infringement, for, **16,** 246, 247, 248
mandatory, to pull down, **16,** 246; **17,** 216, 232 n.
restrain, erection, to, **17,** 232 n.
pulling down, to, **17,** 244, 245; **25,** 604
injury to. *See* damage to
Inns of Court, of, London Building Acts, how far within, **20,** 474
inspection by local authority of, **23,** 421, 430
insurance against fire, demolition by fire brigade within, **17,** 531
interest essential to, **17,** 519, 520
landlord and tenant, as between, **17,** 523, 524; **18,** 521—523
lapses if not assigned with, **17,** 517, 518
material non-disclosure as to, **17,** 532
option to reinstate, **3,** 191
restoring insurer's liability as to, **3,** 192
right of entry of insurers, **17,** 541
trustees, by, **17,** 372, 520, 523, 547, 563; **28,** 145
wilful ignition as avoiding, **17,** 529, 531, 532
iron and steel, use of, in London, **20,** 483, 487, 488
King's, belonging to arsenals etc., arson of, **9,** 773
land, another man, of, on, **13,** 167 n., 168, 397; **27,** 857
included in gift of building, **28,** 702
included in term land, **11,** 7 n.; **18,** 340
light railway, acquisition for purposes of, **27,** 829
line. *See* BUILDING LINE.
literary or scientific institution, of, **19,** 206, 207
local authorities' powers as to construction of, **16,** 246—248
Public Health Acts, under, **23,** 414—424
sanitary, **20,** 404
local authority, compulsory powers, compensation for exercise of, by, **18,** 288
London Building Acts. *See* LONDON BUILDING ACTS.
London County Council bye-laws as to, **20,** 461
powers of, **20,** 395, 470—494
main front of, projections beyond, London Building Act requirements, **20,** 485, 490
metropolitan borough council may remove, **16,** 210
removal of, local authority, by, **16,** 248, 249
statutory requirements as to, **16,** 211
marriages, for celebration of, **16,** 301, 306
conditional registration of, **16,** 304
list of, **16,** 301
registration of, **16,** 300, 304
cancellation of, **16,** 300

BUILDING (STRUCTURE)—*continued.*
metal skeleton frameworks, use of, **20,** 483, 487, 488
metropolis, in, **8,** 667, 668
county court jurisdiction. *See* LONDON BUILDING ACTS.
Metropolis Management Act, 1855, projections removable under, **16,** 210
metropolitan borough council, powers of, **20,** 404
dangerous, as to, **16,** 207
projections, as to, **16,** 210
mine
support for, **20,** 575—577
working causing injury to, **11,** 325; **20,** 542, 582
negligence, causing injury to, **21,** 486
owners and occupiers of, by, **21,** 382—420. *See* occupier, owner, *infra.*
new, *defined,* London Building Acts, under, **20,** 488 n.
allowance to tenant for, **18,** 417
rating of, **24,** 68
regulations affecting, generally, **23,** 415—422, 426
metropolis, in, **20,** 477, 485, 488, 490
substitution of, where old taken under compulsory powers, **18,** 288
what is, **20,** 473 n., 474 n., 488 n.; **23,** 415, 416, 418 n.
noxious business, erection near, restrictions in metropolis in, **20,** 494
nuisance from, abatement of, **21,** 537. *See* ABATEMENT.
dangerous, **16,** 153; **21,** 515
exposing meat etc. from, **27,** 286
overcrowding of, **21,** 538, 539
smoke, **21,** 541—544
user of, **21,** 526—528, 537
nuisance to, gutters, drains etc. from, **21,** 538
obstructive, *defined,* **23,** 531
acquisition by local authority of land occupied by, **6,** 165; **23,** 532, 533
appeal against order for pulling down, **23,** 545
compensation to owner removing, **6,** 165; **23,** 533
general provisions as to, **23,** 535
medical officer of health, duty to report on, **23,** 532
owner retaining site, duties of, **23,** 533
removal of, **6,** 165; **23,** 531—533
report and order as to, **23,** 532
occupier of, **21,** 382—405
compensation to, fire protection works, for, **20,** 491
consent to risk, landlord not liable in case of, **21,** 383
dangerous purpose, let for, **21,** 385, 400
negligence of, fire, in regard to, **21,** 403
highway, adjoining, **21,** 371, 385
invitee, in respect of, **17,** 313; **21,** 385—391
neighbour, in respect of, **21,** 395, 396
owner and, liability as between, **21,** 382
public place, adjoining, in dangerous state, **21,** 399, 400
persons straying, in respect of, **21,** 397, 398
trespasser, in respect of, **21,** 394
voluntary repairs, in doing, **21,** 383 n.
warning notice, effect of, **21,** 390, 397 n.
water, escape of, as to, **21,** 402
working classes, statutory liability where let to, **21,** 383 n.
public clock, consent to erection of, **23,** 502

BUILDING (STRUCTURE)—*continued.*
offences under local building regulations, **23,** 424—426
one, semi-detached houses, whether, **25,** 722 n.
open spaces about, regulations as to, **16,** 209; **20,** 481, 482
owner of, definition, **20,** 473 n., 474 n., 491 n.
expenses under London Building Acts payable by, **20,** 479
fire escape, must maintain, in metropolis, **20,** 491
negligence of, stranger, liability to, **21,** 384, 385
tenant, liability to, **21,** 382, 383
not to be found, county court judge's powers under London Building Acts, **20,** 480
offences by, **20,** 480; **27,** 477
public clock, consent to erection of, **23,** 502
relief to diligent, for neglect of occupier, **20,** 480
right of entry for necessary works under London Building Acts, **20,** 480
rights in metropolis of, **20,** 473, 491—493
user by, rights in regard to, **21,** 382
part of, constituting a factory, **14,** 444
partnership by co-ownership of land for, **22,** 6
party-wall, regulations as to. *See* PARTY WALL.
petroleum, for storage of, in metropolis, **20,** 490
plans of, deposit of, **20,** 472, 474 n., 479, 489 n.; **23,** 421—425
police, exempted from London Building Act, **20,** 474
post mortem examinations, in London, for, **20,** 469
prison, power of Secretary of State as to, **23,** 242
projection from, as obstruction, **27,** 283
construction of, metropolis, in, **20,** 485, 490
goods, as obstruction, **27,** 283
local authority's powers as to removal of, **16,** 210, 211, 248, 249
metropolitan borough council may remove, **16,** 210, 211
public, *defined*, London Building Acts, **20,** 481
clocks, local authority may place on, **23,** 502
destruction of, explosives, by, treason felony, **6,** 355
riotous, felony, **6,** 358; **9,** 778
inspection of, **20,** 487; **23,** 430
London Building Acts, how far within, **20,** 474
regulations affecting, **7,** 135, 136; **20,** 484, 487; **23,** 502
Stock Exchange is a, **20,** 481 n.
public resort, for, *defined*, **23,** 429 n.; **27,** 402 n.
licence for, **27,** 402
licensed premises, communicating with, **18,** 131, 132
licensee, disqualification of, conviction, by, **18,** 56, 59
regulations as to, **20,** 491; **23,** 429, 430; **27,** 421
pulling down, bye-law, erected in breach of, **16,** 246; **23,** 422—426
dangerous, **20,** 493, 494; **21,** 404; **23,** 430, 530, 546
fire, rendered dangerous by, **21,** 404
injunction to restrain, **17,** 244, 245; **25,** 604
London Building Act, not in conformity with, **20,** 470 n., 480
mandatory injunction for, **16,** 246; **17,** 216
obstructive, by local authority, **23,** 532, 545, 546
temporary building, **23,** 427—429

BUILDING (STRUCTURE)—*continued.*
pulling down—*continued.*
tenant, by, **9,** 780; **18,** 508
tenant for life, by, **24,** 175; **25,** 600
trespasser, erected by, **27,** 857
railway, construction of, **23,** 679—681
rateable occupation of, several occupiers, where, **24,** 12
rates, public building exempt from, **24,** 14, 15
public purposes, used for, rateable, **24,** 16
scientific and literary society, of, exempt from, **19,** 204, 206, 207
rating of new, proportionate, **24,** 68
rebuilding after fire of
insurers, rights and duties as to, **3,** 191, 192; **17,** 522, 541
leaseholds, in case of, **18,** 519, 520
new building for Public Health Act purposes, **23,** 416
re-erection of, building line infringement, in case of, **16,** 209
new building, as constituting, **23,** 415, 416
removal of. *See* pulling down, *supra.*
fixtures, in case of, **18,** 424
mines, in case of, **20,** 643
repair of. *See* REPAIR; REPAIRS TO LEASEHOLDS.
ruinous, nuisance from, **21,** 515. *See* dangerous, pulling down, *supra.*
safety of, provisions for protecting public, **23,** 429—431
sanitation in, provisions as to, **23,** 418—421, 512 n., 596—600; **28,** 249
school. *See* SCHOOL; SCHOOLHOUSE.
separation of, **20,** 485, 486
settled estate employed in erection of, **25,** 682 n.
settled land, erected upon, **18,** 276, 280 *et seq.*; **25,** 600
sewer, erected over, **25,** 766—768
shutting up of part of, rating in case of, **24,** 12
small holding, erected on, **26,** 686
storeys of, meaning of terms in regard to, **20,** 473 n., 474 n.
structure, what is a, **3,** 178; **16,** 210; **20,** 473 n., 474 n., 477 n., 488 n., 493 n.
dangerous, *See also* dangerous *supra*; PREMISES.
removal of inmates of, metropolis, in, **20,** 494
report on, metropolis, in, **20,** 493
delapidated, demolition of, **20,** 494
line regulations, within, **16,** 209
railway, on, London Building Act, 1894, not within, **23,** 681
support, right to, of, **20,** 575
temporary, in metropolis, **20,** 488
substitution of, on settled land, where old taken under compulsory powers, **18,** 288
superintending architect in metropolis, appointment of, **20,** 471
support, right to, buildings, by, **11,** 321, 322
disturbance of easement, liability for, **11,** 324, 325
grant of land excepting minerals, in case of, **20,** 575, 576
land, by, **11,** 321
prescription, acquisition by, **20,** 577
reservation of, on grant of mines, must be express, **20,** 576
telegraphic apparatus, interfering with, **27,** 364

BUILDING (STRUCTURE)—*continued.*
temporary, **3,** 533; **23,** 427, 681
London, in, **20,** 473, 474, 479 n., 488
Public Health Acts, under, **23,** 427—429
tenant for life, waste by, in respect of, **24,** 175; **25,** 600
trade, National Insurance Acts, under, **28,** 886
purposes, for, **17,** 191—193; **18,** 424
trespass, as subject matter of, **27,** 850
trespasser, erected by, acquiescence in, **13,** 166, 167, 397
right to pull down, **27,** 857
trespasser in, occupier's duty to, **21,** 394
trustees of settlement, powers of, as to, **25,** 688, 689; **28,** 147
uncompleted, rights of donee or devisee in case of, **3,** 273; **14,** 288; **15,** 426, 434
underpinning, by adjoining owner, **20,** 492
unhealthy, closing of, **23,** 527—533, 545. *See* CLOSING ORDERS.
uniting of, in London, **20,** 486
user of, as affecting other persons, **21,** 382, 526, 527
restrictive covenants as to, **13,** 101, 102; **18,** 515—519; **25,** 454 *et seq.*
warehouse, regulations as to, **20,** 473 n., 481 n., 485
water supply in, dwelling house, in case of, **23,** 260, 263
lodging-house, in case of, **23,** 511, 540; **28,** 249, 263
notice to owner to obtain, **28,** 247, 248
rate for, **28,** 262
wooden, fixture, as a, **18,** 417
temporary, **20,** 473 n., 479 n., 488; **23,** 427 n., 681
working class dwelling, for, *defined,* **6,** 20. *See* HOUSING OF WORKING CLASSES.

BUILDING CONTRACT.
The title BUILDING CONTRACTS, ENGINEERS AND ARCHITECTS *is contained in Vol. III., pp.* 153 *et seq.*
defined, **3,** 158
abandonment of, **3,** 196, 225, 238, 239, 283
arbitration clause, application of, **3,** 283
breach by employer, in case of, **3,** 238, 239
abut, *defined* in relation to, **3,** 175
abutting, in relation to, *defined,* **3,** 175
acceptance in relation to,
affixing of materials to freehold not equivalent to, **3,** 165
tender, of. *See* TENDER.
work, of, implication and effect of, **3,** 203—205, 213, 231, 275
liability of employer by, **3,** 231
sub-contractor, of, no contract with employer by, **3,** 275
waiver of right to certificate by, **3,** 221
accident,
due to negligence under, architect's liability, **3,** 304
notice and investigation of, **14,** 485, 486
unavoidable or unforeseen, performance delayed or prevented by, **3,** 190, 193, 194
account, employer's liability to furnish, **3,** 257
payment on, **3,** 179, 212, 225, 306

BUILDING CONTRACT—*continued.*
acquiescence, acceptance of work implied from, **3,** 203, 204
assignment of contract, in, **3,** 271
employment of quantity surveyor ratified by, **3,** 310, 313
waiver of performance by, **3,** 199
action, arbitration instead of, **3,** 282
deceit, for, **3,** 169, 201, 301, 302
additions, liability for, **3,** 230—232
power to order, effect of, **3,** 230
adjacent, *defined,* **3,** 175
adjoining, construction of word, in, **3,** 175
adjoining owner,
architect's liability towards, **3,** 296, 297
damage to, during execution of, **21,** 396
agent, arbitrator as, disqualification of, **3,** 286, 287
architect as, **3,** 207, 218—221, 286, 288—291, 294
contractor as, **3,** 276
unauthorised acceptance of tender by, effect of, **3,** 169
alteration of, effect of, **3,** 173, 228—234, 280; **10,** 432 n.
immaterial, **3,** 280
provisions for, **3,** 179, 180, 230, 290
surety not discharged by, when, **3,** 280
unauthorised, **3,** 230
antiquities etc. dug up, right to, **3,** 187
apportionment of, **3,** 182
appraiser, position of, **3,** 162, 163, 284
appropriation of payment in case of, **3,** 227, 228
approval,
defined, in relation to, **3,** 175
architect or engineer, by, **3,** 207, 208
certificate of, **3,** 208, 209
condition precedent to payment, as a, **3,** 207
defects, effect as to right of action for, **3,** 204
how expressed, **3,** 207, 208
building owner, by, how far a condition precedent to payment, **3,** 205, 206
condition precedent to payment, express stipulations as to, effect of, **3,** 206
employer, of, **3,** 205, 206, 208, 297
defects, effect as to, **3,** 204
honesty essential in withholding, **3,** 206
matters of taste and convenience, in, **3,** 206
withholding of, **3,** 204—206, 208
full knowledge, with, **3,** 175, 204, 205
plans and specifications, of, by employer, architect or engineer not exonerated by, **3,** 297
unreasonable withholding of, **3,** 206
approved plan, meaning of, **3,** 175
arbitration,
certifying distinguished from, **3,** 207, 209, 218, 283—285
clauses in, **3,** 245, 246, 281—288
abandonment or rescission of contract, application in case of, **3,** 283
application of, to what disputes, **3,** 282, 283
architect, how affected by, **3,** 245, 246
certificate clause, how far controlled by, **3,** 285
certificate of architect, when subject to, **3,** 285, 286
construction of, **3,** 282
exception of certain matters in architect's discretion, **3,** 285

BUILDING CONTRACT—*continued.*
arbitration—*continued.*
clauses in—*continued.*
inoperative, when, **3,** 286
scope of, **3,** 282, 283
stay of proceedings in case of, **3,** 282
sub-contractor, how affected by, **3,** 277, 283
forfeiture, to decide right of **3,** 256, 282
substitution of, for certificate, **3,** 286
umpire, reference to, **3,** 282, 285
arbitrator, agency of, **3,** 286, 287
architect as, distinguished from architect as certifier, **3,** 207, 209, 218, 283—285
award of, condition precedent to payment, as, **3,** 286
death etc. of, **3,** 285
disqualification of, **3,** 286—288
jurisdiction of, conclusiveness or nonconclusiveness of architect's certificate, effect as to, **3,** 285, 286
removal of, **3,** 288
architect in relation to, **3,** 160, 288—309. *See* ARCHITECT.
as far as possible, *defined,* **3,** 175
assignee, equities against, limitation of time as to, **3,** 269
foreclosure by, **3,** 268
prevention of completion of contract by, effect of, **3,** 271
right of, to sue, without joining assignor, **3,** 267
assignment,
contractor, by, **3,** 227, 266—271, 275
employer, by, **3,** 266, 269, 271, 272
employer's equities as affected by notice of, **3,** 269
equities, subject to, **3,** 227, 267, 269, 270
forfeiture clause, of employer's rights under, **3,** 269
instalments accruing under, of, **3,** 267, 268
joint contractor, by, **3,** 271
liabilities, of, **3,** 270—272
contractor, by, **3,** 270, 271
acquiescence by employer, **3,** 271
retention money, of, **3,** 269
rights under, **3,** 266—270
bankruptcy of contractor, effect of, **3,** 268, 269
contractor, by, **3,** 227, 266, 267
forfeiture, subject to, **3,** 270
mortgage, by way of, **3,** 268
notice to debtor, **3,** 267
priority of, **3,** 274
stamp duty in case of, **3,** 267
sub-contractor, against, **3,** 275
share of profits, of, **3,** 267, 268
stipulation against, validity of, **3,** 268
attachment of instalments and retention money, **3,** 274
award as a condition precedent to payment, **3,** 286
balance due, ascertainment of, **3,** 214, 215
bankruptcy, architect, of, effect of, **3,** 309
builder, of, forfeiture of materials, stipulation as to, whether valid, **2,** 152
contractor, of, **3,** 272
assignments, effect on, **3,** 268
forfeiture on, **3,** 251—255
property liable to, **3,** 252
validity of provision as to, **2,** 152 ; **3,** 252, 254
lien of employer, effect on, **3,** 253, 265

BUILDING CONTRACT—*continued.*
bankruptcy—*continued.*
contractor—*continued.*
materials, effect as regards, **2,** 152 ; **3,** 253, 254, 262, 263, 265, 272
sub-contractor, effect as regards, **3,** 275
employer, **3,** 272, 273
bill of sale not constituted by, **3,** 11, 12, 14 n., 259, 264, 265
blank in, construction of, **3,** 173
bonus, when payable, **3,** 224
breach of, **3,** 238—249
contractor, by, **3,** 239—242
damages in case of, **3,** 239—248. *See* damages for breach of, *infra.*
employer, by, **3,** 238, 239, 242
forfeiture for, **3,** 249—259. *See* FORFEITURE.
breach of covenant, maintenance and defect clauses, under, accrual of employer's right of action, **3,** 237
breach of warranty of authority by architect, **3,** 291, 301, 302, 314
bribery in connection with, **3,** 168, 299, 300, 303
avoidance of contract in case of, **3,** 168
civil remedy against architect, **3,** 168, 299
criminal liability of architect, **3,** 168, 303
builder,
defined, **3,** 159
bankruptcy of, **2,** 152 ; **3,** 251, 272. *See* bankruptcy, contractor, of, *supra.*
lien of, **3,** 165
trade usages affecting, **10,** 276
builder's merchant,
defined, **3,** 163
building owner's liability to, **3,** 278, 279
designation of, in, **3,** 163
building. *See* BUILDING.
building owner. *See* employer, *infra.*
bye-laws, compliance with, **3,** 195, 295, 296. *As to bye-laws see* BUILDING.
cancellation of, **3,** 181. *See* rescission, *infra.*
cease work, effect of notice to, **3,** 239
certificates in relation to, **3,** 208—221. *See* CERTIFICATE ; FINAL CERTIFICATE.
certifier, arbitrator and, compared, **3,** 207, 209, 218, 283—286
dismissal of, **3,** 222, 294
disqualification of, **3,** 218—220
checking, not equivalent to certificate, **3,** 214
clerical errors in, correction by the court, **3,** 173
clerk of works, duties etc. of, **3,** 163, 293, 299
negligence of, liability of architect for, **3,** 293, 299
collusion between
architect and contractor, **3,** 270
employer and architect, **3,** 201, 217, 220
company, with, **3,** 172, 231
competition drawings, value of, **3,** 307
completion of, **3,** 182—192
defined, **3,** 176
employer, by, **3,** 204, 257
extension of time for, effect on claim for damages, **3,** 243—245
forfeiture, after, employer's liability to account on, **3,** 257
insanity of contractor before, **3,** 280
payment on, **3,** 226
performance of entire contract, by, **3,** 186—189
prevention of, **3,** 196—198, 200—202, 249, 250, 271, 305. *See* prevention of completion, *infra.*

BUILDING CONTRACT—*continued.*
completion of—*continued.*
relief from stipulation as to, **3,** 238, 243—245
security for, **3,** 226
surety, by, **3,** 280
third parties, as regards, **3,** 176
time for, **3,** 189, 190, 243—245, 257. *See* time for completion, *infra.*
trustee in bankruptcy, by, **3,** 252, 268, 269, 272
condition, implied, in, **3,** 174, 189, 194, 198, 238. *See* implied condition, *infra.*
condition precedent, arbitrator's jurisdiction as to, **3,** 285
architect's approval as, **3,** 207
certificate as, **3,** 210—212, 214, 220, 285, 286
dispensing with, when allowed, **3,** 220
period of maintenance, extension of, **3,** 214
third persons, effect on, **3,** 212
time of payment, effect as to, **3,** 214
waiver by employer, **3,** 221
construction of, **3,** 206
employer's approval as, **3,** 205
employer's failure to perform, effect of, **3,** 198, 201, 238
extras, to payment for, **3,** 233—236, 290
written order, **3,** 234, 235, 290
final certificate as, **3,** 214
forfeiture, to right of, appointment of architect, engineer, or third person as, **3,** 256
progress certificate as, **3,** 213
supply of materials as, **3,** 201
sureties, provision of, as, **3,** 280
written order as, in case of extras, **3,** 232—235, 290
waiver by architect, **3,** 234, 290
waiver by employer, **3,** 232, 233
conditions usually inserted in, as to defects and repairs, **3,** 236
consideration for, **3,** 170, 188, 223. *See* price, *infra.*
conspiracy in relation to, **3,** 170, 201
construction of, **3,** 173—178
contractor in relation to. *See* CONTRACTOR.
corporation, with, acceptance of tender, mode of, **3,** 168, 172
alterations in, **3,** 231
architect, appointment of, under seal, **3,** 288
formalities of, **3,** 172, 288
payment on account, effect of, **3,** 179
counterclaim by employer, payment subject to, **3,** 225
covenant, onerous, not implied, **3,** 174
repair, to, **3,** 236, 237
criminal liability arising under, **3,** 168, 300, 303, 304
custom, how far influenced by, **3,** 173, 178, 300, 302
damages for breach of, architect's liability for, designs and plans, in case of negligence as to, **3,** 297, 298
contractor, by, **3,** 183, 239—242
counterclaim by employer in case of defective work, **3,** 241
defects remaining undiscovered owing to employer's negligence, effect, **3,** 241
measure of, **3,** 240
non-completion to time, **3,** 241
special, **3,** 240
contractor's right to, where mode of payment is to be in land, **3,** 227
employer, by, **3,** 238, 242

BUILDING CONTRACT—*continued.*
damages for breach of—*continued.*
contractor's right to—*continued.*
liquidated, for breach of, **3,** 238, 243—247, 255
unliquidated, right to, **3,** 248
damages for breach of warranty of authority by architect, **3,** 301
dangerous work, employer's liability in respect of, **3,** 315, 316
day work, meaning of, **3,** 176
death, architect, of, **3,** 293, 305
contractor, of, **3,** 273
employer, of, **3,** 273, 294
deductions under, **3,** 223, 224, 247, 248
defect, acquiescence in, **3,** 204
approval of work by employer, effect of, **3,** 204
clause as to, **3,** 236, 237
deduction in respect of, **3,** 241, 242
design, in, architect's liability for, **3,** 297
approval of plans and specifications by employer, effect as to, **3,** 297
notice to remedy, **3,** 237, 238
remedy of employer for, **3,** 241, 242
soil, in, **3,** 194
sub-contractor, by, assignment of contractor's rights in respect of, **3,** 275
liability to principal contractor, **3,** 277
defective work, reduction of price for, **3,** 240, 241, 242
delay, certificate, in delivering, **3,** 220
damages for, holidays included in computation, **3,** 243
liquidated, release of claim for, **3,** 243, 244
measure of, **3,** 240
progress certificate as affecting right to, **3,** 213
effect of, **3,** 220, 257, 281
forfeiture for, construction of right of, **3,** 257
waiver by employer, surety's rights in action by sub-contractor on guarantee, **3,** 281
design, liability for defective, **3,** 297
destruction of subject matter, effect of, **3,** 194, 199, 237
deviations, measuring up, **3,** 291, 300, 308
quantity surveyor for, authority for employment of, **3,** 310, 311
disclaimer by contractor's trustee in bankruptcy, **3,** 272
discount, right to, **3,** 278, 312
dispute, arbitration in case of. *See* arbitration.
divisible, **3,** 184—186
drawings, competition, submission in, **3,** 304
defective, architect's liability for, **3,** 297
lien of architect in respect of, **3,** 308
local authority, submission by architect to, **3,** 296
necessity for, **3,** 165
obligation as to, **3,** 198, 199, 304, 305
payment for, **3,** 298, 305, 308
probationary, for purposes of, **3,** 178, 304, 305
property in, **3,** 298
dwelling-house, *defined*, **3,** 176
easements, architect's duty not to infringe, **3,** 296
employer, *defined*, **3,** 159
approval before payment of, **3,** 205, 208, 297
assignment of rights and liabilities of, **3,** 266—272. *See* assignment, *supra.*
bankruptcy of, **3,** 272, 273
certificate, prevention of, by, **3,** 211, 220
condition precedent, failure to perform, **3,** 198 238

BUILDING CONTRACT—*continued.*
employer—*continued.*
dangerous work, liability in respect of, **3,** 315, 316
death of, **3,** 273, 293, 294; **14,** 288; **15,** 426
default of, **3,** 197, 198, 200, 201, 238, 242
condition precedent, as to, **3,** 198, 238
damages for, contractor's right to, **3,** 238, 242
release of contractor by, **3,** 197
supply of materials, as to, **3,** 201
devisee of, rights of, **3,** 273; **14,** 288; **15,** 426
disapproval of, reasonable and *bonâ fide*, should be, **3,** 206
discretion as to matters of taste of, **3,** 206
executor of, rights etc., of, **3,** 273
forfeiture, liability to account on, **3,** 258
fraud of, **3,** 169, 210, 217, 218, 220, 235, 250
heir of, rights of, **3,** 273; **14,** 288; **15,** 426
injunction against, **3,** 250
interference by, **3,** 193, 196—198, 200—202, 211, 215, 217, 220, 249, 250
interference with certifier by, effect of, **3,** 215, 217
joint, death of, **3,** 273
liability of, architect's acts, for, **3,** 202, 220, 221, 250, 289
contractor, to, **3,** 257
quantity surveyor, to, **3,** 313
sub-contractor, for, **3,** 202
to, **3,** 232
unlawful work, for, **3,** 316
lien of, **3,** 265, 266
materials affixed to freehold, right to, **3,** 164
notice to cease work by, **3,** 239
prevention of work by, before performance, **3,** 196—199
during performance, **3,** 200—202
repudiation by, **3,** 200
secret agreement with architect by, **3,** 201, 218
engineer in relation to, **3,** 160, 288—309. *See* ENGINEER.
entire, *defined*, **3,** 182
better materials than those contracted for, use of, **3,** 187
contract for sum to be ascertained, **3,** 185
contractor's right to do entire work, **3,** 188
foundations and materials dug out, **3,** 187
instalments, payment by, effect, **3,** 183
non-completion of, **3,** 183
performance of, **3,** 186—189
preparatory work, **3,** 186
substantial compliance, effect of, **3,** 187
varieties of, **3,** 182
when not, **3,** 183
entry by, contractor after forfeiture, **3,** 253
trustee in bankruptcy of contractor, **3,** 252
erasure, how dealt with, **3,** 173
error in, **3,** 173, 174, 181
estimate of cost, **3,** 167, 168, 218
estoppel by reason of acquiescence, **3,** 271
evidence explanatory of, **3,** 173, 174, 178
excuses for non-completion, difficulty not amounting to impossibility, **3,** 193
illegality, before performance, **3,** 195, 196
during performance, **3,** 200
impossibility, before performance, **3,** 192—195
during performance, **3,** 199, 200
temporary, **3,** 195

BUILDING CONTRACT—*continued.*
excuses for non-completion—*continued.*
prevention, before performance, employer, by, **3,** 196—199
during performance, architect etc., by, **3,** 202
employer, by, **3,** 200—202
waiver, before performance, **3,** 199
during performance, **3,** 202, 203
execution, contractor, against, **3,** 253, 266
employer, against, materials exempt in case of, **3,** 261
expedition, extra payment for, **3,** 223, 224
expulsion by employer, injunction against, **3,** 248
external parts, *defined*, **3,** 176
extraordinary traffic due to, action in respect of, **16,** 178
extras in relation to, **3,** 228—236. *See* EXTRAS.
fire, contractor's liability in case of, **3,** 237
insurance against. *See* insurance, *infra.*
reinstatement after, for, **3,** 191, 192; **17,** 542
fitness of work executed under, **3,** 188, 189, 213
forfeiture in relation to, **3,** 249—259. *See* FORFEITURE.
foundations, builder's right to materials from, **3,** 187
fraud in connection with, **3,** 206, 220
architect, of, **3,** 168, 201, 202, 215—218, 250, 289, 300—303
employer's liability in case of, **3,** 202, 250, 289
contractor, of, certificate obtained by, no discharge of surety, **15,** 548
employer, of, **3,** 169, 201, 217, 218, 235, 250
quantity surveyor, of, **3,** 164, 312
fraudulent representation inducing, **3,** 169
freeholds, position of materials affixed to, **3,** 164, 165
front main wall, *defined*, **3,** 177
garnishee order, attachment by, **3,** 267, 274
guarantee of, **3,** 171, 279, 280; **15,** 547 n.
discharge of, **15,** 548, 558
surety's liability on, **3,** 280; **15,** 548
writing required for, **3,** 171, 279—281
guardians, with board of, **3,** 279
heir, rights of, as to, **3,** 273; **14,** 288; **15,** 426
hoardings, property in, **3,** 261
holiday, computation of time in relation to, **3,** 243
house, *defined*, **3,** 177
ignorance, particulars, of, no excuse for non-performance, **3,** 192
illegality in, effect of, **3,** 195, 196, 200, 316
implied condition in, **3,** 174, 238
architect, appointment of, as to, **3,** 198
employment of, as to, **3,** 293
payment of, as to, **3,** 304
destruction of subject-matter, in case of, **3,** 194
local authority's consent, as to obtaining, **3,** 196
payment on account, as to, **3,** 225
plans and drawings, as to provision of, **3,** 198, 199
quantum meruit, payment on, **3,** 179
site, as to provision of, **3,** 198
workmanship, as to, **3,** 189
injunction against contractor, **3,** 250
dismissal of architect, **3,** 294
employer, **3,** 248
forfeiture, **3,** 250

BUILDING CONTRACT—*continued.*
injuries done in course of, **3,** 315—317
instalments, architect's personal representatives' right to, **3,** 305, 306
assignment of right to, **3,** 267, 268
bankruptcy of contractor, effect of, **3,** 268
attachment of, **3,** 274
contractor's personal representatives' right to, **3,** 274
forfeiture of, **3,** 255
payment by, **3,** 183, 184, 225
recovery by employer of, **3,** 195, **225**
refusal to pay, **3,** 201, 202
insurance of work done under, liability under, **3,** 191, 192
neglect to effect, **15,** 558
interest, whether payable, **3,** 223
interference by employer, effect of, **3,** 193, 196—198, 200—202, 211, 215, 217, 220, 249, 250
interpretation of words and phrases used in, **3,** 174—178
joint
contractor, assignment of liabilities by, **3,** 271
death of, **3,** 273
employer, death of, **3, 273**
liabilities under, assignment of. *See* assignment, *supra.*
architect, of. *See* ARCHITECT.
contractor, of. *See* CONTRACTOR.
employer, of. *See* employer, *supra.*
licence to seize, contractor's property, **3,** 11, 12, 253—261
lien, architect, of, plans, on, **3,** 308; **19,** 13
builder, of, extent of, **3,** 165, 264
contractor, of, **3,** 264
employer, of, bankruptcy of contractor, effect of, **3,** 265
implied, how far, **3,** 265
holders of dishonoured bills, not acquired by, **3,** 226
limitation of actions in case of, **3,** 304
liquidated damages and penalty, distinguished, **3,** 243, 255
recovery of, **3,** 246—248
release of claim for, delay, by, **3,** 244
failure to deduct from payments, by, **3,** 246
forfeiture or abandonment, by, **3,** 246, 247
prevention of work, by, **3,** 244, 245
uncertainty of time from which damages are to run, by, **3,** 243, 244
relief of contractor against, **3,** 238
waiver of claim to, **3,** 244—247
lithographer, charges of, **3,** 278, 312, 313
local authority, consent of, requirements as to, **3,** 196, 197
contract with, **3,** 172, 279
lump sum contract, effect of, **3,** 183, 184, 222, 231
meaning of, **3,** 182, 185
specially indorsed writ in case of, **3,** 222
machinery, forfeiture of, **3,** 252
maintain, *defined,* **3,** 177
maintenance, conditions as to, **3,** 177, 236—238
liability to reconstruct under clause for, **3,** 237
materials, architect's liability for, **3,** 299, 301
bankruptcy of contractor, effect of, **3,** 262, 263, 265, 272
forfeiture on, **2,** 152; **3,** 272
better than stipulated, claim for, **3,** 187, 232
bill of sale, not constituted by vesting clause as to, **3,** 12, 264

BUILDING CONTRACT—*continued.*
materials—*continued.*
contractor, responsibility for quality of, **3,** 189
right of user of, **3,** 262
deduction from price of value of, **3,** 266
employer's interest in, **3,** 260
execution against, **3,** 261
forfeiture of, **3,** 249, 252—255
freehold, affixed to, **3,** 164, 165
implied condition as to quality of, **3,** 189
inferior, architect's duty as to, **3,** 299
lien on, **3,** 264, 265
old building, of, **3,** 168, 266
price of, implied agreement to pay, **3,** 184
progress certificate may include, **3,** 213
property in, **3,** 165, 253, 260—264
quality of, **3,** 189
rejection of, **3,** 262
removal by contractor, of, **3,** 253, 260, 262
reputed ownership of, **3,** 254, 263
supply of, duty as to, **3,** 201
unfixed, property in, **3,** 261
vesting of property in, **3,** 260—264. *See* vesting, *infra.*
measurements, architect's liability in respect of, **3,** 299
minerals, reservation of, **3,** 177, 187
misrepresentation, acceptance of tender, **3,** 169
architect's power to certify obtained by, **3,** 218
bills of quantities, as to, **3,** 169
mistake, architect, by, **3,** 216, 219, 292
bills of quantities, in, **3,** 164
cancellation etc. by, **3,** 180, 181
certificate, as to delivery of, **3,** 216
contract, in, **3,** 173, 174, 181
modification of original scheme, provision for, **3,** 165
mortgage, assignment of rights by way of, **3,** 267, 268
building site, of the, **3,** 259
nature of, **3,** 158—179, 184; **28,** 861
necessary, *defined,* **3,** 178
negligence, architect, of, **3,** 292, 293, 295—299, 301, 302, 306; **21,** 368 n. *See* ARCHITECT.
clerk of works etc., due to, **3,** 293, 299
contractor's liability for, **3,** 315, 317; **21,** 368
employer's liability for, **3,** 315, 316
fatal accident caused by, indictment for, **3,** 304
quantity surveyor's liability for, **3,** 311, 312
test of, **3,** 301 n.
new contract, corporation, in case of, **3,** 231
how constituted, **3,** 179, 180, 202, 203, 274
old conditions incorporated in, **3,** 199, 251
non-completion of, **3,** 183, 186, 188, 190
agreed time, within, **3,** 190
architect's default, through, **3,** 202
damages for, **3,** 183, 186, 190, 241
effect of, **3,** 183—185, 190, 224, 225
employer's default, through, **3,** 197, 198, 200, 201
excuses for, **3,** 192—203. *See* excuses, *supra.*
impossibility, through, **3,** 186, 188
price, effect on, **3,** 224
recovery of instalments, effect on, **3,** 225
separate works, in case of, **3,** 184—186
sub-contractor's default, through, **3,** 202
notice, assignment, of, **3,** 267
contractor to cease work, to, **3,** 239
defects, as to, by employer, **3,** 237, 238

BUILDING CONTRACT—*continued.*
notice—*continued.*
official, architect's duty as to, **3,** 296
parties employing certifying architect, to, **3,** 219, 220
novation, effect of, **3,** 179, 274
occupation, acceptance whether to be inferred from, **3,** 203
old materials, right to, **3,** 168, 266
omissions, making good, **3,** 228, 230
trivial, compensation for, **3,** 187, 188
order, extras, for. *See* EXTRAS.
written, when required, **3,** 232—236, 290
order and disposition, application of rule as to, **3,** 254, 263
parol, agreement, waiver of right to certificate by, **3,** 221
certificate by architect, **3,** 214
evidence, when admissible to explain, **3,** 173, 174, 178
part performance of, **3,** 172
particular material, requirement as to, **3,** 196
purpose, work intended for, **3,** 188
partner of firm, by, **3,** 174
partnership, when constituted by assignment of rights under, **3,** 267; **22,** 12
patent defect, recovery in respect of, **3,** 204
payment, account, on, **3,** 179, 212, 225, 306
accrual of, where no express agreement, **3,** 184, 185
appropriation of, **3,** 227
approval as condition precedent to, **3,** 205
arbitration in case of dispute as to, **3,** 214, 215
architect, of. *See* ARCHITECT.
assignment of right to, **3,** 267
award as condition precedent to, **3,** 286
bill of exchange, by, **3,** 226
cash, in, **3,** 226
certificate for, **3,** 210—214. *See* CERTIFICATE.
completion, on, **3,** 226
condition precedent to, **3,** 205—207, 210—214, 220, 221, 230—235, 280, 285, 286, 290
debentures, by, **3,** 226
dispute as to, **3,** 214, 215
entire contract, in case of, **3,** 182, 183, 308
extras, for, **3,** 227, 232—234
final, **3,** 214, 226
forfeiture of, **3,** 252
illegal contract, under, **3,** 194, 195
instalments, by, **3,** 183, 184, 225. *See* instalments, *supra.*
refusal to make, **3,** 201
land, in, **3,** 227
Lloyd's bonds, in, **3,** 226, 227
mode of, **3,** 226, 227
non-completion in relation to, **3,** 183, 184
premature, effect on surety, **3,** 280
price not ascertained, where, **3,** 184, 185
progress certificate in relation to, **3,** 213
quantity surveyor, of *See* QUANTITY SURVEYOR.
recovery by employer, of, **3,** 225, 306
retention money, of, **3,** 209, 214, 226
schedule, by, **3,** 222, 223, 230
set-off against, **3,** 225, 266, 272
shares, by, **3,** 226
sub-contractor, of, **3,** 275, 276
sureties for, when customary or necessary, **3,** 281
time for, **3,** 184, 185, 214, 225, 226

BUILDING CONTRACT—*continued.*
penalty, and liquidated damages, distinguished, **3,** 243, 255
clauses in, **3,** 242, 243
holidays and Sundays included in, **3,** 243
performance of, **3,** 186—189
accident delaying, **3,** 190, 193, 194
employer, prevented by, **3,** 220
impossibility of, effect of, **3,** 188, 192, 193, 196, 197, 199, 200
temporary, **3,** 195
waiver of, **3,** 199
personal contract, incidents of, **3,** 270, 274
plans, architect's duty in respect of, **3,** 160, 297, 298, 302
lien on, **3,** 308; **19,** 13
defective, **3,** 289, 297, 298, 302
property in, **3,** 298
provision of, **3,** 198, 199
quantity surveyor's duty in respect of, **3,** 162
plant, bill of sale by assignment of agreement including, **3,** 259
forfeiture of, **3,** 249, 253, 254
loss of use of, damages for, **3,** 242
property in, **3,** 14 n., 253, 260, 261
seizure of, clause for, **3,** 12, 253
plastering, *defined,* **3,** 178
possession, whether acceptance to be inferred from, **3,** 203
premises, *defined,* **3,** 178
preparatory work as part of, **3,** 186, 187
prevention of completion of, architect's rights as to remuneration, **3,** 305
assignee of contractor, by, **3,** 271
employer, by, before performance, **3,** 196—199
contractor's remedy, **3,** 197
during performance, **3,** 200—202, 305
failure to perform conditions, **3,** 198
impossibility created by employer, **3,** 197
repudiation by employer during performance, **3,** 200
prevention of work, architect, by, **3,** 202
rights of, on, **3,** 305
price, ascertainment of, **3,** 185
bonus on, when payable, **3,** 224
deductions from, **3,** 224, 240, 241, 266
liquidated damages, of, **3,** 247, 248
fixed, **3,** 222, 223
increase of, **3,** 223
interest on, **3,** 223
liquidated demand, when a, **3,** 222, 223
market, meaning of, **3,** 224
non-completion of contract, in case of, **3,** 224
none fixed, where, **3,** 185, 223, 224
quantum meruit as, **3,** 223. *See* QUANTUM MERUIT.
reasonable, when payable, **3,** 185, 223, 224
reduction in respect of defects, **3,** 240, 241, 242
set-off in respect of old materials, **3,** 266
summary judgment for, **3,** 222
prime cost sum, provision for, **3,** 277, 278
private rights, duty with regard to, **3,** 296
probationary drawings, *defined,* **3,** 178
professional assistance, necessity for, **3,** 165
profits, assignment of share of, **3,** 267, 268
progress certificates, **3,** 212, 213
provisional sum, provision for, **3,** 278
Public Health Acts, contracts of urban authorities under, **3,** 172
public policy, against, **3,** 195, 200

BUILDING CONTRACT—*continued.*
quantities, architect taking out, authority of, **3,** 291, 310, 311
charges of, **3,** 314
right to, on abandonment, usage as to, **10,** 288
liability of, **3,** 291, 298, 302
bills of, **3,** 161, 163, 164, 169, 312, 313
architect's duties as to, **3,** 298, 302, 309, 310
inaccuracy in, **3,** 164, 169, 186
employer's liability for, **3,** 164, 169
quantity surveyor, **3,** 160, 309, 314. *See* QUANTITY SURVEYOR.
quantum meruit, claim on. *See* QUANTUM MERUIT.
railway company's accommodation works, in respect of, **3,** 249; **23,** 666; **27,** 9 n.
ratification in connection with, **3,** 169, 231, 310, 313
rebuild, *defined*, **3,** 178
re-construction after fire etc., contractor, by, **3,** 237
insurance companies, by, **3,** 191, 192; **17,** 542
rectification of, **3,** 180—182
relief, contractual obligations, from, **3,** 193, 234, 238
forfeiture, from, **3,** 250
remuneration in respect of work done under, **3,** 184, 185, 295, 304—309
architect, of, **3,** 304—309
amount of, **3,** 306, 307
bankruptcy, in case of, **3,** 309
completed work, for, **3,** 304, 305
forfeiture of right as to, **3,** 295
incomplete work, for, **3,** 305
payment of, by whom to be made, **3,** 307, 308
time for payment, **3,** 308
work outside design and superintendence, for, **3,** 307
builder, employment of, implied agreement to pay, **3,** 184, 185
conditional, **3,** 308
implied contract for, **3,** 184, 185, 304
lien for, **3,** 308; **19,** 13
negligence, effect of, **3,** 295, 306
rent, loss of, damage by reason of, **3,** 240
repair, usual covenant as to, **3,** 178, 236
repairs, to execute, **3,** 178, 184, 185
repudiation of, **3,** 196—198, 200
reputed ownership, application of rule as to, **2,** 177; **3,** 254, 263
rescission of,
abandonment as, **3,** 196, 239
arbitration in case of, **3,** 283
breach of contract by contractor or employer, by, **3,** 239
fraud, on ground of, **3,** 169
illegality, on ground of, **3,** 195, 196
mistake, on ground of, **3,** 181
mutual agreement, by, **3,** 180
repudiation, by, **3,** 196, 197, 198, 200
retention money, *defined*, **3,** 226
assignment of, **3,** 268
attachment of, **3,** 274
certificate a condition precedent to payment of, **3,** 209
forfeiture of, **3,** 255
meaning and payment of, **3,** 209, 214, 226
rights under, assignment of. *See* assignment, *supra.*
Ryde's scale, **3,** 307

BUILDING CONTRACT—*continued.*
Sale of Goods Act, 1893, application of, **3,** 171
scaffolding, forfeiture of, **3,** 252
schedule of prices, price ascertained by, **3,** 185, 222, 223
seal, under, **3,** 168, 172, 179, 199, 221, 288, 289
secret, agreement between architect and employer, **3,** 201, 218
commission, giving or taking, **3,** 168, 299—301
security for completion, guarantee as, **3,** 171, 279, 280; **15,** 547 n., 548, 558
retention money as, **3,** 226
seizure by sheriff, effect on right of forfeiture of, **3,** 253
separate works, non-completion in case of, **3,** 184—186
set off with reference to, **3,** 225, 266, 269, 272
severable, **3,** 184—186
several works, *defined*, **3,** 178
ship, in relation to, **3,** 165, 260, 271
delay, damages in case of, **3,** 247
distress on, **3,** 263
materials fitted to, ownership of, **3,** 165, 254, 263
reputed ownership, application of rule of, **3,** 254, 263
site, contractor's right to occupy, **3,** 188, 197, 201
employer's failure to provide, **3,** 198, 238
examination of, architect's duty as to, **3,** 194, 296, 297
exclusion by employer from, **3,** 188, 197, 201
materials from, no right to dig where minerals reserved in, **3,** 187
soil, defective, liability of contractor in case of, **3,** 194, 195
specific performance, **3,** 197, 227, 248; **18,** 379 n.; **23,** 666; **27,** 8
contract to employ architect, of, **3,** 294
specification in,
defined, **3,** 178
architect's liability in respect of, **3,** 297, 298
charges for copy of, **3,** 299, 300
contractor's duty to examine, **3,** 192, 193
defective, **3,** 297, 298
quantity surveyor's duty as to, **3,** 162
variation of, **3,** 228
stamp duty, acceptance of tender, on, **3,** 170
assignment of, on, **3,** 267
contract, on, **3,** 170
valuations, on, **3,** 162, 163
Statute of Frauds, application of, **3,** 171, 172
statutory power, expense by reason of employer's exercise of, **3,** 236
provisions, knowledge by architect of, **3,** 295, 296
requirements, disregard of, **3,** 195, 196
stipulations implied in, **3,** 174
strikes, effect of, **3,** 178, 200
structure, meaning of, **3,** 178. *See* BUILDING; STRUCTURE.
sub-contractor in relation to. *See* SUB-CONTRACTOR.
subject matter, effect of destruction of, **3,** 194, 195, 199, 237
substantial compliance with, effect of, **3,** 187, 188
superintendence of works, necessity for, **3,** 166
neglect of, effect of, **3,** 298, 299; **15,** 548
supervision in case of, **3,** 205—208. *See* approval, *supra.*

BUILDING CONTRACT—*continued.*
sureties, contractor, for, **3,** 279—281
concealment etc. discharged by reason of, **3,** 280
payment by employer, for, **3,** 281
surveyor, duties etc. of, **3,** 162
temporary difficulties, effect of, **3,** 195, 200
tenders in relation to. *See* TENDER.
time for completion, damages for exceeding, **3,** 241, 244
extension of, **3,** 200, 243, 244, 257, 280
forfeiture, as affecting right of, **3,** 257
liquidated damages, as affecting claim for, **3,** 243, 244
no waiver by reason of, **3,** 199
sureties of contractor, as affecting, **3,** 280
holiday, computation in calculating penalties for delay, **3,** 243
materiality of, **3,** 189—191
reasonable, right to, **3,** 189—191
relief from stipulations as to, **3,** 197, 238, 244, 245
strikes in relation to, **3,** 200
Sunday, computation in calculating penalties for delay, **3,** 243
waiver of stipulations as to, **3,** 199, 204
trading corporation, with, **3,** 172
trespass, architect's duty to avoid committing, **3,** 296, 297
urban authority, with, **3,** 172, 279
usage, evidence as to, **3,** 173, 178, 300
when void, **3,** 300, 302
use, materials, what it means in case of, **3,** 253
use and occupation, acceptance of work by reason of, **3,** 203
loss through delay in completion in respect of, **3,** 240, 241
useless work, rights in case of, **3,** 188, 189
valuation, architect's duty in respect of, **3,** 160, 213
effect of, **3,** 210, 211, 284
progress certificate, for purposes of, **3,** 213
valuer or appraiser, for purposes of, **3,** 160, 162, 284
variation of, **3,** 179, 180, 228, 230, 290
abandonment, when amounting to, **3,** 230
architect's authority as to, **3,** 180, 228, 290
immaterial, **3,** 280
manner of, **3,** 179, 180
specification, effect of, **3,** 228
usual, **3,** 180
vesting clause in, bill of sale, how far a, **3,** 12, 14 n., 264
construction of, **3,** 262
extent to which property passing under, **3,** 261
property in unfixed materials, as to, **3,** 261
vesting materials in employer, **3,** 263
vesting of
materials, affixing to the freehold, by, **3,** 260
built into the work, **3,** 260
paid for, on delivery, **3,** 260
property in, **3,** 260—264
rights qualifying, **3,** 262—264
subject to contractor's right of user, **3,** 262
subject to rights of trustee in bankruptcy, **3,** 262, 263
unfixed, by agreement, **3,** 261
plant, **3,** 260, 261
voluntary performance of extra work, liability for, **3,** 228, 229

BUILDING CONTRACT—*continued.*
waiver, certificate, of, **3,** 220, 221
defects, in relation to, **3,** 203, 238
employer's right to damages for delay, of, what amounts to, **3,** 203
forfeiture, of right of, **3,** 203, 258
liquidated damages for delay, of, **3,** 213, 244, 247
new contract substituted, **3,** 202, 203
notice as to defects, of, **3,** 238
rules as to, **3,** 199
when occurring, **3,** 199, 203
writing necessary, when, **3,** 180
written orders, condition as to, of, **3,** 232, 233, 235
warranty, architect, by, authority, of, liability for breach of, **3,** 291, 301, 314
measure of damages for breach of, **3,** 301
quantity surveyor, as to employment of, liability for breach of, **3,** 314
drawings and plans, as to, **3,** 289, 302
bills of quantities, as to, **3,** 169, 302
contractor, by, **3,** 188
way, right of, architect's duty with regard to, **3,** 297
wear and tear, liability in respect of, **3,** 236
weather, non-performance by reason of, **3,** 200
weekly accounts, meaning of, **3,** 178
usage, evidence of, to explain, **10,** 266
words and phrases used in, **3,** 174—178
work and labour, a contract for, **3,** 184; **28** 861
workmanship, defective, **3,** 188, 189, 204, 236, 237 241, 242
implied conditions as to, **3,** 189
workmen, skill of, **3,** 189
writing, contract in, evidence from, **3,** 231
extras, order for, in, **3,** 232, 233, 290
final certificate in, **3,** 214
orders in, condition as to, effect of, **3,** 235
when may be dispensed with, **3,** 235
condition precedent, **3,** 234
what amounts to, **3,** 234, 235
refusal to give orders in, **3,** 236
requisite as to, **3,** 171, 172, 180, 249
waiver of, **3,** 199
year, not to be performed within a, **3,** 172

BUILDING LEASE,
defined, **25,** 655 n.; **26,** 764 n.
agreement for, **10,** 497; **18,** 567—569
alterations, covenant to expend money on, constitutes, **26,** 764 n.
assignment of, bill of sale, registration as, **3,** 259
builder's rights and liabilities under, **18,** 568
Court, grant under authority of, **18,** 365; **25,** 676, 677, 679, 680
Crown lands, of, **7,** 164
dedication of new street by freeholder, inference from, **16,** 35
duration of, **18,** 359, 365, 458; **25,** 677
ecclesiastical corporation, by, **11,** 762—764, 794
fine or premium paid to appointor, appointee's right to, **25,** 650
forfeiture under, **18,** 568, 569
incidents of, **18,** 567, 569
incumbent, by, **11,** 762—764, 794
material and plant, forfeiture of, **10,** 497; **18,** 568, 569

BUILDING LEASE—*continued.*
option to purchase in, in case of settled land, **18,** 366 ; **25,** 656
power granted in exercise of, **18,** 361 ; **25,** 650
rent, liability for, **18,** 567, 568
settled estate, of, power in settlement, under, **18,** 361
Settled Estates Act, under, **18,** 365 ; **25,** 677
deed, by, **25,** 677
nominal rent in case of, **25,** 677
term of lease, **18,** 365 ; **25,** 677
Settled Land Acts, under, **18,** 359 ; **25,** 655, 656
apportionment of rent when land leased in lots, **25,** 656
conditions required in, **25,** 655, 656
consideration for, **25,** 655, 656
dedication of open spaces upon grant of, **25,** 664
deed, must be by, **25,** 654
estate agent's commission for procuring, payment of, **25,** 648
fine for granting lease, right to, **25,** 650
nominal rent reserved, **25,** 656
option to purchase by lessee, **18,** 366 ; **25,** 656
re-entry, condition for, in, **25,** 655
streets and roads laid out on grant of, **25,** 664
term of lease, **18,** 359 ; **25,** 654, 657
variation of terms of, by leave of the court, **25,** 641, 657
solicitor's remuneration in case of, **26,** 764
universities and colleges, grant by, **18,** 366

BUILDING LINE,
compensation for setting back, **16,** 247, 248
contravention of, **16,** 209, 210, 243—248
Attorney-General, action by, **16,** 246, 247, 248
London Building Acts, under, **20,** 479 n.
Crown property, exception in respect of, **16,** 244, 246
Inns of Court, with reference to, **20,** 474
metropolitan streets, in, **16,** 209, 210
offences with regard to, **16,** 243—248 ; **20,** 479 n.
railway company's property, with reference to, **16,** 244, 246

BUILDING SCHEME,
covenants affecting, who can claim benefit of, **25,** 456, 457, 460
enforcement of, **13,** 101, 102 ; **25,** 461
extinction of, **13,** 102 ; **25,** 461
incidents of, **25,** 456—461
nature of, **3,** 159 ; **13,** 101 n.
settled estate, dispensation with, in case of, **25,** 679 n.
undeveloped land duty in respect of land subject to, **24,** 577

BUILDING SOCIETIES.
The title BUILDING SOCIETIES *is contained in Vol. III., pp.* 321 *et seq.*
defined, **3,** 323
accounts, annual, necessity for, **3,** 355, 389, 390
attestation by auditors of, **3,** 344
Chief Registrar of Friendly Societies, copy sent to, **3,** 389
dissolution, on, **3,** 390, 393, 394
officers, of, **3,** 337, 338, 342
statutory liability as to, **3,** 389, 390
action, by or against treasurer as representing, **3,** 348
county court, in, **8,** 638

BUILDING SOCIETIES—*continued.*
action—*continued.*
former director, against, **3,** 388
officers, against, **3,** 338
registered name, taken in, **8,** 638
right of transfer of, upon incorporation, **3,** 328, 329
administration to deceased member, **3,** 342, 353 ; **14,** 191
advanced member, bankruptcy of, **3,** 370
dissolution, liability in case of, **3,** 393
franchise qualification of, **3,** 364
income tax in respect of interest paid by, **3,** 372, 373
rights etc. of, **3,** 351, 368
transfer by, of property mortgaged, **3,** 358
winding up, liability in case of, **3,** 399, 400
advances by, **3,** 363—373
ballot for, **3,** 334, 335, 363, 364
directors, by, **3,** 341
discharge of mortgage given on, **3,** 370—372
enforcement of mortgage given on, **3,** 368—370
infant member, to, **3,** 363
mortgage, on security of, **3,** 363—366, 372
redemption in case of, **3,** 366—368
registration under Land Transfer Acts of, **3,** 364
security for, **3,** 341, 363—365
agent,
director as, **7,** 340
sale to, under power in mortgage, **3,** 368, 369
secretary as, **3,** 343
signature of instrument of dissolution by, **1,** 157 ; **3,** 392 ; **10,** 430 n.
amalgamation of, **3,** 391
appeal, Building Societies Act, 1874, under, **8,** 639
arbitration,
award in, **3,** 383—385
appeal from, **3,** 384, 387
enforced by distress, **3,** 385
enforced by justices, **3,** 385
refusal or neglect to make, **3,** 383, 384
ultra vires as to part, effect of, **3,** 384
case stated by arbitrator in, **3,** 383
counsel, right of audience of, **2,** 376 ; **3,** 383
county court, powers of, in regard to, **3,** 381, 385 ; **8,** 638, 639
discovery in case of, **3,** 385
dispute, in case of, **3,** 381, 382, 385 ; **8,** 638, 639
executor of deceased member, in case of, **3,** 388
matured members within rules as to, **3,** 359
procedure on, **3,** 381—383
reference to, **1,** 492 ; **3,** 381—385
Arbitration Act, 1889, how far applicable, **3,** 383
arbitrator, appointment of, **3,** 354, 381, 382
case stated by, **3,** 383
death of, **3,** 382
disqualification of, **3,** 381
vacancy in office of, **3,** 382
audit of accounts of, accountant, one auditor must be, **3,** 343
attestation by auditors on, **3,** 344
rules as to, **3,** 332, 343, 344
auditor, appointment of, **3,** 332, 343
back payments, meaning of, **3,** 326
balance sheet sent to registrar on dissolution of, **3,** 390, 394
ballot, advances by, **3,** 334, 335, 363, 364
arbitrator chosen by, **3,** 382
discontinuance of, scheme for, **3,** 334, 335

BUILDING SOCIETIES—*continued.*
ballot—*continued.*
distribution of land by, **17,** 6
lots, for, whether a lottery, **17,** 6 n.
bank
deposits of, **3,** 379, 380
overdraft of, borrowing by, **3,** 374
bankruptcy, lender to, set off in case of, **3,** 375
member of, proof in, **3,** 370, 375
officer, effect of, **3,** 346, 347
bequest of shares in, **3,** 357
bill of exchange etc., officer's liability on, **3,** 340
books etc., of, inspection of, **3,** 390, 391
borrowing powers of, **3,** 332, 373—377; **21,** 111, 112. *See* loan to, *infra.*
excessive exercise of, **3,** 342, 376, 377
limitation of, **3,** 373, 374
members' position in case of, **3,** 351
officers, by, effect of, **3,** 375
rules as to, **3,** 332, 373
unincorporated society, in case of, **3,** 375
building, purchase of, by, **3,** 379
Building Societies Act, 1874, printing of sections of, deposit book, on, **3,** 374
security, on, **3,** 374
cancellation, mortgage, of, on payment, **3,** 365
registry, of, **3,** 396, 397
capital, paid up or credited as paid up, meaning of, **3,** 395 n.
case stated, arbitrator, by, **3,** 383
county court, by, **3,** 385; **8,** 639
registrar, by, **3,** 387
certificate of incorporation of, **3,** 327, 328
cancellation of, **3,** 396, 397
evidence, as, **3,** 327, 372
certificate of mortgage being discharged, **3,** 372
certificate of registrar as to rules, effect of, **13,** 477
charge on land, registration, etc., of, **3,** 364, 365, 371, 372
chief office of, change of, **3,** 330, 331, 354
children, priority in favour of, in winding up, **3,** 360, 361
classes of, **3,** 324
members of, **3,** 351
committee of management of, powers and liabilities of, **3,** 332, 337, 341, 342, 347
unincorporated society, powers etc. of, **3,** 354
companies under Companies Acts, distinguished from, **3,** 352
contract with, liability in case of, **7,** 340
co-operative, status of, **17,** 5, 6
copyhold, dealings with, **3,** 329, 391
mortgage of, to, **3,** 365, 372
corporation as officer or member of, **3,** 337, 350, 351
county court jurisdiction,
appeal, in regard to, **8,** 639,
arbitrator in disputes, **3,** 381, 385; **8,** 638
discovery in action, **8,** 639
foreclosure of mortgage, proceedings for, **3,** 369, 370
officer's bond, in case of, **8,** 638
stating a case, **3,** 385; **8,** 639
winding-up, **3,** 395; **8,** 637
creditor, alterations in rules affecting, **3,** 334, 391
liabilities to, **3,** 352, 396, 399, 400
transfer of engagements affecting, **3,** 391
winding up, position in case of, **3,** 360, 395
criminal proceedings in case of misappropriation, **3,** 338, 346
debts of, liability on winding up for, **3,** 399

BUILDING SOCIETIES—*continued.*
deed of, how executed, **10,** 392
default of, officer's liability in case of, **3,** 339, 340
deficiency in funds of, officer's liability in respect of, **3,** 345, 346
deposit,
acknowledgment of, requirements in case of, **3,** 374
temporary, by, **3,** 379, 380
withdrawal of, **3,** 374
deposit book, requirements in regard to, **3,** 374
depositor, death of, payment of deposit upon, **3,** 374, 375
director, advance to member by, **3,** 341
agent of members, as, **7,** 340
borrowing *ultra vires*, by, **3,** 342, 376, 377
breach of rules, liability for, **3,** 339, 340
fine remitted by, **3,** 341 n.
forfeiture at option of, **3,** 362
indemnity to, **3,** 341
personal liability of, **3,** 341, 342, 377, 388
position of, **3,** 341, 342
promissory note of, liability for, **3,** 375
rules as to powers and duties of, **3,** 332
statutory duties of, **3,** 342
transfer of stock by, **3,** 342
trustee of society, as, **3,** 341, 342
discovery in proceedings affecting, **3,** 383, 387; **8,** 639
dispute, *defined*, **3,** 387, 388
arbitration in case of. *See* arbitration, *supra.*
county court jurisdiction in regard to, **3,** 381, 383; **8,** 638, 639
High Court jurisdiction in regard to, **3,** 381, 383, 387
justices' jurisdiction in regard to, **3,** 382, 383, 385, 386
Registrar's jurisdiction in regard to, **3,** 386, 387
settlement of, rules to provide for, **3,** 332, 381
dissolution of,
accounts on, **3,** 390, 393
award of registrar, by, **3,** 394
balance-sheet on, **3,** 390
cancellation or suspension of registry, by, **3,** 396, 397
Friendly Societies Act, under, **3,** 397
instrument by, **3,** 392, 393
rules, under the, **3,** 332, 393, 394
winding-up under Companies Acts, by, **3,** 394—396
distress, arbitration award enforced by, **3,** 385
equity of redemption, transfer of, **3,** 369
evidence, defendant and his wife, of, **3,** 340
rules as, **3,** 331, 335
executor of deceased member, membership of, **3,** 350, 362, 363, 388
mortgage by, **3,** 363
expulsion from, **3,** 349, 350
reinstatement in case of, **3,** 386
false representation, obtaining society's money by, **3,** 346
statement in document, officer's liability in respect of, **3,** 340
fines,
enforcement of, **3,** 362
forfeiture for non-payment of, **3,** 362
incorporated society, in case of, **3,** 332, 361
interest on, **3,** 362

BUILDING SOCIETIES—*continued.*
fines—*continued.*
nature of, **3,** 362
non-payment of, **3,** 362
non-payment of fine, for, **3,** 362
penalty distinguished from, **3,** 362
redemption of mortgage, payment before, **3,** 367
remission by directors, **3,** 341 n.
right to inflict, **3,** 361, 362
rules as to, **3,** 332, 361
unincorporated society, in case of, **3,** 354, 361
forfeiture, effect of, **3,** 349, 362, 363
forms, schedule of, **3,** 332, 335
fraud, certificate of incorporation obtained by, **3,** 396
funds of society obtained by, **3,** 346
secretary of society, of, **3,** 342
funds of, following, **3,** 379
investment of, **3,** 347, 378—380
rules as to, **3,** 331
surplus, application of, **3,** 378—380
unincorporated society, in case of, **3,** 347
High Court jurisdiction,
special case, upon, **3,** 383, 387
transfer of property, in regard to, **3,** 348
husband defendant and wife as witnesses in case of charge with reference to, **3,** 340
illegal, **3,** 396; **5,** 765
income tax, liability for, **3,** 372, 373
incorporated, **3,** 324, 325, 327—329
borrowing powers of, **3,** 373—375
deposit by, **3,** 379, 380
dissolution of, **3,** 392—397
investment of funds by, **3,** 378, 379
loan to, **3,** 373, 374
winding up of, **3,** 394—396
incorporation of, **3,** 327—329
certificate of, **3,** 327, 328, 396, 397
indictment, proceedings by way of, **3,** 339, 346
indorsement on deposit book or security of sections of Building Societies Act, **3,** 374
industrial and provident societies registered as, conditions applicable to, **17,** 5, 6
infant member of, **3,** 337, 350, 363, 392; **17,** 59, 64, 65 n.
advances to, **3,** 363
committeeman, as, **17,** 65 n.
mortgage by, **3,** 363
officer, as, **3,** 337
sale of land to, **17,** 65 n.
injunction with reference to matters affecting, **3,** 384, 386, 387
insolvency, alteration of rules during, **3,** 334
withdrawal by member after, **3,** 360
inspection of books etc. of, **3,** 390, 391
instalments, future, proof in bankruptcy for, **3,** 370
interest, fines, when payable on, **3,** 362
right on withdrawal to, **3,** 361
investigation into affairs of, **3,** 390, 391, 394
investing members, position of, **3,** 351
investment by, **3,** 347, 378, 379; **28,** 132 n.
unauthorised, effect of, **3,** 379
joint holding of shares in, **3,** 357
joint stock companies distinguished from, **3,** 351, 352
justice of the peace, arbitration award enforced by, **3,** 385
disputes, jurisdiction in, of, **3,** 382, 383, 385, 386
expelled member, award as to, **3,** 386

BUILDING SOCIETIES—*continued.*
land, purchase of, **3,** 378, 379; **17,** 6
land society co-operating with, **17,** 5, 6
leases by or to, **18,** 342
liquidation, membership for purposes of, **3,** 349
liquidator, conveyance of real estate, by, **3,** 399
vesting of property in, **3,** 398, 399
loan
by, powers as to. *See* advances, *supra.*
to. *See* borrowing powers, *supra.*
acknowledgment of, requirements in case of, **3,** 374
commission paid to officer in respect of, **3,** 339
depositor of money by way of, position of, **3,** 350
director's liability in case of, **3,** 377
member's liability on winding up for, **3,** 399
membership not constituted by, **3,** 350
repayment of, **3,** 375—377
security in case of, **3,** 376
ultra vires, **3,** 377
unincorporated, liability in case of, **3,** 399
loss, contribution by member redeeming mortgage to, **3,** 368
liability in case of, **3,** 351
rules as to providing for, etc., **3,** 332
lots, distribution by ballot of, whether a lottery, **17,** 6 n.
mandamus on account of refusal to register, **3,** 333
married woman, membership of, **3,** 350
transfer of shares in name of, **3,** 358
matured members, position of, **3,** 358—360
meeting of,
application for certificate of incorporation by, **3,** 354
called by registrar, **3,** 355
change of name of society by, **3,** 354
kinds of, **3,** 353 n.
place of, **3,** 330, 331, 355
proceedings etc. at, **3,** 332, 353—355
rules as to, **3,** 332
special, **3,** 353 n., 355
members of, advanced. *See* advanced member, *supra.*
bankruptcy of, proof in, **3,** 370, 375
trustees in bankruptcy of, position of, **3,** 350
borrowing, **3,** 351. *See* advanced member, *supra.*
children of, position of, **3,** 360, 361
classes of, **3,** 351
corporations as, **3,** 350, 351
death of, **3,** 349, 353
deceased, children of, position of, **3,** 360
executors of, position of, **3,** 350, 362, 388
privileges with respect to estate of, **3,** 342, 353; **14,** 191
disputes with, settlement of, **3,** 387, 388. *See* disputes, *supra.*
expulsion of, **3,** 349, 350
reinstatement after, **3,** 386
heirs of, rights of, **3,** 369
infants as, **3,** 337, 350, 363, 392. *See* infant, *supra.*
intestacy of, payment in case of, **3,** 353
investing, position of, **3,** 351
liabilities of, **3,** 351, 352, 396, 399, 400
married women as, **3,** 350, 358
matured, position of, **3,** 358, 359

BUILDING SOCIETIES—*continued.*
members of—*continued.*
misappropriation by, **3,** 338, 339, 346, 353
number of, **3,** 327, 348
past, position in winding up of, **3,** 350
personal credit of, pledge by directors of, **3,** 376
persons who are not, **3,** 350
position of, **3,** 351, 352
punishment of, **3,** 338, 339, 346, 353
rights of, **3,** 352, 353
transfer of shares by, **3,** 357, 358, 396
unadvanced, position of, **3,** 351, 356, 396, 399
widows of, position of, **3,** 360
winding up, liabilities on, **3,** 399
withdrawing, position of, **3,** 358—361, 387, 388. *See* withdrawal, *infra.*
membership, of, cessation of, **3,** 349
disqualification for, **3,** 350
test of, **3,** 348, 349
minutes, omission to sign, **3,** 341
misappropriation, punishment of, **3,** 338, 339, 346, 353, 388
misrepresentation, obtaining money etc. by, **3,** 346, 353
mistake, certificate of incorporation obtained by, **3,** 396
statutory receipt given by, **3,** 371
moneylenders, whether, **21,** 45
mortgage by, for deposit or loan, **3,** 376, 377
general charge distinguished from, **3,** 376
mortgage to,
copyholds, of, discharge of, **3,** 372
security, as, **3,** 365
custody of deeds, **3,** 332
default in payment of instalment, effect of, **3,** 365
discharge of, by receipt, **3,** 370, 371
disputes as to rights under, **3,** 387
executor, by, **3,** 363
foreclosure, action for, **3,** 369, 370
costs in case of, **3,** 370
county court, in, **3,** 369, 370
sale of land acquired by, **3,** 370
form of, **3,** 332; **21,** 85
income tax on interest, **3,** 372, 373
infant, by, **3,** 363
intestate member, in case of, **3,** 369
liability as member created by, **3,** 400
payment by tenant for life, effect of, **3,** 363
postponement of legal mortgage in case of, **3,** 363
power of sale under, exercise of, **3,** 368, 369
prior mortgage, in case of, **3,** 364
purchase of mortgaged property by officer of society, **3,** 339; **21,** 257
reconveyance on discharge of, **3,** 370, 371
redemption of, **3,** 366—368. *See also* REDEMPTION OF MORTGAGE.
registered land, discharge in case of, **3,** 371, 372
security, as, **3,** 364, 365; **21,** 85
registration of, **3,** 364, 365
rules incorporated in, **3,** 365
sale of land acquired by foreclosure, **3,** 370
second mortgage, in case of, **3,** 364 n.
security for loan, as, **3,** 373, 374, 379
shares, payment in respect of, secured by, **3,** 400
stamp duty on, **3,** 372; **21,** 137, 138
statutory receipt as discharge of, **3,** 371

BUILDING SOCIETIES—*continued.*
mortgage to—*continued.*
subscriptions and other moneys secured by, **3,** 367
subscriptions applied to reduction of amount owing on, **3,** 365, 366
surplus funds invested on, **3,** 379; **17,** 111, 112
transfer of, **3,** 363, 369; **21,** 173
rights of transferee, **3,** 369; **21,** 250 n.
tacking by transferee, **21,** 332
weekly payments in reduction of amount owing on, **3,** 366
name,
change of, **3,** 330, 334, 354
notice of, to registrar, **3,** 330
choice of, **3,** 329, 330
registration of, **3,** 329, 330
rules as to, **3,** 331
negligence of society's officer as to accounts, effect of, **15,** 163 n.
notice,
cancelling or suspension of society, in case of, **3,** 397
change of name, in case of, **3,** 330
change of place of business, in case of, **3,** 330, 331
dissolution of society, in case of, **3,** 393, 394
rules, of, presumption as to, **3,** 331, 337, 344
union or transfer of societies, in case of, **3,** 391
winding-up, of, **3,** 396
withdrawal of deposit, **3,** 374
withdrawing member, by, **3,** 358, 359, 393
offences with reference to, punishment of, **3,** 338—340, 346, 353
office,
change of, **3,** 330, 334, 354
chief, of, **3,** 330, 331, 354
officer of, **3,** 336, 337, 344
account, duty to, of, **3,** 337, 338, 345, 389
action against, **3,** 338
acts of, liability in respect of, **3,** 338—340
appointment etc. of, **3,** 332, 336, 337, 344, 348, 354
arbitration award, liability in respect of, **3,** 385
auditor as, **3,** 343, 344
bailee, as, **3,** 346
bankruptcy of, **3,** 346, 347
bill of exchange, liability for, **3,** 340
borrowing by, effect of, **3,** 375
breach of rules, liability for, **3,** 339, 340
commission on loan made by society, offence in case of, **3,** 339
criminal proceedings against, **3,** 338, 339, 346
death of, **3,** 346, 347; **14,** 250 n.
defaults of society, liability for, **3,** 339, 340
distress on goods of, **3,** 385
false statements, liability for, **3,** 340
misappropriation by, **3,** 338, 339, 346, 388
proceedings against, **3,** 338
promissory note, liability for, **3,** 340
purchase of mortgaged property by, **3,** 339, 368, 369; **21,** 257
remuneration of, **3,** 339
secretary as, **3,** 342
security by, **3,** 337, 345
solicitor as, **3,** 337
surveyor as, **3,** 337
treasurer as, **3,** 337, 347, 348
official year, meaning of, **3,** 389 n.
overdraft by, is borrowing, **3,** 374
partnership, not a, **3,** 352; **7,** 340; **22,** 4 n.

BUILDING SOCIETIES—*continued.*
penalty. *See* fines, *supra.*
permanent, borrowing powers of, **3,** 366, 373, 374
what are, **3,** 326
preferential shareholders of, **3,** 356, 357
priorities on, death of officer of, **14,** 250 n.
dissolution of, **3,** 360, 393
proceedings, by whom taken, **3,** 339
summary proceedings, in regard to, **3,** 338, 339, 346
profits, right to share in, **3,** 351
promissory note signed on behalf of, liability for, **3,** 340, 375
proof in bankruptcy, amount owing by member, for, **3,** 370
future instalments of member, for, **3,** 370
property of, transfer of, **3,** 348
vesting of, **3,** 328, 329, 391, 398, 399
quarter sessions, jurisdiction of, as to rules, **3,** 336
receipt, statutory, on discharge of mortgage, **3,** 370, 371; **21,** 173
delivery of, as escrow, **3,** 371
tacking by holder of, **3,** 371
reconveyance of mortgaged property by, **3,** 370, 371
redemption of mortgages to, **3,** 366—368
registrar of,
annual accounts sent to, **3,** 389
application for registration to, **3,** 327, 328
arbitration by, **3,** 386, 387, 394
balance sheet sent to, on dissolution of society, **3,** 390, 394
cancellation of registry by, **3,** 396, 397
certificate of, application for, **3,** 354
disputes, settlement by, **3,** 386, 387
dissolution by award of, **3,** 394
false statement in document sent to, penalty for, **3,** 340
inspection of books ordered by, **3,** 390
investigation of affairs by, **3,** 394
mandamus to compel registration of rule by, **3,** 333
meeting of society called by, **3,** 355
notice to, change of name, in case of, **3,** 330
dissolution, in case of, **3,** 393, 394
removal of place of business, in case of, **3,** 330, 331, 342, 343
union or transfer of society, in case of, **3,** 391
powers and duties of, **3,** 324, 355, 380, 386, 387, 391, 394
prosecution of offences by, **3,** 339
refusal to register rules, **3,** 333
rules, alteration of, submitted to, **3,** 333, 336
registration of, by, **3,** 333
sending of, to, **3,** 329
special meeting, calling, **3,** 355
transfer of society, duty in case of, **3,** 391
transfer of stock, duty as to, **3,** 380
registration of, **3,** 328, 396, 397; **5,** 46; **17,** 5
application to registrar for, **3,** 327, 328
cancellation or suspension of, **3,** 396, 397
change of name of society, **3,** 330
charges on land in favour of, **3,** 364, 365, 371, 372
instrument of dissolution, **3,** 392
notice of union of societies, **3,** 391
rules of, **3,** 327—329
alterations in, **3,** 332—336, 354
suspension of, **3,** 396, 397
reinstatement of member expelled from, **3,** 386
repayment of loan by, **3,** 375, 376

BUILDING SOCIETIES—*continued.*
representation in case of deceased member of, when dispensed with, **3,** 342, 353; **14,** 191
rules of, **3,** 331—336, 354, 393, 394
alteration of, **3,** 332—336, 354
certificate of approval by registrar, **3,** 336
committee, by, **3,** 336
general meeting, by, **3,** 335
procedure for, **3,** 332, 333; **17,** 12
registration of, **3,** 333, 335
arbitration, for, in case of disputes, **3,** 381, 382
auditor, in regard to, **3,** 332, 337
borrowing powers, as to, **3,** 373
committee of management, in regard to, **3,** 332, 337
contract between society and member formed by, **3,** 331
copies for registrar of, **3,** 327, 328
directors, appointment of, as to, **3,** 332, 337
dissolution under, **3,** 332, 393, 394
evidence, as, **3,** 331, 335
fines, as to, **3,** 332, 361, 362
forfeiture, as to, **3,** 332, 362
lease, for grant of, **18,** 342
mandamus to compel registration of, **3,** 333
mortgage, incorporated in, **3,** 365
notice of, presumption as to, **3,** 331, 337, 344
officers, as to appointment of, **3,** 332, 337
power to make, **3,** 327, 332
redemption, controlled by, **3,** 367
registration of, **3,** 328, 329, 333
schedule of forms to, **3,** 332, 335
unincorporated society, **3,** 335, 336
sale of mortgaged property by, **3,** 368—370; **21,** 250
application of proceeds of, **3,** 369
schedule of forms, provision of, **3,** 332, 335
seal of, rules as to, **3,** 330, 332
statutory receipt on mortgage, on, **3,** 342
secretary of,
agent, as, **3,** 343
fraud on directors by, effect of, **3,** 342
position of, **3,** 342, 343
sale under power in mortgage to, effect of, **3,** 368, 369
securities, accounting for, duty as to, **3,** 389
advances, for, **3,** 364, 365
loans to society, for, **3,** 374, 376, 377
misappropriation of, **3,** 353
rules as to custody of, **3,** 332
unincorporated society, of, **3,** 329, 380
set-off of subscriptions against money due on mortgage, **3,** 365, 366
shares of, **3,** 331, 355—363
advances on, **3,** 364
bequest of, **3,** 357
donatio mortis causâ in respect of, **3,** 357; **15,** 433
forfeiture of, **3,** 362, 363
issue of, **3,** 331
joint holders of, position of, **3,** 357
kinds of, **3,** 356
passing under bequest of money, **3,** 357
preferential, rights of holders of, **3,** 356, 357
realised, meaning of, **3,** 358 n.
register of, **3,** 357
rectification of, **3,** 396
title to, **3,** 357
transfer of, **3,** 357, 358, 396
unincorporated society, in case of, **3,** 356
withdrawal of, **3,** 358. *See* withdrawal, *infra.*

BUILDING SOCIETIES—*continued.*
solicitor as officer of, **3,** 337
sale under power in mortgage to, effect of, **3,** 368, 369
stamp duties,
mortgage, on, **3,** 372; **21,** 137, 138
reconveyance, on, **3,** 372
statutory receipt, on, **3,** 372
Starr-Bowkett, shares in, **3,** 351 n.
stocks of, incorporated companies uniting or amalgamating, in case of, **3,** 391
transfer of, **3,** 342, 380
unincorporated company, in case of, **3,** 329, 380
stoppage of business, effect of, **3,** 360
subscription to, non-payment of, forfeiture for, **3,** 362
payment of, effect of, **3,** 349
set-off against money due on mortgage of, **3,** 365, 366
unincorporated society, in case of, **3,** 356
surplus funds of, application of, **3,** 347, 378—380; **28,** 132 n.
surveyor as officer of, **3,** 337
terminating, borrowing powers of, **3,** 374
mortgage to, **3,** 366, 367
redemption from, **3,** 366, 367
what are, **3,** 325
transfer, engagements of society, **3,** 391
mortgages in favour of, **3,** 364; **21,** 173. *See* mortgage to, *supra.*
property of, amalgamation, on, **3,** 391
lunacy etc. of trustee, in case of, **3,** 348
shares in, **3,** 357, 358, 396
stocks of, **3,** 342, 380
treasurer of unincorporated, position of, **3,** 347, 348
trustee of, appointment etc. of, **3,** 342
bankruptcy of, effect of, **3,** 380
dissolution, liability on, **3,** 393
investments by, **3,** 378, 379
lunacy etc. of, effect of, **3,** 348, 380
necessity for, **3,** 325
power of sale under mortgage of, **3,** 368, 369; **21,** 250
property vested in, **3,** 347
stocks, transfer of, by, **3,** 380
transfer of property vested in, **3,** 348
unincorporated society, of, position of, **3,** 347, 348
ultra vires acts of, **3,** 341, 376, 377
unadvanced member of, **3,** 351, 356, 396, 399
unauthorised acts, liability in case of, **3,** 341, 379
unincorporated, **3,** 324, 325
amalgamation impossible in case of, **3,** 391
borrowing powers of, **3,** 375
deposits, temporary, by, **3,** 379, 380
dissolution of, **3,** 397—400
incorporation of, **3,** 327
investment of funds by, **3,** 347, 378
rules of, **3,** 335, 336
unincorporated or unregistered, illegal company, as, **5,** 765
vesting of property in, **3,** 328, 329, 347, 348, 391, 398, 399
vote, county, in respect of estate of member of, **3,** 364
widows of members of, position of, **3,** 360, 361
winding up of, Companies Acts, under, **3,** 394—396, 398—400; **5,** 394, 395, 398, 569, 570
county court, in, **3,** 395; **8,** 637
forfeiture by member, after, **3,** 362, 363

BUILDING SOCIETIES—*continued.*
winding up of—*continued.*
incorporated society, in case of, **3,** 394—396; **5,** 393, 394, 569, 570
meeting with a view to, **3,** 354
members how affected by, **3,** 352, 359, 360
membership for purposes of, **3,** 350
notice to registrar of, **3,** 396
order for, effect of, **3,** 360
Palatine Court, in, **3,** 395
past member in, position of, **3,** 350, 360, 362, 363
petition for, **3,** 395
priorities in case of, **3,** 356, 360, 361, 393
redemption as affected by, **3,** 368
transfer by shareholder during, **3,** 358, 396
unincorporated society, in case of, **3,** 398—400
voluntary, **5,** 569
withdrawing member, liability of, **3,** 359, 360
withdrawal, deposit of, **3,** 374
member, of, **3,** 358, 359, 393
shares, of, **3,** 358—361
disputes as to, **3,** 387, 388
interest in case of, **3,** 361
loan after notice of, effect of, **3,** 361
notice of, effect of, **3,** 358—361
waiver of, **3,** 359
winding up, effect of, on, **3,** 360

BULK,
breaking, larceny by bailee, when necessary to constitute, **9,** 631
mails must be delivered before, **22,** 655
master of ship must report to customs officer before, **24,** 587
prize, on board, **9,** 98 n.
right to reject goods lost by, **25,** 130, 230
coal, sale of, in, **28,** 481
electricity supply in, *defined,* **12,** 552
provisions as to, **12,** 557, 595, 627, 639
implied conditions as to, on sale of goods by sample, **25,** 154, 156, 161, 162

BULL-FIGHTING,
or baiting, offence of, **1,** 412; **27,** 276

BULLION,
carrier's liability for loss of, **4,** 23
Mint, receipt at, **6,** 465
railway charges for carriage of, **4,** 85
ship, carriage on, **26,** 113 n., 188, 189

BULLS, PAPAL,
punishment for obtaining, **6,** 357, 358

BUOY,
defined, **26,** 627 n.
Board of Trade control, when used in connection with telegraph works, **27,** 362
collision with, **26,** 547 n.
Government, mooring pleasure yacht to, **26,** 661
harbour authority's duty as to, **26,** 645
tests which ought to be applied, **21,** 365 n.
lighthouse authority's duty as to, **26,** 627, 632
malicious damage to, **9,** 790
management of, **26,** 627, 645
statutory duty not to foul, **26,** 488
Trinity House control over, **26,** 627, 645
wreck, duty as to, **26,** 555

BURDEN,
easement, in case of, **11,** 236, 243, 280, 281, 322
immovables, on, conflict of laws in case of, **6,** 212
landlord and tenant, as between, **18,** 493, 494
proof, of. *See* BURDEN OF PROOF.

BURDEN OF PROOF, 13, 433—436
abuse of process, action for, **19,** 693
adulteration alleged, where, **15,** 17 n., 32
age of child, as to, in case of offence relating to children, **17,** 153, 157
ambiguity, in case of, **13,** 435; **20,** 680, 681
charterparty, in, **26,** 130
apothecary, as to grant of certificate to, **13,** 435 n.; **20,** 350
argument as to, number of counsel on, **2,** 409
authority excusing act causing nuisance, as to, **21,** 516
bankruptcy, fraudulent preference in, as to **2,** 286
notice of, as to, **1,** 235
bill of exchange, as to title etc. to, **13,** 435
consideration, as to, **2,** 496, 499; **13,** 435
shifting of, **2,** 499
bonâ fide traveller, as to customer being, **18,** 128
cestui que vie, as to death of, **24,** 183
charterparty, action under, in, **13,** 434
ambiguous stipulations in, as to, **26,** 130
collision between vessels, in case of,
defendant, when on the, **26,** 538
detention, on loss by, **26,** 540
inevitable accident, defence of, **26,** 535
keep out of the way vessel, as to, **26,** 455
negligence, antecedent and subsequent, as to, **26,** 511
overtaken, where vessel, **26,** 402
regulation, where breach alleged of, **26,** 507
rules as to, **26,** 500
consideration, as to, **13,** 435
county court, in, **8,** 532
criminal cases, in, **9,** 377, 378
insanity, in case of, **9,** 242
custom, as to, **10,** 236
damage to goods shipped under charterparty, in action for, **13,** 434
misrepresentation, from, **20,** 707
death of any person, of, **13,** 435; **24,** 183
dedication of highway, as to capacity for, **16,** 34
defamation, in action of, **18,** 641, 642, 647, 694, 695, 710
fair comment, defence of, **18,** 710
justification of, **18,** 675, 676
libellous statement being read by or to third party, as to, **18,** 665
malice, as to, **18,** 685
privilege, as to, **18,** 685
descendants from paternal ancestor, as to, **11,** 11
difference between English and foreign law, on party asserting, **13,** 488
distress, absence of other sufficient, as to, **11,** 142
privilege from, as to, **11,** 132
title of purchaser of goods removed to avoid, as to, **11,** 190
division of, **13,** 434
document, ambiguous, in case of tender of, **13,** 435
evidence, adducing, with regard to, **13,** 434—436
hearsay, **13,** 435
presumption, as affected by, **13,** 435, 498
secondary, **13,** 435
expectant heir, in transaction with, **13,** 21; **15,** 112

BURDEN OF PROOF—*continued.*
fair and accurate report of judicial proceedings, as to, **18,** 694, 695
false imprisonment, in action for, **13,** 434; **27,** 878
food and drugs offences, in case of, **15,** 32, 39
Foreign Enlistment Act, under, **13,** 435 n.
franchise, claim of, as to **12,** 228, 229
fraud, of, **5,** 134; **11,** 189; **15,** 103; **20,** 724
fraudulent conveyance, in respect of, **15,** 84
hire of custody, in case of, **1,** 545
horseflesh, in cases as to sale of, **15,** 70
husband and wife, as to necessaries in case of, **16,** 321, 322
imprisonment for debt, in case of, **2,** 339
innkeeper, in action against, for loss of guest's luggage, **13,** 434
innuendo, as to true meaning assigned by, **18,** 647
interlocutory injunction, on application for, **17,** 222
interpleader, in, **17,** 609
joint capture, in claim for, **23,** 293
knowledge of one party, as to facts within, **13,** 435; **19,** 407; **21,** 441
liability limited by contract, where, **21,** 438
lodger within Law of Distress Amendment Act, 1908, that person is, **11,** 144
lunatic, failure to deliver prescribed document with reference to, as to, **19,** 530
knowledge of person contracting with, as to, **19,** 407
licence for house or hospital for, as to, **19,** 530
marriage, validity of, as to, **16,** 282
sanity of, in probate action, as to, **19,** 407
malicious prosecution, in action for, **13,** 434; **19,** 683, 684, 693; **27,** 878 n.
master and servant, where liability depends upon relation between, **21,** 439
matrimonial causes, in **16,** 541
misrepresentation, action based on, in, **20,** 677, 680, 681, 714, 717—719, 724, 726. *See* FRAUDULENT MISREPRESENTATION.
character, as to, in statutory defence **20,** 732
claim and defence distinguished, **20,** 757
damage, as to, **20,** 707
defence of, in case of, **20,** 757
falsity, as to, **20,** 677, 680, 681
intention in case of, as to, **20,** 704, 705
materiality, as to, **5,** 133, 134; **20,** 701
position, alteration of, as to, **20,** 704, 705
representee, as to whether party is a, **20,** 717, 718
rescission claimed, where **20,** 740, 741, 757
necessaries, husband and wife, in case of, **16,** 321, 322
infant, supplied to, **17,** 67
negligence, in action of damages for, **13,** 435; **21,** 363 n., 435—439
conditions limiting defendant's liability, as to, **21,** 438
master's liability for servant, in case of, **21,** 438
plaintiff, negligence of, in regard to, **21,** 438
primarily on, **21,** 435
principal's liability for agent, in case of, **21,** 439
railway company, of, **4,** 47
shifting of, **21,** 436, 438; **27,** 192 n.
statutory duty, in case of breach of, **19,** 530; **21,** 437; **27,** 192 n.
where cause of accident unknown, **21,** 440, 441
non-repair, in action on covenant for, **13,** 434
nullity suit, in, **16,** 541

BURDEN OF PROOF—*continued.*
plaintiff's duty to bear, **18,** 641, 642; **21,** 435, 436
power, intention to execute, **23,** 36
second appointment under, of, **23,** 38
presumed facts, as to, **21,** 439—441; **22,** 425
presumption of law, in case of, **13,** 435
principal and agent, where relationship is that of, **21,** 439
Private Street Works Act, 1892, under, **16,** 233
privilege, distress, from, as to, **11,** 132
production of document, on application for, **11,** 64, 69
public interest, where matter pleaded is of, **18,** 710
purchaser as root of descent, as to, **11,** 7, 8
title of, where goods removed to avoid distress, **11,** 190
rescission of contract as to mines, in action for, **20,** 549
restraint of trade, as to illegality of contract in, **27,** 572
rule as to, usual, **13,** 433, 434; **21,** 363, 435, 436, 438
criminal cases, in, **9,** 377, 378
insanity, **9,** 242
exception to, **13,** 435
negligence, in case of, **21,** 363 n., 435—439. *See* negligence, *supra.*
statute, fixed by, **13,** 435; **20,** 726
sale in lieu of partition, in opposition to, **21,** 842, 843
salvage agreement, as to existence of, **26,** 570, 571
sheriff's interpleader, in, **17,** 609
shifting of, **13,** 434—436; **21,** 436, 438; **26,** 538
slander of title, in action for, **18,** 677
speed of keep out of the way vessel, as to, **26,** 455
statutory, **13,** 435; **20,** 726
authority, as to rights under, **23,** 313
duty, as to breach of, **19,** 530; **21,** 437; **27,** 192 n.
tenant, in action for non-repair, against, **13,** 434
Tenterden's (Lord) Act, under, **20,** 732
test as to person upon whom it falls, **13,** 433, 434
time when cause of action arose, as to, **19,** 184
trade libel, in action for, **27,** 676 n.
trade mark, application for, on, **27,** 701, 702
infringement, in action for, **27,** 711
register, rectification of, **27,** 715, 716 n.
trade name, in case of improper use of, **27,** 758
undue influence, in case of, where confidential relationship exists, **15,** 103
unlicensed theatre, as to keeping or acting in, **27,** 407
unseaworthiness, of, **17,** 428; **26,** 218
voluntary deed, on impeachment of, **21,** 20, 24
will, meaning of words used in, as to, **28,** 656
incorporate document in, to, **14,** 159
testator, as to competency of, **14,** 178
Workmen's Compensation Act, 1906, under,
ability to get work, as to, **20,** 232
acceptance of contracting-out scheme, as to, **20,** 216
accident, cause of, as to, **20,** 169
accident arising out of and in course of employment, as to, **20,** 169
advisability of an operation, as to, **20,** 235, 236
claim, time of making, as to, **20,** 181

BURDEN OF PROOF—*continued.*
Workmen's Compensation Act, 1906—*continued.*
compensation, application to end, in case of, **20,** 233
death resulting from accident, as to, **20,** 164
wrongful act, as to authority for, **21,** 516, 517
removal of goods by sheriff, in case of, **11,** 179

BURGAGE
tenure, franchise in respect of, of, **12,** 179, 180
nature of, **12,** 179 n.; **24,** 155

BURGESS,
defined, **12,** 182; **19,** 294
admission of, stamp duty in case of, **24,** 726
citizen included in term, **19,** 294 n.
common inclosure, rights with regard to, **4,** 547, 581
jury service of, **9,** 135; **18,** 229, 230, 236
how far exempt from, **18,** 232
list, **12,** 182—184, 193 n. 245
mandamus, restoration by, **10,** 79
municipal borough, in, **12,** 190
municipal council, admission to meetings of, **19,** 316
minutes, of, inspection, **19,** 316
election, qualified for purposes of, **12,** 182—184, 344
old burgess franchise, **12,** 184—188
register of, **12,** 244—248
rights of, **19,** 294
roll, election of councillors, in, **12,** 350
enrolment on, effect of, **12,** 182, 244—246, 344; **18,** 236; **19,** 294 n., 297
qualification for, **12,** 182—188: **19,** 296, 303 n.
jury list, as, **18,** 236
making of, **12,** 246
municipal election, for purposes of, **12,** 182, 344
title of mayor, not affected by, **19,** 297
ten pounds occupation franchise, **12,** 188, 189

BURGLARY,
defined, **9,** 668, 671
breaking as element of, **9,** 669, 670
dwelling-house, meaning of, **9,** 668, 669
entry as element of, **9,** 671
evidence as to, **9,** 672
indictment for,
conviction for lesser offence on, **9,** 671, 672
necessary allegations in **9,** 337 n., 339 n., 668—672
several offences in respect of one transaction, **9,** 340 n.
insurance, principles governing, **17,** 512
stamping of policy, **17,** 516
intent in, **9,** 671
night, meaning of, **9,** 668
offence of, **9,** 668—672
punishment for, **9,** 668
trespass, actionable as, **27,** 846

BURIAL.
The Title BURIAL AND CREMATION *is contained in Vol. III., pp.* 401 *et seq.*
Acts, adoption of, **3,** 447, 450—452; **19,** 257; **20,** 405
poll may be demanded on proposal for, **3,** 493

BURIAL—*continued.*
Acts—*continued.*
areas for purposes of, **3,** 446, 448, 451, 452
alteration of, **3,** 505
authorities for purposes of, **3,** 446, 450, 451, 484, 485, 492—504, 506
borough council, powers of, under, **3,** 447, 503; **20,** 405 n.
burial board under. *See* BURIAL BOARD.
ground under. *See* BURIAL GROUND.
chapel erected under, **3,** 468, 509; **11,** 368
Church of England clergyman under Act of 1880, **3,** 428
churchwarden, *defined* under, **3,** 449
county borough council, area under, whether having power to alter, **3,** 505,
county councils' powers, alteration of areas, as to, **3,** 505
definitions for purposes of, **3,** 448—450
exclusive right under, **3,** 473, 474
fees under, **3,** 473, 474, 479—483
incumbent, *defined*, **3,** 449
joint committee under, **3,** 499, 500
loans for purposes of, **3,** 486—489
metropolis, *defined* under, **3,** 446
as applied to, **3,** 445—448, 500—503
minister, *defined*, **3,** 449
overseers, *defined*, **3,** 449
parish council acting under, **3,** 492—499; **19,** 247
ratepayers, *defined*, **3,** 449
scheme of, modifications on original, **3,** 446—448
service in ground provided under, **3,** 469, 470, 472
transfer of functions under, **3,** 503—505
vestry, *defined* under, **3,** 450
in relation to, **3,** 446, 450, 451; **19,** 261
animal carcases, of, Board of Agriculture and Fisheries' powers as to, **1,** 428
compulsory acquisition of land for, **1,** 430
penalty for omission, **1,** 400
washed ashore, **1,** 431; **26,** 618
authority. *See* BURIAL AUTHORITY.
bell, sexton's right to toll, in burial ground, **3,** 473
bishop, incumbent, suspension of, by, neglect to perform service, on, **3,** 420; **11,** 657 n., 711 n.
monumental inscriptions under control of, **3,** 511
mortuary chapel and chaplain for, approved by, **3,** 518
board. *See* BURIAL BOARD.
board of guardians, powers and duties of, **3,** 540—542
body, conveyance of, to place of, **3,** 483, 484
retention of, creditor, by, illegal, **3,** 406
unburied, **3,** 550, 551, 552
sale of, by undertaker, misdemeanour, **9,** 553
borrowing for purposes of. *See* BURIAL AUTHORITY.
brawling at, **3,** 422, 426, 427, 523; **9,** 479; **11,** 369, 663, 664, 817
bye-laws as to, burial without Church of England service, **3,** 425, 426
mortuaries, **3,** 566
Cemeteries Clauses Act. *See* CEMETERY.
cemetery, in. *See* CEMETERY.

BURIAL—*continued.*
ceremony. *See* service at, *infra.*
consecrated ground, in, Church of England, limited to, **3,** 424
unconsecrated ground, in, not prescribed, **3,** 404, 519
certificate of. *See* CERTIFICATE.
registration or notice of death, of, required before, **3,** 562
chapel, mortuary, erection of, **3,** 468, 509, 516
bishop's approval, by, in consecrated ground, **3,** 518
denominational, **3,** 468; **11,** 368
joint use of, burial boards, by, **3,** 468
under or near, prohibited, **3,** 416, 512, 519
chaplain, burial company, appointed by, **3,** 518; **11,** 649, 650
burial without service, notice of, to, **3,** 425
cholera, of person dead from, **3,** 549, 550, 553
Christian, exclusion from, **3,** 421, 422; **11,** 710
meaning of, **3,** 405 n.
service at, **3,** 426, 427; **11,** 710
Christmas Day, on, **3,** 426
church, in, restrictions and prohibitions as to, **3,** 415, 416, 528
Church of England
clergymen, powers of, **3,** 428; **11,** 710—712
rites, obligatory, consecrated ground, in, **3,** 424
Burial Laws Amendment Act, saving provisions of, **3,** 424—428; **8,** 282
churchwarden,
discretion of, as to place of, **3,** 410, 415 n.; **11,** 730
disturbance, prevention of, **3,** 410, 422; **11,** 470, 664. *See* brawling, *supra.*
fees payable to, **3,** 429, 480, 481
registers provided by, **3,** 556; **11,** 472
supervision of places of, by, **3,** 537, 538
churchyard, in, **3,** 407—424; **11,** 741
exclusive right of, **3,** 419
non-parishioners, rights in case of, **3,** 414 **11,** 741
parishioners, rights of, **3,** 413, 415; **11,** 481, 741
position in, churchwardens' discretion, **3,** 410, 415 n.; **11,** 730
incumbent's discretion, **3,** 415 n.; **11,** 730
parishioners have no customary right, **3,** 415
registration of, **3,** 555, 556; **11,** 712
rights as to, **3,** 413—415; **11,** 741
service at, **3,** 420; **11,** 710
dispensing with, **3,** 424—428; **11,** 710, 711
full service unlawful, when, **3,** 421, 422; **11,** 710
irregularity of, **3,** 421
minister's duty in respect of, **3,** 420, 421
clergyman, drowned persons, duty in case of, **3,** 547, 548
fees to, **3,** 429, 480—483, 510, 522, 570; **11,** 712, 776, 777
recovery of, **3,** 429; **11,** 712
mandamus against, **3,** 420
service by, **3,** 420, 421, 427, 428, 472, 510, 518, 569; **11,** 710—712
suspension of, brawling, for, **3,** 422
refusal to perform service, for, **3,** 420
coffin, iron, in, proper, **3,** 415
opening of, **3,** 554, 555; **11,** 42 n.
several bodies in one, of, **3,** 564
common fund, at expense of, **3,** 539, 540
company, *defined*, **3,** 514. *See* CEMETERY

BURIAL—*continued.*
consecrated ground, in, **3,** 412, 413, 467, 517, 521; **11,** 710, 711, 730, 731
Church of England rites, without, **3,** 424—428
coroner's order, under, **3,** 563; **8,** 272, 273
removal of tombstone from, **3,** 535, 536
convenient warning to minister of, **3,** 420, 421
conveyance of body to place of, **3,** 483
coroner, disinterment ordered by, **3,** 555, 567; **8,** 263
inquest by, before, **8,** 240—247, 256—273. *See* INQUEST.
London, in, **3,** 567; **8,** 269
order authorising, by, after inquest before verdict, **3,** 562, 563; **8,** 272
corpse. *See* body, *supra*; disinterment, *infra.*
corse-present, **3,** 431; **11,** 779
cremated remains, of, **3,** 574
cremation. *See* CREMATION.
after burial, **3,** 573
criminal, of, after execution, **3,** 422; **25,** 825
death certificate, without, notice to registrar of, **3,** 563
deceased's directions as to, effect of, **3,** 405, 571
decency, regard for, in, **3,** 404, 426, 427; **11,** 369
detaining body for debt, a misdemeanour, **3,** 406; **9,** 552 n.
diocesan registrar, annual report on, bishop, to, **3,** 558
copies of entries for, **3,** 558, 560
corrections of register sent to, **3,** 558
discontinuance of, **3,** 526—528. *See* BURIAL GROUND.
reversion of land on, **3,** 424
disease, animals which have died from, of, **1,** 428, 430
persons dead from infectious, of, **3,** 549—553
disinterment of body after, **3,** 518, 553—555, 573
coroner's order for, **3,** 555; **8,** 263
ecclesiastical offence, as, **3,** 554
faculty or licence for, **3,** 553—555, 573; **11,** 542
identification, for purpose of, **3,** 554
misdemeanour, when a, **3,** 553; **9,** 552
dissected body, of, **20,** 342
dissection, disinterment of body for purpose of, **9,** 552, 553
disturbance at, cemetery, in, **3,** 523
churchwardens' and constables' powers, **3,** 410, 422; **11,** 470, 664
misdemeanour, **3,** 422, 426, 427; **9,** 479; **11,** 369
nonconformist, **11,** 817
drowned person, of, **3,** 547—549
duty in regard to, **3,** 404
executors, of, **3,** 405; **14,** 240
funeral expenses, in respect of, **3,** 406—407; **14,** 240
shipowner, of, master or seaman, in case of, **3,** 407; **26,** 45
hospital patient, in case of, **23,** 432
penalty for breach of, **9,** 552
relieving officer, of, **3,** 549, 551, 552
duty of person undertaking, registration of death, as to, **3,** 563; **24,** 456
dwelling house, neighbourhood of, in, **3,** 464, 507, 515
removal of body of person dead from infectious disease from, **3,** 549, 551, 552
easement, exclusive right as an, **3,** 474; **11,** 243, 329

BURIAL—*continued.*
exclusive right of, **3,** 528; **15,** 407; **22,** 389
burial board, grant by, **3,** 473, 474, 480, 481
incumbent's fees in case of, **3,** 481
Cemeteries Clauses Act, under, **3,** 520—522
assignment of, **3,** 521
churches or closed burial grounds, in case of, **3,** 528
Consecration of Churchyards Acts, under, **3,** 441, 442
faculty for, **3,** 419; **11,** 542
fees from, rateable occupation, as constituting, **3,** 410
personalty, as, **3,** 521; **22,** 389
Public Health (Interments) Act, in cemeteries under, **3,** 511
reservation of, **3,** 441; **11,** 724; **15,** 407
Statute of Frauds, with reference to, **3,** 474
trespass, not subject of, **27,** 850 n.
excommunicated person, of, **3,** 421; **11,** 710
excommunication of clergyman for disorder at, **3,** 423
executor, duty as to, **3,** 404—407; **14,** 240
refusing to deliver body to, a misdemeanour, **9,** 552 n.
exhumation after. *See* disinterment, *supra.*
expenses of. *See* FUNERAL EXPENSES.
faculty for, church, **3,** 415, 528; **11,** 542
disinterment, **3,** 553—555, 573; **11,** 542
monument, **3,** 417
vault, **3,** 419; **11,** 541
failure to give, misdemeanour, **3,** 404; **9,** 552
fees in respect of, **11,** 712
burial grounds provided by burial boards, in, **3,** 473, 474
incumbent or minister, of, **3,** 469 n.—472 n., 474, 479—483
cemeteries, in case of, **3,** 510, 513, 522
Church of England service, when burial without, **3,** 427
churchwarden, payable to, **3,** 429, 480, 481
churchyard, in case of, **3,** 428—432; **11,** 712, 776, 777
recovery of, **3,** 429
common law, no right at, custom apart, **11,** 712
corse-present or customary fees, **3,** 431, 432; **11,** 779
cremation, in case of, **3,** 569; **11,** 777
custom for payment of, **3,** 428, 429; **11,** 712, 776, 777
drowned person, in case of, **3,** 548
Ecclesiastical Commissioners, fixed by, **3,** 431, 482; **11,** 712 n.
fixed annual payment in lieu of, **3,** 482
inquiries by Secretary of State as to, **3,** 539
other than for services rendered, **3,** 474, 480—483, 510 n., 513, 522
registration of exclusive right in cemetery, on, **3,** 521
statutory, **3,** 522; **11,** 712
table of, burial authority must submit, **3,** 479, 480
settlement and registration of, **11,** 712 n.
felo de se, of, **3,** 421, 422; **8,** 273
funeral expenses. *See* FUNERAL EXPENSES.
Good Friday, on, **3,** 426
gravedigger, employment of, **3,** 459, 511, 519; **11,** 712
sexton as, **11,** 478
graveyard, *defined*, Burial Laws Amendment Act, under, **3,** 424 n.

BURIAL—*continued.*
ground. *See* BURIAL GROUND.
hospital, death in, local authority's liability in case of, **23,** 432
removal from, for, **3,** 550, 551
householder, duty of, as to, **3,** 405
husband, duty etc. of, as to, **3,** 405, 407; **16,** 320
incumbent, Burial Acts, *defined* under, **3,** 449
duties of, reference to, **3,** 420, 421, 427, 428, 469, 472, 510, 518, 569
exclusive rights of, as to, **3,** 472
fees of, **3,** 429, 479—483, 510, 522, 570
suspension of, for refusal to perform service, **3,** 420; **11,** 657 n., 711 n.
indecent behaviour at, **3,** 410, 422, 426; **11,** 369
infectious diseases, of persons dying from, **3,** 549—553
body dangerous to health, where, **3,** 552
justice's order as to, **3,** 550, 551
London, in, **3,** 549, 550
expenses of, **3,** 549
justice's order as to, **3,** 549
obstruction of, **3,** 549
relieving officer, duty of, **3,** 551
ships in quarantine, on, **3,** 553
injunction, burial of non-parishioners, whether restrainable by, **3,** 414
incumbent's exclusive rights enforced by, **3,** 472
inquest, avoid, to, **3,** 405; **8,** 240, 263
coroner, before. *See* coroner, *supra.*
inquiries by Secretary of State, **3,** 539
inspection of minute-books, registers etc., **3,** 458, 574
interference with or by clergyman at, **3,** 422, 423; **11,** 817
isolation hospital patient, of, **23,** 443
Jews, of, **3,** 527
justice's order for, death from infectious disease, in case of, **3,** 549, 552
land
acquired for. *See* BURIAL GROUND.
used for, reversion in case of discontinuance of, **3,** 424
liability in respect of. *See* duty, *supra.*
expenses of. *See* FUNERAL EXPENSES.
licence for, church or chapel, in or under, **3,** 528
coroner, by, **3,** 562, 563; **8,** 271—273
discontinuance order, after, **3,** 528
disinterment, for, **3,** 553, 555, 573; **11,** 542 n.
local authority, burial authority, as. *See* BURIAL AUTHORITY.
hospital, death in, liability in case of, **23,** 432
mortuary, provision by, **3,** 566, 567
Local Government Board, powers over burial grounds, **3,** 537—539
London, Burial Acts as applicable to, **3,** 446, 447
infectious diseases, of persons dying from, in, **3,** 549, 550
inquest accommodation in, **3,** 567; **8,** 269
mortuary provision in, **3,** 566, 567; **8,** 269
London, City of, powers of Corporation of, **3,** 447, 503
lunatic, asylum visiting committee, powers of, **3,** 545, 546; **19,** 482
dying in asylum, of, **3,** 541, 542, 545; **19,** 482
pauper, of, **3,** 541, 542, 545, 546; **19,** 491
mandamus for, against minister, **3,** 420
registration of, **3,** 561
manor, lord of, payment by, in case of drowned persons, **3,** 549
master of workhouse, notice to, in case of pauper, **3,** 425
medical officer, duties of, as to, death from infectious disease, in case of, **3,** 549—552
Metropolitan Borough Councils, powers of, **3,** 447, 501—504, 530; **20,** 405
minister, Burial Acts, *defined* under, **3,** 449
drowned persons, duty in case of, **3,** 547, 548
fees to, in respect of. *See* fees, *supra.*
notice to, where no service required, **3,** 425
suspension of, neglect to perform service, for, **3,** 420; **11,** 657 n., 711 n.
monument, erection of. *See* MONUMENT.
mortuary, building, **3,** 567; **8,** 369. *See* MORTUARY (DEADHOUSE).
payment, nature and recovery of, **3,** 431, 432; **11,** 779
negligence, where death due to, **3,** 407
new parish, in, **3,** 441, 470, 471; **11,** 711
non-parishioner, of, **3,** 414, 419
burial ground, in, service at, **3,** 472
fees in case of, **3,** 430, 431; **11,** 777
nuisance in connection with, **3,** 404, 422, 423, 517; **9,** 553
obstructing, **9,** 552, 553
clergyman, **3,** 422, 423
justices' order, contrary to, **3,** 549, 551
service at, **3,** 422, 426, 427
offences as to,
assaulting minister, **9,** 478
brawling, **3,** 422, 423, 427, 523; **11,** 369, 663
clerk in holy orders, by, **3,** 422
certificate, false statement in, **3,** 561
child born alive, burial as still-born, **3,** 563
church or chapel, interment under, **3,** 416
disorderly and violent conduct at, **3,** 426; **9,** 479
disturbing persons assembled in cemetery, **3,** 523
drowned body, failing to notify, **3,** 548
minister refusing to perform service, **3,** 420; **11,** 657 n., 711 n.
molestation of Nonconformist minister, **11,** 817
notice of burial without order or death certificate, failure to give, **3,** 563
nuisance to streams etc., cemetery company permitting, **3,** 517
obstruction of. *See* obstructing, *supra.*
particulars where two bodies in one coffin, failure to furnish, **3,** 564
pauper funeral, receiving money for, **3,** 543
powers to prevent, **3,** 427
register, with regard to. *See* register, *infra.*
regulations as to common graves, disregard of, **3,** 539
unlawful disinterment, **3,** 553, 554; **9,** 552
unlawful ornaments or rites, use of, by minister, **11,** 655
office. *See* service, *infra.*
order and death certificate, provisions as to delivery of, **3,** 562, 563
overseers' duties as to, **3,** 449, 547; **22,** 530 n.
parent, duty and liability as to, **3,** 405, 407
parish, clerk, payments to, **3,** 522, 523; **11,** 712
council and meeting, expenses of, in connection with, **3,** 496, 498
register of, **3,** 555—558; **13,** 538
parishioners' rights, in regard to, **3,** 413—416; **11,** 481, 741

BURIAL—*continued.*
pauper, of, **3,** 539—546
board of guardians
bound to undertake, **3,** 540
may agree with burial board as to, **3,** 544, 545
notice to, in case of burial by relations, **3,** 425
district asylum or school, dying in, **3,** 541, 542, 545, 546; **19,** 482
executor, rights and duties of, in case of, **3,** 543
fees in case of, **3,** 542, 546; **19,** 482 n.
hospital, from, **23,** 432 n.
lunatic, of, **3,** 541, 542, 545, 546; **19,** 482, 491
poor law
officer not to derive benefit from, **3,** 543
union etc. for purposes of, **3,** 539, 542
public burial ground, in, **3,** 541
service in case of, **3,** 545
without, **3,** 425
workhouse, dying in, **3,** 425, 540, 541
perpetuity, grant for tomb, in, **3,** 433, 434
place of, **3,** 404; **11,** 823
churchyard, in, churchwarden's discretion as to, **3,** 410, 415 n.; **11,** 730
incumbent's discretion as to, **3,** 415 n.; **11,** 730
no customary right of parishioners as to, **3,** 415
conveyance of body to, **3,** 483
regulations where interment in consecrated ground without rites, **3,** 427
plague, of person dying from, **3,** 553, 573
poor law authority, duties of, as to, **3,** 540
post-mortem examination before, **3,** 566, 567, 573; **8,** 268, 269
preventing. *See* obstructing, *supra.*
private
cemeteries, establishment of, **3,** 512, 513
ground, in, **3,** 404, 527, 528
Public Health (London) Act, 1891, provisions of, infectious diseases, as to, **3,** 549, 550
Public Health Acts, provisions of, as to, **3,** 552, 553
Public Health (Interments) Acts,
appropriation of land for cemetery under, **3,** 507, 508
burials in cemeteries, application to, **3,** 513—519, 522—524, 559 n., 561 n.
bye-laws, local authorities' powers to make, **3,** 508
cemetery, provision of, under, **3,** 506
Quaker, of, **3,** 527; **11,** 823
quarantine, of person dying in, **3,** 553
rector's rights in regard to, **3,** 415; **11,** 741
refusal of. *See* obstructing, *supra.*
service in case of, **3,** 420, 569; **11,** 657 n., 710—712
register of,
cemetery, in, **3,** 559
custody of, **3,** 559
diocesan registrar, copies transmitted to, **3,** 560
evidence, as, **3,** 560
failure to keep, penalty, **3,** 560, 561
particulars entered in, **3,** 560
searches in, **3,** 560
offences in respect of, **3,** 561, 562; **9,** 741, 742
destruction of and injury to, **3,** 561; **9,** 741
false entry in copy, **3,** 562; **9,** 742

BURIAL—*continued.*
register of—*continued.*
offences in respect of—*continued.*
forgery and alteration of, **3,** 561, 562; **9,** 741
seal, forgery of, **3,** 562; **9,** 742
uttering forged entry, copy, etc., **9,** 742
parish, churchwardens' duty to provide, **3,** 556; **11,** 742
custody of, **3,** 555, 556, 557; **11,** 452; **13,** 537
diocesan registrar, copies transmitted to, **3,** 558
evidence, as, **13,** 538
particulars in, **3,** 556
rectification of, **3,** 558
search and copies, right to, **3,** 557
register of grants of exclusive rights of, **3,** 520
registrar of deaths, certificate from, required before, **3,** 562, 563,
diocese, copies of entries to be sent to, **3,** 558, 560
registration of, **3,** 555—564; **11,** 712. *See* register, *supra.*
books for, duty as to, **3,** 556, 557, 559—561
cemetery company, by, **3,** 513, 559, 560
churchyard, in case of, **3,** 555—558; **11,** 712
coffin containing several bodies, in case of, **3,** 564
exclusive right being granted, in cemetery, **3,** 520, 521
extra-parochial place, in case of burial in, **3,** 556
fees in relation to, **3,** 557, 558
mandamus to enforce, **3,** 561
private cemeteries, in case of, **3,** 513
service dispensed with, where, **3,** 428, 561
still-born child, in case of, **3,** 563, 564
religion, bringing into contempt of Christian, at, **3,** 426, 427; **9,** 479
religious service at. *See* service at, *infra.*
right to, exclusive. *See* exclusive right to, *supra.*
church, in, prescriptive, **3,** 416
messuage, attached to, **3,** 416
parishioners, of, **3,** 413—416; **11,** 481, 741
limits of, **3,** 415
riotous behaviour at. *See* brawling at, *supra*
St. Paul's Cathedral, in, **3,** 527
seaman of, liability for, **3,** 407; **26,** 45
seashore, of body cast up on, **3,** 547—549
Secretary of State,
disinterment licence granted by, **3,** 553, 555
fees, inquiry as to, by, **3,** 539
table of, made by, **3,** 480, 569
submitted to, **3,** 479; **11,** 777
visiting committee's arrangements, consent to, of, **19,** 482
service at,
brawling at. *See* brawling, *supra.*
burial grounds, at burials in, **3,** 469—473
cemeteries, at burial in, **3,** 510, 511, 517—519; **11,** 368
chapel, in a, **3,** 509, 519; **11,** 368
Church of England, **3,** 420, 421, 427, 428, 472, 510, 518, 569; **11,** 710
other than, **3,** 426, 428, 468, 519; **11,** 368, 711 n.
unconsecrated ground, in, **3,** 427
without, **3,** 421, 422, 424—428, 511, 561, 563, 569

BURIAL—*continued.*
service at—*continued.*
cremation, in case of, **3,** 569; **11,** 711, 712, 777
dispensing with, **3,** 424—428, 511, 563; **11,** 710—712
bye-laws as to dispensing with, in cemetery, **3,** 425
notice as to, **3,** 424, 425; **11,** 710
fees for. *See* fees, *supra.*
incumbent's exclusive rights as to, **3,** 469, 472, 480; **11,** 368, 710
irregularities in, effect of, **3,** 421
minister, duty of, as to, **3,** 420; **11,** 710—712
not of the Established Church, by, **11,** 368, 711 n.
pauper, in case of, **3,** 545
refusal to perform, **3,** 420, 421; **11,** 657 n., 710—712
cremation, after, justified, **3,** 569
unconsecrated ground, in, **3,** 427, 519; **11,** 711
unlawful rites or ornaments at, **11,** 655
variation of, **3,** 428
several bodies in one coffin, of, **3,** 564
sexton. *See* SEXTON.
ship, of person dying aboard, in quarantine, **3,** 553
Statute of Frauds, exclusive right of burial not within, **3,** 474
still-born child, of, **3,** 563, 564
stranger to parish, of. *See* non-parishioner, *supra.*
suicide, of, **3,** 421, 422; **8,** 273
Sunday, on, **3,** 426
supervision of ground for, **3,** 537—539
time for, **3,** 425, 426
tomb or monument. *See* MONUMENT; TOMB.
turnpike tolls, exemption from, in case of person attending, **3,** 483, 484
unbaptized person, of, **3,** 421; **11,** 710
unconsecrated ground, in, **3,** 467; **11,** 711
service in case of, **3,** 427, 519; **11,** 711
use for other purposes of, **3,** 462
undertaker, administration granted to, **3,** 407
payment to, **3,** 406, 407
unidentified body, of, **3,** 567, 571
exhumation in case of, **3,** 554
union, parishes, of, for purposes of, **3,** 457, 539
vault, in a. *See* VAULT.
vestry, Burial Acts, adoption of, by, **3,** 450, 451
meeting for, **3,** 453
notice of meeting for, **3,** 454
burial ground provided by, **3,** 446
district council as burial board under control of, **3,** 490
expenditure controlled by, **3,** 474, 475
parish council exercising functions of, **3,** 494, 495
select, meaning and powers of, **3,** 450, 451
violent death, of person who has died, inquest before, **8,** 240
wake, prohibition in circumstances of, **3,** 553
Westminster Abbey, in, **3,** 527
wife, of, liability for, **3,** 405, 407; **16,** 320
will, directions in, as to, **3,** 405, 571; **14,** 240; **28,** 525
workhouse, of person dying in, guardians, by, **3,** 540, 541
Church of England service, without, **3,** 425
wreck, of body taken from, **3,** 547—549

BURIAL AUTHORITY,
defined, **3,** 446, 448, 450, 568. *See also* BURIAL BOARD.
accounts of, **3,** 458, 476, 488, 512
adoption of Burial Acts, *defined,* **3,** 450
alteration of areas by, **3,** 505
borough council, expenses of, **3,** 485, 486
power of, **3,** 447, 484—487, 502—504
borrowing powers of, **3,** 483, 486, 488, 489, 496, 498, 500, 502, 503, 567
boundaries, affected by order as to, **3,** 505
Burial Acts, adoption of, **3,** 447, 450
under, **3,** 446, 485, 491, 492, 500—503
cemeteries, accounts relating to, **3,** 512
chapel, erection of, by, **3,** 468
county borough council, alteration of areas, whether having power of, **3,** 505
county council, alteration of areas by, **3,** 505
cremation, for purpose of, **3,** 568
crematorium, provision of, by, **3,** 568
fees fixed by, **3,** 474, 479—483, 510; **11,** 777
joint committee, powers of, **3,** 500
local authority, accounts of, as, **3,** 512
borrowing by, as, **3,** 567
cemetery provision by, **3,** 506
mortuary provision by, **3,** 566, 567
Local Government
Acts, transfer of functions under, **3,** 489, 490, 503—505
Board, powers of, to close old or open new burial ground, **3,** 525—527
regulations as to burial grounds of, **3,** 537
London, for areas in, **3,** 447, 448, 500—503
sanitary authority in, mortuary provision by, **3,** 566, 567
metropolitan borough council as, **3,** 447, 502—504
expenses of, **3,** 502
transfer of powers to, **3,** 501, 505
mortuaries, powers as to provision of, **3,** 564—566
in London, **3,** 566, 567
notice as to burial without Church of England service, to, **3,** 425
overseers, accounts of, **3,** 476
powers and duties of, **3,** 449, 475, 476, 547
parish council, acquisition and alienation of land by, **3,** 497
as, **3,** 447, 493, 497, 503, 504
borrowing by, **3,** 496
committee of, as, **3,** 494, 498
expenses of, **3,** 496
parish meeting's control over, **3,** 495, 496
part of rural parish under, for, **3,** 498
rural parish without, for, **3,** 498
parish meeting, adoption of Burial Acts by, **3,** 492; **19,** 257
as, **3,** 447, 492, 493, 495, 496, 498, 503, 504
borrowing by, **3,** 498, 500
committee of, **3,** 498
expenses of, **3,** 498
parish council, control over, **3,** 495, 496
summoning of, with a view to acquisition of ground, **3,** 453, 454, 493
parishes, union of, **3,** 457
poll, demand for, in case of proposed adoption of Burial Acts, **3,** 493
poor law authorities, duties of, **3,** 448, 449, 539—546
rates, defrayment of expenses out of, **3,** 485, 486, 488, 490, 496, 498, 502

BURIAL AUTHORITY—*continued.*
rural areas, in, **3,** 492—500
district council, liability of, to provide cemetery, **3,** 506
execution of Burial Acts in, **3,** 493
sanitary authority, borrowing by, as, **3,** 567
London, mortuary provision by, **3,** 566, 567
urban authority, *defined,* **3,** 450
Burial Acts, adoption of, by, **3,** 451 ; **19,** 267
cemetery, provision of, **3,** 506
Local Government Acts, under, **3,** 489—491
Order in Council empowering, **3,** 484—489
powers of, **3,** 449, 451, 484, 492, 503, 504, 530
Sanitary Act, 1866, under, **3,** 490
transfer of powers of burial board to, **3,** 447, 503, 504
urban district council, accounts of, **3,** 488
as, **3,** 484, 487—489
borrowing by, **3,** 488, 489
expenses of, **3,** 488, 490
Order in Council relative to, **3,** 487, 489
petition for powers by, **3,** 487
transfer of powers of urban authority to, **19,** 267
vestry, *defined,* **3,** 450, 451
abrogation in certain cases of powers of, **3,** 494, 495
Acts, adoption of, by, **3,** 450
control by, **3,** 446, 450, 457, 461, 463, 474, 475, 490
fees, power to make fixed payment in lieu of, **3,** 482
meeting to consider acquisition of ground, **3,** 453, 454
select, meaning and powers of, **3,** 450, 451
visiting committee of asylum, powers of, **3,** 545, 546; **19,** 482

BURIAL BOARD,
defined, **3,** 454, 456. *See* BURIAL AUTHORITY.
accounts of, **3,** 458, 476, 488
alienation by, **3,** 461—463
annuity, grant of, as security, **3,** 478
appointment of, **3,** 451—456
books of, **3,** 457, 458
inspection of, **3,** 458
borough council, borrowing powers of, **3,** 486
Burial Acts, excepted from certain provisions of, **3,** 485
expenses of, as, **3,** 485
land, acquisition of, **3,** 486
appropriation of, **3,** 487
Order in Council vesting powers in, **3,** 484
petition of, for powers of, **3,** 484, 485
borrowing powers of, **3,** 476—479, 483, 486
Burial Acts, establishment under, **3,** 446, 447, 450
burial by, **3,** 468
ground, control etc. of, by, **3,** 465. *See* BURIAL GROUND.
laying out of, by, **3,** 464
provision of, **3,** 460—466
chapel, erection of, by, **3,** 468
charges for burial purposes by, **3,** 473, 474
clerk of, appointment of, **3,** 449, 459
closed cemetery, purchase of, **3,** 463
consecrated and unconsecrated grounds, duties as to, **3,** 466, 467
consecration of ground, application etc. for, by, **3,** 462, 466
contract of, **3,** 459—462
control by, **3,** 465

BURIAL BOARD—*continued.*
conveyance of body to burial by, **3,** 483, 484
corporate body, is a, **3,** 456
debenture of, **3,** 479
election of, **3,** 454, 455
elective, in urban district, **3,** 457—484
metropolitan borough council has powers of, **3,** 503
establishment of, **3,** 446, 451—456
sanction required, when, **3,** 451—453
exclusive right of burial, sale of, by, **3,** 473, 474, 521
incumbent's fees in case of, **3,** 481
fees payable to, under Burial Acts, **3,** 473, 474, 482
finances of, **3,** 474—479
income tax, in case of, **16,** 626, 644
joint, establishment of, **3,** 456, 457, 475, 476
expenses of, **3,** 475, 476
vestry, acts approved by, **3,** 457
joint committee with powers of, **3,** 499, 500
borrowing by, **3,** 500
land, alienation of, by, **3,** 461, 462
appropriation of, by, **3,** 462
lease of land acquired by, **3,** 462
Local Government Board, sanction of, to establishment of, **3,** 452—454
London, Corporation of City of, as, **3,** 447, 448, 503
meetings of, **3,** 457
adoption of Burial Acts, for, **3,** 453, 454
membership of, **3,** 454, 455
minutes of proceedings of, **3,** 457, 458
mortgage by, **3,** 477, 478 ; **21,** 112
registration of, **3,** 478
mortuary, provision by, **3,** 564, 565
non-municipal urban district council as, **3,** 487—489
office of, hiring of, **3,** 459
officers of, **3,** 459
Order in Council constituting, **3,** 484, 485, 487, 491
orders, statutory and provisional, constituting, **3,** 491
owners under Public Health Acts etc. as, **3,** 465
parish
charities, appropriation of land held for, by, **3,** 462
council as, **3,** 447, 493, 496, 497, 503, 504
land, appropriation of, by, **3,** 462
meeting as, **3,** 447, 492, 498, 503, 504
poll of ratepayers with a view to establishment of, **3,** 455
powers of, **3,** 457 *et seq.*
transfer of, parish council, to, **3,** 447, 503, 504
urban authority, to, **3,** 490, 491
Public Health Acts, whether owners of ground within, **3,** 465
Public Works Loans Acts, borrowing under, **3,** 479
ratepayers, election from, **3,** 449, 454, 455
rates, borrowing on security of, **3,** 476, 477
liability for, **3,** 465, 466
mortgage of, by, **3,** 477, 478
sale of
exclusive right of burial etc. by, **3,** 473
land acquired by, **3,** 461, 462
seal of, forgery of, **3,** 456, 562; **9,** 742
requisite as to, **3,** 460
servant of, appointment of, **3,** 459
sinking fund of, **3,** 478
surplus moneys of, application of, **3,** 479
tithe rent-charge, redemption of, by, **3,** 463

BURIAL BOARD—*continued.*
urban
authority with powers of, **3,** 447, 484—492, 503, 504
district, in, **3,** 450—484, 487
urban district council as, **3,** 450, 484—492
vacancies in, **3,** 455
vault, sale of right of, by, **3,** 473
vestry control over, **3,** 446, 450, 461, 463, 474, 475, 490

BURIAL GROUND. *See also* CEMETERY; CHURCHYARD.
addition to, prohibition of, **3,** 525, 526
Agricultural Rates Act, application of, **3,** 466
areas other than parishes, provided for, **3,** 446
board of guardians, of, consecration of, **3,** 543
restrictions in case of, **3,** 544
borough council, acquisition by, **3,** 486, 487
metropolitan, compulsory powers to acquire land not given to, **3,** 503
maintenance by, of disused, **3,** 530
boundaries of, **3,** 467
brawling in, **3,** 422, 426, 427, 523; **9,** 479; **11,** 369, 664, 817
appeal from conviction for, **3,** 422
building on, **3,** 196, 532, 533
Burial Acts, provided under, **3,** 445—505
burial board, provided by, **3,** 460—466
Burial Ground Act, 1816, effect of, **3,** 436, 445
bye-laws as to management of, **3,** 508, 509, 530, 536
cemetery. *See* CEMETERY.
chapel for burial service, erection of, **3,** 468, 509, 516, 518, 539
several areas, common to, **3,** 440
vaults of, in, **3,** 512, 519
charitable
corporation, grant of land by, for, **3,** 438, 443
maintenance etc. of, **3,** 432, 433; **4,** 114
Trusts Act, exemption from, **4,** 246
church as, **3,** 415, 416, 528
Church Building Acts, acquisition of land under, **3,** 436—440
chapel, provision of, under, **3,** 440
charitable corporations, grants by, **3,** 438
consecration, **3,** 438
conveyance under, form of, **3,** 438
Crown lands, **3,** 437
Ecclesiastical Commissioners, powers of, **3,** 437
fees under, **3,** 431
general scope of Acts, **3,** 436, 437
outside area, or for several areas, **3,** 440
stamp duty, exemption from, **3,** 438
vesting of land, **3,** 439, 440
churchyard. *See* CHURCHYARD.
closed or disused, **3,** 525—536
building on, **3,** 196, 532, 533; **20,** 397
bye-laws regulating, **3,** 530, 536
church, site of demolished, not a, **3,** 533
compulsory purchase affecting, **6,** 116, 117, 119
conveniences on, in metropolis, **20,** 397
fences of, maintenance of, **3,** 530
games or sports in, **3,** 535
lease of, where unconsecrated, **3,** 530, 531
local authority, acquisition by, **3,** 534, 535
London County Council and, **20,** 397
maintenance of, **3,** 529, 530
metropolis, in, **3,** 527, 530; **20,** 397
open space, as, **3,** 424, 465 n., 533—536
property in, **3,** 529
repair of, **3,** 526, 530, 534, 535

BURIAL GROUND—*continued.*
closed or disused—*continued.*
reversion of land in case of, **3,** 424
rights of persons in possession of, **6,** 116, 117, 119
sale of, when unconsecrated, **3,** 530, 531
tombstones in, removal of, **3,** 535, 536
transfer of trustees for parish of, **3,** 531, 532
urban authority's powers as to, **3,** 530
vestry purchase of, **3,** 531
way over, **3,** 423, 424
common inclosure, allotted on, **4,** 595 n., 596, 597
for, **4,** 511, 549
compulsory purchase of land for use as, **3,** 436, 437, 497, 515; **6,** 158
closed, in case of, **6,** 116, 117, 119
compensation on, **3,** 515, 516
consecrated, burial in, **3,** 521
sale and disposal of, **3,** 462, 508, 515
tombstones in, removal of, **3,** 535, 536
consecrated, monuments in, bishop's control over, **3,** 511; **11,** 541 n.
tombstone or monument in, faculty for removal of, **3,** 535, 536
consecration of, **3,** 412, 413, 438, 466, 467, 509, 539, 543, 544; **11,** 731
addition to, of, **3,** 438, 528; **11,** 540
alienation of, after, **3,** 462, 508, 515
boundary, maintenance of, after, **3,** 467
burial board, application of, for, **3,** 466
by, **3,** 462
Cemeteries Clauses Act, under, **3,** 517
Churchyard Acts, alienation of land under, for, **3,** 441, 442
faculty for secular use after, **3,** 423, 424, 535; **11,** 540 n., 731; **20,** 397
guardians, of land of, **3,** 543, 544
private, **3,** 512
refusal by bishop, **3,** 467
Secretary of State, inquiry by, as to, **3,** 539
secular buildings erected on after, under faculty, **11,** 540 n.
secular uses, appropriation to, after, by Act of Parliament, **3,** 462, 508; **11,** 540 n., 731
use previous to, **3,** 467
control of, **3,** 465; **11,** 541, 730
copyhold, acquisition of, as, **3,** 443
fines payable in respect of, **3,** 444
Cornwall, Duchy of, in, **3,** 437; **7,** 245
corporation, grant of land by, for, **3,** 435, 436, 438, 443
Crown lands etc. adapted as, **3,** 435, 437
damage to, **3,** 466, 523
discontinuance of burials in, Order in Council for, **3,** 526—528
reversion of land on, **3,** 424
disturbance in, **3,** 422, 426, 427, 523; **9,** 479; **11,** 369, 664, 817
disused. *See* closed, *supra.*
dwelling-house, near a, **3,** 464, 507, 512 n., 515
Ecclesiastical Commissioners, powers of, as to, **3,** 412, 437, 444; **11,** 725
corporation, sale by, of land for, **3,** 436; **11,** 725
embellishment by burial board of, **3,** 464
enlargement of, burial board, by, **3,** 463
conveyance by limited owner for, **11,** 724, 725
gift for, **15,** 407
grant for, charitable corporation etc., by, **3,** 438
exclusive right of burial in. *See* BURIAL.
fees, as to, **3,** 473, 474
fences etc., duty as to, **3,** 467, 530

BURIAL GROUND—*continued.*
gift for, **3,** 434, 435; **4,** 114
charitable purpose, as, **3,** 432; **4,** 114
enlargement of, **15,** 407
Government supervision of, **3,** 537—539
grant for purposes of, **3,** 433, 442, 443; **4,** 114; **11,** 723—725
restrictions on, **3,** 433
health, precautions as to public, in case of, **3,** 537—539
Home Secretary, inquiry by, **3,** 539
improvement of, charitable purpose, as, **3,** 432
infant's lands, acquisition of, for, **17,** 83
injunction against interference with, **3,** 409, 410
injury to, **3,** 466, 512, 523
inspection of, **3,** 537—539
joint
arrangement as to service in case of, **3,** 472
board established by Local Government Board, sanction in case of, **3,** 452, 453
Lancaster, Duchy of, in, **3,** 435, 437
land for, acquisition of, **3,** 432—445, 460. *See* Church Building Acts; compulsory purchase; grant, *supra*; parish council, *infra.*
alienation of, **3,** 432—445, 461, 497; **4,** 139
Burial Ground Act, 1816, under, **3,** 436
grant by limited owner etc. of, **11,** 723, 725
laying out of, by burial board, **3,** 464
lease of
land acquired for, **3,** 462
unconsecrated, **3,** 530, 531
Local Government Board, closing of, and, **3,** 527
inspection by, of, **3,** 537
regulations of, **3,** 537
sanction of, to new, **3,** 525, 526
lunatic asylum, provision for, **3,** 545; **19,** 482
manorial waste lands granted for, **3,** 435
metropolis, in, prohibition of new, **3,** 525, 526
secular uses, appropriation to, of, **20,** 397
monument in, cemetery, in case of, erection of, **3,** 521, 522
injury to, **3,** 523
local authority's rights over, **3,** 511
right of removal, **3,** 522
fee on erection of, **3,** 430, 480, 481
gift for maintenance of, not charitable, **3,** 433; **4,** 118
inscription on, control over, **3,** 465, 511, 520
removal of, **3,** 535, 536
reservation of right to erect, **11,** 724
Mortmain Acts, and alienation of land for, **3,** 433
new, Local Government Board sanction to, **3,** 525—527
New Parishes Act, alienation of land under, for, **3,** 441
nuisance in, **3,** 422, 423
open space, as, **3,** 424, 530, 533—536
bye-laws regulating, **3,** 530, 536
compensation on conversion into, **3,** 536
Order in Council as to, **3,** 526—529, 537, 538, 539
parish council, acquisition of land by, for, **3,** 497
alienation by, of, **3,** 497
land conveyed as, **3,** 443, 462
meeting summoned to consider acquisition of, **3,** 453, 454
provision in other areas than, **3,** 446
perpetuity, alienation of land in, for, **3,** 433
Places of Worship Sites Acts, alienation of land under, for, **3,** 442—444
private, **3,** 404, 512
closing of, **3,** 527, 528
BURIAL GROUND—*continued.*
property in, **3,** 439, 440, 445
protection of, **3,** 466, 523
public health, provisions safeguarding, **3,** 537—539
Public Health Acts, position under, **3,** 465
power to make bye-laws under, **3,** 530
rates, expenses payable out of, **3,** 475
liability for, of, **3,** 465, 466, 509, 513; **11,** 741; **24,** 22; 23, 43, 44
repair out of, in case of closed, **3,** 530
registration of burial in, **3,** 559, 560
reservation of rights in, **11,** 724; **15,** 407
sale of land acquired by burial board, **3,** 461, 462
sanitary regulation of, **3,** 537—539
Secretary of State, powers of, **3,** 48, 539, 553, 555, 569, 570; **11,** 777
secular purposes, used for, **3,** 423, 424, 535; **11,** 540 n., 731; **20,** 397
service at burial in, **3,** 469, 470 n., 472
stamp duty, conveyances when exempt from, **3,** 438, 441
stopping up gate leading into, **16,** 81
supervision of, **3,** 537—539
tombstones, removal of, from closed, **3,** 535, 536
trespass in, **3,** 409, 410
trustees for, appointment of, **3,** 444; **4,** 262
vesting of land in case of, **3,** 444, 445
unconsecrated portion of, allotment of, **3,** 467
sale of, where closed, **3,** 530, 531
vault in, **3,** 415, 419, 430, 473, 537, 538
vestry, alienation, consent to, of, **3,** 461, 462
expenditure on laying out ground controlled by, **3,** 474, 475
purchase of cemetery adjoining, consent to, of, **3,** 463
resolution of, to provide, **3,** 446
vestry meeting to provide, **3,** 453
waste manor lands, grant of, for, **3,** 435; **4,** 511
way over, faculty for, **3,** 423, 424

BURIAL PLACE. *See* BURIAL GROUND; CEMETERY; CHURCHYARD; GRAVE; TOMB; VAULT.

BURMA,
chief court of, **10,** 607
government of, **10,** 597, 602
India, included in, **10,** 585
local code of, **10,** 601 n.
personal law of, **10,** 619

BURMAH OIL,
petroleum, within the definition of, **23,** 570

BURNING. *See also* ARSON.
arson, offence of, **9,** 770—773
bill of exchange, conversion by, **27,** 892 n.
crops, of, **1,** 283; **9,** 774
His Majesty's
arsenals etc., offence of, **6,** 357; **9,** 773; **25,** 15
venue in case of, **9,** 277
ships, of, **9,** 773
venue in case of, **9,** 277
maliciously, causing bodily harm by, **9,** 604
ship, arson, as, **9,** 768 n., 772
capture, to avoid, loss by fire, as, **17,** 442
general average loss, as, **17,** 508
murder, with intent to, **9,** 594
threat of, felony, **9,** 791

BURSARY,
elementary education, in aid of, **12,** 18

BURY ST. EDMUNDS,
local court of, **9,** 149

BUS. *See* OMNIBUS.

BUSH,
allotment, tenant's right to remove, **1,** 357
commoner's right with regard to, **4,** 516
lease, exception from, **18,** 431
nuisance from, when over highway, **16,** 153

BUSHEL,
weight or measure, as a, **28,** 469

BUSINESS,
defined, **5,** 45; **24,** 551, 575; **27,** 511, 571 n.
company, in case of, **2,** 173 n.; **5,** 45
income tax, for purposes of, **16,** 649, 676
Limited Partnership Act, 1907, in, **22,** 108
partnership purposes, for, **22,** 4
Workmen's Compensation Act, for purposes of, **20,** 155
administration order, carried on under, **14,** 296
administrator, carried on by, **14,** 293—296; **18,** 49, 50
employment of assets in his own business by, **14,** 323
banking, **1,** 568, 583—647
meaning of, in connection with industrial etc. society, **17,** 4
savings bank does not necessarily carry on, **5,** 613 n.
Bankruptcy Acts, in relation to, **2,** 173; **27,** 509 n.
bequest of a, effect of, **28,** 699, 700
books of. *See* BOOKS.
carrying on a, *defined,* **2,** 173, 252; **27,** 512 n., 576—580
advance by manager for purposes of, **24,** 431
bankrupt, in case of, **2,** 122, 173
representative of deceased, by, **2,** 98
company, in case of, **5,** 45, 380
liquidation, in, **5,** 506, 507, 577
manager, by, **5,** 380
deceased person's, **14,** 293—295; **23,** 17; **28,** 864
director of company is, **27,** 576
excise licence for, when required, **24,** 648—683
franchise qualification from, **12,** 157
infant, by, **17,** 49, 73
jurisdiction, for the purpose of giving, **8,** 449, **20,** 287 n.
lease, covenant in, as to, **18,** 516, 517
lunatic, in case of, **19,** 445, 446
married woman by, of separate, **2,** 910; **16,** 353
receiver's liability in respect of, **24,** 400
restrictive covenant as to, **27,** 548 *et seq.* *See* RESTRAINT OF TRADE.
trustee's indemnity in respect of, **28,** 157, 158
will, according to directions of, **14,** 295
commencement of, company, by, conditions precedent to, **5,** 69, 262, 263
contracts entered into before, liability for, **5,** 298
private company, in case of, **5,** 74
requirements, preliminary to, **5,** 69
winding up for want of. **5,** 395, 396
competing, *defined,* **27,** 576
former servant, set up by, **20,** 126, 127
contentious. *See* CONTENTIOUS BUSINESS.

BUSINESS—*continued.*
continuance of, implied covenant as to, **10,** 479; **20,** 86—88
course of, goods delivered in, reputed ownership clause, within, **2,** 173—175
ordinary. *See* ordinary course, *infra.*
dangerous and noxious, metropolis, in, **20,** 494
unhealthy, statutory provisions, **14,** 476—483
day, *defined,* **2,** 527
bill payable on
preceding, when, **2,** 477, 478 n.
succeeding, when, **2,** 477, 478 n.
notice of dishonour, in relation to, **2,** 546
presentment on, acceptance, for, **2,** 527
payment, for, **2,** 532
protest of bill on succeeding, where received after business hours, **2,** 538
deceased person, of, carrying on of, **14,** 293—295; **23,** 17; **28,** 864
defamation, in regard to, **18,** 607, 612, 627, 630—632; **27,** 675
injunction to restrain, **17,** 260; **18,** 632 n., 733 n.
loss as special damage in case of, **18,** 732, 733; **27,** 677
different, what constitutes, **18,** 573; **27,** 563 n., 564
distress upon goods on premises for, **11,** 145
easement in respect of view of premises for, **11,** 298
excise licence to carry on, in certain cases, **24,** 648—683
executor carrying on, **14,** 293—295
licensed premises, on, **18,** 49, 50
family, agreement to provide for son's debts on relinquishment of interest in, **14,** 541
farming is a, Companies Act, 1862, under, **12,** 157 n.
goodwill of, **22,** 104—107; **27,** 590—597. *See* GOODWILL.
hazardous, settlement safeguarding grantor entering upon, **15,** 85
hours, invitation to shops or offices after, effect of, **21,** 387
presentment of bill, for, **2,** 532 n.
protest of bill during, **2,** 538
House of Commons, in, interruption of, time for, **21,** 673, 674
precedence of, **21,** 674, 675
private, when taken, **21,** 674, 675
procedure and conduct of, **21,** 663—672, 677
public, in, **21,** 677, 678
House of Lords, of, conduct and procedure, **21,** 628—634
division of, **21,** 632
order of, **21,** 635
precedence of, **21,** 632
husband's, wife's position as to, **27,** 577
income tax on, abroad, carried on, **16,** 643, 645, 646
loss in, adjustment in case of, **16,** 650
new, commenced within three years, **16,** 648
succession to, what constitutes, **16,** 649, 650
United Kingdom, carried on in, **16,** 643—656
meaning of, **16,** 646, 647
libellous statement affecting, injunction to restrain, **17,** 260; **18,** 632 n., 733 n. *See* defamation, *supra.*
loss of, carrier's delay, through, **4,** 60
compulsory purchase, on, **6,** 36

BUSINESS—*continued.*
manager, court, appointed by. *See* MANAGER UNDER THE COURT; RECEIVER AND MANAGER, **24,** 424
restrictive covenant, liability under, **27,** 576, 577 n.
mortgagee's powers and liability where security includes a, **21,** 197
name of, restraining covenant as to, **27,** 563
non-commencement of, winding up of company, for, **5,** 395, 396
non-contentious, probate, **14,** 153, 154
solicitor's authority in case of, **26,** 744—746
ordinary course of, acts in, presumption as to, **13,** 441
communication in, defamatory, when privileged, **18,** 691
facts noted in, judicial notice of, **13,** 494
partner's authority limited to acts in, **22,** 25—29, 30, 31, 34, 35: **26,** 758, 759
payment in, banker, by, **1,** 609, 610
post office, of, judicial notice of, **13,** 495
receipt of payment in, agent, by, **1,** 165
banker, by, **1,** 593 *et seq.*
solicitor bound by partner's act in, **26,** 758, 759
tort by partner in, **22,** 30, 31, 34, 35
transfer of goods in, not bill of sale, **3,** 6, 18
partnership, essential to, **22,** 4
management of, **22,** 49, 50
nature of, changing by consent, **22,** 25, 26, 49
pawnbroker's, offences in connection with, **22,** 255
payment not necessary to constitute a, for purposes of covenant against, **17,** 239 n.; **18,** 517
personal character, depending on, sale of, **27,** 565
personal representation. *See* executor, *supra.*
place of, absence from, as act of bankruptcy, **2,** 20, 22
notice of dishonour sent to, **2,** 543 n.
presentment at, acceptance, for, **2,** 527
payment, for, **2,** 533
principal, of company, **5,** 15
trade name as a, **27,** 755
premises, position of receiver or manager with regard to, **24,** 429
profit not essential to, **27,** 511
receiver of, appointment of, **5,** 380; **24,** 424, 425
expenses of carrying on, **24,** 406
relation, when it rebuts presumption of gift, **15,** 416
relinquishment of, representation as to, **20,** 661 n.
restrictive covenant in respect of. *See* RESTRAINT OF TRADE.
lease, in a, **18,** 515—518
sale of, goodwill included in, **27,** 593
implied covenant for continuance, **10,** 479
power to postpone in case of trust, **28,** 128 n.
restraint on, validity of, **27,** 557, 582, 583
servant competing with master in, right of, **20,** 88—90, 127
settled, how loss made good, **25,** 623; **28,** 34 n.
slander in way of, **18,** 607. *See* defamation, *supra.*
stock in trade of, bequest of, **28,** 528
conveyance of interest in, **15,** 408
succession to, income tax assessment in case of, **16,** 649, 650
trade distinguished from, **27,** 511

BUSINESS—*continued.*
trustee
carrying on, indemnity, right to, **28,** 157, 158
power to postpone conversion authorises, **28,** 128 n.
employing trust funds in, **28,** 192, 193
wholesale or retail, distinguished, **27,** 578
wife's, husband's position as to, **27,** 577

BUSTARD,
close season for, **15,** 210
game, as, **15,** 208, 209, 242 n., 258

BUTCHER,
butcher's meat, slaughtering for, slaughter-house provisions not applicable to, **1,** 413; **23,** 553, 558, 561
diseased meat, possession of, by, penalty for, **15,** 39 n.
metropolis, in, cutting up or exposing meat, bye-laws as to, **20,** 286
premises liable to inspection, **15,** 42
Public Health Act, 1875, liability in respect of meat under, **15,** 37 n.
restrictive covenant affecting, **27,** 561 n., 577 n., 584
Sunday, may not kill or sell meat on, **27,** 445
yard of, as a place under Public Health Acts, **15,** 36 n.

BUTE DOCKS,
navigation rules affecting, **26,** 481

BUTTER,
defined, **15,** 53, 61 n.
adulteration of, **15,** 22, 60
importation after, **15,** 25 n.
analysis of, **15,** 14 n., 54
evidence of, **15,** 56
analyst's certificate as to, **15,** 11
dealer in butter, **15,** 55, 58—63
factory, *defined,* **15,** 53
adulterants found at, presumption from, **15,** 60
inspection of, **15,** 60
registration of, **15,** 58, 60
regulations as to, **15,** 59, 60
restrictions on, **15,** 59
unregistered, powers of Board of Agriculture and Fisheries as to, **15,** 60
fat in margarine, **15,** 55
importation of, regulations as to, **15,** 55, 56, 61
invoice of, when a warranty, **15,** 25
lard sold as, **15,** 19
margarine sold as, **15,** 25, 55
marking of, on importation, **15,** 55, 61
milk-blended, *defined,* **15,** 54
analysis of, **15,** 56, 58, 60
certificate as to, **15,** 56
consignment of, **15,** 58
factory for, regulations affecting, **15,** 58—60
importation of, provisions of Board of Agriculture and Fisheries as to, **15,** 55
marking of packages containing, **15,** 61
penalties with reference to, **15,** 61—63
preservatives, use of, for, **15,** 60, 61
regulations as to, **15,** 22, 54, 55
sale of, **15,** 22, 25 n., 61, 62
milk mixed with, **15,** 22 n.
preservatives, use of, **15,** 60, 61
provisions as to, **15,** 53—63

BUTTER—*continued.*
standard of quality or purity for, **15,** 21, 22, 54, 55
warranty, purchase with, as vendor's defence, **15,** 25, 55 n.
water in, regulations as to, **15,** 54, 55

BUTTONS,
marking of, regulations as to, **27,** 725

BUYER OF GOODS.
The entries hereunder relate to buyer of goods, as to buyer of land, etc., see PURCHASER.
defined, Sale of Goods Act, 1893, **25,** 118, 258. *See* SALE OF GOODS.
acceptance by. *See* ACCEPTANCE, goods, on sale of.
action for damages against, non-acceptance, for, **25,** 267, 268
non-delivery of bill or note, for, **25,** 236
actual receipt of goods by, when it takes place, **25,** 132
bailee, from, can sue, **27,** 906
trover, liable in, though *bonâ fide,* **27,** 906
liability as, **25,** 191
option of, to become, **25,** 179, 180
taking delivery from, terminates transit, **25,** 248
bill of exchange, not given as agreed, liability where, **25,** 236
transmission of, to, effect of, **25,** 184
bill of lading, delivery of, to, **25,** 225—228. *See* BILL OF LADING.
bonâ fide. See also BONÂ FIDE.
apparent owner, from, protection of, **27,** 914
lost or stolen goods, of, protection of, **27,** 915
mortgagor in possession, from, liable for conversion, **27,** 906
protection of, voidable title, in case of, **27,** 891, 901
bread, of, weighing in presence of, **15,** 49, 50
c.i.f. contract, under, freight and insurance charges, not liable for, **25,** 211
payment, duty as to, **25,** 227 n.
capacity to contract of, **25,** 124
cargo, of, insurable interest of, **17,** 371
wrongful sale by master, position of, **26,** 247, 248; **27,** 912
carrier, attornment by, to, ends transit, **4,** 97; **25,** 251
delivery to, effect as regards, **4,** 95; **25,** 222
concealed property in chattel purchased, not entitled to, **1,** 529
consumption of part of mixed goods, liability on, **25,** 213 n.
conversion, liable for, on purchase of hired chattel, **1,** 556
rights as between seller and, in case of, **25,** 123, 257; **27,** 898, 900, 908
counterfeit gold or silver coins, of, **9,** 515
delivery. *See also* DELIVERY, sale of goods.
agent, to, **25,** 251, 252
carrier, to, effect of, **4,** 95; **25,** 222
impossible, duty where, **25,** 271
mistake, by, to, **25,** 257; **27,** 908
option, at, of, **25,** 209
deposit by, **25,** 237
detinue or trover by, action of, **10,** 344, 345; **25,** 273; **27,** 908, 910
disposition of goods by, effect of, **25,** 200, 258, 259, 261
duty of, **25,** 203, 204, 231

BUYER OF GOODS—*continued.*
election as to conditions on seller by, **25,** 150
examination of goods by, effect of, **25,** 158 n., 159, 160, 164
warranty as affecting, **25,** 164, 165
factor, from, **1,** 225; **25,** 192, 193, 199; **27,** 891
fraudulent taking of goods from seller's premises by, **25,** 205 n.
insolvent, *defined,* **25,** 120
credit excluded in case of, **25,** 205
delivery, when entitled to, **25,** 242 n.
instalment deliveries, effect on right to, **25,** 219
lien of seller on goods sold to, **25,** 242
rescission of contract by, **25,** 232, 233
stoppage *in transitu* by seller, **17,** 371; **25,** 247, 248
trover, cannot maintain, **27,** 907, 908
unpaid seller, rights of, **17,** 371; **25,** 240, 242
instalments, agreement to accept delivery by, **25,** 215
payment by, default in, proviso as to, **25,** 237
trover, cannot maintain, in case of, **27,** 908
property in goods, as affecting, **25,** 172
right to anticipate, **25,** 177
rights and duties of buyer in case of sale by, **25,** 216—219
instructions of, as to delivery, **25,** 222
insurance, rights as to seller's, **25,** 224, 225
interpleader in case of claim by, **17,** 587
land, rights in case of thing attached to, **1,** 293; **25,** 177, 207
lien of seller. *See* SELLER OF GOODS.
limitation by agreement of rights and liabilities of, **25,** 187
limitation of actions, running of time in case of credit sale, **19,** 48
market overt, in, estoppel in favour of, **13,** 398. *See also* MARKET OVERT.
fieri facias does not bind goods against, **14,** 42, 43
horse, of, formalities to be observed by, **20,** 31, 32, 54
proof, *onus* of, on, **25,** 195 n.
lunatic, contract binding on, **19,** 398
title of, **20,** 55; **25,** 195, 196
trover, whether liable in, **20,** 55; **27,** 890 n., 903
mercantile agent, from, protection of, **1,** 225 n.; **25,** 192, 193, 199; **27,** 891
misrepresentation by, **20,** 673, 746
mistake, existence of thing bought, as to, **21,** 8
nature of thing bought, as to, **21,** 9, 10
goods delivered by, no right to retain, **27,** 908
mixed goods not all in accordance with contract, rights in case of, **25,** 213
option, credit, as to period of, **25,** 235, 236
delivery, as to, **25,** 209
passing off goods to, **27,** 766. *See* PASSING OFF.
payment by, duty as to, **25,** 233, 234; **27,** 907
pledge for antecedent debt by, effect of, **25,** 202
possession, in, bailee of seller, as, **25,** 132, 133
with consent of seller, sale by, **13,** 392; **25,** 200
possession, resumption of, seller, by, misrepresentation, in case of, **20,** 746
licence to seize, under, effect of, **25,** 119 n.
lien of seller, how affected by, **25,** 245
right to, **25,** 203; **27,** 907
transit, during, effect of, **25,** 251

BUYER OF GOODS—*continued.*
price, not apportioned to instalments, effect of rejection, **25,** 216
recovery of, by, **25,** 278 ; **27,** 907
property in goods, when vesting in, **25,** 166—191 ; **27,** 907
unfinished goods, in case of, **25,** 172, 173
quantity deliverable to, rules as to, **25,** 212—215
more or less than contracted for, rights on delivery of, **25,** 212
refusal of delivery to, pending payment of freight, **26,** 309
wrongful, ends transit, **25,** 252
refusal to take delivery by, effect, **25,** 232
rejection by, **25,** 231. *See* SALE OF GOODS.
fraudulent preference is not a, **25,** 233, 252
transit continues, **25,** 252
remedies against seller of, **25,** 268—279. *See* BREACH OF CONTRACT.
repudiating contract, seller on credit's election in case of, **25,** 237
resale, reservation of right of, against, **25,** 265
rescission, insolvent, by, **25,** 232, 233
instalments, where contract for delivery by, **25,** 217, 221
misrepresentation or fraud, in case of, **20,** 743 n., 745, 746
recovery of price on, by, **25,** 279 n.
seller's right of, against, **25,** 263, 265
stoppage *in transitu* does not effect, **25,** 262
return of goods by, **25,** 231, 277
rights of, failure to deliver, in case of, **25,** 265
fresh purchase, where making, **25,** 265
mixed goods, in case of delivery of, **25,** 213
seller and, as between, **27,** 907, 908
risk, rules as to incidence of, **25,** 146, 188—191. *See* RISK.
sale by, as affecting seller's lien, **25,** 245
sale by description, position in case of, **25,** 156, 159
sample, acceptance of, by, when acceptance of goods, **25,** 129
right to compare with bulk, **25,** 161
taking a, as act of acceptance, **25,** 130, 131
seller, agent of, as, **27,** 908
not for acceptance of goods, **25,** 131
right of resale of, on repudiation of contract by, **25,** 263
seller's skill, relying on, **25,** 157
stolen goods, of, **9,** 686 ; **20,** 55 ; **25,** 195 n., 198, 199 ; **27,** 890 n.
stoppage *in transitu*, on insolvency of, **25,** 219, 247. *See* STOPPAGE IN TRANSITU.
title of, **25,** 191, 192, 203 ; **27,** 891
trover, liability in, of, **27,** 901, 908
maintainable by, when, **27,** 900 n., 907, 908
measure of damages, price not paid, where, **27,** 910
variation by agreement of rights of, **25,** 279
warranty, anchor or chain cable, in case of, **25,** 162
animals, in case of, **1,** 388—394
breach of, remedies for. *See* BREACH OF WARRANTY.
breach of condition, may treat as breach of, **25,** 150
when compelled to treat as breach of, **25,** 151
express, how far protected by, **25,** 164, 165
goods free from charge, implied in favour of, **25,** 154

BUYER OF GOODS—*continued.*
warranty—*continued.*
quality, of, not entitled to, **25,** 157
quiet possession, of, implied in favour of, **25,** 154
statutory, in favour of, **25,** 162
trade mark on article, in case of, **25,** 162
wrongful sale, liability in case of, **27,** 890

BUYING IN,
auction at, **1,** 508 ; **25,** 280, 281
stockbroker, by, effect of unauthorised, **27,** 224 n.

BUYING OUT,
trade rival, of, by agreement, **27,** 529 n.

BYE-ELECTION,
board of guardians, for, **12,** 390
borough council, for, **19,** 299
county councillor, for, **12,** 357
parliamentary, **7,** 40 ; **12,** 257 ; **21,** 691
writ under Great Seal for, **7,** 16
urban district councillor, for, **12,** 362, 374

BYE-LAW,
defined, **8,** 334 ; **23,** 388
Admiralty, power of, to make, **25,** 100
advertisements, for regulation of, **20,** 406, 460; **23,** 398—400
alteration of, **8,** 336 ; **23,** 389 n., 390 n.
ambiguity in, **8,** 338
animals, noisy, as to, metropolis, in, **20,** 460
premises, on, as to, **20,** 462 ; **21,** 514
slaughter of, as to, **1,** 412 ; **23,** 553, 554, 556, 557
architect, compliance of, with, **3,** 295, 296
artillery and rifle ranges over sea or shore, as to, **6,** 160 ; **28,** 374, 375
ashpit, as to, **23,** 420 n.
bathing places, as to, **23,** 500, 501 ; **28,** 376
baths and washhouses, regulating, **23,** 393 n., 498, 499 n., 500
betting, public places, in, as to, **15,** 292 n., 293 ; **23,** 394 n. ; **27,** 280
railway carriage, in, as to, **4,** 64 n.
betting news, as to, **23,** 390 n. ; **27,** 280
bicycles, as to use of, **23,** 390 n., **27,** 335
Board of Agriculture and Fisheries, approval by, **14,** 597, 621, 622 ; **20,** 24
Board of Trade, approval by, **4,** 62 ; **16,** 260 ; **20,** 144 ; **23,** 728, 730, 787 ; **26,** 600 ; **28,** 375, 483
of, **14,** 385 ; **23,** 788
borough council, of, **16,** 117, 118 ; **20,** 460 ; **21,** 514, 540 ; **23,** 390 ; **27,** 279
breach of, penalties in case of, **8,** 339, 340 ; **23,** 390, 398, 730
servant, by, **9,** 235 ; **20,** 257 ; **23,** 398 n.
British Museum, relating to, **19,** 211, 212
building, as to, architect's duty to know, **3,** 295, 296
disregard of, as avoiding contract, **3,** 195
demolition in case of, **3,** 296 ; **23,** 425
fine for, **3,** 256
local authorities' powers to make, **23,** 415, 417—421
local authority cannot waive, **23,** 397 n.
Local Government Board's powers to enact and revoke, **23,** 426
metropolis, in, **20,** 461, 480
notices and plans deposited pursuant to, **23,** 421, 422, 424, 425

BYE-LAW—*continued.*
building—*continued.*
observance of, how enforced, by local authorities, **23,** 421, 422
prevention of alteration, as to, **23,** 415
removal of, for infringing, expenses of, **23,** 424
ultra vires, Public Health Act, under, **23,** 393 n.
burial ground, for management of converted, **3,** 530, 536
burial without service, for purposes of, **3,** 425
cabmen's shelters, as to, **16,** 259
canal company, of, **14,** 385—387; **23,** 787, 788
carts, as to construction and use of, **27,** 272
cemetery, relating to, **3,** 425, 508, 509
certainty in, **8,** 338; **23,** 394
cesspools, as to, **23,** 420, 601, 602, 603
charter cannot be explained or augmented by, **8,** 336
children, as to education of, **12,** 13, 55, 58—62
employment of, as to, **17,** 150 n.
chimney shafts, as to, **14,** 476; **23,** 421
chimneys, as to, **14,** 476; **23,** 418, 421
club, of, **4,** 408 413
coal, as to sale of, **28,** 483
common, regulating the use of, **4,** 513, 522, 570, 603, 608, 611, 612; **21,** 535
common lodging houses, as to, **23,** 511
Companies Clauses Acts, under, **5,** 717; **23,** 731
confirmation of, **8,** 336; **17,** 150 n.; **20,** 24, 406; **23,** 391, 392, 399, 400; **26,** 600, 646
conservators, of board of, **14,** 597, 604
construction of, **8,** 337, 338; **23,** 397, 398
copy of, evidence, as, **13,** 526 n.; **23,** 393, 400, 728
ratepayer, for, **23,** 392 n., 393
corporate office, restricting the qualification for, **8,** 327
corporation, of, *defined*, **8,** 334
alteration of, **8,** 336
ambiguity of, **8,** 338
breach of, enforcement of penalties for, **8,** 339, 340
certain, must be, **8,** 338
confirmation of, effect of, **8,** 336
consent to, presumption of, **8,** 336
inflicting imprisonment, invalidity of, **8,** 340
interpretation of, **8,** 337
power to make, **6,** 388; **8,** 334—336
proof of, by custom and usage, **8,** 340, 341
reasonableness, tests of, **8,** 337
repeal of, **8,** 336
repugnancy of, effect of, **8,** 338
time of making, **8,** 335, 336
trade, regulation of, for, **8,** 338
restraint of, **8,** 339
ultra vires, void if, **8,** 336
validity of, test of, **8,** 336
county council, of, for good government, **16,** 117, 118; **17,** 150 n.; **23,** 390, 392
proof of, **13,** 526 n.
Crown, grant of power to make, **6,** 388
how far bound by, **6,** 374 n., 409
custom in relation to, **8,** 335 n., 340, 341; **23,** 396 n.
dairies, as to, **1,** 434
metropolitan, **15,** 64 n.; **20,** 406, 461
dangerous goods, as to carriage of, **4,** 27; **14,** 385, 386; **23,** 730
discretionary powers not favoured in, **23,** 397 n.
Diseases of Animals Act, 1894, under, **20,** 13
drains and sewers, as to, **20,** 460; **23,** 419 n., 420 n. **25,** 736 n., 738 n., 750 n., 752 n., 756

BYE-LAW—*continued.*
dwelling-houses, unfit, as to, **25,** 752 n.
Electric Lighting Acts, under, **12,** 546, 641
employers' liability, relating to, **20,** 144
enforcement of, **8,** 339, 340; **16,** 239; **20,** 406; **21,** 592; **23,** 397, 398
esplanades or promenades, as to, **27,** 273
evidence of, **8,** 340, 341; **13,** 526; **23,** 393, 400, 728; **26,** 647; **27,** 202
explosives, as to, **4,** 27; **14,** 384—387; **23,** 730
factory chimneys etc., as to, **14,** 470, 475, 476
fire brigade, metropolitan, for regulation of, **20,** 417
escapes, as to provision of, **14,** 470
fires, for prevention of, **23,** 418, 419
fisheries, regulating, **14,** 597, 604—606, 621, 622; **23,** 393 n.
floors, as to construction of, **23,** 420
food, seizure of unwholesome, as to, **15,** 40; **23,** 391 n.
footpath, as to cleansing of, **16,** 256; **23,** 393 n.; **27,** 280
foreshore, affecting the, **27,** 273; **28,** 376
forgery, copy of, of, **23,** 393 n.
seal or signature affixed to, of, **9,** 740
function of, **27,** 124 n.
good government of local areas, for, **20,** 460; **23,** 388—398; **27,** 279, 280
gymnasium, public, regulating, **23,** 592
hackney carriages, as to, **27,** 298, 301
harbour authority, of, confirmation of, High Court judge, by, **26,** 646 n.
justices at quarter sessions, by, **26,** 646 n.
Secretary of State, by, **26,** 646
copies of, to be posted, **26,** 646
enforcement of, by fines, **26,** 647
explosives, as to, **14,** 384, 385
proof of, **26,** 647
hawkers, in respect of, **27,** 280
highway, as to traffic etc. on, **16,** 117, 118; **27,** 272, 313
hoardings etc., for regulation of, **20,** 406; **23,** 398—400
Home Secretary. *See* Secretary of State, *infra.*
hop-pickers' and fruit-pickers' lodgings, as to, **1,** 277; **23,** 516
horses, diseases of, as to, **20,** 461
housing of working classes, in respect of, **23,** 539, 548
imprisonment, inflicting, validity of, **8,** 340
incorporated enactments, under, **23,** 391 n.
injunction to restrain breach of, **14,** 239, 240
injury to board displaying, **23,** 392 n.
interpretation of, **8,** 337; **23,** 397, 398
invalid. *See* validity of, *infra.*
judicial control over, **26,** 646 n.; **27,** 124
lights on vehicles, relating to, **23,** 391 n., 395 n.; **27,** 279, 291
limitations and conditions of, **12,** 61; **23,** 390 n., 393—397
literary and scientific institution, of, **19,** 202
local authority, of, **12,** 546, 641; **14,** 470, 475, 476; **15,** 292 n., 293; **17,** 150 n.; **23,** 388—400, 415, 416—422
evidence, as, **23,** 393
expenses connected with enforcement of, recovery of, **23,** 424
seal required for, **23,** 389, 393 n.
local education authority, of, **12,** 13, 55, 59—61

BYE-LAW—*continued.*
Local Government Board, powers of, in regard to, **16,** 118 ; **23,** 391, 392 n., 395 n., 426, 548
local inquiry with reference to, **17,** 150 n.
locomotives on bridges, as to, **20,** 461 ; **27,** 328
highways, as to, **27,** 313
lodging-houses, regulating, **23,** 396 n., 507, 508, 511, 516, 539
London Building Acts, under, **20,** 480
County Council, of, **20,** 406, 453, 460—462, 467, 480 ; **21,** 599 ; **23,** 600, 601 ; **25,** 736 n., 738 n., 756
manor, of, **4,** 522
market, displaying of, **23,** 393 n.
regulating, **20,** 12, 13, 18, 19, 23—25, 42 ; **23,** 391 n., 393 n.
metropolis, relating to good government in, **16,** 208 ; **20,** 406, 460—462, 467, 469 ; **23,** 388 n., 601
metropolitan borough council, of, **20,** 406, 461, 462 ; **23,** 390 n.
military and naval
purposes, regulating use of land for, **4,** 513 ; **16,** 81 n. ; **25,** 100, 101
tramways, regulating, **27,** 817
milk supply in metropolis, as to, **15,** 64 n. ; **20,** 406
model clauses for, **20,** 23 n. ; **23,** 392 n.
mortuaries, for management of, **3,** 566
municipal corporation, of, **19,** 328
museums and gymnasia, as to, **23,** 592
National Trust Act, 1907, under, **21,** 596—598
naval and military purposes, as to land for, **4,** 513 ; **16,** 81 n. ; **25,** 100, 101
navigation, as to, explosives, of ship carrying, **14,** 384
Thames, on, **28,** 411
new buildings, as to, **23,** 390 n., 416—421, 425 n.
street, as to, **16,** 208, 237—239
newspapers, distribution of betting, prohibiting, invalid, **23,** 390 n. ; **27,** 280
nuisance, as to, animals, from, **21,** 514
common, on, **4,** 603, 608, 611, 612 ; **21,** 535
fair or market, in connection with, **20,** 23 n.
metropolis, in, **20,** 406, 460, 461, 462 ; **27,** 279
Municipal Corporations Act, under, **23,** 390 n.
offensive trade, from, **23,** 563
passenger, by, **4,** 63 ; **23,** 729
rubbish etc. in streets, from, **14,** 256 ; **20,** 461 ; **23,** 610 ; **27,** 280
summary penalty for breach of, **21,** 540
water supply, in connection with, **28,** 321
objection to, **17,** 150 n. ; **20,** 24, 25 ; **23,** 392 n. ; **26,** 600
offences under, **23,** 390, 394 n., 398, 425, 426
offensive
matter, carriage through streets, **23,** 609 ; **27,** 274
trades, as to, **20,** 406 ; **23,** 390 n., 394 n., 563, 609, 610 ; **27,** 274
open spaces, as to, **3,** 536 ; **21,** 535, 585, 588, 589, 592, 594, 597, 599
overseers, copy for, **23,** 393
parishioners, made by majority of, **8,** 335 n.
parks, metropolitan, as to, **21,** 599. *See also* open spaces, *supra*, pleasure grounds, *infra.*
partly void, partly good, **4,** 63 ; **8,** 338 ; **23,** 397
passengers on railway, as to, **4,** 61—63
pavements, as to clearing of, **16,** 256 ; **23,** 393 n.
penalties for breach of, **8,** 339, 340 ; **14,** 387 ; **23,** 389 n., 390, 398, 400 ; **27,** 797

BYE-LAW—*continued.*
penalties for breach of—*continued.*
continuous offence, in case of, **23,** 390, 425, 426
recovery of, **4,** 63 ; **19,** 202 ; **21,** 540 ; **23,** 367, 368, 389 n., 390 n.
petroleum, regulating the carriage of, **23,** 572
Pharmaceutical Society, of, **20,** 352
pigs, as to keeping, **21,** 514 n.
pilotage, compulsory, as to, **26,** 611
pilotage authority, of, Board of Trade, confirmed by, **26,** 600
for what purposes authorised, **26,** 599, 600, 603
objections to, **26,** 600
pleasure
boats, for licensing of, **23,** 393 n.
grounds etc., for regulation of, **21,** 587—589, 592, 597
porters, as to licensed, **27,** 273
posting of copy of, **23,** 392, 393 n. ; **26,** 647 n.
prescriptive right to make, **8,** 335 n.
proof of, **8,** 340, 341 ; **13,** 526 ; **23,** 393, 400, 728 ; **26,** 647 ; **27,** 202
public
behaviour, for regulation of, **27,** 279, 280
health, as to, generally, **23,** 388—398
metropolis, in, **20,** 406, 467, 469
Public Health (Interments) Acts, under, **3,** 508, 509
Public Libraries Acts, under, **23,** 591
publication of, **23,** 392
railway company, of, amalgamation, on, **23,** 710
Board of Trade, confirmed by, **23,** 728, 730
carriage of
explosives, as to, **4,** 27 ; **14,** 385—387 ; **23,** 730
passengers, as to, **4,** 61—63, 65
proof of, **23,** 728
sealing and publication of, **23,** 729
servants, regulating conduct of, **23,** 731
steamers, as to, **23,** 730
traffic, as to, **23,** 729
ratepayer's rights with respect to, **23,** 392, 393
reasonableness of, **8,** 337 ; **23,** 389, 394, 395—397, 426 ; **27,** 124
recreation grounds, for regulation of, **21,** 588, 589, 592, 597
refuse, as to removal of, **23,** 608
removal of work not executed in accordance with, **3,** 296 ; **16,** 242 ; **23,** 424, 425
repeal of, **8,** 336 ; **14,** 622 ; **23,** 389 n., 390 n., 426
repealed statute, under, **23,** 389 n., 391 n., 394 n.
repugnancy of, **8,** 338 ; **20,** 23 n. ; **23,** 394
requisites of. *See* validity of, *infra.*
reservation in discretionary power of, **23,** 397 n.
power to repeal, of, **8,** 336
restraint of trade, in, **8,** 339 ; **23,** 396, 397 ; **27,** 531
revocation of. *See* repeal of, *supra.*
rifle or artillery ranges, in respect of, **6,** 160 ; **28,** 374, 375
royal charter, made under, **8,** 335 n.
Royal College of
Physicians, of, **20,** 309, 336
Surgeons, of, **20,** 312 n., 313
Veterinary Surgeons, of, **20,** 372
Salmon Fishery Acts, 1861—1873, under, **14,** 604
sanitary matters, relating to, **23,** 388, 420, 600, 601, 603 ; **25,** 736 n., 738 n., 756 ; **28,** 249, 321
school attendance, as to, **12,** 13, 55, 58—62
sea fisheries committee, of, **14,** 623 ; **28,** 448
seamen's dwellings in London, as to, **23,** 515

BYE-LAW—*continued.*
Secretary of State, confirmation etc. by, **7,** 69; **17,** 150 n.; **20,** 144; **23,** 389 n., 391 n., 392, 399; **26,** 646
model clauses of, **23,** 392 n.
servant, breach by, of, **9,** 235; **20,** 257; **23,** 398 n.
servants' registries, as to, **28,** 880
sewers and drains, as to, **23,** 419 n., 420 n.; **25,** 736 n., 738 n., 750 n., 756
school buildings exempted in certain cases, **25,** 750 n.
slaughterhouses, regulating, **1,** 412; **20,** 24, 406; **23,** 391 n., 554, 556
snow, removal of, as to, **16,** 256; **20,** 461; **23,** 393 n., 610; **27,** 280
statute, contrary to, **23,** 394 n.
statutory, condition precedent to, **27,** 124
powers of local authorities as to, **23,** 388
steam vessels, regulating traffic on, **23,** 730
street
channels, as to, **23,** 395 n.
offences, relating to, **15,** 293; **17,** 150 n.; **23,** 390 n., 394 n., 395 n., 398 n.
traffic, relating to, **23,** 609, 610; **27,** 298
sum due under, recovery of, by summary proceedings, **4,** 163
Sunday navigation, as to, **23,** 393 n.
suspension of, under town planning scheme, **23,** 426
tents, sheds and vans, regulating use of, **23,** 516
Thames Conservators, of, **28,** 411, 412
tolls, market, as to, **20,** 42
Town Gardens Protection Act, 1863, under, **21,** 594
Town Improvement Clauses Act, 1847, under, **23,** 391 n.
Town Police Clauses Act, 1847, under, **23,** 391 n.
trade, for regulation of, **8,** 338; **17,** 150 n.; **23,** 396 n.
tramway company, of, **4,** 27, 62; **27,** 796, 797, 817
ticket incorporating, **4,** 63
ultra vires. See validity, *infra.*
constitution of corporation, inconsistent with, **8,** 336
county or borough council, of, street traffic, as to, **23,** 390 n.
illegal method of recovering penalty, prescribing, **8,** 340
imprisonment, inflicting, **8,** 340
penalty for non-fraudulent act, imposing, **4,** 62
urban district council, of, **21,** 514, 540
usage, in relation to, **8,** 335 n., 340, 341; **23,** 396 n.
validity of. *See ultra vires, supra.*
certainty, in respect of, **8,** 338; **23,** 394
confirmation essential to, **23,** 391, 730
construction favourable to, adopted, **8,** 338
intra vires, **23,** 393
jurisdiction of enacting corporation, limited to, **8,** 335 n.; **23,** 390 n.
not impeachable after confirmation, Employers' Liability Act, under, **20,** 144, 145
partial, **8,** 338; **23,** 397
prohibiting occupation of insanitary house, **25,** 752 n.
reasonableness in respect of, **8,** 337; **23,** 394
repugnancy to general law, in respect of, **8,** 338; **20,** 23 n.; **23,** 394
statutory, public at large, as regards, **8,** 335

BYE-LAW—*continued.*
vehicles on highways, as to, **16,** 117, 118; **23,** 395 n.; **27,** 272, 291, 298, 299, 313
standing places for, as to, **23,** 395 n.; **27,** 298
void in part and good in part, **4,** 63; **8,** 338; **23,** 397
waiver of, local authority, by, inoperative, **23,** 397
railway company, by, **4,** 63, 65
water
pollution, as to, **28,** 267, 299, 448
supply, as to, **28,** 267, 299, 321, 353
water-closets etc., as to, **23,** 600, 601, 603; **28,** 249, 321
weighing machines, as to, **20,** 24; **28,** 483
wires in streets, as to, **16,** 260
working class dwellings, as to, **23,** 539, 548

C.I.F. CONTRACT,
buyer's duty as to payment under, **25,** 227
nature of, **25,** 188 n.
obligation of seller under, **25,** 188
performance by seller, what is a good, **25,** 227
risk of buyer, goods at, from shipment, **25,** 188, 223 n.
seller pays freight and insurance under, **25,** 211

CA. SA. *See* CAPIAS AD SATISFACIENDUM.

CAB. *See* HACKNEY CARRIAGE.
defined, **27,** 303.
advertisement in, offence of, **27,** 289
bye-laws in regard to, **27,** 298, 299
distress upon, **11,** 139, 142, 143
driver of. *See* CABDRIVER.
fares for, **27,** 299, 300
metropolis, in, **27,** 304
recovery of, **27,** 300
special agreements, effect of, **27,** 299, 301
infected person, carrying of, **23,** 452
injury to, by person using, **27,** 303
inspection of, in metropolis, **22,** 471
licence for, **24,** 691, 692; **27,** 296, 297, 303 n.
duty payable for, **24,** 692
Metropolitan District, in, **22,** 471 n.; **27,** 303, 304
suspension of, **22,** 471 n.
when duty payable on spare cab, **27,** 295 n.
motor, driver of, licence of, **27,** 297. *See* MOTOR CAR.
owner, relation to, **20,** 67 n., 154 n.
Workmen's Compensation Act, not within, **20,** 154 n.
duty on, **24,** 692; **27,** 334
hackney carriage, is a, **27,** 695 n.
illumination of dial of, validity of bye-law as to, **27,** 298 n.
licence for, **24,** 691, 692; **27,** 296
registration of, **27,** 295 n., 316
spirit duty, how far exempt from, **24,** 598, 621
stands for, regulations as to, **27,** 305
offences in regard to, **27,** 300, 302
plying for hire, meaning of, **27,** 295 n., 298 n.
proprietor of, appointment as receiver, **24,** 365
legal relation with driver, **20,** 67 n.; **21,** 415 n. **27,** 302 n.
liability for acts of servant, **1,** 415; **4,** 5 n. **20,** 254 n.; **21,** 415 n.; **27,** 302
offences by, **27,** 300, 301
railway company may exclude from station, **4,** 79 **23,** 721
regulations as to, in metropolis, **27,** 293, 304, 305
stands, regulations as to, **27,** 298, 304

CAB—*continued.*
statutory provisions relating to, **27,** 292, 293
taxi. *See* motor, *supra, also* MOTOR CAR.
yard, workplace, when a, **14,** 445

CABDRIVER,
accounts, falsification by, **27,** 302 n.
bailee, as, **20,** 67 n. ; **21,** 415 n. ; **27,** 302 n.
common carrier, is not, **4,** 4
compensation to, dismissal of complaint, on, **27,** 302
damage caused by, compensation in case of, **27,** 302
infected person, carriage of, **23,** 452
larceny of takings by, **27,** 302 n.
licence for, **27,** 296, 297, 303, 304
forgery of, **9,** 760
indorsement of, **27,** 302
metropolis, in, **22,** 471 n. ; **27,** 303
suspension or indorsement of, **27,** 302
motor cab, of, regulations as to, **27,** 305
relation to owner, **20,** 67 n., 154 n.
Workmen's Compensation Act, not within, **20,** 154 n.
negligence of, **4,** 5 n. ; **21,** 415 n. ; **27,** 302
offences by, **27,** 300—302
compensation when charge dismissed, **27,** 302
indorsement of, on licence, **27,** 302
passengers, duty to carry, **23,** 452 ; **27,** 299, 301
proprietor and, relation between, **20,** 67 n. ; **21,** 415 n. ; **27,** 302 n.
railway station, right of entry to, **4,** 79 ; **23,** 721
torts of, proprietor's liability for, **20,** 254 n.
unsafe horse, proprietor's liability for, **27,** 302 n.
Workmen's Compensation Act, whether within, **20,** 154 n.

CABIN PASSENGER,
defined, **1,** 305 ; **26,** 332
emigrant ship, on, contract ticket in case of, **26,** 337
recovery of passage money by, **26,** 343
fare, half returned if disembarked sick from emigrant ship, **26,** 343

CABINET. *See also* MINISTRY.
defined, **7,** 41
adjournment of, during prorogation, **7,** 44
advice of, to Crown, to be unanimous, **7,** 46
archbishop as member of, **7,** 37 n.
choice of, depends upon Prime Minister, **7,** 42
colonies and dependencies, control of, **7,** 5
composition of, **7,** 5, 42, 43
conventional usages governing, **7,** 6
Crown, powers of, delegation to, **7,** 5
relationship of Cabinet to, **7,** 41
decisions of, communication to Crown of, **7,** 46
how arrived at, **7,** 45
how carried into effect, **7,** 44, 45
declaration of peace and war by, **7,** 5
despatch boxes, use of, **7,** 45
differences between individual Ministers settled by, **7,** 45
documents, circulation of, among members of, **7,** 45
printed for, **7,** 45
evolution of, present doctrines relating to, **7,** 7 n., 42 n.
functions of, **6,** 317, 386 ; **7,** 5, 44
House of Commons, effect of defeat in, **7,** 50
dependent upon, **7,** 50

CABINET—*continued.*
law, not recognised in, **7,** 41
law officers as members of, **7,** 75
legal memory, doctrines as to Cabinet influenced by, **7,** 42 n.
legislation in Commons initiated by, **7,** 41
Lord Chancellor member of, **7,** 37, 57, 58 ; **21,** 629
Lord Chief Justice as member of, **7,** 37 n.
majority of, Minister failing to support vital decision of, effect of, **7,** 49
meetings of, attendance at, **7,** 43, 46
minutes of, **7,** 44
no official record of, **7,** 44
outsiders summoned to, **7,** 43, 44
place of, **7,** 44
precedence of members at, **7,** 45
procedure at, **7,** 44, 45
Sovereign, presence of, at, **7,** 45
summons to, **7,** 44
when and where held, **7,** 44
members of, **7,** 37, 42
bound by Privy Councillor's oath, **7,** 43
Ministers who are not, **7,** 38
record of, **7,** 43
ministerial responsibility, **7,** 47, 48
Ministers, offices usually held by, **7,** 37
voting against Government by permission of the Cabinet, **7,** 49
minutes of, communicated to Sovereign, **7,** 44, 46
oath of secrecy taken by, **7,** 44
Orders in Council determined by, **7,** 8
origin of, **7,** 6 n., 41 n.
Parliament, are usually members of, **7,** 43
relationship of Cabinet to, **7,** 41
Prime Minister is medium of communication between Crown and, **7,** 46
Privy Council, is a committee of, **7,** 43 n., 54 n.
Privy Councillors, Ministers as, **7,** 36 n., 43
questions submitted to, **7,** 44
quorum not necessary, **7,** 44
relationship between Cabinet, Crown and Parliament, **7,** 41
resignation, adverse vote, on, **7,** 50
member, of, effect of, **7,** 43
responsibility of, for each Ministerial Act, **7,** 48
secrecy of meetings of, **7,** 44, 45
Secretary for Scotland as member of, **7,** 98
Sovereign, access to, **7,** 45—47
communication to, of decisions of, **7,** 44, 46
presence of, at meetings of, **7,** 45
refusing to accept advice of, effect of, **7,** 46
relations with, **7,** 45, 46
sole adviser of, as, **7,** 46
status of, **7,** 41
summoning of, mode of, **7,** 44
unanimity of, **7,** 46, 49

CABLE,
chain,. *See* CHAIN CABLES.
marine store dealer, cutting up or unlaying by, **27,** 544
submarine telegraph. *See* SUBMARINE CABLE.
traction, Board of Trade regulations, requirements of, **27,** 796 n.

CABLEGRAM,
code, in, meaning of, onus on the sender, **13,** 559

CACHET,
secretary of state, use by, **7,** 68

CÆTERORUM, GRANT OF,
defined, **14,** 170
limited grant to conduct Chancery proceedings, when supplemented by, **14,** 215

CAGE,
speed of, in coal mines, **20,** 618 n.

CAGED ANIMALS. *See* ANIMALS.

CAICOS ISLAND,
codes in, **10,** 541 n.
court of, **10,** 555

CALCULATED TO DECEIVE,
name of company, **5,** 85; **17,** 225; **27,** 754
trade name, use restrained, **17,** 225; **27,** 755

CALCUTTA,
bishopric of, **11,** 495

CALENDAR. *See* ALMANACK.
Church of England feasts in, **11,** 680
month, calculation of, **27,** 439
defined, **27,** 437
number of days when ending on the last day of February, **27,** 433
running from arbitrary date, how calculated, **27,** 439
origin of, **27,** 432 n., 433 n.
prisoners for trial, of, duty of governor as to, **23,** 243, 244; **25,** 806
statutory authority of, **27,** 432
year, length and divisions of, **27,** 432

CALICO,
lien of printers on, **19,** 8 n., 13
trade usages as to, **10,** 279

CALL TO THE BAR,
alien, of, **2,** 363 n.
date of, decides precedence, **2,** 388
declaration before, **2,** 365, 366
examination on, **2,** 363, 364, 365
fees payable on, **2,** 366
Irish barristers, of, duty payable, **2,** 366 n.
keeping of terms for, **2,** 364
origin of term, **2,** 360
proposal for, **2,** 366
requisites for, **2,** 364—366
Scottish advocates, of, exemption from stamp duty on, **2,** 366 n.
screening of names on, **2,** 365
stamp duty payable on, **2,** 366 n.; **24,** 725
time of, **2,** 365
undertaking on, **2,** 366

CALLING. *See* PROFESSION.
defamatory statement in regard to, **18,** 607, 627, 630, 631 n.
words actionable *per se*, in case of, **18,** 637 n.

CALLING OUT,
Army Reserve, provisions relating to, **21,** 699; **25,** 60
Special Reserve, provisions for, **25,** 62

CALLING THE JURY,
procedure as to, at a trial, **18,** 246

CALLS ON SHARES,
defined, **5,** 162
action for, **5,** 168
infant, in case of, **5,** 693, 694
interrogatories in case of, **11,** 99
misrepresentation as defence to, **5,** 127; **20,** 744 n.
register of shareholders as evidence, **5,** 694, 695
statement of claim in case of, **5,** 694
statute of limitations in regard to, **5,** 694
action for non-completion of contract for purchase of shares, no defence to, **27,** 253
alienation of shares after call as evidence of fraud, **15,** 81, 86
annual summary of company, statements in, in regard to, **5,** 264
arrears of, position of shareholder liable for, **5,** 163 n., 167, 402
articles respecting, alteration of, **5,** 162
balance order for, **5,** 502, 504
bankruptcy of shareholder, effect of, **5,** 167
Companies Clauses Acts, under, assignment of, by company as security for debt, **5,** 733
interest on unpaid call, **5,** 693
invalid call, notice as to, **5,** 693
liability for, equitable mortgagee, in case of, **5,** 693
persons registered, of, **5,** 693
making of, **5,** 692
payment of, advance, in, **5,** 696, 697
instalments, by, **5,** 692
recovery of, **5,** 693—695
transfer of shares, effect of, **5,** 693
unpaid on railway amalgamation, recovery of, **23,** 710
death of shareholder, effect of, **5,** 168; **14,** 307
delegation of power to make, **5,** 165
difference in, as regards shareholders, **5,** 164
directors, by, **5,** 163 n., 164, 165
below minimum number, when board is, **5,** 164
discretion of, as to, **5,** 165
fiduciary power, **5,** 165, 166
invalidity, **5,** 165
enforcement of, action, by, **5,** 168, 504
power in articles, under, **5,** 163
winding up, in, **5,** 502—505
estoppel by payment of, **5,** 146
foreign companies, in case of, **5,** 762
forfeited shares, on, **5,** 167, 202
future, mortgage of, **5,** 342, 343
indemnity of, seller of shares in respect of, **5,** 193; **27,** 73, 253
trustee, **5,** 150; **13,** 96 n.; **28,** 100
injunction against, **5,** 289; **17,** 230 n.; **20,** 744 n.
interest on, **5,** 167, 202, 693
winding up, in, **5,** 167 n., 501
invalid, confirmation of, **5,** 165
joint shareholders in case of, **5,** 168
liability for, defined by articles, **5,** 162
lien on shares in respect of, **5,** 163 n., 168—170
limited partnership, due to, court's power as to, **22,** 120
liquidator, by, **5,** 289, 343, 379, 448, 464, 500—504. *See* winding up, *infra*.
making, adjourned meeting at, **5,** 164
conditions as to, **5,** 165
discretion as to, **5,** 165, 166
misapplication of proceeds, **5,** 166
mortgage by company of, **5,** 342

CALLS ON SHARES—*continued.*
nominee, payment by, indemnity from beneficial owner, **5,** 150 ; **27,** 241 n.
notice of, service and form, **5,** 166
winding up, in, **5,** 500, 501
notice to pay when period expires, **27,** 449 n.
payment of, affirmation of contract to take shares, **20,** 749 n.
sale of shares, in case of, **5,** 168 ; **27,** 243
power to make, in whom vested, **5,** 163
prepayment and application, **5,** 164, 166 n.
setting off a debt against, not allowed, **5,** 164
probate duty, deductions from, in regard to, **13,** 313 n.
proof in bankruptcy for, **2,** 209 ; **5,** 167
prospectus, statement in, not binding, **5,** 162
quia timet action as to, **13,** 52
receiver, by, **5,** 343, 373, 379
reduction of paid-up capital by return of profits, effect of, **5,** 102, 103
requirements and formalities, strict compliance with, **5,** 165
reserve liability, **5,** 162, 163
resolution for, **5,** 166
set-off, in case of, bankruptcy, in, **2,** 213
costs of petition, against, not allowed, **5,** 411
costs of solicitor, against, not allowed, **5,** 246
debentures, against, **5,** 358
debt to shareholder, of, **4,** 388 ; **5,** 166, 167
after assignment, **4,** 388 ; **5,** 358
when fraudulent preference, **5,** 167
dividends, against, **5,** 276, 277
winding up, limited liability company, not allowed in case of, **5,** 502, 503
unlimited liability company, in case of, **15,** 526
specialty debts, are, **5,** 164
specific performance, no ground for resisting, **27,** 76
Table A, articles as to, **5,** 163 n.
transfer of shares, deliverable before call payable, **27,** 243
insolvency of transferee, in regard to, **5,** 186
liability of transferor, **5,** 168 ; **27,** 240, 243
to avoid prospective call, **5,** 186
trustee's liability for, **5,** 150 ; **13,** 96 n. ; **28,** 100
unpaid before winding up, **5,** 168, 504
winding up, balance order in, **5,** 502, 504
compulsory, **5,** 500—502
enforcing payment in, **5,** 168, 502, 504, 505
failure to pay calls, effect of, **5,** 501
filing document, making call, **5,** 501
insufficiency of assets not ascertained, **5,** 500
leave of court to make call, **5,** 501
liquidator's powers, **5,** 500
petition by contributory in arrear, **5,** 402
sanction of committee to call, **5,** 500, 501
service of summons on contributories, **5,** 501
supervision, under, **5,** 599
time for payment under contract not arrived, **5,** 500
validity of compromise, **5,** 502
voluntary, in, **5,** 580, 581

CALORIFIC POWER,
testing gas for, in metropolis, **15,** 392, 393

CALUMNY. *See* DEFAMATION ; LIBEL ; SLANDER.

CAMBRIDGE,
borough of, constitution of, **19,** 302 n., 309, 312
burgess of, qualification for, **12,** 188, 189
university represented on council of, **19,** 302
Vice-Chancellor of university justice *ex officio* of, **19,** 538
high sheriff for Huntingdon and County of Cambridge, joint appointment of, **25,** 793
jury, relief of, after service at assizes, **18,** 265
quarter sessions, at, **18,** 266
local court of pleas, **9,** 150
public library, delivery of copies of books to, by publisher, **8,** 175 ; **12,** 91 ; **23,** 214
theatre licence in, consent of university authorities necessary, **27,** 404
university of, advowson, purchase and sale of, **12,** 93
assurances for benefit of, **4,** 140
Chancellor's Court, **9,** 149 ; **12,** 95 n.
unaffected by county courts, **8,** 412
charitable corporation, not a, **4,** 283
Charitable Trusts Act, exempt from, **4,** 247
Charity Commission's jurisdiction, exempt from, **4,** 304
colleges of, advowson, purchase and sale of, **12,** 93
charitable foundations, as, **4,** 283 ; **12,** 92
corporations, as, **12,** 92
government of, **12,** 92, 93
land tax exemption of, **4,** 214 ; **18,** 311
purchase, sale, exchange or mortgage of land by, **12,** 93
religious tests at, abolition of, **12,** 93, 94
constables, appointment of, by Chancellor, **12,** 95 n. ; **22,** 496
corporation, as, **12,** 92
election, issue of writ relating to, **12,** 258
notice of, **12,** 262, 263
parliamentary, procedure at, **12,** 262, 312, 313, 322—326, 331
vice-chancellor as returning officer at, **12,** 258, 262
voting papers, offence of fraudulent signing, **12,** 532
franchise of, **12,** 182, 188, 189, 193 n.
government of, **12,** 92, 95
Highway Act, 1835, privileges not affected by, **16,** 32
land, mortgage of, **12,** 93
purchase, sale or exchange of, **12,** 93
land tax, colleges exempted from, **4,** 214 ; **18,** 311
lease, building lease with option to purchase, in case of, **18,** 366
grant of, by, **4,** 228 ; **12,** 93 ; **18,** 366
mining lease, in regard to, **12,** 93 ; **20,** 534
legislative body of, **12,** 95
library, delivery of copies of books to, by publisher, **8,** 175 ; **12,** 91 ; **23,** 214
licences by, hostels, for, **12,** 95 n.
sale of wine, for, **18,** 9
theatre, for, **27,** 404
municipal council, representation on, **19,** 302
parliamentary interference with, **12,** 5
Parliamentary representation of, **12,** 91, 95
presentation to benefice held by Roman Catholic, **11,** 574 ; **19,** 155
Press, rights as regards, **12,** 91 ; **23,** 213

CAMBRIDGE—*continued.*
university of—*continued.*
printing rights of, **8,** 173 ; **12,** 91
Privy Council, Standing Committee for questions relating to, **7,** 53, 54
religious tests at, abolition of, **12,** 93, 94
rooms, occupation of, franchise qualification in respect of, **12,** 188, 189
senate of, members of, **12,** 95
statutes of, **12,** 95 n.
terms, division of year into, **27,** 437
visitors in case of, **12,** 92
water supply of, **12,** 95 n. ; **28,** 263 n.

CAMDEN'S BRITANNIA,
evidence, as, admissibility of, **13,** 479

CAMERA,
hearing in. *See* IN CAMERÂ.

CAMP,
entering wrongfully to obtain information, **7,** 31

CAMPESTRES,
fowls of warren, as, **15,** 215 n.

CAMPING,
highway, on, offence of, **27,** 275, 276

CAN,
milk sold from, regulations as to, **15,** 66 n., 67

CANADA,
appeals from, **10,** 582
Church in, legislation in regard to, **11,** 491 n., 492 n.
constitution of, **10,** 517
courts of, **10,** 553
election expenses in, **10,** 519
Executive Council of, **10,** 533
House of Commons of, election of, **10,** 517
King's Privy Council for, **10,** 533
law in, disallowance of, by the Crown, **10,** 542
legislation, authority of Dominion Parliament over, **10,** 544—548
exclusive powers of Dominion over, **10,** 544, 547, 548
provincial legislatures, powers of, **10,** 545—547, 548, 549
life insurance according to Canadian Code, **17,** 545 n.
naturalisation, jurisdiction of Dominion Parliament over, **10,** 547
navy, formation of, **25,** 27
newspapers to, rates of postage, **22,** 646
Parliament of, constitution of, **10,** 517
provinces of, **10,** 517
government of, **10,** 517
government of North-West Territories, **10,** 505 n.
House of Representatives in, **10,** 504 n.
Lieutenant-Governor of, appointment of, **10,** 517
Senate of, appointment of, **10,** 517
set-off in action *in rem* in Court of Admiralty of, **25,** 484, 485
statute, repeal of, powers of Dominion Parliament, **10,** 546
Supreme Court of, **10,** 553
appeal, when decisions final, **10,** 582

CANADIAN WATERS,
narrow channels, within Sea Regulations, **26,** 466 n.

CANAL. *See also* CANAL COMPANY.
The title RAILWAYS AND CANALS *is contained in Vol. XXIII., pp.* 619 *et seq.*
abandonment of, authority for, **23,** 791, 792
bank of, protection of, in County of London, **23,** 782
punishment for breaking down, **9,** 784 ; **23,** 794
bill in Parliament for,
House of Commons committee, reference to, **21,** 751
notices to be given, **21,** 730, 731
Board of Trade, powers of, in regard to *See* BOARD OF TRADE.
boat on. *See* CANAL BOAT.
bridge, county bridge, as, **16,** 185 n.
dangerous, provisions of London Building Act, **20,** 493
highway authority may adopt or maintain, **16,** 190
maintenance of, **23,** 781
metropolitan borough council's power to widen and improve, **16,** 201
swing bridge carrying highway, in regard to, **16,** 192
Commissioners of Sewers, interference by, with, **25,** 780, 781
company. *See* CANAL COMPANY.
construction and maintenance of, **23,** 780—784
damage to, malicious, **9,** 784 ; **23,** 794
goods, limitation of liability of canal owner, **26,** 612—614
persons using, liability of canal owner, **23,** 783
dangerous or explosive goods, restrictions on carriage, **4,** 27
dangerous places, jurisdiction of L.C.C. as to, **20,** 396 ; **23,** 782, 783
power of metropolitan borough councils as to, **20,** 405 ; **23,** 782, 783
electrical works, execution of, along, **12,** 578
injury through, to canal, **12,** 582
protection of canal companies, in respect of, **12,** 635
electricity, supply of, to, **12,** 557, 595, 621
explosives, carrying, **4,** 27
fencing of, **21,** 398 n. ; **23,** 782
near streets, **16,** 207
fishing in, right of, who has, **14,** 581
towing path, from, no public right, **14,** 582
improvement to land, interfering with, notice to owners, **18,** 295
may be made as, **18,** 280 n., 284 n.
charge for, contribution to, **18,** 300
income tax chargeable on preceding year's profits, **16,** 625
inspection by Board of Trade, **14,** 389 ; **23,** 791
interference with, Improvement of Land Act, 1864, under, **18,** 295
owners entitled to cross, by, **23,** 784
landing place as part of, **4,** 65
local authority, adoption by, **16,** 190
London Building Acts, application of, **20,** 475
meaning of, Canal Carriers Act, in, **23,** 785, n.
Telegraph Acts, in, **27,** 351
metropolitan, protection against dangerous, **16,** 207 ; **23,** 782
metropolitan local authorities, *defined,* **23,** 782 n.
works by, affecting, **20,** 464

CANAL—*continued.*
minerals under, not passed by conveyance of adjoining land, **20,** 550 ; **23,** 784
navigation in, **26,** 376
improvement of, Development Commissioners' approval of loan for, **25,** 785 n.
liability on interfering with, **23,** 784
local rules prevail, **26,** 477, 478
vessels passing at entrance of, rules for, **26,** 440
owner, limitation of liability of, **23,** 783 ; **26,** 612—614
perils of the sea, exceptions as to, when applicable to, **26,** 110 n.
police, appointment, powers and duties of, **22,** 495, 496 ; **23,** 793
special constables, appointment of, **22,** 494—496 ; **23,** 793
liability for offences against, **23,** 793, 794
statutory powers of, as to, **22,** 502
pollution of, cemetery company, by, **28,** 451
gas washings, from, **15,** 363
sewage, discharge of, into, **25,** 740 ; **28,** 439, 443
Private Street Works Act, 1892, exemption from apportionment under, **16,** 230
Public Health Acts, saving from provisions of, in regard to canals, **23,** 366
railway company, acquisition of interest by, prohibited, **23,** 780
owning or managing, liability in case of, **23,** 783, 784
railway deviation affecting, consent required to, **23,** 651
rateability of, **24,** 8
general district rate, partial exemption from, **24,** 86
poor rate, liability to, **24,** 8
rateable value, method of ascertaining, **24,** 38, 39
special partial exemption, **24,** 24
repair, duty to, **23,** 783
schools, provision of, by canal companies, **12,** 67 n.
sewers affecting, **25,** 734 n., 767 n., 781
stoppage of, report to Board of Trade in case of, **23,** 784
subjacent soil and mines etc., right to, **20,** 550 ; **23,** 784
summary procedure for protection of, **23,** 782, 783, 793
support for, right to, **20,** 578 n., 580 ; **23,** 784
swing bridge over, duty of canal company as to, **16,** 192
telegraph undertakers, powers of, in regard to, **27,** 366, 367 n.
telegraph works, Postmaster-General's power of entry for purpose of, **27,** 368 n.
protection on construction of, **27,** 367, 382 n.
tolls in connection with. *See* CANAL COMPANY.
when owner rateable for, **24,** 9
towing path, adjoining owner's right as to, **23,** 784
part of canal, as, **23,** 784
protection of, in County of London, **23,** 782, 783
public right of way over, **16,** 37
traffic on, general provisions as to, **23,** 789
vessels passing at entrance to, rules in case of, **26,** 440
wharf as part of, **4,** 65

CANAL BOAT,
defined, **23,** 503 n.
Acts, **23,** 503 n.
expenses of carrying out, how defrayed, **23,** 505
children in, education of, **12,** 67 ; **17,** 174
dwelling, when used as a, **23,** 503
infectious disease on, provision as to, **23,** 504, 505
inspection of, **23,** 504
letters, carriage of, forbidden, **22,** 632, 633
metropolitan borough council's powers as to, **20,** 405
registration of, **12,** 67 n. ; **23,** 503
regulations for, enforcement of summarily, **23,** 504

CANAL COMPANY. *See also* CANAL.
defined, **23,** 782 n.
accommodation works, construction of, **23,** 781
Acts general and special governing, **23,** 779
agreements with railway companies, conditions precedent to, **23,** 787
certified copies at Railway Commission office, **23,** 787
animals, liability in regard to carriage of, **4,** 36
borrowing powers of, **23,** 786, 787
bridges, construction and maintenance of, by, **23,** 781
bye-laws made by, **23,** 787
control by Board of Trade, **23,** 787, 788
explosives, as to, **4,** 27 ; **14,** 385, 386, 387
capital of, subscription to, as charge on land, **23,** 780
carrier, charges, rates of, **23,** 788. *See* tolls, *infra.*
contract limiting liability as, **4,** 17, 26, 28, 36
power to become, **23,** 785
whether a common, **4,** 4 ; **23,** 785
clearing system by, **23,** 788
Commissioners of Sewers, diversion of works of, by, **25,** 781
constitution of, **23,** 779, 780
disputes, reference by Board of Trade to Railway and Canal Commissioners, **23,** 791
explosives, carriage of, bye-laws as to, **4,** 27 ; **14,** 385, 386, 387
goods damaged in transit, liability for, **4,** 27, 28 ; **23,** 785
lands, acquisition of, **23,** 780, 781
highways, for, dedication of, **16,** 36
improvement of adjoining, **23,** 780
lease of tolls by, **23,** 785, 786
forfeiture and determination of, **23,** 786
powers of lessees, **23,** 786
licensee using canal and path, duty to, **23,** 782, 783
mines, power to work, when vested in, **20,** 518, 550 ; **23,** 784
offences on property of, enumeration of, **23,** 793
police, appointment, powers of, **23,** 793
powers of, **23,** 785—791
Railway and Canal Commission, reference of disputes to, **23,** 754
railway company, investment of funds in canal, **23,** 780
lease of canal to, **23,** 786
owning canal, liability of, **23,** 783
rate charged for goods traffic, book containing, to be kept, **4,** 85, 86
inspection of, **4,** 86
repair, liability to, **23,** 783
returns, Board of Trade, to, **23,** 791
Registrar of Joint Stock Companies, to, **23,** 780.

CANAL COMPANY—*continued.*
shares of, are pure personalty, **23,** 780
subscription to capital, charge on land adjoining, **23,** 780
support, right to, **23,** 784
telegraph lines, power to require removal or alteration of, **27,** 369 n.
tolls and charges of, **23,** 788—791
consent to variation of, **23,** 789
excessive charges, **4,** 70
lease of, **23,** 785, 786
rate book, duty to provide, **4,** 85, 86
through rates, extension of railway provisions to, **23,** 790
variation of, Railway and Canal Commissioners' jurisdiction, **23,** 790
traffic, provisions affecting, **23,** 789
reasonable facilities for, to be afforded, **4,** 65, 74; **23,** 785
responsibilities for, **4,** 65—74; **23,** 785
through traffic, in regard to, **4,** 65, 66, 69, 70, 72—74
undue preference in regard to, prohibition of, **4,** 76
tramway, notice of intended construction of, to, **21,** 731, 732
undue preference, defence to a claim for freight, whether a, **4,** 92
prohibition of, **4,** 76
water from stream, notice of intended taking, **21,** 731, 732
rights as to, depends on special Act and common law, **23,** 784

CANCELLATION,
agreement, of, when ordered, **13,** 53
annuity, deed of, when void, terms of cancellation, **13,** 53 n.
bailiff's certificate, of, **8,** 662; **11,** 162
bill of exchange, of, discharge by, **2,** 552, 555; **7,** 425
signature to, discharge of parties by, **2,** 555
bill of sale, of, by successive bills, **3,** 64
bond discharged by, **3,** 98; **7,** 425
building society, mortgage of, **3,** 365
registry, of, **3,** 396, 397
appeal from, **3,** 397
effect of, **3,** 397
power of, when exercised, **3,** 396, 397
capital of company, of, **5,** 105
reserve, **5,** 104
unissued, **5,** 69, 101, 102
charterparty, clause in, **26,** 97, 98
contract on ground of mistake, **3,** 181
written, of, **7,** 424—426
removal of seal, by, **7,** 425
deed, of, Chancery jurisdiction as to, **9,** 61; **13,** 53 n., 61
effect of, **10,** 409, 410
evidence after, **10,** 410, 411
methods of, **7,** 425; **10,** 409, 410
where a cloud upon title to land, **13,** 53 n.
document, of, **13,** 52—54
equitable right to relief, **13,** 42, 53, 54
fraud, in case of, **13,** 53; **20,** 744
gambling transactions, instruments given in, **13,** 54 n.
grounds for, to entitle party to relief, **13,** 52
illegality of consideration, not necessarily ground for relief, **13,** 54
mistake or ignorance of one party, for, **21,** 18

CANCELLATION—*continued.*
document—*continued.*
public policy, party *particeps criminis*, relief on grounds of, **13,** 54
trustees, charity, lease by, set aside *in toto*, **13,** 53 n.
void, when equity interferes, **13,** 53
forfeiture of recognisance, of, **11,** 222 n.
forged instrument, of, **13,** 53 n.
fraudulent and voidable conveyance, of, **15,** 90
friendly society, of registry of, **15,** 203, 204
guarantee, of, **15,** 507, 508
fraud, on ground of, **15,** 543, 544
procedure to obtain, **15,** 543, 544
industrial provident society, of registry of, **17,** 37, 38
conversion, of society into company on, **17,** 34
instrument, of. *See* document, *supra.*
under hand, what is sufficient, **10,** 433
negotiable instrument, of, **2,** 552, 555; **13,** 53 n.
policy of insurance, of, **13,** 53 n.
concealment and misrepresentation, in case of, **17,** 416
life insurance, of, **17,** 557, 558
marine insurance, of, **17,** 358, 416
salvage agreement, of, **26,** 572
shares, of, **5,** 104, 200
slaughter-house licence, of, on conviction, **15,** 43
trade design, registered, of, **27,** 736
proprietor's duties, for neglect of, **27,** 740
void instruments, of, **13,** 53
will, revocation of, not effected by, **28,** 571

CANCER,
chimney-sweeps', within Workmen's Compensation Act, **20,** 165 n.

CANDIDATE,
county council, for, **12,** 356
municipal election, for,
defined, **12,** 339
commencement of candidature, **12,** 339
corrupt or illegal practices, excuses and exceptions, **12,** 407, 408
death of, **12,** 350
disqualification of, **12,** 339, 491, 524, 525
expenses of, **12,** 345, 347, 350, 353, 355
duties as to, **12,** 341
maximum limit of, **12,** 346
return of, **12,** 351, 352, 494
time for payment of, **12,** 349
false declaration by, **12,** 345, 529
nomination of, **12,** 342—344
withdrawal of, **12,** 344, 366
corruptly inducing, **12,** 347
parish council, for, nomination of, **12,** 383
withdrawal of, **12,** 385, 388
parliamentary, *defined*, **12,** 264
agent, bribery by, effect of, **12,** 476 n.
commencement of candidature of, **12,** 263 n., 264—266
acts prior to, **12,** 265
corrupt or illegal practices, excuses and exceptions, **12,** 398—407
death of, **12,** 307
defamation of, injunction against, **18,** 737
disqualification of, **12,** 264, 469, 483—486; **21,** 655—661. *See* CORRUPT PRACTICES; ILLEGAL PRACTICES.
effect on votes, **12,** 458
notice of, **12,** 305, 306

CANDIDATE—*continued.*
parliamentary—*continued.*
expenses of, excessive, **12,** 295
false declaration as to, **12,** 529
illegal, **12,** 294, 295, 297, 298, 300—303, 398—406. *See* CORRUPT PRACTICES; ILLEGAL PRACTICES.
maximum, **12,** 295, 296
personal, **12,** 295 n., 301
return as to, **12,** 298, 335—338, 405
false declaration by, **12,** 338, 529
false statement as to, **12,** 298—300, 540
injunction against, **12,** 540
liability of, **12,** 266, 293
mob, for acts of, **27,** 846 n.
parliamentary common law of agency, under, **12,** 269—273
nomination of, **12,** 273—278. *See* PARLIAMENTARY ELECTION, nomination.
relief from consequences of illegal practices, **12,** 399—404, 476, 519. *See* ILLEGAL PRACTICES.
withdrawal of, **12,** 276
corruptly inducing, **12,** 12, 301
false statement as to, **12,** 296
rural district council, for, nomination of, **12,** 378
urban district council, for, expenses of, **12,** 363, 364
nomination of, **12,** 364—368
withdrawal of, **12,** 366

CANDLE,
house, nuisance from effluvia, **23,** 563
light standard for gas, **15,** 334
use of, in church, **11,** 681, 682

CANDLESTICKS,
altar, on, **11,** 681 n.

CANINE SPECIALIST,
wrongful use of title, **20,** 376

CANON,
defined, **11,** 426, 427 n.
appointment of, right of, **11,** 427
benefice of, **11,** 429
corporation sole, is a, **11,** 427, 793
cure of souls by, **11,** 429
declarations by, before appointment, **11,** 429
deprivation of, **11,** 432
estates of, **11,** 800
honorary, **11,** 433, 434
fees payable by, **11,** 434
general chapter, rights in, **11,** 434
plurality of benefices, **11,** 434
privileges of, **11,** 433
rank, number etc., **11,** 433
incapacity of, inquiry as to, **11,** 422
income of, **11,** 431
installation of, **11,** 428
lunacy of, **11,** 422
minor, **11,** 434, 436. *See* MINOR CANON.
non-residentiary prebends and officials, **11,** 433
number per cathedral, **11,** 427 n.
oath, allegiance, of, **11,** 429
canonical obedience, of, **11,** 551 n.
patronage of, **11,** 432
pension, retiring, of, **11,** 421, 433 n.
petty, **11,** 434
property of, **11,** 432, 800

CANON—*continued.*
qualification of, **11,** 427
rating of, for first fruits, **11,** 432
residence of, **11,** 430
house of, **11,** 432
rights in respect of, **12,** 432
resignation of, **11,** 421, 433
stipend of, charitable trust, how far, **4,** 165
suspended, estates of, **11,** 800
visitation of, **11,** 432

CANON LAW.
abolition of portion of, at Reformation, **11,** 373
acceptance of, as common law, evidence of, **11,** 375
alteration of canons, **11,** 380
apostolical, **11,** 376 n.
authority of, **11,** 375 n., 379, 394
King, as to, **11,** 379, 382, 391
basis of, **11,** 377
books of, how quoted, **11,** 379 n.
breach of, an ecclesiastical offence, **11,** 521, 522
civil law borrowed in aid of, **11,** 377
clergy, binding on, **11,** 380, 394, 521, 522
common law, incorporated in, **11,** 374, 376, 377
Concordia discordantium canonum, published as, **11,** 378 n., 379 n.
continuous user of, necessary for incorporation in common law, **11,** 375
corpus juris canonici, **11,** 378
decretales extravagantes, **11,** 378 n.
England, made in, **11,** 379, 394
of 1603, appointment of churchwardens, as to, **11,** 462, 463
authority of, **11,** 380
conduct of clergy, as to, **11,** 522, 523 n.
duties of churchwardens, as to, **11,** 469, 734, 735
of 1604, chancellors, appointment of, under, **11,** 415
conduct of clergy, as to, **11,** 379 n.
of 1640, no authority, **11,** 380
of 1892, **11,** 380
binding on whom, **11,** 379, 380, 394
declaratory of common law, in some cases, **11,** 380
nature of, **11,** 378, 379
post-reformation, **11,** 379, 380, 391, 394
pre-reformation, **11,** 375 n., 377, 378, 391 n.
equity partly founded on, **13,** 8
judicial notice of, **11,** 374—377; **13,** 485
laity, how far binding on, **11,** 379, 380, 394
law of England, not part of, **11,** 377, 379
principles of equity drawn from, **13,** 8
reference to, method of, **11,** 379 n.
Roman, partly incorporated and partly abolished, **11,** 373, 376 n., 414, 415
rules and usages of, ancient, when binding, **11,** 375

CANONRY,
defined, **11,** 427 n.
additional, **11,** 429
patronage of, **11,** 429
plans for, **11,** 429
cession of, by acceptance of deanery, **11,** 419
installation to, fees on, **11,** 428 n.
professorships etc. annexed, **11,** 422
qualification for, **11,** 427
re-arrangement of, **11,** 428
St. Paul's, of, **11,** 427

CANONRY—*continued.*
suspended, re-endowment of, **11,** 428
re-establishment of, **11,** 428
vacancy in, how filled, **11,** 421
vacation of, how effected, **11,** 421, 431
Wales, in, **11,** 429

CANTEEN,
civilian, sale of beer to, **18,** 106
entry of premises with officer of customs, **24,** 654
licence, excise, when required, **18,** 106; **24,** 654, 673; **25,** 98
justice's, not required, **18,** 106; **24,** 654
regulation of, **18,** 106

CANTERBURY,
Archbishop of. *See* ARCHBISHOP.
Court, Arches, of, **11,** 509
Commissary, **11,** 505
Faculties, of, **11,** 510
Master of, **11,** 510
local, **9,** 150
Prerogative, practice of, in non-contentious business still remains in force, **14,** 154
Probate Court, former practice of, the same as that of the, **14,** 152
Provincial, eligibility for judge of, **2,** 381
province of, dioceses of, **11,** 384
meaning of, **11,** 383, 384

CANTHARIDES,
administering to a woman, **9,** 603

CANVASSERS,
election, at, **12,** 272, 273
metropolitan police must not act as, **12,** 539; **22,** 474
payment of, **12,** 303
relief in case of, **12,** 402 n.
persons forbidden to act as, **12,** 538
trade, covenants restraining, **27,** 558 n., 559 n.

CAPACITY,
ability. *See* CAPACITY (Ability).
measures of, **28,** 468, 469
ship, of, tonnage distinguished from, **26,** 92 n.
warranty of, in charterparty, **26,** 91, 91 n., 92

CAPACITY (ABILITY). *See also* INCAPACITY.
agent, to act as, **1,** 151, 152
bill of exchange, to be party to, **2,** 489—495
bond, to be party to, **3,** 83
confidential relationship as affecting, **13,** 156; **15,** 103, 107—111
solicitors, in case of, **15,** 108; **26,** 747 *et seq.* *See* SOLICITOR.
trustees, in case of, **15,** 109; **28,** 166 *et seq.*
contract, to enter into, **1,** 149—151; **6,** 233—236; **7,** 339—342. *See also particular cases passim.*
corporation, of, **8,** 356 *et seq.*
criminal, **9,** 239—245 *See* CRIME.
evidence, as to, **13,** 444
to give, **13,** 569, 570
criminal cases, in, **9,** 244, 388, 401 n., 408
gift, to make, **15,** 399—404
to receive, **15,** 404—407; **23,** 541, 542. *See* confidential relationship, *supra.*
guarantee, for contract of, **15,** 450
immovables, for assignment of, **6,** 207

CAPACITY (ABILITY)—*continued.*
infant, of, **17,** 46—62. *See* INFANT, *passim.*
land, to make an assurance of, **24,** 298
life insurance, for contract of, **17,** 548
lunatic, of, **19,** 396—406. *See* LUNATIC.
married woman, of. *See* MARRIED WOMAN.
municipal voter, of, **12,** 182
settlement, to make a, **25,** 558—562
sovereign, of, natural and political, **6,** 363, 364
tortious act done in particular, **27,** 468, 469
intention where act done in particular, **27,** 469
will, to benefit under, **28,** 536—543
to make, **28,** 532—535. *See* TESTAMENTARY.
discovery as to, **11,** 42

CAPE COLONY,
constitution of, **10,** 511
contribution to navy by, **10,** 521
courts of, **10,** 554
judges of, **10,** 554
disallowance of law in, by Crown, **10,** 542
time within which made, **10,** 542
election expenses in, **10,** 519
franchise, colour is no bar, **10,** 515
voters' qualifications, **10,** 511

CAPE TOWN,
seat of legislature of Union of South Africa, **10,** 513

CAPELLA,
description and use of, **11,** 788 n.

CAPIAS AD SATISFACIENDUM, WRIT OF,
cases in which it may issue, **14,** 73, 74
nature of, **14,** 73, 74

CAPIAS IN WITHERNAM,
effect of, **11,** 200 n., 203 n.
when obtainable, **11,** 200 n., 203 n.

CAPIAS UTLAGATUM, WRIT OF,
doors may be broken open to execute, **25,** 813

CAPIAS, WRIT OF,
appearance to, **10,** 8
bail under, **10,** 8
discharge of, **10,** 9
notice to plead under, **10,** 9
object of, **1,** 46; **10,** 8
recovery of fines and forfeited recognisances by, **25,** 821
return of, **10,** 8

CAPIATUR PRO FINE,
judgment of, **10,** 7

CAPITA, PER. *See* PER CAPITA.

CAPITAL,
advancement out of, **17,** 92—94
annuity, whether payable out of income or, **24,** 491—494; **28,** 34
Bank of England, of, **1,** 570
building society, of, paid up or credited as paid up, meaning of, **3,** 395 n.
charge, deductions in respect of, for income tax, **16,** 652
discharge by tenant for life, effect of, **13,** 147, 148; **21,** 320, 321; **25,** 620

CAPITAL—*continued.*
charity, of, applied as income to be replaced out of income, **4,** 271
payment out of, for repairs, **4,** 239, 240
company, of a. *See* CAPITAL OF A COMPANY.
compulsory purchase, to be subscribed in certain cases before exercise of powers of, **6,** 62, 63
expenditure, by local authorities for light railways, what may be treated as, **27,** 838
industrial society, banking, statement of, **17,** 5
investment of, **17,** 21
payment of interest, **17,** 12
share, suspension of right to withdraw, **17,** 35
friendly society, share payment in case of, **17,** 5
money. *See* CAPITAL MONEY.
Settled Land Acts, under. *See* CAPITAL MONEY UNDER SETTLED LAND ACTS.
partnership, of, division of, presumption as to, **22,** 62, 63
income, distinguished from, **22,** 64
interest on, **22,** 60, 64
lost, how payable, **22,** 103
profits, when regarded as, **22,** 64
repayment on dissolution, **22,** 103
receiver cannot receive, **24,** 367
rentcharge, application in redemption of, **24,** 512, 513
stock of a corporation etc., forgery of transfer of, **9,** 755
what is included in term, **9,** 755 n.
trust estate, of, accumulation, replacement of capital, for, **22,** 380
unlawful, whether sums form part of, **22,** 382; **25,** 608
compensation money for extinguished licence is, **25,** 608
costs of
administration, out of, **28,** 35, 36
trustees, out of, **28,** 158
income, gift of, when includes, **28,** 698
gift for life, of, with liberty to use capital, effect of, **23,** 8
undisposed of, as, **28,** 34
income and, adjustment of burdens between, **25,** 615—623
infant, advancement for, out of, **17,** 92, 130
maintenance of, out of, **17,** 89, 90, 91
instalments of annuity part of, when, **28,** 34
investment and application of. *See* INVESTMENT.
legacy, deficiency of interest on, liability for, **28,** 34, 35
lunatic, maintenance of, out of, **19,** 437, 438
outgoings payable out of, **25,** 616, 617
repairs payable out of, when, **25,** 606 n.
shares in company, benefit from, whether income or, **5,** 279, 280; **25,** 608—610
winding up, assets distributed on, are, **25,** 610
wasting property, in case of, **28,** 31, 33
value, evidence of rateable value, as, **24,** 28
minerals, of, for increment value duty, **24,** 552
wife's, receipt by husband of, presumption as to, **16,** 398, 399

CAPITAL MONEY,
Cornwall, Duchy of, in, application of, **7,** 248—251
settled estate, arising in respect of, investment of, **25,** 702.

CAPITAL MONEY—*continued.*
Settled Estates Act, arising under, application of, **25,** 681, 682
Settled Land Acts, under. *See* CAPITAL MONEY UNDER SETTLED LAND ACTS.
Small Dwellings Act, arising under, **26,** 701, 702
Small Holdings Act, arising under, **26,** 694

CAPITAL MONEY UNDER SETTLED LAND ACTS.
defined, **18,** 279 n.; **25,** 633—635
application of, **25,** 644—648
costs and expenses, for, **25,** 647, 648—650
duties, for, **13,** 223; **25,** 648, 649
equality of exchange or partition, **25,** 647, 657
estates settled to same uses by different instruments, where, **25,** 673, 674
housing of working classes, for, **18,** 286; **25,** 647—648
improvements, for, **18,** 279, 283—293; **25,** 644, 664 n. *See* IMPROVEMENT OF LAND; SETTLED LAND ACT.
Agricultural Holdings Act, under, **1,** 267; **18,** 288; **25,** 647
redemption of charge, for, **18,** 292; **25,** 646
incumbrances, discharge of, **25,** 645—647
land tax, redemption of, **18,** 327; **25,** 645
payment to persons absolutely entitled, **25,** 646
purchase of land, **25,** 644, 647
repairs, not for, **18,** 287
tenant for life may direct, **25,** 642, 643, 646
bonâ vacantia, when, **11,** 28
contract, money paid for variation or rescission of, is, **25,** 664
court, money in, liable to be laid out in purchase of land, as, **25,** 634
payment into, **25,** 639, 642, 643
payment out to trustees, **25,** 635, 646 n.
devolution of, **25,** 650, 651
heirlooms, arising from sale of, **25,** 659, 660
infants, of, conversion of, **17,** 84
investment of, **25,** 643
alteration of, consent required to, **25,** 644
court, where paid into, **25,** 643, 644
proceeds of sale of, **25,** 651
proceeds of sale of leaseholds or reversions, of, **25,** 644
securities authorised, **25,** 643, 646
lease, compensation for surrender of, whether, **25,** 663
compensation payable to lessee for surrender of, not payable out of, **25,** 663
fine on grant of, is, **25,** 654 n.
reversion on, money arising from sale of, is, **25,** 656
mines, part of rent of, to be set aside as, **20,** 532; **25,** 657
money liable to be laid out in land is, **25,** 634
mortgage, advanced on, effect of foreclosure, **25,** 651 n.
money raised by, is, **25,** 662
sale of land, arising from, **25,** 633
forfeited deposit is, **25,** 665 n.
incumbrancer, must not be paid by purchaser to, **25,** 643 n.
payment of, **25,** 438, 639, 640, 642, 643
tenant for life, cost of, payable out of, **25,** 648
direction of, for application of, **25,** 642, 643, 646

CAPITAL MONEY UNDER SETTLED LAND ACTS—*continued.*
tenant for life—*continued.*
past improvements, reimbursement for, **18,** 291
timber, three-fourths of proceeds of sale of, is, **25,** 659
trustees, application by, **25,** 643, 644
receipt by, **25,** 438, 632, 640, 661, 670, 673
what constitutes, **25,** 633, 634

CAPITAL OF A COMPANY.
Act of 1908, under. *See also* SHARE CAPITAL; SHARE IN COMPANY.
defined, **5,** 87, 89
alterations of, **5,** 71, 90, 95—117
application of, **5,** 93, 117—120
interest on advances, as, **5,** 117
limits on power to deal with, **5,** 119
articles, statement in, as to, **5,** 77, 80, 90, 171
cancellation of, reserve, **5,** 104
lost or unrepresented by assets, **5,** 103, 104, 106
shares, by cancellation of, **5,** 200
unissued, **5,** 69, 100, 101
circulating, meaning of, **5,** 89
consolidation of, **5,** 98, 116
dividends not payable out of, **5,** 82, 118, 119, 272—276
division of, **5,** 69, 99
fixed, meaning of, **5,** 89, 272
floating, meaning of, **5,** 89, 272
increase of, **5,** 69, 71, 95—98
alteration of memorandum on, **5,** 97
duty in case of, **5,** 60 n.
guarantee company, by, **5,** 77
notice to registrar of, **5,** 97
settled shares, effect as regards, **25,** 608, 609
unlimited company registered as limited, by, **5,** 63, 64, 98
interest on, during construction works, **5,** 117, 118
issued, meaning of, **5,** 87, 88
loan, meaning of, **5,** 87, 362 n.
duty on, **5,** 362
statement to Revenue before issue, **5,** 362
losses and gains attributable to, **5,** 119, 120, 272, 273
memorandum, amount to be stated in, **5,** 70, 76, 89, 171
nominal, **5,** 87, 88
duty on, **5,** 60
statement of, to registrar, **5,** 60, 61
paid-up, meaning of, **5,** 88
partly-paid, **5,** 88
payment off of, return of, *infra.*
effect of, in case of settled shares, **25,** 610
profits capitalised by company as, **5,** 90, 102, 279
effect as regards settled shares, **5,** 102 n., 120, 279; **25,** 609, 610
reduction of, **5,** 100—116. *See* REDUCTION OF CAPITAL OF COMPANY.
refunding in winding-up, **5,** 530—532
reorganisation of, **5,** 70, 116, 117
reserve, cancellation of, **5,** 104
charged, cannot be, **5,** 64, 89
creation of, **5,** 64, 89, 162, 163
meaning of, **5,** 89
unlimited company registered as limited, of, **5,** 63, 64

CAPITAL OF A COMPANY—*continued.*
Act of 1908—*continued.*
return, annual, as to, **5,** 263—265
return of, not required by company, **5,** 100, 101, 107
profits, out of accumulated, **5,** 101, 102
settled shares, effect on, **25,** 610
shares in. *See also* SHARE IN COMPANY.
conversion of, into stock and reconversion, **5,** 99, 100
preference, usually give no preferential claim on, **5,** 91
subdivision of, **5,** 69, 99
statement as to, duty and fees, for purpose of, **5,** 60, 61
memorandum and articles, in, **5,** 70, 76, 77, 80, 89, 90, 96, 171
prospectus, in a, **5,** 121, 122
uncalled, assignment of, **4,** 375 n.
interest on, **5,** 117
mortgage of, **5,** 342, 343, 348, 352, 373
reserve, **5,** 64, 89
unissued, cancellation of, **5,** 69
meaning of, **5,** 88
what is or is not, **5,** 272, 273
winding up, earnings in, are, **5,** 119
canal company, of, **23,** 780
Companies Clauses Acts, under, **5,** 680—684. *See* COMPANIES CLAUSES CONSOLIDATION ACTS.
application of, **5,** 686, 687
balance sheet, statement in, **5,** 722
cancelling
issued, **5,** 704—706
unissued, **5,** 683
conversion of shares into stock, **5,** 685, 686
dividends out of, **5,** 724
increase of, **5,** 680—684
issue of, **15,** 365 n.; **28,** 327 n.
return of, with consent of creditors, **5,** 724
uncalled, mortgage of, **5,** 734
cost book mining company, of, **5,** 656
foreign company, of, annual return as to, **5,** 760
gas company in metropolis, of, issue of new, **15,** 377, 378
raising of, **15,** 312, 313, 365 n., 370, 371
insurance company, of, publication of statements as to, **5,** 641
railway company, of, additional, **23,** 632, 633, 637
power to raise, **23,** 630, 632, 633
reduction on abandonment of part of railway, **23,** 776
unpaid, effect of receivership order on, **23,** 767
water supply, for, **28,** 271
statutory, **28,** 327

CAPITAL PUNISHMENT,
appeal, time allowed for, **9,** 438
burial of criminal, **3,** 422; **9,** 592; **25,** 825
certificate of death by medical officer, **23,** 252; **25,** 825
coroner, duty of, in case of, **8,** 241, 271, 273, 274, 279; **25,** 825, 826
court-martial, military, sentence by, **25,** 46
naval, sentence by, **25,** 15
crimes for which it can be awarded, **6,** 352, 357; **9,** 409, 451, 526, 773; **25,** 15
execution. *See* EXECUTION OF CRIMINAL.
executioner, provision of, **23,** 252; **25,** 825

CAPITAL PUNISHMENT—*continued.*
life insurance, in relation to, **17,** 556, 557
pardon when person condemned to, **6,** 404—406; **9,** 444
person under sixteen cannot be condemned to, **9,** 409
reprieve, **6,** 407
rules as to, **23,** 252; **25,** 825
treatment after sentence, **23,** 251
sheriff's duties in regard to, **25,** 797 n., 806, 823—826. *See* EXECUTION OF CRIMINAL.
treason, for, **6,** 352, 357; **9,** 409, 451

CAPITAL STOCK,
body corporate, company, etc., of, forgery of transfer of, **9,** 755
what included in, **9,** 755 n.

CAPITAL VALUE,
evidence of rateable value, as, **24,** 28
minerals, of, for increment value duty, **24,** 552

CAPITALES JUSTICIARII FORESTAL,
who meant by, **9,** 115

CAPITALISATION,
accumulation, as regards, when implied, **22,** 373
interest, of,
mortgage debt, on, **21,** 116, 230. *See also* COMPOUND INTEREST.
trustee, as against, **28,** 191, 192
when allowed, **21,** 43
profits, of,
company, by, effect of, **5,** 90, 102, 103, 279
question of fact, **25,** 609, 610
tenant for life, as affecting income of, **25,** 608, 609
partnership, of, **22,** 64

CAPITATION SYSTEM,
payment of medical practitioners by, **28,** 947, n.

CAPITULUM,
meaning of term, **11,** 423 n.

CAPTAIN,
cost-book mining company, of, **5,** 658, 659
ship, of. *See* MASTER OF SHIP.

CAPTION,
coroner's inquisition, contents of, **8,** 274
deposition of witness dangerously ill, to, **9,** 327, 328
indictment, to, **9,** 348
person, of the, as process of court, **9,** 171
quarter sessions, in case of, **19,** 623, 624

CAPTIVE WILD ANIMALS. *See* WILD ANIMALS.
cruelty to, **1,** 410
what are, for purposes of, **1,** 409
when trespass or trover will lie for taking, **1,** 366

CAPTORS OF PRIZE,
adjudication, duty to send prize to port for, **23,** 283, 284
application by, to Prize Court, **23,** 291, 292
insurable interest of, **17,** 368, 373
insurers, not in position of, **23,** 284

CAPTORS OF PRIZE—*continued.*
liability, demurrage, for, **23,** 284
loss through negligence, for, **23,** 284
unlawful destruction of prize, **23,** 284
preliminary steps obligatory on, before adjudication, **23,** 288
rights and duties of, **23,** 283 *et seq.*

CAPTURE,
booty, of, **1,** 78; **6,** 445
ownership acquired by, **22,** 400
prize, of. *See* CAPTURE OF PRIZE.

CAPTURE OF PRIZE,
defined, **17,** 442
arrest of ship, distinguished from, **17,** 443 n., 444
bounty on, **23,** 291, 293; **27,** 537, 538
contraband, for carrying, **23,** 281
declaration of Prize Court necessary to validity of, **23,** 277
deviation for purpose of escaping, effect of, **26,** 95
duty of commander of belligerent ship after, **23,** 283, 284
joint, **23,** 292, 293
claim for, **23,** 291, 292. *See also* PRIZE COURT.
burden of proof, **23,** 293
costs, in case of, **23,** 292
essential elements, **23,** 292
procedure, **23,** 291, 292
time limit, **23,** 291 n.
co-operation presumed in, **23,** 292, 293
requisites of, **23,** 292
ship being in sight, based on, **23,** 292
marine insurance, effect on, **17,** 439, 442—444, 469, 476, 479, 481
actual total loss, as, **17,** 479
British capture, property liable to, **17,** 430
constructive total loss, as, **17,** 481
perils clause in policy, not covered by, **17,** 433, 439
warranted free of capture, meaning of, **17,** 420, 443 n.
salvage, in case of, **23,** 291, 293; **26,** 558
seizure distinguished from, **17,** 442, 443
ship carrying belligerent
despatches, **17,** 422; **23,** 282
officers, **17,** 422; **23,** 282
ship's papers falsified, where, **17,** 421
striking of colours, effect of, **23,** 277
validity of, **23,** 278
enemy's ship, in case of, **23,** 278
vessel breaking blockade, of, legality of, **23,** 279
waters in which lawful, **23,** 282, 283

CARAMELS,
rates of drawback in respect of, **24,** 618

CARAVANS,
powers of local authority as to, **21,** 540

CARBIDE OF CALCIUM,
conditions as to keeping, **23,** 573 n.
Petroleum Acts, included in, **23,** 570
testing not required, **23,** 578 n.

CARCASE,
cutting up, metropolis, in, as nuisance, **27,** 286
destruction of, in infected place, **1,** 426
diseased animal, of, burial of, **1,** 428, 430
distress upon, **11,** 138

CARCASE—*continued.*
importation of, prohibition of, Board of Agriculture, by, **1,** 424
inspection and examination of, **15,** 37, 42
condemnation of, **15,** 40, 42
market or fair, in, seizure of unwholesome, **20,** 34
possession of unwholesome, slaughterer's licence revoked for, **23,** 557
unburied, punishment for giving access to dogs, **1,** 400
washed ashore, burial of, **1,** 431; **26,** 618

CARDIFF,
local court of, **9,** 151
port of, usage of, **10,** 293

CARDS,
games of, at club, when unlawful, **4,** 436
illegal, negotiable instruments given in respect of, void, **2,** 501 n.; **15,** 280 n.
penalties for, **15,** 285
illegality of, money lent in the case of, **15,** 279 n., 280 n.
gaming with, punishment for, **15,** 291
licensed premises, playing upon, **18,** 139
playing, customs duties on, **24,** 598
excise duty on, **24,** 621
forfeiture of, when not enclosed in excise wrappers, **24,** 598
licence to manufacture, **24,** 633

CARE,
agent, duty of, to use, **1,** 185, 186; **21,** 374, 375
insurance, as to, **17,** 356, 357
gratuitous, duty towards, to use, **21,** 375
auctioneers, duty of, to use, **1,** 509, 514, 516
bailment, what amount required in case of, **1,** 526
deposit, in case of, **1,** 532
gratuitous bailee, in case of, **1,** 531, 532; **4,** 4, 5; **21,** 374
gratuitous loan for use, in case of, **1,** 451, 538; **7,** 389
hire of custody, in case of, **1,** 544, 546
hirer, in case of, **1,** 552
mandatary, in case of, **1,** 535, 536
workman (hire of labour), in case of, **1,** 560
broker, insurance, degree required from, **17,** 357
cargo, of. *See* CARGO.
carrier, in case of, **4,** 4, 5
animals, in regard to, **4,** 38, 39
excepted perils, as to, **4,** 9
inherent defect in thing carried, in case of, **4,** 10
passengers, in regard to, **4,** 44, 46, 49; **21,** 366
special directions of consignor, as to observing, **4,** 14
collision at sea, what required in case of, **26,** 366, 505
degree of, required. *See* standard, *infra.*
circumstances, depends on, **21,** 360, 364, 365
duty to take, **21,** 360
estoppel, essential to creation of, **13,** 398
when arising, **21,** 362
employee's liability on failure to exercise, **28,** 873
gratuitous services, in case of, **21,** 374; **28,** 860
innkeeper, required from, **17,** 314—323. *See* INNKEEPER.

CARE—*continued.*
master, servant, in respect of,
board and lodging, prosecution for neglect to provide, **9,** 623; **22,** 541
when extending to, **20,** 118
common law duty, **20,** 118, 128—131
dangerous employment, where, **20,** 131; **21,** 366, 368
delegation of, **20,** 130, 131
extent of duty, **20,** 118, 129, 131
health and medical attendance, in respect of, **20,** 118, 119; **28,** 905 *et seq.* *See* NATIONAL HEALTH INSURANCE.
safe tackle, in providing, **20,** 130, 131; **21,** 366, 451
statutory duty, **20,** 129, 131
contributory negligence of servant as answer to breach of, **14,** 532; **20,** 121, 131; **21,** 451
young, especial, **20,** 131; **21,** 365 n., 366
medical practitioner, required from, **20,** 330—335; **28,** 872, 873. *See* MEDICAL PRACTITIONER, negligence of.
pawn, of, pawnee's duty as to, **22,** 243
professional man, duty to use, **21,** 367—370, 374; **28,** 872, 873
public vehicle, of driver of, **21,** 367 n.
reasonable, *defined*, **21,** 362, 363
delay in sailing, in relation to, avoidance of, **17,** 389
navigation, in, what is, **26,** 366, 503—505
test as to what is, **21,** 364
Royal Family, of, **6,** 364, 365
salvor's duty to show reasonable degree of, **26,** 577
servant's duty to use, **20,** 125, 126
standard of, ordinarily required, **21,** 362—375
children, in case of, **21,** 373
court's duty to determine, **21,** 362
dangerous matter, in dealing with, **21,** 365, 407—409
effect where standard attained, **21,** 363
emergency, in, **21,** 366
gratuitous services, in case of, **21,** 374, 375
imminent risk, in case of, **21,** 366
knowledge of fact demanding special care, **21,** 370—373
ordinary circumstances, in, **21,** 364, 468
passenger, in carriage of, **4,** 44
pawnee, from, **22,** 243, 254
physical or intellectual infirmity, in case of person under, **21,** 363 n., 463
professional man, in case of, **21,** 367—370, 374; **28,** 872, 873
professional capacity, act not done in, **21,** 369
skill, failure to possess, **20,** 331—334; **21,** 367, 368
third party, reliance on, effect of, **21,** 370
reasonable care, test of, **21,** 362—364
special risk, in case of, **21,** 365, 366
tackle, dangerous, as to, **20,** 129, 130, 131; **21,** 366, 451 n.
towage contract, mutual obligation to use, **26,** 357
want of, when constitutes criminal negligence, **21,** 425, 426
manslaughter by, **9,** 582—585; **20,** 335
onus of proof, **13,** 435
young persons, duty towards, **20,** 131; **21,** 366, 373

CARELESSNESS. *See* NEGLIGENCE.
false statement in company prospectus made through, **5,** 134
liability attaching to, **21,** 379, 380
medical remedy, in applying, **20,** 335
mistake due to, whether relief in equity, **13,** 23

CARETAKER,
distress for poor rate upon goods of, **11,** 214
inhabited house duty, immunity of premises when in charge of, **17,** 189, 190
business premises, in case of, **17,** 192, 193, 195
more than one, effect on right to exemption, **17,** 195
rateable occupation of premises occupied by, **24,** 10, 11

CARGO,
defined, contract for sale, in relation to, **25,** 173, 215
salvage purposes, for, **26,** 559
acceptance of, by shipowner, when obligatory, **26,** 195—197
acknowledgment of receipt of, bill of lading as, **26,** 144—146, 169
Admiralty jurisdiction for damage to, **1,** 73 ; **9,** 57 ; **26,** 546, 621
amount of, excessive, shipowner's right to refuse, **26,** 197, 198
stipulations in charterparty as to, **26,** 101
assortment of, at wharf, shipowner's liability, **26,** 281
prior to delivery to consignee, **26,** 270
average. *See* general average ; particular average, *infra.*
bill of lading, collision clauses, owner's position, **26,** 522
evidence, as, of receipt of goods forming, **26,** 144, 146, 156
holder of, delivery to, discharge of shipowner by, **26,** 147, 167, 264, 265
right to delivery, **26,** 147, 172, 264, 286
qualification of statement as to goods, **26,** 106, 151, 156
through, transhipment, of, **26,** 234, 235
time limit in, for discharge of, **26,** 154
bottomry, cargo bound by, **1,** 65, 66 ; **26,** 70, 241
lender's rights and lien, **26,** 245, 246
lien postponed to freight for transhipment, **26,** 246
broker's right to commission not affected by loss of, **26,** 137
shipowner's position, **26,** 246
care of, during voyage,
master's duty, **26,** 224, 233
checking deterioration, **26,** 226
implied authority from cargo owner, **26,** 228
communication with owner, **26,** 230, 231
expenses chargeable to owner, **26,** 231
general ship, in case of, **26,** 230, 231
when justified to use, **26,** 229, 230
prevent damage from spreading, to, **26,** 227
shipowner's duties, **26,** 224—233
cattle prohibited on passenger ships, **26,** 345, 346
charterer's duty to
convey, to place of loading, **26,** 192
describe, in charterparty, **26,** 99
have goods ready for loading, **26,** 190, 191
provide, **26,** 191, 192. *See* provision of, *infra.*

CARGO—*continued.*
charterparty, carriage under, of, **26,** 101, 102
cesser clause in, as protecting shipper of, **26,** 133, 134
description in, of, **26,** 99
general ship, in case of, **26,** 100
loading and discharge under, of, **26,** 118—124
demurrage provisions in, as to, **26,** 124—129
option in, as to, **26,** 100
provision under, of, **26,** 190, 191
stipulation in, as to amount of, **26,** 101, 102
dangerous goods, as to, **26,** 100
deck cargo, as to, **26,** 205
excusing loading, **26,** 130—133
coal, usages as to loading of, **10,** 292, 293, 294 ; **26,** 194
combustible, regulations as to discharge of, **26,** 642, 643
conflicting claims to, shipowner's duty as to, **26,** 264, 265, 270
consignee, delivery, duty to take, **26,** 254, 268, 271
entitled to, **26,** 264
failure to take, **26,** 271—274, 278—281
option to select mode of, **26,** 269
short of destination, effect of accepting, **26,** 314
usages as to, affecting, **10,** 290—294 ; **26,** 269
discharging, duty in, **26,** 265, 267, 278
insurable interest of, **17,** 873
consignor of, insurance, implied authority as to, **17,** 355. *See* CONSIGNOR ; SHIPPER.
constructive total loss of, **17,** 485
contraband. *See* CONTRABAND.
contract for sale of, nature of, **25,** 173, 215
cotton, usages as to loading, **10,** 295
damage to, action for, Admiralty jurisdiction, **1,** 73 ; **9,** 57 ; **26,** 546, 621
discovery against shipowner in case of, **11,** 77
owner may sue as such, **1,** 81 ; **27,** 473 n.
reference to Registrar, **1,** 118
who must claim for, **1,** 73
arrest of ship for, **1,** 73 ; **26,** 546, 621
limitation of liability for, contract, by, **26,** 290, 291
statute, by, **26,** 612 *et seq.*
measure of, **26,** 288—291
shipowner's liability for, **26,** 156, 224—228, 232, 233, 288—291
dangerous, **26,** 100
charterparty should provide as to, **26,** 79, 100, 101
discharge of, **14,** 384 ; **26,** 642, 643
forfeiture of, **1,** 78
harbour bye-laws as to, **14,** 384
jettison of, **26,** 74, 79
nature must be marked, **26,** 79
penalty if not marked, **26,** 79
prohibited on emigrant ships, **26,** 79, 345
refusal by shipowner to carry, **26,** 197
deck-cargo, *defined*, **26,** 79
emigrant ships, not allowed on, **26,** 80, 338
jettison of, **17,** 449, 508 ; **26,** 75 n., 317
seaworthiness, in relation to, **17,** 424 n., 427
space for, registered tonnage, added to, **26,** 80
usages as to, Baltic timber trade, in, **10,** 298
when allowed, **26,** 205
wood, regulations as to, **26,** 80

CARGO—*continued.*
delivery of,
by shipowner. *See also* consignee, *supra*; discharge of, *infra.*
alternative methods of, **26,** 269
arrival at port, on, **26,** 254
bill of lading holder, right to, **26,** 264
to, discharge of liability by, **26,** 147, 167, 265
conflicting claims, in case of, **26,** 264, 270
consignee's obligation to take, **26,** 254, 265, 271—279
time allowed to take, **26,** 271
damaged, of, damages for, **26,** 291
effect of, **26,** 147, 264, 265
essential to right to freight, **26,** 304—306
failure of, measure of damages, **26,** 289, 290
freight payable on, **26,** 303, 306. *See* FREIGHT.
inconsistency between bill of lading and charterparty, effect of, **26,** 171
lighters, usage to provide, **10,** 290, 294
notice of readiness for, before master lands, **26,** 282
partial, effect on right to freight, **26,** 306, 310
place of, **26,** 258, 259
shipowner, duties as to, **26,** 265 *et seq.*
shipowner discharged by, **26,** 265
time within which to be made, **26,** 120—124, 271—279
who is entitled to claim, **26,** 153, 264
to shipowner, bill of lading must be given on, **26,** 152, 199
default in, effect of, **26,** 196, 200
effect of, **26,** 199
lighters, in, **26,** 192, 198, 199, 200
place of, **26,** 198, 199
effect on shipowner's liability, **26,** 202 n.
redelivery, right of shipper to, **26,** 199
risks during delivery, in whom, **26,** 199
shipowner's liability after, **26,** 202
shipper's rights on, **26,** 199
demurrage, justification for retaining on, **26,** 279
slow discharge, for, **26,** 271
description in charterparty, **26,** 99, 100
deviation in the interests of, **26,** 227
discharge of. *See also* delivery of, *supra*; PORT, discharge of.
alternative methods of, **26,** 269
arrival for purpose of, what is, **26,** 254, 260—263
assortment at wharf, shipowner's liability for, **26,** 281
berths, consignee may select, **26,** 262
designation of, **26,** 261, 262
not available or inaccessible, **26,** 261, 262
boats, from, liability, in case of, **26,** 118
consignee's duty as to, **26,** 254, 265—267, 271—275, 278. *See* CONSIGNEE.
right to select place of, **26,** 262
consignee's risk and expense, **26,** 268
custom of port, effect of, **10,** 290—294; **26,** 118, 140, 268, 269, 276
damage in, as general average, under York-Antwerp Rules, **17,** 510
delay in, due to customs, **26,** 263 n.
exceptions excusing, accidents beyond charterer's control, **26,** 132
custom of port, **26,** 276
natural condition of port, **26,** 276
riots, **26,** 132

CARGO—*continued.*
discharge of—*continued.*
delay in—*continued.*
exceptions excusing—*continued.*
state of, port, **26,** 277
strikes and lock-outs, **26,** 131
identification, goods incapable of, **26,** 270
in turn, provision as to, **26,** 127, 128
joint act of ship and consignee, **26,** 265, 266, 267
master's powers of landing and warehousing, **26,** 279, 280
demand by consignee after master commences landing, **26,** 279, 280, 281
readiness of ship for, **26,** 263
notice of, when required, **26,** 127, 263, 282
stipulation as to notice of, **26,** 127
regulations as to, **26,** 642, 643
shipowner, by, on consignee not receiving, **26,** 282
default by, effect of, **26,** 272, 273
duties of, apart from stipulations as to, **26,** 265—267
liability as warehouseman after, **26,** 280
sorting out consignments, shipowner's duties as to, **26,** 270, 281
stipulations affecting duties of parties as to, **26,** 267, 268
temporary during loading operations, **26,** 199
time of colliery working days, **26,** 123
conventional day, **26,** 124
customary dispatch, **26,** 121
days, construction of, **26,** 122
days of 24 hours, **26,** 123
fixed by contract, **26,** 120, 121, 271, 272, 273
in turn, effect of, on running of, **26,** 127
lay days, **26,** 121
not fixed by contract, effect, **26,** 274—278
reasonable time, **26,** 274
running days, **26,** 122
weather working days, **26,** 123
working days, **26,** 122
usages as to, **10,** 290—294
distraint on, for harbour and tonnage rates, **26,** 638
emigrant ship, kind prohibited on, **26,** 79, 345, 346
excessive, shipowner may refuse, **26,** 197
explosives as, loading and unloading, provisions as to, **14,** 384, 386, 387
prohibited on passenger ships, **26,** 345
stowage in case of, **14,** 384
fire, damage or destruction by, shipowners' liability on, **26,** 111, 112
freight. *See* FREIGHT; PAYMENT, freight, of.
advance, effect on, of loss of, **26,** 312
chartered, payable on shipment of prescribed, **26,** 294, 295
delivery, payable on, **26,** 303
effect on right to, of partial loss of, **26,** 306
loss of, due to damage to, general average loss, as, **17,** 511
none payable on total loss of cargo, **26,** 306
pro ratâ, delivery short of destination, in case of, **26,** 314
right to, effect of sale during voyage on, **26,** 248—250, 254
fuel, burnt as, general average, as, **17,** 509
general average
claim, cost of discharging is a, **10,** 298; **26,** 321
damage by fire entitles to, **17,** 448; **26,** 318

CARGO—*continued.*
general average—*continued.*
claim—*continued.*
damage in discharging is a, **17,** 510
depreciation in port of refuge entitles to, **26,** 318
entitled to, burnt for fuel, where, **17,** 509
jettison may entitle to, **17,** 447, 449, 451; **26,** 75, 316, 317
sale of part to complete voyage entitles to, **26,** 318
warehousing may be, **10,** 298; **26,** 321, 322
contribution, liability to, of, **26,** 320
lien for, over, **26,** 284, 323
loss, underwriter's liability for, when assured's interests united, **17,** 451, 452
sacrifice, amount to be made good in respect of, for, **17,** 511; **26,** 324
general ship, carriage by, of any kind of, **26,** 100
shipowner, of, bound to accept any, **26,** 195, 196
Government, in private ships, liability for salvage, **26,** 560
grain, stowage of, **26,** 80, 81
usages as to, Bristol, in, **10,** 292
Gloucester, in, **10,** 293
London, in, **10,** 290, 291
Sulinah, in, **10,** 295
harbour, duty of owners of, on arrival in, **26,** 638
hypothecation of, *defined*, **26,** 240
bottomry contract, **1,** 65, 66; **26,** 241, *See* BOTTOMRY.
cargo owner, by, by deposit of bill of lading, **26,** 162
master of ship, by, cargo owner, express instructions of, **26,** 245
for sole benefit of, **26,** 247
inability to communicate with, **26,** 244, 245
coasting voyage, not authorised, in case of, **26,** 242
conditions justifying, **1,** 66; **26,** 242—245
interests of cargo must be involved, **26,** 244
justification for, **26,** 242—245
lender's rights and lien, **26,** 241, 245, 246
partial loss of cargo, effect of, **26,** 241
postponement of rights of, **26,** 246
lien postponed to freight for transhipment, **26,** 246
loss through, underwriter not liable for, **17,** 438, 485 n.
maritime lien only created by, **26,** 241
shipper's behalf, on, authority in case of, **26,** 246, 247
respondentia, **1,** 65 n.; **26,** 241. *See* RESPONDENTIA.
shipowner's position, **26,** 246
justification in case of, **26,** 247
repairs, for, marine insurance, as to, **17,** 438
identification, goods incapable of, **26,** 270
improper, damages for, as dead freight, **26,** 209
inherent vice in, underwriter not liable for loss through, **17,** 434
insurance of. *See also* MARINE INSURANCE, goods; MARINE POLICY, goods.
consignor, by, **17,** 355
liability where full cargo not loaded, **17,** 379
purchaser, by, insurable interest, when arising, **17,** 371
shipowner, by, average contributions, in respect of, **17,** 369

CARGO—*continued.*
insurance of—*continued.*
valued policy, full cargo not shipped, in case of, **17,** 379. *See* MARINE INSURANCE, goods; MARINE POLICY, goods.
insurance on ship no indemnity against expenses from damage to, **17,** 439 n.
interrogatories in action for non-delivery of, **11,** 103
jettison of, effect of loss by, **26,** 226
general average in case of, **17,** 447, 449, 451; **26,** 75, 316, 317
master's authority, **26,** 74, 222
landing of, effect on shipowner's liability, **26,** 280
lien endangered by, **26,** 280, 287, 288
statutory procedure to prevent loss of, **26,** 282
master's powers as to, **26,** 279
preservation, when necessary, to **26,** 227, 228
shipowner may begin, when, **26,** 280, 281
leakage and breakage of, meaning of, **26,** 115
left on quay, harbour master's powers in case of, **26,** 642
lien over, contract, by, express, **26,** 285, 286
damage by collision, for, **26,** 545
depends on possession, **26,** 287
discharge of, **26,** 287
duration of, **26,** 287
freight, for, **19,** 10 n., 11 n.; **26,** 283
general average, for, **17,** 369; **26,** 284
loss by landing and warehousing, **26,** 280, 287, 288
statutory procedure to prevent loss, **26,** 282
possession necessary to, **26,** 287
respondentia bond, under, **26,** 618, 620
sale to discharge, **26,** 282
salvage services, for, **19,** 11 n.; **26,** 579, 580, 619
shipowner, of, **26,** 283—288
wharfinger as warehouseman, of, **26,** 282 n.
loading of, **26,** 177—211. *See* PORT, loading.
charterer's excuses for default, contemplated causes, **26,** 200, 201
exceptions in charterparty, **26,** 194, 201
performance unlawful, **26,** 201
shipowner's default, **26,** 200
charterparty provisions as to, **26,** 119, 121, 194, 198, 201
custom of port as to, **10,** 291, 294—296; **26,** 118, 140
delay in, effect of, **26,** 178
delivery for purpose of. *See* delivery, *supra.*
destruction of goods during, **26,** 201
excuses for default, **26,** 196—198
cargo not as described, **26,** 197
dangerous goods, **26,** 197
exceptions in charterparty, **26,** 198
excessive amount, **26,** 197, 198
failure of shipper to load, **26,** 196
damages for, **26,** 210
improper packing, **26,** 197
refusal of shipper to load, **26,** 196
obtaining pratique, **26,** 185
readiness to load, **26,** 184
notice of, **26,** 127, 186
risk during, **17,** 371; **26,** 199
shipowner's liabilities, **26,** 198, 202, 203
stevedore, employment of, **20,** 65 n.; **21,** 472 n.; **26,** 206

CARGO—*continued.*
loading of—*continued.*
temporary unloading during loading operations, **26,** 199
time for, **26,** 119
loss of, as affecting right to advance freight, **26,** 312
general average, **26,** 317. *See* general average, *supra.*
shipowner's liability, **26,** 224, 232, 233, 288—291
master, authority of, cargo owner, on behalf of, **26,** 228—231, 240, 248
contract in respect of, to, **26,** 64, 65
hypothecate, to, **26,** 222, 240 *et seq.* *See* hypothecation of, *supra.*
jettison, to, **26,** 74, 222
land and warehouse, to, **26,** 228, 279, 280. *See* landing, *supra.*
sell, to, **26,** 75, 76, 222, 248. *See* sale of, *infra.*
transhipment by. *See* transhipment, *infra.*
duty to
communicate with cargo owner, **26,** 230, 231, 244, **245, 253**
take care of, **26,** 224—228. *See* care of, *supra*
liability for injury or loss of, **26,** 65, 247
power over, during voyage, **26,** 222, 228
measurement of, ascertain freight, to, **26,** 309, 310
expense of, **26,** 310, 643 n.
meters provided by harbour authorities, **26,** 643
misdescription of, charterparty, in, **26,** 99
qualification in bill of lading, **26,** 99 n., 156
shipowner's rights in case of, **26,** 99, 197
nature of, to be procured by charterer, **26,** 191, 192
necessity as ground for dealing with, **26,** 228—253
owner. *See* CARGO OWNER.
particular average loss falling on, **10,** 298; **26,** 316, 317, 322
passenger ship prohibitions, cattle, explosives, dangerous goods, **26,** 345
preservation of, master's duty as to, **26,** 224 *et seq.*
shipowner's duty as to, **26,** 224
property in, passing of, **17,** 371; **25,** 173; **26,** 159, 162—164
provision of, charterer's duty, **26,** 190—192
damages for failure to provide, **26,** 207—209
delay in procuring, effect of, **26,** 191—195
demurrage, liability of charterer in case of, **26,** 195
excuses for failure to provide, breach by shipowner of conditions precedent, **26,** 192
caused by circumstances contemplated by parties, **26,** 193, 194
colliery, when source a particular, **26,** 193, 194
exceptions in charterparty, **26,** 194, 195
outbreak of war, **26,** 193
premature readiness of ship, **26,** 193
failure in, broker's commission not affected by, **26,** 137
ship on demurrage, exceptions excusing not available, **26,** 195
impossible, does not excuse charterer, **26,** 191
proper or sufficient, dead freight, **26,** 209

CARGO—*continued.*
provision of—*continued.*
seeking other employment for ship in case of failure, **26,** 208
refusal to accept, excuses for, **26,** 196, 197
return, under charterparty, commission for getting, **26,** 137
safety of, shipowner's liability as to, **26,** 107, 108
sale of, contract for, *primâ facie* of whole, **25,** 173
foreign judgment, under, **17,** 485 n.; **26,** 76, 248
master, by, authority for, **26,** 76, 248
cargo owner, as agent for, **26,** 250
shipper, on behalf of, when justified, **26,** 228, 250—253
communication with owner before, **26,** 253
complete voyage, to, **26,** 249
disputing the sale, **26,** 76, 247, 248
duty to sell, **26,** 253, 254
freight payable, **26,** 254
general average on, **26,** 249, 318
injunction to restrain, **17,** 267 n.; **26,** 249 n.
lex loci rei sitæ governs, **6,** 216 n.
necessity for, what amounts to, **26,** 75, 251, 252
preservation of, in, **26,** 250
proceeds, how distributed, **26,** 282, 283
repairs, to defray, **17,** 448 n.; **26,** 249
shipowner's liability for, **26,** 249, 250
underwriter's liability in case of, **17,** 476
whole, of, when justifiable, **26,** 76, 252, 253
wrongful, buyer's position, **26,** 76, 77, 247, 248
warehouseman or wharfinger, by, **26,** 282, 283
salvage contribution, *defined,* for purposes of, **26,** 559
deductions allowed on valuation of, **26,** 587, 588
life, of, contribution for, **26,** 587
priority over hypothecation, **26,** 246
valuation for, freight at risk included, **26,** 588
sanitary authority, condemned by, marine insurance in case of, **17,** 460 n.
seaworthiness affected by fitness of ship to carry, **17,** 424, 427; **26,** 188, 214
shipowner in relation to. *See* SHIPOWNER.
shipper, discharge of, by delivery of, **26,** 199
duty of, to place within reach of ship's tackle, **26,** 198, 199
risk of, during loading, **17,** 371; **26,** 199, 200
stevedore, delay in loading by, liability for, **26,** 206
duty of, loading and stowage, as to, **26,** 206, 207
storage by, defective, incidence of liability for, **26,** 203, 207
stoppage *in transitu,* in relation to. *See* STOPPAGE IN TRANSITU.
stowage. *See* STOWAGE OF CARGO.
sugar, usage as to, **10,** 296
timber, deck cargo, as, **10,** 298
usages as to, **10,** 290, 291, 292, 293, 294, 295, 298
time charter, carriage under, **26,** 98, 100
transfer of, by bill of lading, **26,** 159
transhipment, cargo owner's behalf, on, **26,** 239, 240
contract, in accordance with, **26,** 234
freight, additional, may be payable, **26,** 240
due for, priority to hypothecation lien, **26,** 246
to earn, **26,** 235—238

CARGO—*continued.*
transhipment—*continued.*
insurer, liability of, **17,** 363, 387, 388 n.
kinds of, **26,** 233, 234
lien of, shipowner's, not lost by, **26,** 284
loss of goods before, freight in advance not returnable, **26,** 235
master, duty as regards, **26,** 236, 237
power of, **26,** 74, 222, 235 *et seq.*
primary duty to complete voyage, **26,** 235
necessity excusing, what amounts to, **26,** 237, 239
salvage service, **26,** 557
ship lost, right to freight, **26,** 306
through bill of lading, in case of, **26,** 234
voyage prevented, **26,** 222, 235, 239
unloading. *See* discharge of, *supra.*
unshipping of, cost of, in marine insurance, **17,** 485
prevent damage, to, **26,** 228
repair, for purpose of, **26,** 235
war, excuses providing, **26,** 193
warrant of arrest of, service of, **1,** 85
weighers to weigh during discharge, **26,** 643
weighing to ascertain freight, **26,** 308, 309, 310
expense of, **26,** 310, 643 n.
wood goods, deck cargo as, **26,** 80
wool, usage as to loading, **10,** 295

CARGO OWNER. *See also* CONSIGNEE; CONSIGNOR; SHIPPER.
collision, right to recover loss in consequence of, **26,** 541
master, against, **26,** 526
owners of colliding vessel, against, **26,** 542, 543
where both vessels at fault, **26,** 522
discovery against shipowner, action for damage to cargo, in, **11,** 77
duty of, in respect of harbour rates, **26,** 638
general ship, master's duty to communicate, **26,** 231
hypothecation of cargo, inability to communicate with, as condition for, **26,** 244, 245
on behalf of, object of, **26,** 247
injunction to restrain sale of cargo, whether entitled to, **17,** 267 n.; **26,** 249 n.
liability of, to expenses where master has implied authority to deal with cargo, **26,** 231
general average contribution, **26,** 322
master's duty before sale of cargo to communicate with, **26,** 253
implied authority, when exercised on behalf of, **26,** 228, 229, 231
power to bind, on transhipment, **26,** 240
position of, collision, charterparty or bill of lading clauses, **26,** 522
hypothecation of cargo by master, on, **26,** 241, 247
owners of ship, as against, **26,** 542
right, arrest of ship, as to, **26,** 546
jettison, in respect of, **26,** 74, 75
wrongful sale of cargo, on, **26,** 76, 247, 248; **27,** 912
salvage agreement, effect of, on, **26,** 573
reward, contribution to, **26,** 586, 587
shipowner's liability for loss, **26,** 232
suit by, **1,** 81
transhipment of cargo on behalf of, effect of, **26,** 239, 240
valued policy, rights under, **17,** 379

CARLISLE,
local court of, **9,** 151

CARLISLE TABLES,
admissibility in evidence, **13,** 479

CARMAN,
whether a common carrier, **4,** 4

CARMARTHEN,
local court of, jurisdiction of, **9,** 152
origin of, **9,** 152 n.
procedure in, **9,** 152

CARNAL CONNECTION. *See* CARNAL KNOWLEDGE.

CARNAL INTERCOURSE. *See* CARNAL KNOWLEDGE.

CARNAL KNOWLEDGE. *See also* RAPE.
girl above 13 and under 16, of, age how proved, **9,** 616
consent no defence, **9,** 616
conviction of common assault, when no consent, **9,** 617
defence of belief that girl over 16, **9,** 616
limitation of time for prosecution, **9,** 616
suffering by owner of premises, **9,** 617
girl under 13, of, attempt to have, **9,** 615
boy under 14 can indecently assault, **9,** 616
consent no defence, **9,** 615
suffering by owner of premises, **9,** 617
verdicts jury may give, **9,** 615
girl under 13 or 16, of, what prosecution must prove, **9,** 616
girl under 16 cannot incite to, **9,** 616
idiot, of, consent immaterial, **9,** 612, 613, 614
procuring, corroboration in offences for, **9,** 615
woman to have, drugs, by, **9,** 614
false pretences, by, **9,** 614
threats, by, **9,** 614
promise of marriage void when in consideration of, **16,** 274
suffering on premises, parents may be convicted of, **9,** 617

CARPENTER,
journeyman carpenter of London entitled to travelling expenses when working at a distance, **10,** 289

CARPETS,
beating in streets, when an offence, **27,** 285, 286, 287
carpet beating works, *defined,* **14,** 440
distress on, **11,** 137 n.

CARRIAGE,
animals, of. *See* CARRIAGE OF ANIMALS.
goods, of. *See* CARRIAGE OF GOODS; CARRIER OF GOODS.
mails, of, **26,** 354—356. *See* MAILS.
passengers, of. *See* CARRIAGE OF PASSENGERS.
roads. *See* CARRIAGE ROADS.
vehicle. *See* CARRIAGE (Vehicle).
way. *See* CARRIAGE WAY.

CARRIAGE (VEHICLE),
defined, **23,** 576 n.; **24,** 689, 689 n.; **28,** 710
bequest of, what included, **28,** 710

CARRIAGE (VEHICLE)—*continued.*
cycle, as, within Highway Acts, **16,** 63, 64; **27,** 335
defect in vehicle, liability for, **4,** 45
drunk while in charge of, meaning of, **18,** 141 n.
hackney. *See* CAB.
hire of, implied warranty of fitness, **1,** 551
illegal, at election, **12,** 303, 348
impressment for military purposes, nature of, **25,** 48, 49
payment for, **25,** 51, 52
procedure on, **25,** 49, 50
innkeeper, liability of, to receive a traveller's, **17,** 307
lien of, on guest's, **17,** 324
licence, circus proprietor not a trader for purpose of, **27,** 509 n., 510 n., 511 n.
hackney carriage, for, **24,** 691, 692; **27,** 296, 297, 303
keeping carriage, for, **24,** 689, 690
power of county council to levy duty on, **24,** 684
taken out, how, **24,** 685
vehicles, exemption of, from, **24,** 690
used for conveying voters to poll, **12,** 304
metropolis, licensed in, distinguishing mark, **27,** 304
military and naval tramways, provisions as to, **27,** 817
motor car as, **27,** 333
negligence in examination of, liability in case of, **4,** 45
railway, brakes on, **23,** 693
construction and condition of, regulations as to, **23,** 691
defects in, liability for, **4,** 45
improperly loading, remedy for, **23,** 691
liability of owner for damage or trespass, **23,** 692
overcrowding in, liability in case of, **4,** 60
particulars of, by owners, to company, **23,** 691
public place, as, **15,** 292
registration of, **23,** 691
unlawful use of, penalty for, **23,** 691
repairing in street, offence of, **27,** 282
riding or being drawn by, without consent of owner, **27,** 288
standing longer than necessary, offence of, **27,** 283
tramcar as a, **27,** 796
tramways, on, wheels of, **27,** 795, 796
unauthorised use of, by servant, liability for accident, **20,** 253 n., 254 n.

CARRIAGE OF ANIMALS,
Board of Agriculture and Fisheries, powers of, **1,** 433; **4,** 39
canal company, by. *See* railway company, *infra.*
consignee, duty of, to receive animal at end of transit, **4,** 38, 39
diseased animals, of, regulations by Board of Agriculture in regard to, **1,** 422, 423; **4,** 39
ferry boat, by, liability in case of, **14,** 559, 560
infected area, in, regulations by Board of Agriculture in regard to, **1,** 423, 426, 427; **4,** 39
inherent vice in animal, liability in case of, **4,** 10, 36 n.
limitation of liability by contract in case of, **4,** 29 n.
prohibition of use of vehicle for, by Board of Agriculture, **1,** 433

CARRIAGE OF ANIMALS—*continued.*
railway company, by, cattle, delivery of, at end of transit, **4,** 38, 39
injury to, by wilful misconduct, **4,** 38
liability for injury to, **4,** 38
selection of, in case of different owners, **4,** 39
diseased animals, liability for moving, **1,** 423
dogs, in case of, **4,** 37
facilities to be afforded by, **4,** 36, 65
food to be provided, **1,** 433; **4,** 38, 39, 40
increased charges in regard to, **4,** 36
kicking or plunging animal, liability in case of, **4,** 37
loading and unloading places, provision of, **4,** 37
overcrowding in trucks, liability in case of, **4,** 39
Railway and Canal Traffic Act, 1854, under, **4,** 36—40
traffic includes animals, **4,** 65
trucks, provision of suitable, **4,** 37
value of animal, proof of, **4,** 36
water to be provided, **1,** 433; **4,** 38, 39, 40
sea, by, emigrant ship, on, **26,** 345, 346
ventilation of ship in case of, **26,** 189
water supply in case of, **26,** 225 n.
securing animal, responsibility for, **4,** 39
suffering caused during, penalty for, **1,** 413
protection from, by orders of Board of Agriculture, **1,** 433; **4,** 39

CARRIAGE OF GOODS. *See* CARRIER OF GOODS.
bill of lading, contract of carriage contained in, **26,** 148, 175, 298, 522
terms of charterparty incorporated in, **26,** 151, 175—177
through bill of lading as contract, **26,** 149
transfer of, effect of, **26,** 172, 173
canal company, liability of, **4,** 27, 28; **23,** 785
cargo. *See* CARGO.
china, liability for loss of, **4,** 23
contract for, *primâ facie* between carrier and person taking risk, **7,** 345
damaged goods, damages for, **4,** 8—10, 15—17, 21—27; **26,** 291
deeds, liability for loss of, **4,** 23, 41
explosives, bye-laws to regulate carriage of, **4,** 27; **14,** 385, 386; **23,** 730
ferry owner, liability of, **14,** 559
letter, of. *See* LETTER.
luggage, **4,** 29, 40—44. *See* LUGGAGE.
paintings, liability for loss of, **4,** 23
passenger train, by, **4,** 33
prepayment of price of, **4,** 6, 7
railway company, by, **23,** 634, 635
liability for loss or injury in case of, **4,** 27, 28
maximum rates in case of, **4,** 83—87
ship, by, advertisement as evidence of contract, **26,** 148
bill of lading and other documents as evidence of terms of contract for, **26,** 147, 148
charterparty. *See* CHARTERPARTY.
dangerous goods, in regard to, **26,** 79
document containing contract for, **26,** 175
freight on. *See* FREIGHT.
interests involved during performance of contract for, **26,** 315
sale of ship after contract of carriage entered into, effect of, **26,** 298, 299

CARRIAGE OF GOODS—*continued.*
shipowner, bailee of goods, as, **26,** 326 n.
common carrier as, **26,** 325, 326
unlawful contract for, freight not payable, **26,** 307
stoppage *in transitu. See* STOPPAGE IN TRANSITU.
through contract for, application for rate in case of, **4,** 69, 72, 73
apportionment of rates under, **4,** 72, 73
bill of lading, in case of, **26,** 149
conflict of laws in regard to, **6,** 238, 239, 241, 242
injury by person other than servant of contracting company, liability in case of, **4,** 34, 35
liability of railway company for sea portion, **4,** 28
limitation of liability in case of, **4,** 28
passengers' luggage, in case of, **4,** 43, 44
transhipment, in case of, **26,** 234
transhipment of goods, charterparty, under, **26,** 234
freight, to earn, effect of, on contract, **26,** 237, 238

CARRIAGE OF PASSENGERS. *See* CARRIER OF PASSENGERS; PASSENGER (by Land); PASSENGER (by Sea).
gratuitous, liability of carrier in case of, **21,** 426 n., 427
hackney carriage, in, bye-laws by urban authority in regard to, **27,** 299
driver's duty to hirer, **27,** 299
omnibus, in, bye-laws by urban authority in regard to, **27,** 299
railway, in case of. *See* RAILWAY COMPANY; RAILWAY PASSENGER.
steerage passenger, return of passage money on breach of contract, **26,** 346, 347

CARRIAGE ROADS.
inclosure of common, on, provisions for, **4,** 545, 549, 559, 560, 562
stopping or diversion of, **4,** 562—564; **16,** 82
public, fencing of, under Inclosure Act, **4,** 564

CARRIAGE WAY,
footway included in, **11,** 284 n.
permissible user of, **16,** 9
what is included in, **16,** 9, 10

CARRIER OF GOODS. *See* CARGO; CARRIAGE OF GOODS.
The title CARRIERS *is contained in Vol. IV., pp.* 1 *et seq.*
defined, **4,** 2; **21,** 426 n.
Act of God or King's enemies, responsibility for, **4,** 8, 9; **27,** 494 n.
action, bailee, by, **4,** 94
consignees, by, **4,** 94, 95
consignor, by, **4,** 95
contract or in tort, **4,** 8, 46, 96
costs of defending, **4,** 20
joint owners, by, **4,** 96
refusal to carry goods, in case of, **4,** 6
special assumpsit lay formerly, **1,** 37
third person, against, **4,** 92
acts of, not amounting to trover, **27,** 892
address, imperfect, liability for loss or delay through, **4,** 16, 43
agent of buyer, as, **4,** 95

CARRIER OF GOODS—*continued.*
animals, of, **4,** 36—40. *See* CARRIAGE OF ANIMALS.
appropriation of goods to contract by delivery to, **4,** 94; **25,** 170; **27,** 900 n.
bailment of goods to, **1,** 526; **4,** 4, 97; **17,** 369, 471; **20,** 67
bank notes, liability for loss of, **4,** 23
bills and notes, liability for loss of, **4,** 23
business of, not included in power to run tramway, **27,** 802 n.
buyer, agent of, to take delivery, **4,** 95; **25,** 222
attornment to, effect of, **4,** 97; **25,** 251
bye-laws, conveyance of explosives, as to, **4,** 27
markets, carriers resorting to, regulation of, **20,** 24
canal company as, *see* railway company as, *infra. See also* CANAL COMPANY.
charges of, increase of, for carriage of valuables, **4,** 22
reasonable, must be, **4,** 6, 7, 92
recovery of increased, on loss of valuables, **4,** 24
clock, liability for loss of, **4,** 23
coin, liability for loss of, **4,** 23
common carrier. *See* COMMON CARRIER.
consignee, refusal of, to accept goods, duty of carrier in case of, **4,** 12
consignor, action by, against carrier, **4,** 94, 95
agent of consignee, as, contract of carriage in case of, **4,** 91, 94, 95
agent signing contract for, **4,** 29, 30
agreement with, carrier, by, effect of, **4,** 95
consignee, by, effect of, **4,** 95
bound by conditions of contract, **4,** 29
contract of carriage made with, **4,** 91, 94, 95; **7,** 345 n.
costs in action for delay recoverable by, **4,** 20
damages for delay recoverable by, **4,** 20
dangerous goods, duty in regard to, **21,** 371; **26,** 79, 101
deception by, liability in case of, **4,** 8
declare value of goods, to, **4,** 21, 22
insurance of goods by, **17,** 355
pack and address goods properly, to, **4,** 7, 15, 16, 35
pay freight, to, **4,** 6, 7, 21, 22
route selected by, powers of railway company in regard to, **4,** 79
sample of food or milk, penalty for refusal to allow officer to take, **15,** 13
contract by
fraud vitiates contract, **4,** 9, 16
person liable on, **4,** 91; **7,** 345
special, limiting liability must be reasonable, **4,** 30—33
restricting liability of, effect of, **4,** 14, 16, 17, 26, 30—33
conversion of goods by, **4,** 13, 14, 23, 23 n., 99; **25,** 256; **27,** 893 n.
credit by, lien in case of, **4,** 93
damage to goods by carrier, who may sue, **4,** 94—96
damages, measure of, where consignor liable to third party, **4,** 20
goods lost or delayed, **4,** 17—20; **10,** 338
dangerous goods, carriage of, **4,** 27
charges for carriage of, **4,** 85
warranty as to, when implied, **21,** 371
delay by, liability for, **4,** 14, 15—17, 23, 33
loss of market through, **4,** 20

CARRIER OF GOODS—*continued.*
delivery by, consignee not at address given, effect of, **4,** 12
delay in, liability for, **4,** 14, 15, 23
measure of damages for, **4,** 17—20; **10,** 334
refusal to deliver not within exemption clause for, **4,** 33
duties as to, **4,** 11, 12, 14, 15
duty of carrier when goods refused, **4,** 12, 93, 94
liability of carrier continues until, **4,** 11
misdelivery, liability for, **4,** 13
notice of arrival of goods, on, **4,** 12
place of, **4,** 11, 12
alteration of, **4,** 13
refusal of goods by consignee, effect of, **4,** 12
stoppage in transit, in respect to right of, **4,** 96—99; **25,** 252. *See* STOPPAGE IN TRANSITU.
termination of transit by, **4,** 96; **25,** 252
time for, **4,** 14, 15
wrong goods, of, damages for, **4,** 20, 21
delivery to
agent of buyer, as, **25,** 133
appropriation of goods to contract by, **4,** 94; **25,** 170; **27,** 900 n.
buyer's request, at, effect of, **4,** 95; **25,** 222
delivery of goods to buyer, as, **4,** 94; **25,** 222
discharge of seller, as, **25,** 222 n.
receipt, as affecting actual, **25,** 133
sale or return, on, **25,** 222 n.
seller, by, effect of, **4,** 94, 95; **25,** 133, 170, 222
destination, alteration of, during transit, **4,** 13
destruction of goods, measure of damages for, **4,** 17
deterioration of goods during transit, liability for, **4,** 16
deviation by, effect of, **4,** 7, 14; **21,** 427, 428
distress upon goods in custody of, **11,** 136
disturbed country, refusal of carrier to convey goods through, **4,** 7
duty of, to
accept goods, **4,** 6
carry goods, **4,** 6, 92—94
collect price on delivery, **4,** 96
deliver in reasonable time, **4,** 14, 15
give receipt, **4,** 24
obey directions of consignor, **4,** 14
preserve goods not delivered, **4,** 93, 94
subject to lien, **4,** 93
repay freight if goods lost, **4,** 24
stop goods in transit, **4,** 96—99
supply proper vehicle, **4,** 10, 35
eggs of game birds etc. in possession of, power of constable to seize, **15,** 260 n.
engravings, liability for loss of, **4,** 23
excepted perils, liability in regard to, **4,** 9
explosives, byelaws to be conformed to, **4,** 27; **14,** 385, 386; **23,** 730
liability in regard to, **14,** 396
fire, accidental, liability for goods destroyed by, **4,** 8
food, unwholesome, liability in case of, **15,** 35 n.
fraud, effect of, on contract with carrier, **4,** 9, 16
freight, actions for, by, **4,** 92
defence of undue preference, **4,** 92
cannot sue for, unless ready to deliver goods, **4,** 92
lien on goods for payment of, **4,** 92

CARRIER OF GOODS—*continued.*
furs, liability for loss of, **4,** 24
game, innocent possession of, **27,** 178 n.
not permitted to deal in, **15,** 255
unlawful possession of, **15,** 237 n., 238 n.
glass and china, liability for loss of, **4,** 23
gratuitous, duty of, **4,** 5; **21,** 427
negligence of, liability in case of, **4,** 5; **21,** 430
gun licence, exempt from, **15,** 251 n.
indemnity by, insurance by owner over and above, **17,** 374
indictment of, for refusal to carry goods, **4,** 6
inherent vice or defect, loss occasioned by, **4,** 10, 19
insurable interest of, bailee, as, **17,** 369, 471, 524
otherwise than as, **17,** 471
goods carried, in, **4,** 92
indemnity, effect of right to, **17,** 374
nature of, **17,** 369
insurance by, rights in case of, **4,** 14; **17,** 457, 494, 524
insurer of goods carried, responsibility as, **4,** 8
interpleader by, **4,** 14, 99; **17,** 582
jewellery, liability for loss of, **4,** 23
lace, liability for loss of, **4,** 24
letters, carriage of, in regard to, **22,** 632
liability, contracting out of, by railway company, **4,** 28, 30
excepted perils, in case of, **4,** 9
limitation of, by contract, **4,** 28, 29
loss, for, extent of, **4,** 8—14, 21—36; **10,** 314; **21,** 429, 430
goods, of, **4,** 21 *et seq.*; **21,** 429
market, of, **4,** 20, 35
relief of railway and companies by special contract, **4,** 26, 28, 30
lien of, by common law, rights of, **19,** 11
freight, for, **4,** 92
general balance owing, for, **10,** 283
goods liable to, **4,** 93
redelivery, for costs and charges of, **4,** 98, 99
refusal to accept delivery, effect of, **4,** 13, 93, 94; **19,** 29
revival by recaption, **4,** 93
stopped goods, on, **25,** 257
warehousing charges, in case of, **4,** 13, 93
when arises, **4,** 93
misdelivery by, liability in case of, **4,** 13, 14
negligence by, arising out of special relations, **21,** 426—430
carrier not a common carrier, in case of, **4,** 5
gratuitous carrier, in case of, **4,** 5
gross, liability for, **4,** 5 n., 22
loss, profit, of, through, **4,** 19
sale, of, through, **4,** 18, 19
season, of, through, **4,** 18 n.
others, liability for, **4,** 5, 8, 15
private carrier, in case of, **4,** 4, 5
reward, carrier for, in case of, **4,** 5
notice of arrival of goods, by, **4,** 12
dangerous character of goods, **21,** 371
delay will cause damage, **10,** 314
extraordinary circumstances, **4,** 18
higher rate on valuable goods, **4,** 22
refusal, effect of, **4,** 12
restricted liability, **4,** 21, 26, 28, 38
owner's risk, goods at, **4,** 30
packing, defective, liability in case of, **4,** 7, 16

CARRIER OF GOODS—*continued.*
perishable goods, delay in delivery of, effect of, **4,** 35
plate, liability for loss of, **4,** 23
private, *defined*, **4,** 4
negligence of, liability in case of, **4,** 5
proceedings by, person wrongfully taking goods, in case of, **4,** 92
property in goods carried by, passes to consignee, when, **4,** 94, 95
special, of carrier, **4,** 92
railway company as, account of goods to be rendered by owner, **4,** 86, 87
agent of company, liability for, **4,** 30
alternative conditions of contract offered to consignor, effect of, **4,** 31, 32, 33
common carrier, privileges as, **23,** 719. *See* COMMON CARRIER.
consignment note, penalty for false description in, **4,** 87
contract by agent of consignor, liability in case of, **4,** 29, 30
delay, liability in case of, **4,** 35
dock charges by, **4,** 86
excessive charges, recovery of, **4,** 70
explosives, in regard to, **23,** 730
facilities to be provided by, **4,** 65—70. *See* REASONABLE FACILITIES.
limitation of liability by contract, **4,** 28, 30—36. *See* SPECIAL CONTRACT.
maximum rates, **4,** 83—87. *See* RAILWAY RATES AND CHARGES.
misconduct of servants, liability in case of, **4,** 33—35
negligence of servants, liability for, **4,** 27, 28, 29, 30, 32
owner's risk, liability for goods sent at, **4,** 30, 31, 33
passenger trains, in case of, **4,** 28, 33
passenger's luggage, in regard to, **4,** 29, 40—44. *See* LUGGAGE.
private wagons of traders, in case of, **23,** 720
rate-books to be kept by, **4,** 85, 86
rates and charges. *See* RAILWAY RATES AND CHARGES.
rebates on sidings rates, **4,** 87, 88
ships, in, liability in case of, **4,** 28, 29
statutory powers of, **23,** 634, 635
terminal charges by, **4,** 86
through bookings, in case of, **4,** 28, 34, 35, 36, 72—74. *See* THROUGH BOOKING.
undue preference in case of, **4,** 74—82. *See* UNDUE PREFERENCE.
unreasonable conditions in contract of carriage, effect of, **4,** 31, 35
refusal, carry, to, excuses for, **4,** 6, 7
deliver, to, effect of, **25,** 252
remedies against, **4,** 94—96
restrictive covenant, effect of, in case of, **27,** 584
reasonableness of, **27,** 561 n.
reward, for, liability of, **4,** 5
safety of goods, responsibility for, **4,** 8, 9, 10
sea, by. *See* CARGO.
liability of, **21,** 430
seller, duty of, as to contract with carrier, **25,** 222
loss of lien on delivery to carrier, **25,** 244
servant of, misconduct of, liability for, **4,** 25, 33, 34
tort of, liability for, **20,** 251 n.
who is, **4,** 25
shipowner as, liability of, **26,** 195, 196, 325, 326
silks, liability for loss of, **4,** 23, 24

CARRIER OF GOODS—*continued.*
special contract, limiting liability, **4,** 28—38
passengers luggage, as to, **4,** 43, 44
stamps, liability for loss of, **4,** 23
statutory protection of, **4,** 21—36
stoppage *in transitu* by, **4,** 96—99. *See* STOPPAGE IN TRANSITU.
Sunday, may not ply trade on, **27,** 445
tender of price to, whether necessary, **4,** 7
theft, liability for, **4,** 8
lien on goods delivered by thief, **4,** 92
third party, responsibility for act of, **4,** 8, 15, 47
tort by, **27,** 464 n.
transit of goods, alteration of destination during, **4,** 13
termination of, **4,** 96—98
trespass upon goods in custody of, action in case of, **27,** 867
valuable goods, higher charges for, **4,** 92
liability for, **4,** 21—24
warehouseman, liability as, of, **4,** 12, 13
watches, liability for loss of, **4,** 23
water, by, what is, **4,** 3

CARRIER OF PASSENGERS. *See* CARRIAGE OF PASSENGERS; PASSENGER (by Land); PASSENGER (by Sea).
care, degree of, required, **4,** 5, 44; **21,** 366, 426
common carrier, as, **4,** 5
defects in vehicle, liability for injury caused by, **4,** 45; **21,** 366, 426
emergency, duty of carrier in an, **4,** 45
gratuitous, liability in case of, **21,** 426 n., 427
liability of, personal injuries, for, **4,** 5
variation of, by contract, **21,** 427, 428
negligence of, liability in case of, **4,** 5, 44; **21,** 366, 426
railway company as. *See* RAILWAY COMPANY; RAILWAY PASSENGER.

CARRY OVER ON STOCK EXCHANGE.
defined, **27,** 216
agreement for, may be implied, **27,** 219 n.
authority to broker, when implied, **27,** 222, 223
bank, with a, **27,** 231
continuing authority as to, effect of death upon, **27,** 223
death of seller during, effect of, **27,** 239
differences on, broker's right to, **27,** 221, 243
form and effect of, **27,** 231
non-compliance with request to, notice to client, **27,** 219 n.
stamp duty on contract note, in regard to, **27,** 229
taker in, position of, **27,** 231
taking in, *defined*, **27,** 217, 231 n.
broker, by, effect of, **27,** 221
deposit of securities against advance, **27,** 231

CARRYING ON BUSINESS. *See* BUSINESS; COMPANIES.

CARRYING ON PROCEEDINGS.
death of party, on, **14,** 228; **23,** 107

CARRYING ON PROFESSION. *See* PROFESSIONAL MAN.

CART,
bread, sale of, from, **15,** 50
provision of weighing instruments for, **15,** 50

CART—*continued.*
diseased meat in, seizure of, **15,** 36 n.
drivers on highway, offences by, **27,** 276
driving two or more, offence of, **27,** 271, 282
name and address on, milk, in case of sale of, **15,** 67
owner, of, driving cart without, offence of, **27,** 276, 277
provisions for painting on, **27,** 271, 276
repairing on highway, offence of, **27,** 282
threshing machine may be included in term, **27,** 131 n.
washing in streets, when an offence, **27,** 287
weighing in markets, **20,** 27
liability of persons for fraud, in regard to, **20,** 27
wheels of, power of county councils to make bye-laws as to, **27,** 272

CART-BOTE,
defined, **4,** 447 n., 468 n.
common of estovers includes right to, **4,** 447 n.
profit à prendre limited by, **11,** 339
right of, **4,** 468 n.

CARTAGE,
charges, rating railway in respect of, **24,** 32

CARTEL SHIP,
is not lawful prize, **23,** 278

CARTRIDGES,
blasting cartridges, premises for manufacture of, **14,** 358
cartridge works, *defined,* **14,** 439
filling of, notice required to be given in respect to, **14,** 378
factory licence, when necessary, **14,** 378
regulations for occupier of store, as to, **14,** 378
packing of, **14,** 359 n., 383
safety, *defined,* **14,** 358

CARUCÆ, AVERIA. *See* AVERIA CARUCÆ.

CARVER,
hereditary office of, at coronation, **6,** 332
His Majesty in Scotland, to, **6,** 331

CASE,
action on the, **1,** 39 *et seq.* *See* ACTION.
counsel, laid before, whether a document for purpose of discovery, **11,** 68 n.
motion, on, matrimonial proceedings, in, **16,** 465, 466
probate proceedings, in, **14,** 157
notice, Privy Council, in, **9,** 43
special. *See* SPECIAL CASE.
stated. *See* CASE STATED.

CASE STATED. *See also* SPECIAL CASE.
appeal by, conviction on indictment, from, **9,** 433
court of summary jurisdiction, from, **19,** 650. *See* SPECIAL CASE.
arbitrator, by, **1,** 450, 464—468. *See* ARBITRATOR, special case.
building societies' dispute, in, **3,** 383, 385, 387; **8,** 639
certiorari in respect of case stated by justices or quarter sessions, **10,** 166
colonial court, by, for opinion to superior court, **10,** 559; **13,** 490

CASE STATED—*continued.*
Criminal Appeal, Court of, to, **9,** 83
friendly society dispute, in, **8,** 652; **15,** 181, 184
High Court action, in, **23,** 160, 161
Income Tax Commissioners, by, **16,** 682, 690
nature of decision on, **16,** 683
remission by High Court for further statement, **16,** 683
industrial society dispute, in, **17,** 29
justices, by, **19,** 650, *et seq.* *See* SPECIAL CASE.
assessment of compensation, where land acquired compulsorily, on, **6,** 77, 78
poaching, in case of, **15,** 232
removal of determination where there has been a, **10,** 165
quarter sessions, by, **11,** 222 n.; **19,** 664. *See* SPECIAL CASE.
referee, by, **1,** 485, 489
revising barrister, by, **12,** 249, 250. *See* SPECIAL CASE.

CASH. *See* MONEY.
bank, at, effect of statute as to recovery of, **19,** 47
bequest of money, when cash passes under, **28,** 705
discount, building contractor's right to, **3,** 278
lithographer's charges for bills of quantities, in case of, **3,** 312
distress on, **11,** 138
execution on, **14,** 47, 48
payment in, building contractor entitled to, when, **3,** 226
rent, of, **18,** 474

CASH BOOK,
liquidator of company to keep, **5,** 451, 452
audit and inspection of, **5,** 452
copy to be sent to Board of Trade, **5,** 452
official receiver of company to keep, **5,** 429

CASKS,
cleansing in streets an offence, **27,** 284, 286, 287
damage to, on board ship, **26,** 203, 204
loading or unloading, in metropolis, provisions for, **27,** 288
lowering or drawing up in metropolis, restrictions as to, **27,** 288
spirit, grogging of, **18,** 156; **24,** 639
marking of, provisions for, **18,** 152, 153; **28,** 493
storing of, provision for, **18,** 152
storage of, metropolis, in, regulations for, **20,** 494
stowage of, duties of shipowner in respect of, **26,** 203, 204
water, provisions as to, on emigrant ship, **26,** 330 n., 339

CAST,
copyright in, assignment of, **8,** 206, 207
commencement of, **8,** 207
date of publication must appear on work, **8,** 207
duration of, **8,** 207
infringement of, action for, **8,** 208
conditions precedent to proceedings for, **8,** 207
costs of proceedings for, **8,** 208
importing copies, by, **8,** 208
injunction against, **8,** 208
limitation of time for proceedings, **8,** 208
persons entitled to, **8,** 206

CAST—*continued.*
copyright in—*continued.*
proprietor's name must appear on work, **8,** 207
registration of, **8,** 207
requisites for, **8,** 207
international copyright in, **8,** 206, 207

CASTE,
effect of distinction of, by foreign municipal law, **6,** 183, 184

CASTING AWAY,
ship or vessel, attempt to cast away, offence of, **9,** 789.
meaning of, **9,** 789 n.
penalty for, **9,** 789

CASTING VOTE,
chairman, directors' meeting, of, **5,** 236 n.
licensing justices, of, has none, **18,** 36
municipal council, of, **19,** 315
quarter sessions, of, **18,** 83
shareholders' meeting, of, **5,** 255 n.
corporation meeting, at, **8,** 349; **19,** 315
dean in chapter has no, **11,** 424
election, at, alderman, of, **12,** 355
chairman of urban district council, of, **12,** 375
mayor, of, **12,** 353
urban district councillor, of, **12,** 373
House of Commons, in, **21,** 672, 683 n.
Lord Chancellor has no, **21,** 634
returning officer, of, Corporation of City of London, at election to, **12,** 395 n.
parliamentary election, at, **12,** 145, 328

CASTLE GUARD RENTS.
sale of, in Duchy of Lancaster, **7,** 224

CASUAL
ejector, action for recovery of land against, **1,** 35
employment, National Health Insurance Act, exemptions in case of, **28,** 908
modification of statutory provisions in case of, **28,** 994
unemployment insurance, in relation to, **28,** 887
Workmen's Compensation Act, *defined* for purpose of, **20,** 155
compensation of average weekly earnings in case of, **20,** 203 n., 205, 206
excluded from, in certain cases, **20,** 155
labour. *See* employment, *supra.*
negligence, *defined,* **21,** 473 n.
highway authority's liability for, **16,** 134—136
independent contractor, by, **20,** 265; **21,** 473
maritime collision, as affecting liability for, **26,** 505, 508 n.
pauper, *defined,* **22,** 567
admission of, **22,** 568
detention of, Sunday not counted in days for, **22,** 568; **27,** 453
discharge of, **22,** 568
metropolis, district for relief in, **22,** 552
metropolitan area, in, **22,** 568
place of reception of. *See* ward, *infra.*
reimbursement from parish of origin, **22,** 567
relief to. power to grant. **22,** 567
workhouse, removal to, **22,** 568

CASUAL—*continued.*
profits, income tax on, **16,** 657
distraint for, **11,** 219
tenant for life's right to, **25,** 607; **28,** 34
what are, **25,** 607 n.
relief, power to grant, **22,** 567, 568
stoppages of work, Workmen's Compensation Act, deductions under, **20,** 206
vacancy. *See also* BYE-ELECTION.
board of directors of company, in, **5,** 211, 212
borough corporate office, in, how filled, **19,** 299
non-acceptance of office, by, **19,** 296
county council, in, bye-election to fill, **12,** 357
guardians, in board of, **12,** 390
parish council, in, how and when filled, **12,** 382
urban district council, in, how filled, **12,** 362, 374
non-acceptance of office, by, **19,** 263
visiting committee of prison, in, when filled, **23,** 233
ward, *defined,* **22,** 567
food in, **22,** 568
metropolis, in, control of, **20,** 412; **22,** 568
provision of, duty of guardians as to, **22,** 567
metropolis, in, **25,** 567, 568
work in, **22,** 568

CASUALTIES. *See* ACCIDENT.
shipping. *See* SHIPPING CASUALTIES.

CASUS OMISSUS,
criminal and penal statutes, in, **27,** 177 n.
statute, in, supplied by equitable interpretation, **13,** 69 n.

CAT,
distress upon, **11,** 138
domestic or tame animal, is a, **1,** 365

CAT-OF-NINE-TAILS,
punishment of prisoners with, when ordered, **23,** 257, 265

CATALOGUE. *See also* LIST.
copyright in, **8,** 146
unredeemed pledges, of, auctioneer's duty in respect of, **1,** 508
duty to publish before sale, **1,** 507
pawner's right to inspect, **22,** 252

CATARACT,
in glassworkers, within Workmen's Compensation Act, **20,** 165 n.

CATCHING BARGAINS. *See also* UNCONSCIONABLE BARGAIN.
equitable relief against, **13,** 20; **15,** 111, 112
jurisdiction not affected by Sales of Reversions Act, 1867, **27,** 42 n.
persons originally entitled to relief, **13,** 21 n.

CATCHPOLL,
defined, **9,** 155 n.
officer of court, as, **9,** 155

CATECHISM,
council school, not to be taught in, **12,** 23, 24
deacon's functions in respect of, **11,** 552

CATECHISM—*continued.*
elementary provided school, not to be taught in, **12,** 34 n.
instruction in, before confirmation, **11,** 688, 689

CATECHU,
tea, manufacture of, with, **15,** 68 n.

CATERER,
rating of portion of exhibition used by, **24,** 13 n.

CATHEDRAL,
administration of Holy Communion in, **11,** 689
bishop's control over, **11,** 540 n.
chancellor of, **11,** 433
chapter of. *See* CHAPTER.
Charity Commissioners, jurisdiction of, **4,** 304
deans, *defined*, **11,** 416
Exeter, reredos, legality of, **11,** 669 n.
faculty not necessary for alteration in, **11,** 540
fees payable by officers, **11,** 428 n.
officers, duty of, to receive the communion and to study, **11,** 435
endowments of, **11,** 435
non-residentiary, rights of, **11,** 433
unendowed, rights of, **11,** 430
parish church of whole diocese, is, **11,** 442 n.
preferment, meaning of, **11,** 439 n.
reparation funds, exemption from income tax, **4,** 210
St. Paul's, reredos, legality of, **11,** 671 n.
schools, constitution of governing body of, **11,** 812
exempt from Endowed Schools Act, **12,** 104
religious instruction in, **12,** 108
seats in, rights as to, **11,** 738
vestments, in, **11,** 673, 675
Welsh, canonries of, **11,** 429

CATHOLIC CHURCH,
defined, **11,** 370
division of, **11,** 358
Roman, distinctive mark of, **11,** 803

CATTLE. *See also* ANIMAL; COWS.
defined, Dogs Act, in, **1,** 397
Fertilisers and Feeding Stuffs Act, in, **1,** 286
Knackers Act, in, **23,** 559
animals included in term, **27,** 278
beasts of the plough, distress upon, for rates and taxes, **11,** 215
carriage of. *See* CARRIAGE OF ANIMALS.
common of pasture for, **4,** 447, 453. *See* PASTURE (common of).
appendant, **4,** 447—452
appurtenant, **4,** 452—456
commonable lands, in, **4,** 477—482
evidence as to, **4,** 451
gross, in, **4,** 457, 458
levancy and couchancy, in relation to, **4,** 450, 451, 454, 456
number allowed, **4,** 450, 451
royal forest, in, **4,** 475
stranger, in case of, **4,** 451, 500
vicinage, by reason of, **4,** 458—460
dairies, in, inspection of, **1,** 433; **15,** 63, 64 n.; **23,** 460
dealer in, income tax in case of, **16,** 638
diseased. *See* DISEASES OF ANIMALS.
dishorning held to be cruelty, **1,** 410

CATTLE—*continued.*
distress upon, **11,** 118, 179, 215
common land, when on, **4,** 501, 521, 522; **11,** 156
damage feasant, **1,** 378—382; **3,** 132; **11,** 118. *See* DISTRESS DAMAGE FEASANT.
driven off to avoid distress, **11,** 156
privileged from, when, **1,** 252, 253
breeding stock of stranger, **1,** 253; **11,** 140
on way to market, **11,** 136 n.; **20,** 6 n,
second distress on, **11,** 188
domestic animals, as, **1,** 365
driving, carrying in cart is not, **27,** 269 n.
diseased, **1,** 422
regulations as to, by whom made, **22,** 471; **27,** 271
right of way for, **11,** 286; **16,** 10. *See* DRIFTWAY.
statutory powers of police as to, **22,** 471, 502
streets, through, powers of local authorities to regulate, **27,** 271
London streets, limitations as to hours, **27,** 271, 287
drunk while in charge of, meaning of, **18,** 141
feeding stuffs for, artificial, rules as to, **1,** 285—291. *See* FEEDING STUFF.
transit, in and after, **1,** 433; **4,** 38—40
fence, excavations, in case of, **21,** 410
non-repair of, injury by and to, liability, **3,** 132, 133
railway, along, **3,** 133; **23,** 670, 671
fodder for, estovers do not extend to, **4,** 468
guards for, substituted for gates on light railway, **27,** 835 n.
heriots, as. *See* HERIOT.
highway, grazing on, **16,** 56
straying on, impounding of, **27,** 278, 279
trespass in respect of, by owner of soil of, **16,** 55, 56
impounding of. *See* IMPOUNDING.
inherent vice of, carrier not liable for damage caused by, **4,** 10
injury to, bailee's right of action for, **3,** 133
dogs, by, **1,** 281, 395, 397
indictable offence, when, **9,** 788
overhanging trees, by, **3,** 126
innkeeper's liability for damage by guest's dog to, **17,** 323
inspection and condemnation of, **15,** 40
insurance of, marine, **17,** 427 n.
society for. *See* CATTLE INSURANCE SOCIETY.
levant and couchant, meaning of, **4,** 450; **11,** 339
lord of manor's right to depasture, **4,** 500
loss or damage to, through misrepresentation, **20,** 706 n.
malicious killing or injuring, punishments for, **1,** 369; **9,** 788
market, Board of Agriculture and Fisheries, powers of, **1,** 423; **20,** 28, 30, 53
liability of owner of, for fences, **3,** 127, 128
pens, liability for dangerous, **3,** 127, 128
place to be provided for, **20,** 6 n.
prohibition of, powers, **20,** 53
return to be made by authority as to, **20,** 30
tolls for, provisions and regulations as to, **20,** 42 n.
weighing in, facilities for, **1,** 292; **20,** 27—29
tolls, for, **20,** 28, 29
mine shaft, falling into, liability of mine-owner **20,** 585
pen for, dangerous, liability for, **3,** 127, 128

CATTLE—*continued.*
plague, declarations etc. as to, **1,** 422, 425
slaughter of animals affected with, regulations as to, **1,** 427
pleuro-pneumonia, account at Bank of England for compensation, **1,** 429
slaughter of animals affected with, **1,** 428
poisonous trees, injury by, **1,** 296; **3,** 126; **21,** 396 n.
replevin of distrained, **11,** 200
recaption of replevined, **11,** 209, 210
sale of, auction, by, statutory rules as to, **1,** 508
weight, by, provisions as to, of, **1,** 292
ship, prohibition as to carriage in emigrant or passenger, **26,** 345, 346
shipowner's duty as to cargo of, **26,** 189
slaughter of, disease, in case of, **1,** 428
highway, on, offence of, **27,** 282
provisions and regulations of places for, **1,** 412, 413
slaughterer, establishment of, in London, **23,** 565
stallage, meaning of, **20,** 38, 39
recovery of, **20,** 38, 39
stealing, punishment, **1,** 368, 369
strangers, of, licence by owner to pasture on common, **4,** 500
straying, distress on, damage feasant, **1,** 378—382; **3,** 132
rent, for, **3,** 133
highway, on, **16,** 166; **27,** 278, 279
injury by or to, **3,** 132, 133
streets, in, impounding and penalty, **27,** 278, 279
threats to wound or kill, **9,** 791
trespass by, damages for, **1,** 375—377; **27,** 869 n.
highway, from, owner not liable without negligence, **1,** 377; **21,** 410 n.
trespassing, distress on. *See* DISTRESS DAMAGE FEASANT.
driving out, **27,** 871 n. *See* straying, *supra.*
unburied carcases of, penalty for leaving where dogs have access, **1,** 400
water supply for, execution of works, commissioners' powers for provision of, **25,** 779 n.
watering of, master of ship, duty as to, **26,** 225 n.
places for, provision by railway company, **23,** 671, 672

CATTLE INSURANCE SOCIETY,
accounts of, **15,** 139, 173
dissolution of, **15,** 139
liability of members of, as to subscriptions, **15,** 156
payments of members to, nature of, **15,** 156
registration of, **15,** 123, 125
fees in respect of, **15,** 131 n.
rules of, **15,** 137
valuations in case of, **15,** 171 n.

CATTLEGATE,
defined, **4,** 479, 480
inclosure of, **4,** 481 n., 541
right of, alienation of, **4,** 481
number of animals, **4,** 481
ownership of soil, **4,** 480, 481

CAUSA CAUSANS. *See* CAUSA PROXIMA.

CAUSA PROXIMA NON REMOTA SPECTATUR. *See also* PROXIMATE CAUSE; EFFECTIVE CAUSE.
accident insurance, in, **17,** 567
fire insurance, in, **17,** 530
marine insurance in barratry is exception to, **17,** 445
negligence, application in case of, **21,** 379 n., 446

CAUSE,
accident, of, negligence as, **21,** 439—441. *See also* ACCIDENT; EFFECTIVE CAUSE; NEGLIGENCE; PROXIMATE CAUSE.
proceeding. *See* CAUSE (Proceeding).
showing. *See* SHOWING CAUSE.

CAUSE (PROCEEDING). *See also* ACTION.
defined, **11,** 39, 40, 187 n.
action, of. *See* CAUSE OF ACTION.
action and suit included in, **1,** 3
criminal cause or matter, meaning of, **11,** 39, 40, 187 n.
pending, how long is, **13,** 62 n.
short, certificate by counsel as to, **2,** 379
debenture-holder's action as, **5,** 386
master may order action to be put in list as, **18,** 194
receiver appointed in, **5,** 386

CAUSE LIST,
Chancery Division, in, registrar's duty as to, **9,** 68
Divorce Division, in, **16,** 530
reserved list, **16,** 531
King's Bench Division, in, **23,** 130 n.
Mayor's court, in, procedure on calling over, **20,** 295

CAUSE OF ACTION. *See also* ACTION; RIGHT OF ACTION.
defined, **1,** 6; **20,** 286 n.; **22,** 443 n.
abroad, arising, contract, in relation to, **6,** 232, 233
land, in regard to, **1,** 51; **6,** 199, 250, 251; **13,** 66; **27,** 851
limitation of time for, **19,** 56
torts, in regard to, **6,** 248—252; **27,** 464 n., 491
trespass to goods, in regard to, **27,** 864
accruer of, **1,** 6; **19,** 42
beginning of running of time as from, **19,** 42, 77
continuing cause, in case of. *See* continuing, *infra.*
contract, in action founded on, **7,** 438—441; **19,** 42—49
covenant, in actions founded on, **19,** 77, 78
damage, in case of, **19,** 52, 178
persons capable of suing or being sued, necessity for, **19,** 53, 54
tort, in actions founded on, **19,** 49—52; **27,** 466
act causing no injury to legal right affords no, **1,** 10; **27,** 470
area of, **1,** 6
bankruptcy, effect of, **2,** 63, 298
colonial court, effect of judgment of, **7,** 458
Common Law Procedure Act, meaning within, **1,** 6
contingency, contract in respect of, when arising with regard to, **19,** 43
continuing, damage in case of, **10,** 310; **11,** 325; **27,** 847
meaning of, **10,** 310; **23,** 347 n
nuisance, in case of, **21,** 560
when time begins to run in respect of, **11,** 325; **19,** 51, 52, 78, 178; **23,** 346, 347

CAUSE OF ACTION—*continued.*
county court, in, different, what are, **8,** 459
division of, **8,** 459
place of arising, determination of, **8,** 451
damage, not necessarily consisting of, **1,** 7; **10,** 308; **27,** 470, 848
partly grounded on, time from which Statutes of Limitation run, **19,** 52
death of person to whom accruing. *See* ABATEMENT.
effect on running of time, **19,** 53
demand, when necessary to account of, **1,** 23; **7,** 488; **19,** 43, 44; **21,** 31
estoppel is not, **13,** 378
foreign judgment, effect of, **7,** 458
intention as affecting, in case of tort, **27,** 467
investigate, failure to, liability of solicitor, **26,** 755
joinder of, administrator, in claims by or against, **8,** 458; **14,** 330; **22,** 444
counterclaim infringing rules as to, **25,** 505, 506, 514
county court, in, **8,** 458, 459
ejectment action, in, **8,** 458; **22,** 444
Employers' Liability Act, under, **20,** 153
executor, in claims by or against, **8,** 458; **14,** 330; **22,** 444
foreclosure action, in, **8,** 458; **21,** 284; **22,** 444
High Court, in, **22,** 443, 444; **23,** 108, 109
husband and wife, in claims by or against, **8,** 458; **16,** 454; **18,** 614; **22,** 444
improper, power of court as to, **22,** 444
joint and separate claims, in, **8,** 458; **22,** 445; **23,** 109 n.
leave, when required, **8,** 458, 459; **22,** 444; **23,** 109
mayor's court, London, in, **20,** 290
partners, by, **18,** 614, 615
prospectus of company, in case of misrepresentation in, **5,** 132, 133
recovery of land, in action for, **18,** 558; **23,** 109; **24,** 326, 327
leave required on, **22,** 444
redemption action, in, **8,** 459; **22,** 444
replevin action, with, **8,** 459; **11,** 202
separate trials in case of, **23,** 108 n.
trustee in bankruptcy, in claims by, **2,** 133; **8,** 459
libel and slander, in, what statements constitute, **18,** 618 *et seq.*
innuendo necessary, when, **18,** 645 *et seq.*
limitation statutes in the case of personal actions do not bar, **19,** 182, 183
marriage does not abate, **16,** 454
merger of, higher security, in, **1,** 31; **7,** 457
judgment, in, **7,** 458—460; **13,** 334—338; **18,** 209. *See also* JUDGMENT RECOVERED.
misrepresentation as a, **20,** 657, 719. *See also* FRAUDULENT MISREPRESENTATION; MISREPRESENTATION.
alteration of position must be shown to sustain, **20,** 703
essential elements of, **20,** 694, 695, 724, 737
extent of representation to be alleged as, **20,** 663
simple lie, when a, **20,** 696
statement of third party's intention as a, **20,** 663
negligence as, **21,** 360 *et seq.*; **26,** 499, 500. *See also* NEGLIGENCE.

CAUSE OF ACTION—*continued.*
pollution of water, for, **28,** 435
release of, **1,** 6; **7,** 454—457
res judicata, **13,** 331—333. *See also* RES JUDICATA.
separation of different, **23,** 108 n.
several, plaintiff's position as to, **13,** 332 n.
pleading of, **22,** 443—445; **25,** 510, 511
statement of claim, setting out in, **22,** 442, 443
stay of proceedings where none shown, **23,** 157
striking out pleading showing no, **22,** 435; **25,** 513
surviving, no abatement of action on death, **14,** 228; **23,** 107, 108; **24,** 347
suspended, when, **1,** 27—30, 445, 451; **19,** 54; **27,** 492. *See* SUSPENSION.
tort, in case of, accrual, **19,** 49—52; **27,** 466
conduct of tortfeasor as affecting, **27,** 468
conflict of duties as affecting, **27,** 470
intention as affecting, **27,** 467, 468
nature of act giving rise to, **27,** 464
trespass, in case of, **27,** 848, 863—868, 871, 872

CAUSEWAYS,
repair of, a charitable purpose, **4,** 106, 107

CAUTION. *See also* CAVEAT; WARNING.
accused person, of, if he wishes to make statement before justices, **9,** 316, 399; **19,** 584
registration in land registry, against, **21,** 84 n., 338 n.; **24,** 315, 321

CAVEAT,
Admiralty, in,
arrest, against, **1,** 83, 92; **23,** 289
bail by person entering, **1,** 84
judgment, effect of, **1,** 84
prize court, in, **23,** 289
procedure on, **1,** 83
solicitor's undertaking in signing præcipe, effect of, **1,** 84
warrant, procedure in case of, **1,** 83, 84, 85, 86, 100
writ to be served on party entering, **1,** 84
payment of money out of court, against, **1,** 91, 92, 122, 123
release, against, **1,** 88, 89
emptor. *See* CAVEAT EMPTOR.
land registered in Yorkshire Registry, as to, **24,** 307
marriage licence, against grant of, **11,** 702; **16,** 294, 295
notary, against appointment of district, **21,** 496
probate, against granting, **14,** 153—155
commencement of proceedings, is not, **14,** 155
entry of, before citation signed, **14,** 156
non-contentious business, as, **14,** 153
practice as to, **14,** 154, 155
renewal of, **14,** 154
revocation of probate pending, **14,** 214
warning against, **14,** 154, 155
withdrawn, may be, **14,** 155

CAVEAT EMPTOR,
animals, applies to sale of, **1,** 389, 420
equity, application in, **13,** 14 n.
food, applies to sale of, **15,** 4
goods, applies to sale of, when, **25,** 157 *et seq.*
land, applies to sale of,
latent defects of quality, **25,** 298
patent defects, **25,** 297
meaning of, **25,** 157 n.

CELEBRATION,
Holy Communion, of. *See* COMMUNION.
marriage, of. *See* SOLEMNIZATION OF MARRIAGE.

CELL,
prison, inspection before use, provision for, **23,** 255
must be healthy, **23,** 255

CELLAR,
restriction as to letting or occupying as dwelling, **23,** 505, 506
closing order under, **23,** 506
enforcement of, **23,** 507
London, in county of, **23,** 506
summary jurisdiction in respect of, **23,** 506
sewer, construction of, under, **16,** 206; **25,** 731, 734
metropolis, in, **25,** 734, 735
must not communicate with, in metropolis, **25,** 769
streets, under, opening to be protected, **16,** 205, 250; **27,** 285—287
permission necessary to, **16,** 206, 250
repair of, **16,** 103, 250 n., 251

CELLULITIS,
within Workmen's Compensation Act, **20,** 165 n.

CELLULOID,
explosive, not considered an, **14,** 357
form of collodion cotton, **14,** 357 n.

CEMENT WORKS,
inspection of, **23,** 412, 413
meaning of, **23,** 405
notice of change of ownership of, **23,** 411, 412
nuisance from, **21,** 533
prevention of discharge of noxious gases from, **23,** 410
registration of, **23,** 411
statutory provisions as to, **23,** 404—414. *For these provisions see* ALKALI WORK.

CEMETERY. *See also* BURIAL GROUND.
accounts relating to, by local authorities, **3,** 512
acquisition of land for purposes of, **3,** 507
addition to, prohibition of, **3,** 525, 526
alienation of land acquired for, **3,** 507
burial in, exclusive rights of, **3,** 520, 521
registration of, **3,** 513, 559, 560
copies of register for diocesan registrar, **3,** 560
searches in register, **3,** 560
regulations as to, **3,** 519, 539
without service, bye-laws as to, **3,** 425
bye-laws relating to, local authorities, by, **3,** 508
proprietors, by, **3,** 425
Cemeteries Clauses Act, 1847, **3,** 514—525
annual accounts, **3,** 523
burial, provision as to, **3,** 517—519
exclusive right of, under, **3,** 520—522
assignment of, **3,** 521
service at, by clergyman other than chaplain, **3,** 518
burial grounds of burial boards, application to, **3,** 466
chapel, burial near, prohibited, **3,** 512, 519
obligation to build, **3,** 518
power to build on land acquired under, **3,** 516
chaplain, duty to appoint, **3,** 518

CEMETERY—*continued.*
Cemeteries Clauses Act, 1847—*continued.*
clerk, appointment of, **3,** 519
consecration of part of cemetery, **3,** 517
damage, compensation for, **3,** 516; **6,** 158
definitions in, **3,** 514
disinterment of body under, **3,** 518
drainage under, **3,** 508, 517
dwelling house, proximity to, **3,** 515
fencing, **3,** 516
incorporation with other Acts, **3,** 514
land, compulsory acquisition of, **3,** 515; **6,** 158
maintenance, improvement etc. of cemetery, **3,** 516
making of cemetery under, **3,** 515
meaning of cemetery, **3,** 514
miscellaneous provisions, **3,** 525
monument, right to remove, **3,** 522
nuisance by pollution, prevention of, **3,** 517; **28,** 451
offences, particulars of, **3,** 524, 525
payments to incumbents and parish clerks, **3,** 522, 523
penalties, damages etc., recovery of, **3,** 523, 524
plan, duty to provide, **3,** 520
protection of cemetery, **3,** 523
restrictions on use of land, **3,** 515
Special Act, duty to give access to, **3,** 525
chapel in, burials near, provisions against, **3,** 512, 519
erection of, company, by, **3,** 516, 518
local authority, by, **3,** 509
chaplain in, appointment of, **3,** 510, 518; **11,** 650
notice of burial without service of Church of England, **3,** 425; **11,** 710
closed, purchase by burial board of, **3,** 463
company, *defined,* **3,** 514
income tax, liability for, **3,** 513; **16,** 626
maintaining, as owners, **3,** 513
powers and duties. *See* Cemeteries Clauses Act, *supra.*
rateability in respect of sold portions of burial ground, **24,** 13
registration of burials by, **3,** 513, 559
compensation for land taken for, **6,** 158
consecration of, Cemeteries Clauses Act, under, **3,** 517
private, **3,** 512
Public Health (Interments) Act, under, **3,** 509
contracts with owners of, by burial board, **3,** 462
control of, **11,** 541 n.
Crown land as site for, **7,** 192
disturbance in, **3,** 523
donation of land or money for, **3,** 507
fees payable in case of, **3,** 510, 513, 522
fencing of, obligation as to, **3,** 516
penalty for wilful destruction or injury to fences, walls etc., **3,** 523
firearms, discharging, in, **3,** 523
fouling of stream by, **3,** 517; **28,** 451
game, playing, in, **3,** 523
gift for, a charity, **4,** 114, 115
gravediggers, appointment of, **3,** 459, 511, 519
health, danger to, from, **3,** 537, 538
income tax in respect of, **3,** 513; **16,** 626
infant's land, acquisition of, **17,** 83
inspection by Local Government, **3,** 537
land acquired for, appropriation for other purposes, **3,** 508

CEMETERY—*continued.*
local authority, provision by, **3,** 506—512. *See* Public Health (Interments) Act, *infra.*
misconduct in, **3,** 512
monumental inscriptions in, bishop's rights as to, **3,** 511
new, prohibited near metropolis, **3,** 525
nuisance, commission of, in, **3,** 523
from, prevention of, **3,** 517; **28,** 451
owner of, agreement with, by Board of Guardians, **3,** 544
private, who is, **3,** 513
private, establishment of, **3,** 512
protection of, **3,** 512, 523
Public Health (Interments) Act, 1879, under, **3,** 506—512
accounts by local authorities, **3,** 512
burial service, performance in, **3,** 510, 511
bye-laws as to, **3,** 508, 509
chapel in, provision of, **3,** 509
chaplains appointed before 1900, position of, **3,** 510
consecration of, **3,** 509
control of local authority, **3,** 511
damage by local authority in exercise of powers, **3,** 508
donation of land or money for, **3,** 507
incumbent, fees and duties of, **3,** 510
injury to, **3,** 512
land for, acquisition of, **3,** 507
alienation of, **3,** 507, 508
local authority, provision by, of, **3,** 506, 507
outside district, **3,** 507
various powers of, under, **3,** 511
maintenance etc. of, **3,** 508
monuments etc. in, **3,** 511
rating of, **3,** 509
situation of, **3,** 507
unconsecrated part, allotment of, in, **3,** 509
rateability of, **3,** 509, 513; **24,** 13 n., 43
deductions allowed, **24,** 44
removal of bodies from, **3,** 518
repair of, **3,** 516
restrictions on use of, **3,** 508
service at burial in, Church of England, **3,** 510, 517, 518
other than Church of England, **3,** 511, 519; **11,** 368
summary punishment of offences as to, **3,** 512
supervision of by Government Departments, **3,** 537—539
water, pollution of, by, statutory provisions as to, **3,** 517; **28,** 451

CENSOR,
Royal College of Physicians, of, **20,** 310
board of, composition and duties of, **20,** 310
stage plays, of, **27,** 414

CENSURES,
Ecclesiastical Courts, in, **11,** 533, 539

CENSUS,
abstract from, for local council, **6,** 345
enumerators, particulars by, **6,** 345
form of return, **6,** 345
Irish, **6,** 344
particulars to be furnished by occupiers, **6,** 344
penalties for defaults, false declarations etc., **6,** 345

CENSUS—*continued.*
power to supply further information to local authorities, **6,** 345
returns, provision of information from, **24,** 439
travellers by sea and land, particulars as to, **6,** 345

CENSUS OF PRODUCTION,
Act of 1906, powers of Secretary of State, **7,** 69, 70
additional information to be added to forms of, **27,** 515
advisory committee, appointment of, for purposes of, **27,** 514
Board of Trade, powers of, in regard to, **7,** 69, 70; **27,** 514, 515
date of, **27,** 514
delivery of filled-up forms, **27,** 515
forms for, issue and collection of, **27,** 515
preparation of, **27,** 514
penalties in respect of, **27,** 515
preparation of forms of, **27,** 514
secrecy of returns, **27,** 515

CENTRAL AFRICA,
courts of, **10,** 555.

CENTRAL AUTHORITY,
education, for, **12,** 8
poor law education, for, **12,** 14, 81
reformatory or industrial schools, for, **12,** 15, 72, 73
Welsh Central Board for Intermediate Education, **12,** 114

CENTRAL (UNEMPLOYED) BODY FOR LONDON,
constitution and powers, **20,** 413
duties of, **28,** 883
employers within Workmen's Compensation Act, **20,** 154 n.
expenses of, how defrayed, **20,** 413
procedure of, how regulated, **20,** 413
purpose for which constituted, **20,** 413

CENTRAL CRIMINAL COURT,
clerks, arraigns, of, **9,** 89
court, of, **9,** 89
indictments, of, **9,** 89
commissioners of, **9,** 89
constitution, **9,** 87
death sentence at, execution in case of, **25,** 824
indictment, removal of, by *certiorari* to and from, **9,** 349; **10,** 155, 156, 158
judges of, **9,** 89
jurisdiction, extent of, **9,** 88, 267
military murders, etc., **9,** 88
offences on high seas, **9,** 88, 274
committed out of England, **7,** 33 n.; **9,** 278 n., 289, 290
special, by order of King's Bench Division, **9,** 88
juror, non-appearance of, effect of, **18,** 267
jury for, summoning of, **18,** 238; **25,** 809
relief of, after service at, **18,** 265
mandamus does not lie against, **10,** 93
officers of, **9,** 89
sheriffs of City of London, attendance of, at, **25,** 805 n.
sittings of, **9,** 89
venue, district included in, **9,** 88

CENTRAL MIDWIVES BOARD,
constitution and powers, **20,** 366, 367, 369

CENTRAL OFFICE,
Railway and Canal Commission, of, **23,** 753
registry of friendly societies, of, constitution of, **15,** 129, 130; **17,** 8
functions and powers vested in, **17,** 8
proceedings on behalf of industrial society, taken by, **17,** 32
registrar, as equivalent to expression, **15,** 129, 130
registration of rules of loan society in, **19,** 219
situation of, **15,** 129
special resolution of industrial society, copy to be sent to, **17,** 24
Supreme Court, of, appearance at, **23,** 124, 125
solicitor, by, entered in, **23,** 125
clerks of, who appoints, **7,** 62
departments, **9,** 69
filing department, **11,** 111 n.
deposit of documents in, **11,** 53 n.
inquisition of escheat, return to, **11,** 27
issue of writ of summons out of, **23,** 110
sheriffs of city of London, appointment of, filed with, **25,** 798
solicitor's authority to act for next friend of infant to be entered in, **17,** 134

CEREMONY,
coronation, at, necessity for, **6,** 325, 326, 328
divine service, during, what is illegal, **11,** 681—683
marriage. *See also* SOLEMNISATION OF MARRIAGE.
erroneous belief as to nature of, effect on validity of, **16,** 279
Prayer Book, definition of word as used in, **11,** 675

CERTAINTY,
bill of exchange, required in case of, party, as to, **2,** 471, 473
sum payable, as to, **2,** 467, 468
contract, of, required to make it enforceable, **27,** 21 *et seq.*
settlement, in case of, **25,** 537
id certum est quod certum reddi potest. *See* ID CERTUM EST QUOD CERTUM REDDI POTEST.
rent, of, to authorise distress, **11,** 122
want of. *See* AMBIGUITY; UNCERTAINTY.

CERTIFICATE,
accounts and inquiries, of result of, by registrar of county court, **8,** 544
application to vary, **8,** 545
acquittal, of, duty of justices to furnish, **19,** 601, 602
Admiralty, of, as to secrecy of invention, **22,** 189
admissibility of, as evidence, **13,** 476—478
agricultural analyst, of, on fertilisers and foodstuffs, **1,** 288
alkali or other works, for, application for, **23,** 411
stamp duty on, **23,** 411
analyst, Government, of, **15,** 32
imported food, as to, **15,** 32, 44
margarine, butter etc., as to, **15,** 56
prescribed form not necessary in, **15,** 11, 12
prosecution for adulteration, in case of, **15,** 11, 12

CERTIFICATE—*continued.*
analyst—*continued.*
public, of, adulteration, as to, **15,** 9—12
evidence of facts, how far, **13,** 447, 478; **15,** 10, 11, 12, 31
milk or cream, as to, **15,** 11, 64, 65, 67
proof of adulteration otherwise than by, **15,** 12
anchor, of proof of, **27,** 545, 546
appearance, of no, to an originating summons, **18,** 186
architect, of. *See* building contract, *infra.*
Attorney-General, of, in relation to charities, **4,** 323, 333, 334
award, distinguishable from, **3,** 209
equivalent to, in certain cases, **3,** 284
bailiff, by, in case of distress, **11,** 162
of, of county court, **8,** 661
bankrupt, of, creditor's signature of, effect as regards surety, **15,** 561 n.
banns of marriage, of, **11,** 700, 707
baptism, of, as evidence of age, **11,** 687 n.
barrister, of, **2,** 365
under the Bar, to practise, **2,** 365 n.
bearer, to, when trustee may hold, **28,** 137
benefices, of value and population, in case of pluralities, **11,** 604
birth, of, definitions of, **24,** 450
what it proves, **13,** 533
Board of Agriculture and Fisheries, of, conclusive evidence as to order, **1,** 299
Board of Education, of, **12,** 9 n.
Board of Trade, of, Attorney-General enforces Railway Acts on, **23,** 740, 741
companies incorporated by, **5,** 14
evidence, as, **2,** 316; **5,** 437; **22,** 144, 145
passenger ships, as to, **26,** 332—334
protecting on exhibiting invention, **22,** 144, 145
railways, as to, **23,** 624—638, 711, 740—744. *See* railways, *infra.*
ship's officers, of, **26,** 38, 649
trustee in bankruptcy, as to, **2,** 108
boundaries, as evidence of, **3,** 146
British nationality, for readmission to, **1,** 319
building contract, in relation to, *defined,* **3,** 208
approval of work by, **3,** 208—222
arbitration clause, controlled by, **3,** 285, 286
architect, of, must be granted under conditions of independence, **3,** 215, 217
architect's duty in respect of, **3,** 209, 299
award and, compared, **3,** 209, 284
certifier, disqualification of, **3,** 218—220
classes of, **3,** 208—210, 213
condition precedent to payment, **3,** 210—214, 285
damages, when recoverable without, **3,** 247, 248
delivery of, delay in, **3,** 220
estoppel by, **13,** 329
final, **3,** 213—222. *See* FINAL CERTIFICATE (Building Contract).
forfeiture, when dependent upon, **3,** 250
fraud or collusion, effect of, **3,** 201, 217, 218
judgment *in rem,* as, **13,** 329
oral, **3,** 214
parties bound by, **3,** 210, 212, 233
progress, of, **3,** 212, 213
satisfaction, of, **3,** 214

CERTIFICATE—*continued.*
building contract—*continued.*
sub-contractor paid on, **3,** 276
who is to give, **3,** 208, 221, 222, 294
withholding, **3,** 220, 280
building societies, incorporation of, of, **3,** 327, 328, 354
cancellation of, **3,** 396, 397
fraud or mistake, obtained by, **3,** 396
mortgage, discharge of, **3,** 372
registrar as to rules, of, as evidence, **13,** 477
burial, of, Church of England service, where without, **3,** 561, 563
churchyard, elsewhere than in, **3,** 556
false, relating to, **3,** 561, 562
rector or vicar bound to give, **3,** 557
registration of death, as to, required before, **3,** 562, 563
butter analysis, as to, **15,** 11
certifying surgeon, of, as to industrial diseases, **20,** 165—168
certiorari to remove, **10,** 172
chain cable, of proof of, **27,** 545, 546
Chamber of Commerce, to, giving power to complain to Railway Commission, **23,** 756
character, of, barrister, of, before admission to Inn, **2,** 364
false, provisions as to, **9,** 711
charities, Attorney-General in relation to, of, **4,** 323, 333, 334
incorporation of trustees by, **4,** 314
Charity Commissioners, of, authorising legal proceedings, **4,** 310—312, 321; **8,** 640
child, death of, in case of, **15,** 156 n.
education, of, in cases of employment, **12,** 62, 63
clearance of emigrant ship, of, **26,** 81, 82, 342
Clergy Discipline Act, 1892, under, adultery found in matrimonial cause, **16,** 552
finding of temporal court, of, **11,** 524
coal mine manager, of, power of Secretary of State to cancel, **20,** 605, 606
qualifications in respect of, **20,** 605, 605 n.
renewal, or restoration of, **20,** 606
colonies, of marriages in, admissibility, as evidence, **16,** 314
Commissioners of Inland Revenue, of, estate duty, in respect of, **13,** 182, 218, 221, 224, 225
valuation for purposes of, as to, **13,** 209
legacy duty, as to payment of, **13,** 258; **15,** 152
probate duty, as to valuation for, **13,** 318
succession duty, with reference to, **13,** 292, 300
company, in case of, clean, *defined,* **5,** 182
commence business, of right to, **5,** 263
Companies Liquidation Account, for money paid into, **5,** 456, 457
copy or extract from document, of, **5,** 59, 60
creditors, as to, on reduction of capital of, **5,** 113
incorporation, of, evidence, as, **5,** 65, 67, 68
issue of, **5,** 14, 67; **23,** 625, 626
official receiver or liquidator, of, to be produced on taxation, **5,** 566
registration, of, mortgage etc., of, **5,** 370
reduction of capital, of order for, **5,** 115
shares, of, **5,** 181—184, 690, 691; **13,** 411. *See* SHARE CERTIFICATE.
stock, of. *See* STOCK CERTIFICATE.

CERTIFICATE—*continued.*
compulsory insurance, of exemption from, **28,** 909
continuing, in respect of explosives, **14,** 370, 371
conviction, of, clergyman, of, **11,** 524
duty of justices to furnish, **19,** 601, 602
excise licence, in case of, **18,** 55
cook on ship, for, **26,** 44
coroner, of, cause of death, as to, **8,** 271; **24,** 457
child's death, as to, in case of insurance, **15,** 156 n.
correction of error in, **8,** 272
cremation, for, **8,** 273
costs, for. *See* ALLOCATUR.
appeal to quarter sessions, of, **11,** 227 n.
taxation, on, **23,** 185; **26,** 795
counsel, by, necessity for, in certain proceedings, **2,** 379, 380
for, Mayor's Court, London, in, **20,** 295 n.
Crown Office, of, of default of defendant to indictment, **10,** 206
death, of, body removed for dissection, as to, **20,** 342, 343
coroner, of, **8,** 271; **24,** 457
cremation, necessary before, **3,** 571, 572; **8,** 273
execution, in case of, **23,** 252; **25,** 825
friendly society, of member, of, **15,** 152, 154, 156
child, in case of, **15,** 156 n., 185
medical practitioners, of, **20,** 339; **24,** 456
midwife may not grant, **20,** 369
registrar of deaths, by, **3,** 562, 563
what it proves, **13,** 533
death duties, of discharge of, **13,** 182
dentist, of, **20,** 364, 365, 366
designs, of, validity of, **27,** 742 n.
discharge of registered mortgage of building society, of, **3,** 372
dissection of body, burial, of, after, **20,** 342
death, of, before, **20,** 342
dog licence, exemption, of, **15,** 254 n.
drainage, advances under Public Money Drainage Acts, for, **18,** 304
educational proficiency of child, of, **12,** 61, 68
election, expenses of overseers, for, **12,** 240
indemnity of witness at inquiry relating to, of, **10,** 92; **12,** 450, 462, 467, 469, 484, 485, 514
judgment in municipal election petition, of, **12,** 518
registrar of court, of, as to election petition costs, **12,** 478
returning officer, by, election to Parliament, of, **12,** 331, 332; **21,** 688 n.
holding of election, as to, **12,** 529 n., 534 n.
town clerk, of, **12,** 247
engineer, of, building contract under. *See* building contract, *supra.*
marine, **26,** 38, 39
suspension or cancellation of, **26,** 649
estate duty, of discharge of, **13,** 218, 219, 221, 225. *See* ESTATE DUTY.
evidence, admissibility as, **13,** 476—478
examination, of, necessity for, before call to the Bar, **2,** 365
explosives, for manufacture or keeping of, **14,** 370, 371, 374
expulsion of alien, of, **1,** 325; **7,** 85

CERTIFICATE—*continued.*
Factory and Workshops Act, under, attendance of child at school, as to, **12,** 69
child, of, birth of, as to, fee for, **14,** 489
fitness for employment of, **14,** 487, 488
false, burial, in relation to, **3,** 561, 562
capital punishment, as to execution of, **25,** 825 n.
character, in respect of, **9,** 711
cremation, to procure, **3,** 575
employment of children, in case of, **12,** 64; **14,** 534, 535
falsely procuring, of Pharmaceutical Society, **20,** 354
fire escape, for proficiency of, **14,** 468; **20,** 489
food and drugs, as to, misapplication of, **15,** 29
forged, employment of child, in case of, **12,** 64; **14,** 534, 535
land, relating to, **9,** 741
Royal Forces, in case of, liability for, **25,** 99
friendly society, of, secession or expulsion of branch of, **15,** 134
gas examiner, of, chief, as evidence, **15,** 394 n.
referees, of, **15,** 390
Home Secretary, of, as to efficiency of police, **22,** 516, 517
income tax, non-payment of, for, under Schedule E, **11,** 219
repayment of, for, removal by *certiorari*, **10,** 172
incorporation, of, charity, of, **4,** 314
trustees, of, **4,** 317
company, of, **5,** 65, 67
Board of Trade, by, **5,** 14; **23,** 625, 626
indemnity, of, witness at election inquiry, to, **10,** 92; **12,** 450, 462, 467, 469, 484, 485, 514
inebriate reformatory, for, **18,** 168
infectious diseases, fee on notification, right of medical practitioner to, for, **20,** 338
inhabited house duty, assessors outside metropolis, delivery by, of, **17,** 187
Inland Revenue Commissioners, of. *See* Commissioners of Inland Revenue, *supra.*
inspector of weights and measures, to, **28,** 474
intra vires, subject-matter of must be, **3,** 215, 216
judge, of, costs on higher scale, for, **8,** 581
election petition, on hearing of, **12,** 460, 461
judgment, of, county court, in, **8,** 536
judgments extension, for purposes of, **6,** 291, 292, 294, 295
jury, service, exemption from, validity of, **18,** 266
special for, when to be applied for, **18,** 262
justices, of, compulsory purchase, as to subscription of capital, **6,** 63
highway, creation of, in case of, **4,** 564, 565
stopping or diversion of, **16,** 75, 76
licence for sale of beer etc. on transfer of, **18,** 19
renewal of, where grantee guilty of corrupt practices at election, **12,** 485
railway, as to error in deposited plans, **23,** 649
land, improvement, on settled, amount of insurance of, as to, **18,** 293
payment by trustees for, subject to, **18,** 290
inquiry into title in specific performance action, on, **27,** 90
registered land, in case of, **24,** 316, 317, 318, 323
relating to, forgery of, **9,** 741
sale by order of Court, of, on, **25,** 317

CERTIFICATE—*continued.*
land tax, excess of assessment over quota, of, **18,** 321
right of owner of lands to, on redeeming, **18,** 324, 325
legacy duty, discharge of executor in regard to, of, **13,** 256
friendly society, as to non-liability in case of, **15,** 152
literary and scientific society, of alteration of rules of, **19,** 207, 208
loan society, as to rules of, **19,** 219, 224
lunacy of dean or canon, of, **11,** 422
lunatic, for, removal of pauper, **19,** 520
manor, of steward of, as evidence of rolls of manor, **25,** 658
marriage, for, foreigner, in case of, of no impediment, **16,** 281
without banns, naval officer, issued by, **16,** 296
superintendent registrar, issued by, **11,** 704; **16,** 288—296. *See* SOLEMNIZATION OF MARRIAGE.
marriage, of, **11,** 707; **16,** 311—313; **24,** 450
evidence, as, **16,** 311, 312
fees for, **16,** 707
reduced fee in case of national insurance, **28,** 910 n.
what it proves, **13,** 534; **16,** 311
master, court, of the, by, foreclosure action, in, **21,** 288
permitting payment out of security of costs, **11,** 55
ship, of, **26,** 38, 39, 649. *See* MASTER OF SHIP.
mate, of, **26,** 601, 602, 649. *See* MATE.
medical, death, of, **20,** 338, 339; **24,** 456
Employment of Children Act, evidence under, **17,** 151 n.
officer, of, fitness of premises divided into separate dwellings, as to, **17,** 195
referee under Workmen's Compensation Act, of, effect of, **20,** 183, 214, 221 n., 237 n.
workman residing abroad, **20,** 184, 185
stores in ship, as to, penalty for proceeding without, **26,** 45
Merchant Shipping Act, under, penalties for offences, **26,** 32
midwives, of, **20,** 366, 367, 368, 369
National Health Insurance Act, under, danger to health from impending of distress, as to, **28,** 956
exemption, of, persons entitled to, **28,** 909
persons in charitable institutions, **28,** 995
teachers, provisions applicable to, **28,** 992
naturalization, of, **1,** 313—315. *See* NATURALIZATION.
production of on hearing of election petition **12,** 458
new buildings, before occupation of, **20,** 489; **28,** 253, 254
notary, of, **21,** 495, 497, 498
official, as evidence, **13,** 476
parent of children in canal boats, to, **12,** 67
parish councillorship, as to candidate for, **12,** 387, 388
passenger steamer, of, **26,** 333—335
patent, controller of, of, **22,** 169
validity of, as to, **22,** 224, 225
pawnbroker, of, **22,** 248, 249; **24,** 664
appeal from refusal to grant, **22,** 259
payment of expenses in a prosecution, for, **22,** 258

CERTIFICATE—*continued.*
payment into court of balances by receiver, on, **24,** 412
pedlar, of, **20,** 58, 59
grant of, Commissioner of Metropolitan Police, by, **22,** 471
indorsement of, on conviction, **20,** 59
non-production of, **20,** 58 n.
petroleum, as to quality of, **23,** 578
challenge of officers by dealer, **23,** 578
Pharmaceutical Society, of membership of, **20,** 354
pilot, of, **26,** 597, 599, 601, 602, 604
deep sea, **26,** 597, 601, 604
duration of, **26,** 602
master or mate may obtain, **26,** 601
refusal to renew, appeal from, **26,** 609
revocation or suspension of, **26,** 602, 608, 609
transfer of master or mate to another ship, in case of, **26,** 602
pilotage, alien master or mate, position of, as to, **26,** 602
grant of, **26,** 601
revocation and suspension of, **26,** 602—608
transfer of master or mate to another ship, **26,** 602
places of religious worship, as to, **4,** 245, 246; **11,** 369, 809, 817, 827
police, efficiency of, of, issue by the Home Secretary, **22,** 516, 517
grants from Treasury towards maintenance of, for, **7,** 85
possession of, burden of proof of, **13,** 435 n.
posting of unregistered parcel, of, **22,** 642, 643
probate duty, of payment of further, must be written on grant, **13,** 316
production of, when expense borne by purchaser, **25,** 349
property in goods not passed by, *per se*, **25,** 185, 186
public analyst, by, condition precedent to prosecution under Food and Drugs Acts, **15,** 11
evidence, as, **13,** 477, 478; **15,** 31
against whom, **15,** 12, 31 n.
form of, **15,** 10—12
milk and cream, with regard to, **15,** 11, 64, 65, 67
service of copy of, with summons, **15,** 31
public officers, by, as evidence, **13,** 476, 477, 533—536
railway, American, negotiability of, **2,** 569; **27,** 246
Board of Trade, of, additional capital, for, **23,** 632, 633, 637
additional powers, as to, **23,** 636—638
authority to make, for, **23,** 625
cause for action by Attorney-General, of, **23,** 740, 741
construction of roads, bridges etc., as to, **23,** 744
railway, under, of, **23,** 624, 625
incorporation of company by, **23,** 625, 626
leasing, in relation to, **23,** 711
substitution of works authorised by, **23,** 744
tolls, variation of, as to, **23,** 747
rates, for exemption from, scientific society, in case of, **19,** 207
voluntary society, in case of, **24,** 21, 22
reference of title, of result of, effect, **27,** 89, 90
order on, **27,** 90
review of, **27,** 90

CERTIFICATE—*continued.*
reformatory or industrial school must obtain, **12,** 74
registration, of, bill of sale, of, **3,** 76
company converted into industrial provident society, where, **17,** 8
hospital for lunatics, of, **19,** 478
mortgage of charge by company, of, **5,** 370
order for reduction of capital of company, of, **5,** 115
ship, of, admissibility as evidence, **26,** 31, 32
delivery up and production of, **1,** 65; **26** 21
judgment for, **27,** 918 n.
refusal to deliver up, penalty, **26,** 32
detention of vessel pending production of, **26,** 16, 17
evidence of nationality, **26,** 20, 20 n.
granting of, **26,** 20, 21
illegally granted, use of, liability of master, **9,** 557
liability of ship to forfeiture, **26,** 33
indorsement on change of master or ownership, **26,** 21
lost, furnishing of new in lieu of, **26,** 21
provisional, when granted, **26,** 21
trade mark, of, **27,** 707
trade union, of, **27,** 622
withdrawal or cancellation, **27,** 625, 626
returning officer, of. *See* election, *supra.*
revising barrister, of, overseers' expenses, as to, **12,** 240
relieving officers' expenses, as to, **12,** 241
sale of land under order of court, of, **25,** 317
school attendance, of, **12,** 62, 63, 69
schools for defective children, of, **12,** 44
scrip, claim for delivery of, impossibility of performance, **27,** 61 n.
English company, of, as negotiable instruments, **27,** 247 n.
holder of, not member of company, **5,** 145
winding up petition by, **5,** 402
issue of, **5,** 354
negotiability of, **2,** 569
stamp duty on, **24,** 732
penalty for failure to pay, **24,** 704 n.
seamen, of
discharge of, **26,** 39, 55
steam trawler, from, **14,** 632
engagement of, **26,** 43
Secretary for War or Admiralty, of, as to secrecy, effect of, **22,** 189
share, of. *See* SHARE CERTIFICATE.
ship, of, officers, of, **26,** 38
jurisdiction to deal with, constitution of court, **26,** 592, 593
suspension or cancellation of, **26,** 649
judgment in case of, **26,** 594
measurement of foreign, of, for limitation of liability, **26,** 615, 616
mortgage, of, **26,** 30
offences relating to, **9,** 752; **26,** 32
passengers and emigrants, for, **26,** 333, 334
registration, of. *See* registration, *supra.*
sale, of, **26,** 30
survey, of, **26,** 17
tonnage, of, **26,** 615
solicitor, of, **26,** 720—722
annual practising, **1,** 151; **7,** 405; **26,** 720, 721

CERTIFICATE—*continued.*
solicitor—*continued.*
restraint of application for renewal of, **17,** 270
refusal of, **2,** 89; **17,** 270; **26,** 721, 722
scope of country certificate, **26,** 844
Speaker of House of Commons, of the, as to money Bills, nature of, **21,** 776
spirit dealers, delivery by, on, **18,** 154; **24,** 669
book to be kept, **18,** 155
statutory, and certified copies of documents distinguished, **13,** 478
steward of the manor, of, as to copyhold mortgages, **15,** 167
still-born child, as to, before burial, **3,** 563
stock, of. *See* STOCK CERTIFICATE.
succession duty, charge on separate properties, of, **13,** 300
executor distributing fund, in case of, **13,** 256
friendly society, in case of payment by, **15,** 152
payment of, as to, **13,** 292, 302
purchaser exonerated by, **13,** 302
separate assessment of, as to, **13,** 300
surveyor of highway, of, in cases of extraordinary traffic, **16,** 177
taxation of costs, of result of, **26,** 795
interim, may be issued by taxing master, **26,** 795
right of solicitor to interest on amount shown by, **26,** 810
teachers, for, Board of Trade powers as to, **12,** 9, 128 n.
pensions for teachers holding, **12,** 127—130
of, as to school attendance, **12,** 66
title to Government stock, of, judgment for specific delivery of, **27,** 918 n.
trade mark, of validity of, **27,** 721
trade union, registration of, of, **27,** 622, 625
unregistered, to, **27,** 611, 612
trades requiring for their exercise a, **7,** 405
vaccination, of, **20,** 340; **23,** 477. *See* VACCINATION.
insusceptibility to, of, **23,** 478
penalty for signing false, **23,** 478 n.
postponement of, **23,** 477, 478
transmission to vaccinating officer, **23,** 478, 479
when medical practitioner must give, **20,** 340; **23,** 477
veterinary inspector, of, conclusive evidence of disease of animal, **1,** 432
surgeon, of, as to fitness of meat, **15,** 39 n.
warehouse-keeper, of, bill of sale, as, **3,** 18
document of title, as, **25,** 120 n., 185, 186 n., 193 n., 226 n.
warranty, containing, forgery of, **9,** 760
water supply for new dwelling, as to, **28,** 253, 254
Workmen's Compensation Act, under, certifying surgeon, by, **20,** 165, 166, 168
medical, effect of, **20,** 183, 214, 221 n., 237 n.
workman residing abroad, in case of, **20,** 184, 185
scheme for contracting out, of, **20,** 214, 215
works, as to execution of, obtained through fraud of contractor, **15,** 548

CERTIFIED COPY,
certificate of incorporation, of, admissible in evidence, **5,** 68
copyright, of entry in register, as evidence of, **8,** 155, 156 190

CERTIFIED COPY—*continued.*
document, of, accepted as secondary evidence, **13,** 422, 524, 525, 536; **27,** 719
Crown lands, relating to, admissible in evidence, **7,** 173
entries in register,
burials, of,
public, for, **3,** 557, 560
registrar of diocese, for, **3,** 558, 560
births, marriages and deaths, of, **24,** 436, 443, 449
cremations, of, stamp duty on, **3,** 575
parish register, of, as evidence, **13,** 536
register of
births, baptisms, marriages, deaths or burials, of, forgery and falsification of, **9,** 741, 742
unlawful destruction of, **9,** 741
uttering false, **9,** 742
newspaper proprietors, of entry in, as evidence, **18,** 665, 666
right of public to, **23,** 211
trade marks, of, as evidence, **27,** 719
stamp duty on, **3,** 575; **24,** 727
statutory certificate distinguished from, **13,** 478
wilfully certifying as true a false, **9,** 741

CERTIFIED EXTRACT,
foreign register, of, as evidence, **13,** 534 n.
marriage registers of, as evidence, **16,** 313
notice of intention to use as evidence, **16,** 313
register of newspaper proprietors, from, as evidence, **18,** 665, 666

CERTIFIED SCHOOLS,
blind, deaf, defective, or epileptic children, for, attendance at, **12,** 55
certificate of, annual, **12,** 45
conditions of grant of, **12,** 44
inspection of, **12,** 44
local education authority, provision by, **12,** 41—43
maintenance of, **12,** 44
management of, **12,** 44
visitors to, **12,** 44
certified efficient school, *defined*, **12,** 57 n.
court may order child to attend, **12,** 57
public elementary school, as, **12,** 45
child labour, statutory restrictions not applicable to, **17,** 151
committal to, **9,** 422; **12,** 72
day industrial school, as, **12,** 71 n., 80. *See* DAY INDUSTRIAL SCHOOL.
detention in, order for, **12,** 57, 58, 72
period of, **9,** 422 n.; **12,** 72
epileptic child, order to send to, **12,** 56
Government supervision of, **7,** 85
maintenance of inmates of, guardians, by, **12,** 83
managers' power to refuse admission to, **12,** 74, 75
parliamentary grant in aid of, **12,** 49, 50, 77
poor law education, for purposes of, **12,** 84
certification of, **12,** 84, 85
dissenting children, choice in case of, **12,** 90
guardians, inspection by, **12,** 85
power of, **12,** 83
illegitimate children in, **12,** 84 n.
inspection of, **12,** 85
meaning of for purposes of Poor Law authorities, **12,** 84, 84 n.
parents' wishes, regard for, **12,** 84

CERTIFIED SCHOOLS—*continued.*
poor law education—*continued.*
poor children, blind, deaf and dumb, sending of to, **12,** 83
expenses of conveyance to, how defrayed, **12,** 84
maintenance, clothing and education of, how defrayed, **12,** 84
orphan or deserted, sending, **12,** 84
religious denomination of child, effect of, on choice of, **12,** 90
removal of child by guardians from, **12,** 84
public elementary school to be treated as a, **12,** 45
punishments alternative to committal to, **9,** 421
recognised efficient school, meaning of, **12,** 70
reformatory and industrial schools as, **12,** 71 n.
See INDUSTRIAL SCHOOL; REFORMATORY SCHOOL.
religious instruction of inmates, **12,** 43

CERTIFIER,
disqualification of, in building contracts, **3,** 218—220
distinctions between arbitrator and, in building contracts, **3,** 207, 209, 218, 283—286

CERTIFYING SURGEON,
Factory and Workshops Acts, under, appointment of, **14,** 530
child or young person, examination of, by, **14,** 489
fees of, how payable, **14,** 531
investigation as to accident by, **14,** 473
notice of disease to, **14,** 476
Poor Law medical officer, when acting as, **14,** 531
powers of, **14,** 530, 531
Workmen's Compensation Act, certificate under, **20,** 165, 166
appeal from, **20,** 167

CERTIORARI (WRIT OF),
defined, **10,** 155
acquittal not removable by, **10,** 160
adjournment, order for, not removable, **10,** 197
affidavit on application for, **10,** 200, 201, 204, 207, 209 n., 211, 212
how intituled, **10,** 200 n., 207 n.
affiliation order, in respect of, **2,** 454
Agricultural Holdings Acts, orders under, not removable by, **1,** 269
appeal, in lieu of, application for, **10,** 187
assistant commissioner on settlement of boundaries, from, **4,** 551, 552
jurisdiction on, **10,** 189, 201
refusal to grant, from, **8,** 611; **10,** 189, 201
articles of peace, removal, **10,** 171, 190, 207 n., 209
attachment for contempt of, **7,** 296 n.; **10,** 201, 202
Attorney-General, application by, **19,** 661
exemption of, from conditions and restrictions, **10,** 207, 209; **19,** 661
removal, indictment, of, right to demand, **9,** 349; **10,** 177, 181; **19,** 661
sentence, for, may obtain as of course, **10,** 164
bail, to bring up depositions on application for, **10,** 166
bar, application for trial at, after removal, **9,** 350; **10,** 206

CERTIORARI (WRIT OF)—*continued.*
bias of judge by interest, to quash decision by reason of, **10,** 195
bill in Chancery, in respect of, **10,** 157 n.
Board of Agriculture orders, for removal of, **10,** 175
under Copyhold Act, **8,** 128
Board of Education, against, **12,** 8 n.
borough council, illegal expenditure by, remedy by, **16,** 131
case stated, when granted in respect of, **10,** 166, 207. *See* special case, *infra.*
Central Criminal Court, application for trial in after removal, **10,** 206
removal from, by, **9,** 350; **10,** 183
removal to, by, **9,** 349, 350
Chancery, issue of writ by, formerly, **10,** 187
Chancery Division, application in, **10,** 158 n., 200, 211 n.
civil actions removed by, **10,** 157, 158
colonial courts, effect as regards, **10,** 168
Commissioners of Sewers, removal of presentments found before, **10,** 158
validity of laws of, questioned by, **25,** 777.
committal for trial by justices not removable, **10** 160, 173
common law courts, former exclusive power of, **10,** 211 n.
compulsory purchase of land, in case of, removal of proceedings before justices by, **6,** 77
taxation of costs of arbitration, application to of, **6,** 85
time for application for, **6,** 92
conditions
precedent, non-compliance with, effect of, **10,** 184
subsequent, non-compliance with, effect of, **10,** 184
consent order for, **10,** 207
conviction, to remove, **10,** 165; **19,** 659. *See also* quashing, *infra.*
Licensing Act, 1910, under, does not lie, **18,** 86
time limit for, **10,** 208; **19,** 659, 661
coroner, removal of inquisition of, **8,** 280; **10,** 158, 161
quashing inquisition of, for, **10,** 191
unauthorised person, inquest conducted by, will not lie in case of, **10,** 169
corporations, for removal of proceedings against, **8,** 392; **9,** 349; **10,** 165, 181; **19,** 661
highway, non-repair, in case of, **16,** 142, 143
costs of, civil cases, in, **8,** 611; **10,** 203
security for, in case of, **10,** 200
crown side, on, **10,** 211
counsel, application by, **2,** 372, 373
county council, removal of order of, **10,** 174
county court, in case of, appeal against refusal of order, **8,** 611
application for, how made, **8,** 611; **10,** 200
costs, scale of, **10,** 203
discretion as to granting, **8,** 611; **10,** 200
grounds for, **8,** 610; **10,** 169 n.
judgment removed into High Court by, **8,** 560; **10,** 164, 212
proceedings removed to High Court by, **8,** 490, 491, 610; **10,** 157
replevin, in case of, **10,** 180, 190, 200
time for, **10,** 185
refusal of order, effect of, **8,** 611
refusal to obey order, effect of, **8,** 611

CERTIORARI (WRIT OF)—*continued.*
county court—*continued.*
remedy in, by, **8,** 610; **10,** 180
service of order, **8,** 611
stay of proceedings pending, **8,** 611
court, administering law peculiar to its own forum, writ does not lie against, **10,** 170
jurisdiction to grant, having, **10,** 187
leet, quashing presentments of, **10,** 168
martial, decisions of, when affected by, **10,** 170; **25,** 90
not of record, analogous proceedings in case of, **10,** 168
special jurisdiction, of, how affected by, **10,** 170
to which writ may issue, **10,** 167, 168
Crown side, on, cases in which writ lies, **10,** 157—162, 164—166
procedure, **10,** 203—211, 213
statutory restrictions, **10,** 180—185
taking away, effect of, **10,** 177, 178
Cruelty to Animals Act, orders under, not removable by, **1,** 416
customary jurisdiction, does not lie in case of, **10,** 170
demurrer, for hearing a, **10,** 158
discretion of court to grant the writ, **10,** 191, 192; **19,** 661
not exercised where no benefit, **10,** 192
statute, when dependent on, **10,** 174, 175, 191, 192
disobedience to, as contempt, **7,** 296 n.; **10,** 202
Divisional Court, applications in, **9,** 350; **10,** 189, 204, 207, 209. *See* King's Bench Division, *infra.*
effect of, **9,** 136; **10,** 153, 164, 187
civil cases, in case of, **10,** 201—203
execution, for, **10,** 212
indictment, in case of, **9,** 349, 350; **10,** 204—206
quash proceedings, to, **10,** 209—211
equitable action, when removable by, **10,** 157
removable at any stage before judgment, **10,** 185
erroneous order, to remove, not granted at instance of party in whose favour order was made, **10,** 192
error, distinguished from, **10,** 169
writ of error inapplicable, lies where, **10,** 160, 168
errors, formal or accidental, afford no ground for, **10,** 198
law, in, writ not granted, **10,** 198
on face of proceedings, writ granted, **10,** 198
evidence, removal of record for use as, **10,** 166, 167, 213
ex debito justitiæ, when writ granted, **10,** 191
ex parte, civil cases, in, **10,** 200
quashed, may be, **10,** 202
excise licence cannot be set aside by, **10,** 172; **18,** 86
execution, for, affidavit in support of application, **10,** 212
application for, how made, **10,** 211, 213
civil judgment, of, **10,** 163, 164
coercive process, for the purpose of, **10,** 162
effect of removal, **10,** 164
granted as of course, **10,** 190
judgment wrongly obtained set aside, **10,** 164
limitation of jurisdiction, **10,** 164, 165
return of judgment, **10,** 212
when granted, **10,** 162—164

CERTIORARI (WRIT OF)—*continued.*
execution—*continued.*
magistrates' orders, of, **10,** 165
sentence in criminal case, of, **10,** 164
Factory Acts, conviction or order under, how affected by, **14,** 536
felony, removal of, for trial at *nisi prius*, **10,** 182
indictment against peer, in case of, **9,** 270 n.; **10,** 187; **21,** 653 n.
personal appearance and pleading of accused necessary, **9,** 351 n.; **10,** 205, 206
fiat, when granted by, **10,** 199
fit to be tried in the High Court, meaning of, **10,** 157
fraud, affidavit to show, **10,** 207
quashing by reason of, **10,** 197
friendly society, action against, removal of, **15,** 180
quashing justices' order as to, **15,** 183
Game Act, 1831, orders under, not removable by, **19,** 661 n.
gas examiner, removal of report of, **10,** 172; **15,** 392 n.
High Court, courts amenable to, **10,** 167
original jurisdiction of, **10,** 187
writ does not lie against, **10,** 167
highway, appeals in case of, **10,** 213
extraordinary traffic on, in case of action for, **16,** 179 n.
removal of proceedings for non-repair of, **10,** 176 n., 190, 213; **16,** 142, 143, 144
Highway Acts, under, **16,** 172
House of Lords, grant of writ by, **9,** 270 n.; **10,** 187; **21,** 653 n.
original jurisdiction of, as to, **10,** 187
income tax certificate, removal of, **10,** 172
indictments, removal of, **10,** 155, 158, 159
appearance to writ, **10,** 205; **16,** 142
default by defendant, warrant for arrest, **10,** 206
application for writ, how made, **10,** 203
affidavit in support of, **10,** 204
how intituled, **10,** 204 n.
time for making, **10,** 186
Attorney-General's right to demand, **9,** 349; **10,** 177
Central Criminal Court, into, **9,** 349; **10,** 155, 156, 158
common law, at, **10,** 158
corporations, in case of, **8,** 392; **9,** 349; **10,** 165, 181; **19,** 661
courts affected by, **10,** 155, 158, 159
grounds for granting, **9,** 349; **10,** 180—184; **19,** 661
impartial trial impossible, **10,** 181; **19,** 661
prejudice, **10,** 182
judgment, for, **10,** 159, 213
King's Bench Division, into, **9,** 349, 350; **10,** 204—206
peer, in case of, **21,** 653
pleading by defendant, **10,** 205
procedure, **10,** 203—206
quarter sessions, from, **10,** 159; **16,** 143; **19,** 661
conditions governing, **19,** 661
grounds for, **10,** 183
quashing, for purposes of, **10,** 160, 161, 169, 184
time for, **10,** 186
recognisance, defendant, by, **10,** 183, 204
prosecutor, by, **10,** 183, 205

CERTIORARI (WRIT OF)—*continued.*
indictments—*continued.*
return to writ, how made, **9,** 349 ; **10,** 205
statutory restrictions on, **10,** 180
effect of, **10,** 184
time for, **10,** 186
trial after removal, **9,** 349, 350 ; **10,** 159, 206 ; **16,** 143, 144
notice of, **10,** 206
venue, change of, application for, **9,** 350 ; **10,** 182, 206 n.
when ordered, **9,** 350 ; **10,** 182
inferior courts of record,
cause in, removal to High Court, **9,** 136 ; **10,** 157, 168, 178
discretionary, when, **10,** 191, 192
granted as of course, when, **10,** 190
newly created, when amenable to, **10,** 171
procedure in case of, **10,** 199—200
restrictions as to, **10,** 178—180
stages at which available, **9,** 136 ; **10,** 185
judgment removed for execution, **9,** 136 ; **10,** 163, 164, 211, 212
judge, attachment for disobedience to, **8,** 611 ; **10,** 202
bias by interest of, remedy in case of, by, **10,** 196
leave of, when necessary, **10,** 199, 200
judge in chambers, appeal from, in civil matter, **10,** 189
appeal to, on master's refusal, **10,** 189
judgment, after, cause not removable except for execution, **10,** 186
civil court, of, whether removable for quashing, **10,** 160, 169 n.
indictment removed for, **10,** 159
removal of. *See* execution, for, *supra.*
judicial
acts, only lies in respect of, **10,** 171, 172
bodies, for purpose of quashing determinations of, **10,** 161
jurisdiction, defect of, quashing in case of, by, **9,** 13 ; **10,** 192, 194, 208 ; **19,** 658
removal in case of, by, **10,** 195—197
want of, removal in case of, by, **10,** 192—195
jurisdiction to grant, **10,** 187
history of, **10,** 187 n.
restricted to matters within High Court jurisdiction, **10,** 170, 171
statutory, exclusion of, **10,** 175—178
restrictions of, **10,** 178—185 ; **19,** 658 n.
subject-matter to which it applies, **10,** 168—175
justices, cases in which lies against, **10,** 160, 171 ; **19,** 658
compulsory purchase, proceedings in regard to, **6,** 77
execution, for, **10,** 165
licensing, in regard to, **10,** 171, 172 ; **18,** 86
quashing orders of, **10,** 171, 172, 187 ; **19,** 658 n.
effect of quashing order on appeal, **10,** 187
time for, **10,** 186 ; **19,** 659
King's Bench Division, appeal from, when lying, **10,** 189
appearance of accused in, felony removal, in case of, **10,** 205
application to, for, appeal, in lieu of, **10,** 187
removal of indictment, for, **10,** 204, 213
application to, for change of venue after removal, **9,** 350

CERTIORARI (WRIT OF)—*continued.*
King's Bench Division—*continued.*
felony, removal of, to, **10,** 182
defendant, appearance and pleading of, **10,** 205, 206
misdemeanour, removal of, to, defendant's appearance, **10,** 204, 105
motion in, for, **10,** 213
order for trial by, after removal, **9,** 349, 350
removal of indictment to, by, **9,** 349 ; **10,** 204
trial at bar in case of, **9,** 350 ; **10,** 206
venire facias, issue of, on defendant's default, **10,** 206
venue not changed by, **9,** 350
land tax assessment not removable, **10,** 173
leave for, when necessary, **10,** 179, 191
leave to appeal in respect of, when necessary, **10,** 189
licences by persons other than justices not removable by, **10,** 172
Licensing Act, 1910, whether lying against order under, **18,** 86
local courts of record. *See* inferior courts of record, *supra.*
Local Government
auditors, removal of surcharges etc., of, **10,** 174
Board, order of, removal of, **10,** 174 ; **22,** 526
provisional order of, not removable, **23,** 377
magistrates. *See* justices, *supra.*
mandamus excluded by, **10,** 102
master, appeal from refusal of, to grant, **10,** 189
application to, for, **10,** 200, 211
replevin, in action of, may grant *ex parte,* **10,** 200
Mayor's Court, effect of lodgment on proceedings, **20,** 301
garnishee order in, not removable by, **10,** 164
removal of actions from, **20,** 301
equitable actions, **10,** 157, 158, 170
Metropolis Management Act, when proceedings under, may be removed by, **20,** 465
ministerial acts, does not lie in respect of, **10,** 171
motion in arrest of judgment, will not lie for purpose of, **10,** 186
motor car conviction, in case of, **27,** 330 n.
endorsement of licence, **10,** 172
municipal corporations, removal of orders of, **10,** 173
Municipal Corporations Act, 1882, orders under, not removable by, **19,** 661 n.
nature of, **10,** 155
new offences removable by, when, **10,** 171
object of, **10,** 155
of course, when granted as, **10,** 164, 165, 189, 207
order absolute for, determination of lower court quashed by, **10,** 209. *See* rule, *infra.*
procedure on, **10,** 209
superseding, **10,** 210
order *nisi,* motion for, on Crown side, **10,** 207
service of, **10,** 208
orders in the nature of, **10,** 155, 158, 163, 164, 165
not affected by statute forbidding *certiorari,* **10,** 178
outlawry, in case of, **10,** 165, 213
Pawnbrokers Act, not applicable to, **22,** 259
petroleum offence, conviction or order relating to, not removed by, **23,** 580
poaching conviction, removal of, **15,** 233, 235, 238
presentments of court lect quashed by, **10,** 168
procedendo, writ of, when granted, **10,** 202, 206, 210

CERTIORARI (WRIT OF)—*continued.*
procedure on, **10,** 199 *et seq.*
miscellaneous applications, in case of, **10,** 213
prosecutor *pro rege*, position of, **10,** 184, 190
provisional order not quashed on, **10,** 173; **23,** 377
Public Health Acts, proceedings under, not usually removable, **16,** 172; **19,** 661 n.; **23,** 370
public policy, refusal of writ on grounds of, **10,** 173
purposes for which granted, **10,** 157 *et seq.*
quarter sessions, indictments, removal of, **10,** 159; **19,** 661
corporations against, **8,** 392; **9,** 349; **10,** 165, 181; **19,** 661
order of, execution, removal for, **10,** 165
granting exclusive audiences to barristers, not removable, **10,** 173
quashing, removal for, **10,** 160; **19,** 661. *See* quashing, *infra.*
appeal, effect of, **10,** 187
return of writ, **19,** 662
special case, in case of, **10,** 165, 166, 190, 207
time for, **10,** 186; **19,** 661
quashing, for purposes of, **10,** 160 *et seq.*
application for, **10,** 207
affidavit in support, **10,** 207
costs of, **10,** 211
court leet, presentments of, **10,** 168
discharge of rule for, confirms order, **10,** 210 n.
discretion as to, **10,** 162, 191
ex parte, when granted, **10,** 202
grounds for, **10,** 192—199
bias by interest, of, **10,** 195, 196
error on the face of the proceedings, **10,** 198
fraud, **10,** 197
interest of tribunal, **10,** 195
jurisdiction, defect of, **9,** 13; **10,** 192, 194, 208; **19,** 658
ousted by claim of right or statute, **10,** 194
justices, orders of, **10,** 160, 171
motion to quash, **10,** 211
order
absolute for quashing, **10,** 209
nisi to quash, **10,** 207
service of, **10,** 208
payment into court upon issue of, **10,** 209
procedendo, writ of, when granted, **10,** 202, 210
procedure for, **10,** 207 *et seq.*
proceedings void, writ not granted where, **10,** 169
quash *improvide*, **10,** 210, 211
recognisance in case of, **10,** 209
return of record, **10,** 210
rule *nisi* to quash writ, **10,** 210, 211
special case, on, **19,** 665
supersede, application to, **10,** 210
time for, **10,** 186, 208
writ of *certiorari*, **10,** 202, 210, 211
Railway and Canal Commission, proceedings of, not removed, **23,** 736, 764
Railways Clauses Consolidation Act, removal of proceedings, **23,** 736
recognisance, articles of peace, upon removal of, **10,** 209, 213
grant of writ, on, indictment, in case of, **10,** 183, 204
parish prosecution, in case of, **10,** 209 n.
quash, in case of application to, **10,** 209
removal of, for purpose of estreating, **10,** 164, 213
record, return of, on rule to quash, **10,** 210, 211

CERTIORARI (WRIT OF)—*continued.*
records, transmitting, effect of writ or order, **10,** 155
exemplification sufficient, when, **10,** 157 n.
without writ, **10,** 156
replevin, for removal of actions of, **10,** 180, 190, 200
restrictions on, **10,** 178—185
effect of, **10,** 184
return to writ, civil cases, on removal of, **10,** 201
execution, on removal for, **10,** 212
indictment, on removal of, **9,** 349; **10,** 205
Mayor's Court, on removal from, **20,** 301
quash, on removal to, **10,** 210; **19,** 662
revising barrister, removal of order of, **12,** 533
rule
absolute, supersession of, before return, **10,** 210
nisi to quash, after filing of writ, **10,** 211
to supersede rule absolute for, **10,** 210
to quash, copy of record, where returned, **10,** 210
discharge of, restores original order, **10,** 210 n.
security for costs required, when, **10,** 200, 205, 209
sentence of court of criminal jurisdiction, removal of, for execution, **10,** 164, 213
service of
order *nisi* on application to quash, **10,** 208
writ, civil cases, in, **10,** 201
removal of indictment, in case of, **10,** 186
speaking order, **10,** 199
procedure, **10,** 213
special case, removal of,
justices, in case of, **10,** 165
quarter sessions, from, **10,** 165, 166; **19,** 662, 664, 665
time limit for stating, **19,** 665
special jury, removal of indictment for trial by, **10,** 183
statute, created by, **10,** 173—175
Crown Office rules applicable to, **10,** 207 n.
may be negatived by implication, **10,** 176
right taken away by, **10,** 175—178; **19,** 658, 661, 664 n.
consent of parties will not give jurisdiction, **10,** 178
Crown, effect as regards, **10,** 177
writ granted if jurisdiction exceeded, **10,** 165, 177, 192
not granted even if no evidence in support of conviction, **10,** 199
statutory conditions as to, **10,** 173, 184
summary proceedings between spouses as to property, removal of, **16,** 461
supersedeas, application for, **10,** 210
time limit for application for, **10,** 208; **19,** 659, 661
trial, removal, after, **9,** 349, 350; **10,** 159, 203
removal for, **10,** 157, 178—180, 199. *See* inferior courts, *supra.*
Truck Acts, conviction for offence under, not removable by, **14,** 519
urban district council, auditor's disallowance and surcharge, to remove, **19,** 286
venire facias, writ of, default of defendant, on, **10,** 206
venue
after removal for trial, **9,** 349; **10,** 159, 203
change of, on removal by, **9,** 350
vestry resolution not removable by, **10,** 172
view of premises, removal of indictment for purpose of, **10,** 183

CESSANTE RATIONE CESSAT LEX,
excusing non-compliance with warranty, **17,** 417

CESSATE GRANT,
powers of administrator under, **14,** 171
when made, **14,** 171

CESSER,
attendant terms of year, of, **24,** 270, 271; **25,** 414
clause in charterparty, effect of, **26,** 133, 294
forfeiture, included in, under Settled Land Acts, **25,** 629 n.
interest, of, estate duty payable on, **13,** 197
mode of ascertaining capital value of benefit accruing, **13,** 208, 209
satisfied terms of years, of, provision for, **24,** 270, 271; **25,** 414

CESSIO BONORUM,
on Stock Exchange default, **27,** 257, 258

CESSION,
avoidance of benefice by, **11,** 633
territory, of, acquisition of British nationality by, **1,** 313
former law remains until abrogation, **10,** 566
judicial organization in ceded territory, **6,** 404
loss of British nationality by, **1,** 316
state succession in, **23,** 311, 312

CESSPOOL,
bye-laws as to, powers to make, **23,** 420
drain, whether a, **25,** 771 n.
locality of, in relation to position of house, **25,** 751, 752, 754
metropolis, in, power to compel houses to drain into, **25,** 754
nuisance from, powers of local authority, **21,** 538; **25,** 758 n.
sewer, as part of, **25,** 722
construction of, to supersede, **25,** 730
use of, when allowed, **25,** 751, 752, 754

CESTUI QUE TRUST. *See also* BENEFICIARY.
defined, **13,** 88; **28,** 6
accounts, action for, by, costs of trustee on, **28,** 161
judicial trustee, in case of, **28,** 212 n.
to be supplied to, **28,** 126, 127
accumulation for payment of, after payment of debts, **22,** 329, 376, 377
acquiescing in purchase by trustee, **28,** 170
administration, granted to, **14,** 206
proceedings for, must be taken by, when, **28,** 172, 173
admissions of, are evidence against his trustee, **13,** 460
agent of trustee to receive payment to prevent time running, **19,** 72, 73
appointment of new trustees. *See* new trustees, *infra.*
assignee of, notice to trustee by, **4,** 383; **28,** 43
payment of share of fund to, by trustee, **13,** 88; **28,** 124, 125
trustee's position in regard to, **28,** 124
bankruptcy petition by trustee, necessity for joining in, **2,** 26, 36, 37
proof in, by, **2,** 210
bargains between trustee and, effect of, **28,** 166, 167, 171

CESTUI QUE TRUST—*continued.*
barring of trustee by lapse of time, effect on, **19,** 138, 139
breach of trust, acquiescence in, effect of, **13,** 172; **28,** 198, 199, 202, 205
condonation of, by, **28,** 199, 200
infant's settlement, remedy in case of, **25,** 562
injunction against, **17,** 253
instigation of, effect of, **28,** 202, 203, 205, 206
liability for, **28,** 153, 204, 205, 206
trustee, as, **28,** 187
limitation of action for, **19,** 161—164; **28,** 200—202. *See* BREACH OF TRUST.
remedy for, **13,** 67; **28,** 186—189
rights in respect of, **13,** 67; **28,** 189 *et seq.*
capacity to be, **28,** 9
consultation with, trustee's power as to, **28,** 122 n.
contract, right to sue on, though not a party, **7,** 344; **10,** 380
corporation as, **28,** 9
costs, action against trustee, of, may have to pay, **28,** 161
trustee, of, payment as between several, **28,** 158
creditor becomes so by notice of deed in favour of creditors, **15,** 419
deed of assignment, under, position of, **2,** 333
how far a secured, in bankruptcy of trustee, **2,** 225
debts, under trust for payment of, **15,** 419; **19,** 167, 168
defence to action of trustee bars rights of, **28,** 172
disseisin as against, **13,** 89 n., 90 n.
duty of trustee towards, **28,** 117—128, 138, 155, 156
election, right of, where trust money wrongfully laid out, **28,** 208
equitable interests of, alienation of, **28,** 41
devolution of, **28,** 41
when exempt from execution, **14,** 49, 50
estate of, nature of, **13,** 88 *et seq.*; **28,** 6, 7, 28 *et seq.*, 40
rules of construction as to, **28,** 40, 41
follow trust property, right to, **2,** 169; **28,** 207, 208
franchise qualification of, **12,** 150
freehold interest of, **12,** 150 n.
gift to trustee by, how far valid, **15,** 109, 110, 405; **28,** 166
guarantee, action on, by, **15,** 503
rights of, under, **15,** 503
heir of, when special occupant, **11,** 13
heriot not due from, **8,** 42
income and corpus to be paid to, **28,** 124, 125
indemnity from, trustee's right to, **13,** 96; **28,** 157, 205, 206
change of interest does not affect, **15,** 447 n.
third party, enforced by, **13,** 97
information, right to, incumbrances, as to, **28,** 127
trust property, as to, **28,** 126
injunction against trustee, right to sue for, **17,** 253; **28,** 175, 206
inspection of accounts and documents by, rights, **28,** 127
insurance by trustee of chattels in hands of, **25,** 687
insurance policy by trustee on trust property, name to be inserted in, **17,** 547
interest in trust property, defeated by alienation of legal estate for value without notice, **13,** 81, 90; **19,** 140; **28,** 42

CESTUI QUE TRUST—*continued.*
interest in trust property—*continued.*
how far postponed, to interest subsequently created, **13,** 79—84
nature of, **13,** 88 *et seq.*; **28,** 6, 7, 28 *et seq.*, 40
interpleader claim by, **17,** 595
interrogatories by trustee as to title of, **11,** 106; **28,** 119
intestacy of, when part of land not sold, effect of conversion, **13,** 106
joinder of, as party to action, **14,** 330; **28,** 171, 172
land, equitable interest in, **24,** 283
interest in, taken under writ of *elegit*, **14,** 68
limitation of action in respect of, **19,** 139—141, 161—165
legal
estate, burdens incident to, borne by legal owner, **13,** 96
vests in, when, **28,** 98, 99
proceedings, institution of, by, **28,** 172, 173
joinder in, **14,** 330; **28,** 171
lien, interest of trustee who has committed waste, on, **19,** 24
purchaser's, effect where vendor a trustee, **19,** 17
life, for. *See* TENANT FOR LIFE.
casual profit, right to, **25,** 608 *et seq.*; **28,** 34
income of trust property, rights as to, **28,** 30—34
outgoings not chargeable to, **25,** 615; **28,** 36, 37
limitation of actions by, after right of trustee is barred, **19,** 138, 139
independent equitable remedies, in case of, **19,** 165
trustee, against, **19,** 139—141, 161—169; **28,** 200—202. *See* BREACH OF TRUST; TRUSTEE.
loan to, without notice of prior charge, **13,** 82
new trustees, appointment of, by, **28,** 71
interests considered by court on appointing, **28,** 80
should be consulted on appointment of, **28,** 69
notice, mortgage, of, to tenant, distress after, **11,** 128
to quit may be given by, **18,** 452 n.
overpayment of, liability, **28,** 206
ownership of property by, **22,** 398
payment to, as acknowledgment of debt, **19,** 72
policy, settled, premiums paid by, **25,** 686
possession by, goods, of, effect of, **27,** 905
trust property, of, **19,** 140; **28,** 93, 94
trustees, as against, **19,** 126
when court will give, **25,** 597
possessory title acquired by, **19,** 125, 126
privileged communications, **11,** 81
profits of improper trading by trustee, rights as to, **28,** 193, 194
property purchased with trust money, first charge on, **28,** 209
purchase of trust property by trustee, **15,** 109, 110
resale by trustee, effect of, **28,** 171
setting aside of, **28,** 169—171
specific performance by or against trustee, **27,** 12, 36
purchaser for value with or without notice, rights against, **13,** 81, 90; **19,** 140, 141; **28,** 42

CESTUI QUE TRUST—*continued.*
receiver of trust property, application for appointment of, by, **28,** 173, 174
release of trustee by, **28,** 116
remainder, in, rights as to capital of wasting property, **28,** 32, 33
resale where sale to trustee set aside, right to, **28,** 170, 171
set-off, right of, **25,** 503
claim for unliquidated damages against, of, by defendant to action by trustee, **25,** 490, 491
debt due to trustee, right to, **25,** 491, 492 n.
solicitor-trustee acting for, in action, as to profit charges of, **26,** 752
tenant at will, when not to be deemed a, **19,** 125, 126
termination of trust by, **28,** 116; **22,** 326, 327
title deeds, rights as to, **24,** 239; **25,** 598; **28,** 100
title of, trustee, not restricted by acts of, **28,** 93
trespassers, remedy against, **19,** 139
trust, creation of, vests interest in subject of, **13,** 79
for sale at request of, effect of, **28,** 152
money mixed with trustee's money, right in respect of, **28,** 208
right to enforce against a trustee, extent of, **27,** 36; **28,** 44, 128, 172
trustee, beneficial interest of, **28,** 65, 66, 80, 183
capacity to act as, in respect of trust property, **28,** 65, 66
duties of, **28,** 123—128. *See* TRUSTEE, duties of.
essence of relation to, **13,** 89
fiduciary relationship to, **15,** 109; **28,** 6
legal owner, as, **13,** 88, 155; **22,** 398; **24,** 283
limitation of action against, **19,** 139, 140, 161—169
not appointed by the court as a, **28,** 80, 81
one person as against strangers, both regarded as, **19,** 138; **28,** 93
possession by, cannot be adverse to, **19,** 139, 140; **28,** 94
power of retainer as against, **28,** 152, 153
proof of relationship, **13,** 155
purchaser from, no right in equity against, **19,** 140
quasi privity of, in matters of estoppel, **13,** 347
right to enforce transactions against, **27,** 12, 36
separate appearance by, in action, **28,** 183
termination of trust, possession after, **28,** 94
title, interrogatories as to, **11,** 106
undue influence presumed on part of, **13,** 18
volunteers claiming under trustee, rights against, **19,** 140
who may be a, **28,** 9

CESTUI QUE USE,
actual possession of, when, **12,** 148 n.
estate of, **24,** 278
King as, **6,** 495
nature of a, **24,** 273 n.
necessity for, where Statute of Uses operates, **24,** 275
rights and liabilities of, **24,** 272, 273
scintilla juris as affecting estate of, **24,** 282
use, estate cannot be greater than, **24,** 282

CESTUI QUE VIE,
defined, **24,** 178
death of, burden of proof of, **24,** 183
proof of, **13,** 470 n.
liability of tenant *pur autre vie* holding over after death of, **24,** 183
production of, costs of, **24,** 183 n.
disobedience to order for, effect of, **24,** 182
order for, how obtained, **24,** 182
who is the, **24,** 178, 179

CEYLON,
courts of, **10,** 555
Crown colony, as, **10,** 503 n.
customs of Tesawalamai, **10,** 567
extradition in, Order in Council as to, **10,** 564 n.
Government of, **10,** 503 n.
India, not included in, **10,** 585
legal codes in, **10,** 541 n.
legislation in, by Orders in Council, **10,** 569 n.
Roman-Dutch law in, **10,** 567

CHAFF,
cutter, duty to fence, **1,** 295
distress upon, where agreement for utilisation on land, **11,** 179

CHAIN,
emigrant ship to carry supply of, **26,** 336; **27,** 545 n.
making, regulation of rates of wages, **27,** 518 n.
stamping of, offences in connection with, **27,** 547
standard measure, as, length of, **28,** 468

CHAIN CABLES,
compulsory marking of, **27,** 546, 722
dealer in, **27,** 544—546
duty of marine store dealer as to cutting up, **27,** 544
emigrant ship, for, **26,** 336; **27,** 545 n.
general average adjustment, in, **17,** 510
licensing of testers of, **27,** 545
lien of tester on, **27,** 545
proof of, implied warranty of, on sale, **25,** 162; **27,** 545
marks on, offences relating to, **27,** 546
necessity for, **27,** 544
sale of, restrictions on, **27,** 544
shackle included in, **27,** 545 n.
testing, **27,** 545, 546

CHAIN OF CAUSATION.
breaking of, by intervening cause of damage, **10,** 319

CHAIRMAN. *See also* PRESIDENT.
board of guardians, of, election of, **12,** 393; **22,** 533
Commissioners of Sewers, of, appointment of, **25,** 777
committees, of, in House of Lords, absence of, conduct of business during, **21,** 630
amendment of standing orders, notice of motion for, **21,** 635
appointment of, **21,** 630
casting vote, has not, **21,** 634, 640
committee, duties when House sitting in, **21,** 637, 709, 710
Deputy Chairman of Committees, **21,** 630
Deputy Speakers, as first in list of, **21,** 630
divisions, duty on, **21,** 633, 634

CHAIRMAN—*continued.*
committees—*continued.*
divorce Bills not presented by, **21,** 762
ex officio chairman of select committee, as, **21,** 639
examiner of standing orders in House of Lords appointed by, **21,** 740
House of Lords Offices Committee, as member of, **21,** 642, 643
Lord Chancellor, duty in absence of, **21,** 630
quorum, duty in absence of, **21,** 632
salary of, **21,** 630 n.
Scottish private legislation, duties in respect of, **21,** 762—765
speeches not to be addressed to, **21,** 637
Standing Orders Committee of House of Lords, appointed by, **21,** 743
unopposed private Bills in House of Lords, commitment of, **21,** 750
voting by, **21,** 629 n.
company, in case of, board of directors, of, election and powers under Table A., **5,** 236 n.
minutes signed by, as evidence, **5,** 239
meeting of creditors or contributories, at, **5,** 467
adjournment of meeting by, **5,** 470
admission or rejection of proofs for purpose of voting, **5,** 471
appointment of, **5,** 470
minutes, duties as to, **5,** 472
meeting of shareholders, at, adjournment of meeting by, **5,** 254
casting vote of, **5,** 255 n.
declaration by, discussion closed, that, **5,** 255
resolution carried, that, **5,** 255 n., 256, 260
show of hands, as to, result of, **5,** 255 n., 256, 257, 260
election of, **5,** 250, 254, 254 n.
minutes signed by, as evidence, **5,** 261
poll, powers in regard to taking, **5,** 255 n., 257
powers of, **5,** 254, 255
corporation meeting, of, **8,** 347
amendments, duty as regards, **8,** 348
casting vote, **8,** 349, 350
closure of discussion, power to move, **8,** 347 n.
powers and duties of, **8,** 347
county council, of, election of, **12,** 359, 360; **19,** 341
illegal expenses incurred in connection with election of, **12,** 360
infant not eligible as, **17,** 47
justice of the peace, is *ex officio*, **19,** 538
London, in. *See* London County Council, *infra.*
oaths of office by, **19,** 540
position and privileges of, **19,** 341, 342
power where office of clerk vacant, **19,** 344
voting by outgoing alderman at election of, **12,** 360
district council, of, oaths of office as justice of the peace, **19,** 540
friendly society meeting, at, appointment of, **15,** 158 n.
casting vote of, **15,** 158 n.
decision of, **15,** 160
House of Commons, in, committee of whole House, in, **21,** 666. *See* Ways and Means, *infra.*
joint committee of both Houses, of, **21,** 640

CHAIRMAN—*continued.*
House of Commons—*continued.*
private bills, of committee on, **21,** 686, 751 n., 752
select committee, of, **21,** 683, 686, 752
vote of, **21,** 683
standing committees, of, **21,** 711
closure, duty as regards, **21,** 670
panel for, **21,** 711
Ways and Means, of. *See* Ways and Means, *infra.*
House of Lords, in, Appeal Committee, of, **21,** 642
Committees, of. *See* committees, *supra.*
joint committee of both Houses of Parliament, of, **21,** 640
Privileges, of Committee for, **21,** 642
select committee, of, **21,** 638, 639
sessional committees, of, motion for appointment of, **21,** 641
industrial society, of special meeting of, appointment of, **17,** 24
report to registrar by, **17,** 24
joint committee of both Houses, of, **21,** 640
joint district wages boards, of, appointment and powers of, **28,** 876, 877
licensing justices, of, no casting vote, **18,** 36
London County Council, of the, powers and duties of, **20,** 419, 420
who acts in absence of, **20,** 420
London Quarter Sessions, eligibility for, **2,** 381
meeting, of public, liability for trespass, **27,** 846 n.
position as to stewards, **20,** 65 n.
preserve order, duty to, **27,** 876 n.
Metropolitan Water Board, of, **28,** 331
municipal council, of, casting vote of, **19,** 315
meeting, at, who is, **19,** 315
owners and ratepayers, of meeting of, **19,** 365, 366
parish council, of, election and disqualification of, **12,** 389 ; **19,** 241
parish meeting, of, election and qualification of, **19,** 255
quarter sessions, of, election of, **19,** 620
casting vote, power to give, **18,** 83 ; **19,** 647
Railway Clearing House, of, absence of, **23,** 714
delegate of company, need not be, **23,** 714
election of, **23,** 714
tenure of office of, **23,** 714
voting power of, **23,** 714
rural district council, of, election of, **12,** 382 ; **19,** 329, 330
ex officio justice of the peace, is, **19,** 330
oaths by, **19,** 450
Sunday entertainment, of, liability of, **27,** 424
territorial forces, of county association for, **25,** 83, 84
urban council, of, appointment of, **12,** 375, 376 ; **19,** 262
casting vote of, **12,** 375 ; **19,** 279
duties and liabilities of, **19,** 279
ex officio justice of the peace, **19,** 262, 538
malice in ruling motion out of order, liability in case of, **19,** 279
oath of, **19,** 262, 540
refusal to put resolution, remedies for, **19,** 279
substitute during absence from meeting, **12,** 375 ; **19,** 279
vacancy in office of, appointment to fill, **12,** 375
vice-chairman, appointment of, **12,** 376
woman may be, **19,** 262

CHAIRMAN—*continued.*
Ways and Means, of, in House of Commons, appointment of, **21,** 666
casting vote of, **21,** 672
closure, duties in respect of, **21,** 670, 671
committee stage of bill in Parliament, duties in, **21,** 712, 713
debates, duties in respect of, **21,** 678—681
deputy, appointment of, **21,** 666
duties in absence of chairman, **21,** 673 n.
referees on private bills, as member of, **21,** 750
Deputy Speaker, power to act as, **21,** 666
division, duties in respect of, **21,** 671
private bills in House of Commons, duties in respect of, **21,** 666, 675, 677
quorum, included in, **21,** 668
salary of, **21,** 666 n.
Scottish private legislation, duties in respect of, **21,** 762—765
Speaker, powers during absence of, **21,** 666, 673
Supply, in Committee of, **21,** 773
temporary, **21,** 666

CHAIRS,
place of public entertainment, in, not treated as fixtures, **18,** 421

CHALDRON,
capacity of a, **28,** 469

CHALICE,
cleansing of, **11,** 683
mixed, **11,** 678
provision of, **11,** 736

CHALK PITS.
rateable value of, how ascertained, **24,** 43

CHALLENGE,
fight, to, a misdemeanor, **9,** 469
jury, of, **9,** 359
array, to the, **9,** 359, 360 ; **18,** 246—249
both parties, by, effect of, **18,** 248
costs of, **18,** 249, 249 n.
evidence of cause of, challenger must give, **18,** 247
favour, for, what is, **9,** 360 ; **18,** 247
how to be made, **9,** 360 ; **18,** 248, 249
insufficient grounds of, **18,** 249
nature and classes of, **9,** 359 ; **18,** 247
none to array summoned by elisors of court, **9,** 360 ; **18,** 247 n.
principal, **18,** 247
tales, of, nature and procedure on, **18,** 248
time for, **18,** 248
county courts, in, **8,** 533
Crown, by the, **9,** 359, 361 ; **18,** 246, 249
improper disallowance of, effect of, **18,** 252
inquiry and presentment, jury of, not allowed in case of, **18,** 241
kinds of, **9,** 359 ; **18,** 246, 247
Lands Clauses Acts, in cases under, **6,** 89, 90
omission by ignorance, new trial may be granted, **18,** 252
polls, to the, **9,** 360 ; **18,** 249—251
cause, for, classes of, **9,** 361 ; **18,** 250, 251
effect of, **9,** 361
right as to, **18,** 250
disallowance of, when, **18,** 251 n.

CHALLENGE—*continued.*
jury—*continued.*
polls—*continued.*
examination of person challenged, **18,** 251
grounds for, **9,** 361 ; **18,** 251 n.
peremptory, when existing, and effect of, **9,** 360, 361 ; **18,** 249
statutes affecting, construction of, **27,** 151
propter affectum, what is, **18,** 250
propter defectum, what is, **18,** 250
propter delictum, what is, **18,** 251
propter honoris respectum, what is, **18,** 250
time for, **9,** 360 ; **18,** 249 n.
when allowed, **9,** 360 ; **18,** 249, 250
previous conviction, none in case of, **18,** 259
prisoner to be warned of his right of, **18,** 253 n.
several prisoners indicted together, **9,** 361
talesmen, liability of, to, **18,** 248, 251
triers, nomination of, **18,** 247, 251 n.
when not allowed, **18,** 241, 246 n., 247 n.

CHAMBER OF COMMERCE,
complaint to Railway Commission by, **4,** 90, 91 ; **23,** 756
certificate required for, **23,** 756
incorporation of, **5,** 77

CHAMBERLAIN,
City of London, of, Court of. *See* CHAMBERLAIN'S COURT.
election of, **21,** 429
powers and duties of, **21,** 429 n.
Lord. *See* LORD CHAMBERLAIN.
Lord Great, coronation, functions at, **6,** 326
duties and perquisites of office of, **6,** 330

CHAMBERLAIN'S COURT (CITY OF LONDON),
appeal to Mayor's Court, **20,** 286, 287
judges of, **9,** 178
status and duties of, **9,** 178 ; **20,** 429 n.

CHAMBERS (INNS OF COURT),
court will not decide title to, **2,** 362
inhabited house duty on, **17,** 184
lease of, in Serjeants' Inn or Inns of Court, registration of, **18,** 401

CHAMBERS (JUDGE OF HIGH COURT). *See also* SUMMONS.
affidavit, facts to be proved by, **23,** 127
previously read in court, use of, **13,** 619
Chancery Division, in, applications, how made, **23,** 187, 198
evidence, **23,** 192
ex parte application in, **23,** 127, 189
judge, adjournment to, **23,** 131
applications to be brought before, **23,** 130, 131. *See* JUDGE IN CHAMBERS.
master in first instance, applications to, **23,** 131, 192
new trustee, appointment of, **28,** 78 n.
orders made in, nature of, **23,** 131
originating summons, applications by, **23,** 187. *See* ORIGINATING SUMMONS.
particular matters disposed of in, **23,** 130, 189—192
procedure, **23,** 192
charities, proceedings relating to, in, **4,** 334—336
conditional appearance, application for leave to enter, **23,** 126

CHAMBERS—*continued.*
consent order in, when final, **18,** 178 n.
contempt of court in, **7,** 283, 284
costs of proceedings in, **23,** 128
counsel's right of audience in, **2,** 372 ; **23,** 128
discovery, application for, **11,** 59, 63
election proceedings in, **12,** 423, 428, 435, 436
ex parte application, when may be made, **23,** 127
habeas corpus, application for, in, **10,** 58
injunction on summons in, when granted, **17,** 274
interlocutory proceedings, applications to be made in, **23,** 127
interrogatories, application for, in, **11,** 107
judge in, **23,** 126. *See* JUDGE IN CHAMBERS.
jurisdiction exercised in, **2,** 310 ; **23,** 126
King's Bench Division, in, applications to judge, **23,** 129. *See* JUDGE IN CHAMBERS.
managing clerks of solicitors may appear in, **23,** 128
master, proceedings before, **23,** 128. *See* MASTER IN CHAMBERS.
originating summons in, **18,** 197 ; **23,** 187, 189. *See also* ORIGINATING SUMMONS.
partition, proceedings as to, in, **13,** 41 ; **21,** 857. *See also* PARTITION.
privacy of proceedings in, **23,** 128
procedure in, **23,** 127, 128
receiver, appointment usually referred to, **24,** 360
serve writ out of jurisdiction, application for leave to, **23,** 121 n.
shorthand notes of proceedings in, privilege of, **11,** 75
solicitor's right of audience in, **23,** 128 ; **26,** 724
summary judgment in, **23,** 134. *See* JUDGMENT.
summons, applications by, **23,** 127
service of, **23,** 127

CHAMPERTY,
defined, **1,** 53
action of, when lies, **1,** 41
assignment, debt, of, is not, **1,** 55
void for, **7,** 501, 502
bargain by counsel void for, **2,** 392
blood relationship, not excused by, **1,** 54
champertous agreement, examples of, **1,** 54
void, **1,** 54
common law misdemeanor of, **9,** 499
costs, solicitor, of a, special agreement as to, **1,** 54 ; **26,** 772
lunacy proceedings not within rules as to, **19,** 460
solicitor purchasing subject-matter of suit, **1,** 55

CHANCE. *See also* EXPECTANCY.
emptio spei, sale of, **25,** 145
games and gaming, in regard to, **9,** 545 ; **15,** 284, 285, 287. *See* GAMES ; GAMING.
lottery, necessary to constitute a, **9,** 547
sale of goods subject to, nature of contract, **25,** 145

CHANCEL,
church, included in term, **11,** 722 n., 732 n., 734 n.
extension of, consecration necessary in case of, **11,** 729 n.
fabric of, rector's rights over, **11,** 546
insurance of, **11,** 772
lay rector's right to chief seat in, **11,** 802
mortgage for expenditure on, **11,** 734, 755
ownership of, **11,** 718, 732
rector or vicar's seat in, **11,** 470

CHANCEL—*continued.*
repair of, **11,** 732
by rector, **11,** 469, 482, 733, 802
screen gates, **11,** 670
seats in, **11,** 471

CHANCELLOR,
cathedral or collegiate church, of, **11,** 433
diocese, of a, *defined*, **11,** 412, 505 n.
actions against, **11,** 415
acts that cannot be performed by, **11,** 414
admission of, under Canons of 1604, **11,** 415
appointment of, **11,** 412, 506
assessors of, **11,** 507, 525
churchwardens admitted by, during visitation, **11,** 465
commissary of, **11,** 505
consecration, instrument of, attested by, **3,** 413
consecration of ground by, **3,** 412
consistory court of, **11,** 505, 506
president of, **11,** 412, 525
deputy, **11,** 415, 507
doctor of the civil law enabled to be, **11,** 414
faculties granted by, **11,** 540—549
fees of, **11,** 416
indictment of, **11,** 415
jurisdiction of, **11,** 414, 506
layman may be, **11,** 414
London, of, **11,** 413 n., 507
final decrees of, **11,** 508
oaths to be taken by, **11,** 415
office not saleable, **11,** 416
ordinary judge, powers of, as, **11,** 506
patent of, **11,** 413, 506
powers of, **11,** 413, 506, 512, 513
limitations on, **13,** 7
pre-Reformation, in orders, **11,** 414
precedence of, **11,** 421
procedure before, **11,** 515—526, 531—549
qualifications of, **11,** 415
reservation of jurisdiction by bishop, effect, **11,** 414
seal of, **11,** 506
surrogate of, **11,** 415
Durham, of the County Palatine of. *See* CHANCELLOR OF THE COUNTY PALATINE OF DURHAM.
Exchequer, of the. *See* CHANCELLOR OF THE EXCHEQUER.
Lancaster, of the Duchy of. *See* CHANCELLOR OF THE DUCHY OF LANCASTER.
Lord Chancellor of Ireland, **7,** 55
Cabinet, as member of, **7,** 37
Lord High. *See* LORD CHANCELLOR.
university, of a, **12,** 91, 94—96
Cambridge, of, **12,** 95
court of, **9,** 149
Oxford, of, **12,** 94
court of, **9,** 187

CHANCELLOR OF THE COUNTY PALATINE OF DURHAM,
appeal from decision of, **9,** 127
appointment of, **9,** 126
jurisdiction of, **9,** 127
powers of, **7,** 77; **9,** 127

CHANCELLOR OF THE DUCHY OF LANCASTER,
Agricultural Holdings Act, 1908, powers under, **7,** 235
ancient officer of the Duchy, **7,** 220 n.
appointment of, **7,** 37, 220 n.
political nature of, **9,** 123
Cabinet, as member of, **7,** 37; **9,** 123
Commissioners of Sewers, powers of appointing, **7,** 237
comptroller, power to appoint, **9,** 124
Conveyancing Act, 1881, powers under, **9,** 123
coroner removable by, **8,** 228
creation of, **7,** 217; **9,** 120, 121
district registrar, power to appoint, **9,** 124
Duchy Chamber, power to hold court of, **9,** 120
duties of, performed by the Vice-Chancellor, **7,** 220 n.
grant of land etc. for ecclesiastical purposes by, **11,** 723
Improvement of Land Act, 1864, consent under, **7,** 236
inclosure of land, powers for, **9,** 199
intestate estates, powers in respect of, **7,** 236
judicial functions of, **9,** 123
land tax, redemption of, consent to, **7,** 228
landlord for purposes of Agricultural Holdings Act, 1908, as, **7,** 235
lands of Duchy, powers as to, **7,** 219
rents of, applied under direction of, **7,** 219, 220
literary and scientific institutions, grants of land for, **7,** 222
Metropolis Management Act, 1862, consent under, **7,** 236, 237
oath of, **7,** 24 n.
officer of State, as, **7,** 37
patronage, ecclesiastical, of, **11,** 570, 576
legal, of, **6,** 401 n.
rules of procedure, power to make, **9,** 123
sheriff, submission of list on appointment of, **25,** 794
stipendiary magistrates, powers of appointing, for Manchester and Salford, **19,** 546 n.
tenant's improvements, payments for, **7,** 236
vacancy in office of, **7,** 220; **9,** 123

CHANCELLOR OF THE EXCHEQUER,
Board of Education, member of, **12,** 8
British Museum, trustee of, **7,** 101
budget of, **21,** 774, 775
speech of, **21,** 774
charitable gifts to be applied by, **4,** 114
duties of, **7,** 101, 102
ex officio functions of, **7,** 101, 102
judicial functions of, abolition of, **7,** 162
sheriffs of counties, assists at nomination of, **7,** 102; **25,** 794
Treasury Board, member of, **7,** 101

CHANCERY,
clerk of Crown in, commission of escheat issued by, **10,** 36

CHANCERY, COURT OF. *See also* CHANCERY DIVISION.
auxiliary jurisdiction of, **13,** 42—59. *See* EQUITABLE JURISDICTION.
certiorari issued by, **10,** 187
power to award costs in case where, **10,** 211 n.

CHANCERY, COURT OF—*continued.*
common law jurisdiction of, foundation of, **13,** 4
concurrent jurisdiction, **13,** 10—41. *See* EQUITABLE JURISDICTION.
conflict with common law, termination of, **13,** 5
contract enforced by, **13,** 6
conveyancing counsel, appointment of, **2,** 381, 382; **13,** 6 n.
damages, jurisdiction to grant, **17,** 212 n.
decrees of, enforced by sequestration, **13,** 56
defects in, removal of, **13,** 6, 7
discovery, old practice, as to, **11,** 37, 38, 39, 45, 46, 73 n., 77 n., 79, 89; **13,** 43, 44, 79, 89
Durham, County Palatine of, **9,** 124—127. *See* DURHAM, COUNTY PALATINE OF.
encroachments of, protested against, **13,** 5
equitable jurisdiction of, **13,** 4, 5
establishment, cause of, **13,** 7
Exchequer, Court of, equity side transferred, **13,** 5
exclusive jurisdiction of, **13,** 6, 9
guardian *ad litem*, practice of, as to, **11,** 49
history, authorities for early, **9,** 52 n.; **13,** 5
infants, jurisdiction over, **17,** 47, 48
jurisdiction transferred to High Court, **9,** 60; **11,** 333 n.; **13,** 61
Lancaster, County Palatine of, **9,** 120—124. *See* LANCASTER, COUNTY PALATINE OF.
Duchy of, **9,** 120
law, questions of, power to determine, **13,** 43
lunatics, no jurisdiction in regard to, **13,** 10 n.
masters of the, abolished, **13,** 6
matters formerly referred to, **13,** 5
nature of, **9,** 52; **13,** 4—6
origin of, **13,** 4, 5
petitions for redress, **13,** 4
practice of, importance of, **13,** 4
principles of, how applied, **13,** 6, 9
reports, when commenced, **13,** 5
restraint by, of proceedings at common law, **13,** 6
rights enforced in, not recognised at law, **13,** 6
sale of land, power as to, **25,** 314 n.
separate existence, cause of, **13,** 5
staff of, **13,** 6
subpœna, writ of, introduction of, **13,** 5
trusts, early enforcement, **13,** 5
York, of, **11,** 509

CHANCERY DIVISION. *See also* HIGH COURT OF JUSTICE.
action in, commencement of, **23,** 99
administration of estates in, **13,** 61
advancement by order of, **17,** 92, 93; **23,** 190
appeal from, **9,** 63; **23,** 193, 194, 196 n.
applications in, kinds of, **23,** 130, 131, 189—191
motion, by, **23,** 188
assignment of action to judge in the, **22,** 420
attachment in, **7,** 309, 316; **14,** 7 n.
certiorari, application for, in, **10,** 158 n., 200, 211
chambers, applications in, **23,** 187, 198
evidence, **23,** 192
ex parte, when, **23,** 127 n.
judge, adjournment to, **23,** 131
applications to be brought before, **23,** 130, 131. *See* JUDGE IN CHAMBERS.
master in first instance, applications to, **23,** 131, 192
orders made in, entry of, **18,** 204
nature of, **23,** 131
originating summons, applications to be made by, **23,** 187. *See* ORIGINATING SUMMONS.

CHANCERY DIVISION—*continued.*
chambers—*continued.*
particular matters disposed of in, **23,** 130, 189—192
procedure, **23,** 192
charities, jurisdiction over, **4,** 294—301, 330—339; **6,** 476; **23,** 191
chief clerks in, now called masters, **9,** 67 n.
children, orders as to custody of, **17,** 108
after declaration of unfitness of parent by Divorce Division, **16,** 545
committal, how application made for, **7,** 309; **17,** 294
order for, effect of, **7,** 316
companies, jurisdiction as to, **5,** 36, 391
winding up business assigned to, **5,** 391; **9,** 61
constitution of, **9,** 60
contempt of court in, **7,** 309; **17,** 294
Copyhold Acts, applications under, to, **23,** 190
counsel, hearing of, **2,** 414
king's counsel in, special fees of, **2,** 408
deeds, rectification and cancellation of, in, **13,** 61
discovery in, **11,** 50, 53
application in chambers for, **23,** 130 n.
documents, of, practice as to, **11,** 60 n., 68 n.
equitable tenant for life, claim for possession by, before, **25,** 597
evidence, upon appeal in, settling, **18,** 201, 202
when appearing in judgment or order of, **18,** 201, 202
guarantee cancelled by, **15,** 507
guardian of infant, appointment of, **17,** 108, 126; **23,** 190
interference with, **17,** 128, 129
hearing of cause assigned to one judge by another, **23,** 158, 159
husband and wife, compromise between, enforceable in, **16,** 540
infants, jurisdiction over, **9,** 61; **17,** 47, 125; **23,** 190
marriage settlement of, sanction of, **17,** 103; **23,** 190; **25,** 560—562. *See* MARRIAGE SETTLEMENT.
protector of settlement, powers in case of, **17,** 52
trustee of land, vesting order in case of, **17,** 52
wardship of, **13,** 61; **17,** 146; **23,** 190
lunatic, of, **19,** 411
injunction, application for, in, **17,** 253 n., 274
committal for contempt of, **17,** 294
filing of affidavits before motion for, **17,** 279
interim order in nature of, in, **17,** 278
practice as to, in, **17,** 274, 294, 296
interpleader in, **13,** 56, 57; **17,** 580, 581, 599, 641
judgment, consent, by, practice, **18,** 188
contents of, **18,** 201
entry of, **18,** 199
evidence recited in, **18,** 202, 203
form of, in, **18,** 201
minutes of, **18,** 200, 201
jurisdiction of, **9,** 60; **13,** 61—65
Court of Chancery, of, assigned to, **9,** 60; **13,** 61
jury, causes assigned to usually tried without, **18,** 237 n.; **23,** 172
order for trial by, effect of, **23,** 172
Land Transfer Act, 1875, opinion of senior judge in case under, **17,** 96
legitimacy, determination of, in course of, action in, **2,** 433
Lord Chancellor as president of, **7,** 62; **9,** 60

CHANCERY DIVISION—*continued.*
lunatic, issue as to, to be tried in action in, **19,** 406
jurisdiction in regard to, **13,** 10 n.; **19,** 411
power to order transfer to foreign curator, **19,** 453, 454
residing out of jurisdiction, transfer of stock, **19,** 453, 454
masters of, **9,** 67. *See* CHAMBERS; MASTER IN CHAMBERS.
matrimonial cause, enforcement of compromise of, **16,** 540
mortgages, assignment of business concerning, to, **13,** 61; **21,** 283
motion, application by, **23,** 188
committal, for, **7,** 309; **17,** 294
company, by, **5,** 181 n., 371
counsel, hearing of, on, **2,** 414
days, practice of the Court in respect to, **17,** 274
injunction, respecting, **17,** 274, 275, 296
judgment, for, how made, **18,** 195, 196
practice as to, **23,** 188
saving of, **17,** 274
new trial, order on application for, Court of Appeal, in, **18,** 203
orders made, chambers, in, nature of, **23,** 131
consent by, **18,** 200, 201
entry of, **18,** 204
form of, **18,** 201
originating summons in, **23,** 187. *See* ORIGINATING SUMMONS.
partition, jurisdiction as to, **9,** 61; **13,** 40, 61; **21,** 834, 835
partnership matters assigned to, **13,** 61
patent action in, **22,** 215
payment into Court by trustees under order of, **23,** 151
petitions in, procedure as to, **23,** 188, 189
portions and charges on land, raising of, referred to, **13,** 61
power of one judge to hear actions of another, **23,** 158
proceedings peculiar to the, **23,** 188—192
property, realisation of incumbered, in, **13,** 61
protector of settlement, as, **25,** 692
receivers, appointment of, in, **13,** 54; **14,** 122; **24,** 344, 345, 353, 354, 417
originating summons, on, **14,** 334
discharge of, in, **24,** 417
general jurisdiction as to, remains in the, **24,** 342
practice on application for, **24,** 344, 345
registrar of, alteration in drawing up order by, **18,** 203
appointment and duties of, **9,** 68
evidence on appeal, settles, **18,** 201—203
minutes of judgment, settles, **18,** 200
Settled Land Acts, jurisdiction under, **25,** 633 n., 640—642
specific performance, actions for, assigned to, **13,** 61; **27,** 5, 77
jurisdiction to grant, **27,** 5
taxation of costs, procedure on, **26,** 767 n., 790
transfer of cause or matter in the, **23,** 158
trial of action in, **18,** 197; **23,** 172 *et seq.*
trusts, execution of, jurisdiction over, of, **13,** 61; **28,** 179 *et seq.*

CHANCERY VISITOR. *See* VISITATION IN LUNACY.
bi-annual returns of, to Lord Chancellor, **19,** 470
maintenance scheme considered by, **19,** 467

CHANCERY VISITOR—*continued.*
masters in lunacy, subject to, **19,** 467, 469
qualifications of, **19,** 467
report on lunatic patients by, **19,** 467, 469

CHANGE. *See also* ALTERATION; VARIATION.
address, of, insured person, of, **28,** 948 n.
circumstances, of, duty of person making representation on, **20,** 691, 692
Workmen's Compensation Act, justifying review of weekly payment under, **20,** 229, 231, 232
course, of, river, of, **3,** 122; **28,** 398, 407, 408
ship, by, **26,** 424. *See* NAVIGATION.
domicil, of, **6,** 185—192. *See* DOMICIL.
gauge of railway, of, **23,** 687
investments, of, by trustees, **28,** 138
locality, of, as affecting nature of business, **27,** 564
name, of. *See* NAME.
office, of, building society, of, **3,** 330, 331
company, of, **5,** 83
friendly society, of, **15,** 136
parties, of, action, to, **23,** 107, 108. *See* PARTIES.
guarantee, effect on continuing, **15,** 498
shares of company, in, **5,** 203, 204
solicitors, of. *See* SOLICITOR.
status, of, domicil, on change of, **6,** 183
guarantee, effect on, **15,** 499—501
venue, of. *See* VENUE.
voyage, of, effect on underwriter's liability, **17,** 396

CHANNEL,
narrow, navigation in, **26,** 465—467. *See* NARROW CHANNEL.
rights as to water flowing in, **11,** 310 *et seq.*; **28,** 424 *et seq.*
artificial, in, **11,** 311, 315—317; **20,** 589. *See* CANAL; WATERCOURSE.
fishing, of, **14,** 581, 620
defined subterranean, in, **11,** 313; **28,** 430, 432, 439
undefined, in, **11,** 313; **28,** 426, 430—432

CHANNEL ISLANDS,
Admiralty Courts of, **1,** 141
animals imported from, **1,** 427
appeal from, **9,** 31; **10,** 579
application of English law to, **10,** 573
billeting, exemption from, **25,** 53 n.
bills drawn, etc., in, inland, as, **2,** 475 n.
stamps on, **2,** 575 n.
British Islands, included in, **2,** 475 n.; **15,** 170 n.
Crown right to legislate in, **6,** 388
ecclesiastical courts, appeals from, **9,** 29 n.
English
law, application of, **10,** 573
statutes, application of, **10,** 573, 574; **27,** 114, 114 n., 162 n.
friendly societies in, **15,** 122 n.
members domiciled in, **15,** 155
provisions as to, **15,** 170 n.
Fugitive Offenders Act extended to, **14,** 421
Guernsey, legislation of, **10,** 575
Home Office concerned with, **7,** 82
imperial legislation for, **10,** 573
industrial provident societies in, **17,** 3
Jersey, legislation of, **10,** 575
Recueil des Lois, what is, **10,** 575
local legislation for, **10,** 575
National Health Insurance, disqualifications for, of persons temporarily resident in the, **28,** 926

CHANNEL ISLANDS—*continued.*
notaries in, powers of, **21,** 501
Order in Council, legislation by, **10,** 574
Postmaster-General's powers extended to, **22,** 631
Privy Council, appeals to, **9,** 31
standing committee for, **7,** 53, 54
revenue penalties, recovery of, **24,** 737
Sark, courts of justice of, **10,** 576
legislation of, **10,** 575, 576
States of Alderney, no power of legislation in, **10,** 576
warrant issued in England for execution in, indorsement of, **19,** 564

CHAPEL,
defined, **11,** 788
alteration of, how carried out, **11,** 734
army districts, how provided for, **11,** 790
attendance at, as part of instruction of public elementary school, **12,** 29. *See* RELIGIOUS INSTRUCTION.
brawling in, **9,** 478; **11,** 663; **27,** 876
burial
in, licence for, **3,** 528
near, Cemeteries Clauses Act, under, **3,** 519
Public Health (Interments) Act, under, **3,** 512
service in, when on unconsecrated ground, **3,** 519
under, restrictions as to, **3,** 512, 519
burial ground, in. *See* BURIAL GROUND.
cemetery, in, **3,** 509, 511, 516, 518. *See* CEMETERY.
chapelry, **11,** 789. *See* CHAPELRY.
chapelries attached, with, rights of, **11,** 562
church, as part of, **11,** 788 n.
clerk of, archidiaconal court, subject to, **11,** 501
college, of, not exempt from poor rate, **24,** 22
communion table in side, legality of, **11,** 671
consecration of, unlawful, burial ground, in, **3,** 468, 509
consulate, in connection with, **11,** 483 n.
Cornwall, Duchy of, grant in, for, **7,** 245
sale of land in, for, **7,** 223, 224
demolition of, felony, **9,** 777
derivation of word, **11,** 788
dissenting, **11,** 788
certification of, **4,** 245, 246; **11,** 817
Charitable Trusts Act applicable to, how far, **4,** 246, 305; **11,** 818
cy-près doctrine applied to, **11,** 821
doctrines in, how ascertained from usage, **4,** 164; **11,** 820, 821
gift for, charitable, **4,** 121
legacy for maintenance of, how paid, **4,** 185
marriages in, **11,** 818; **16,** 299—305. *See* MARRIAGE.
minister of, appointment of, **4,** 252—254; **11,** 814, 815
position of, **4,** 253, 254; **11,** 815, 816
ownership of, **11,** 819—822
dangerous structure, when, **11,** 819 n.
rates, how far liable to, **11,** 819; **24,** 22
registration of, **4,** 245, 246; **11,** 817—819; **16,** 299 *et seq.*
rights in regard to, enforcement of, **11,** 820, 822
service in, not with locked doors, **11,** 817
site for, provision of, **11,** 822
transfer from one body to another, **11,** 819, 820

CHAPEL—*continued.*
dissenting—*continued.*
trust for, breach of, by diversion to another body's use, **11,** 819
interpretation of, **4,** 164
trustees of, appointment of, **4,** 259—268; **11,** 821
vesting of property in, **4,** 261; **11,** 821
districts attached, with, rights of, **11,** 562
disturbance of worship in, **9,** 478; **11,** 663; **27,** 876
ease, of, *defined,* **11,** 789
authority to preach in, how obtained, **4,** 252; **11,** 609, 646
charge for endowment of, **11,** 616
district assigned to, **11,** 447
minister of, **11,** 646
non-administration of sacraments shows that chapel is a, **11,** 719 n.
parish, made into a separate, **11,** 447, 448
presentative, **11,** 646
endowment of, **11,** 616, 726, 727
erection of, consent of incumbent to, **11,** 609
burial service, for, under Burials Acts, **3,** 468, 509
Cemeteries Clauses Act, under, **3,** 516, 518
denominational funeral services, for, **11,** 368
Public Health (Interments) Act, under, **3,** 509
free, meaning of, **11,** 789
gift for, **4,** 113, 114, 118, 185; **11,** 722—725, 773
charitable, scheme for, **4,** 185, 186
Jewish, gift for, charitable, **4,** 121
land for, compulsory acquisition of, **6,** 174; **11,** 723
gift of, **11,** 722—725, 773
Larceny Act, meaning in, **9,** 675
light, claim of, in respect of a, **11,** 306
maintenance of, whether a charitable trust, **4,** 113, 118, 120—123
marriage in, licence for, **11,** 697
monuments in, cemetery, of, local authority may sell right to place, **3,** 511
parochial, meaning of, **11,** 562, 789
district parish, for, **11,** 445
pastor of, injunction to restrain interference with, **17,** 254
person claiming to be, restraint of, by injunction, **17,** 254
pew in, no common law right to, **11,** 738
poll, Parliamentary, may not be holden in, **12,** 310
poor rate, exemption from, **24,** 22
private, *defined,* **11,** 720 n., 789
gift for, not charitable, **4,** 118
nomination of chaplain, **4,** 252; **11,** 789
repair of, churchwarden not liable for, **11,** 469
trespass, right of owner to bring, **27,** 850 n.
proprietary, *defined,* **11,** 790
Public Health Act, resolution to adopt, published on door of, **16,** 227
registration of nonconformist, **4,** 245, 246; **11,** 817—819; **16,** 299 *et seq.*
repair of, charitable purpose, whether, **4,** 113, 118, 120—123
liability of parishioners, **11,** 733
reparation funds, exemption from income tax of, **4,** 210
Roman Catholic, gifts for, are charitable, **4,** 121
legacy for maintenance of, how paid, **4,** 185
Royal, staff of, **11,** 652
school, connected with, liability under Inhabited House Duty, **17,** 183
services in, **11,** 790

CHAPEL—*continued.*
sexton, right of entry of, **3,** 473
site for, provision of, on inclosure of common, **4,** 511, 549, 595 n., 596, 597
trust in favour of, express provision in instrument creating, as to doctrines in, **4,** 164
interpretation of instrument creating, contemporary documents, by, **4,** 163
trustees of, duties as to management, **11,** 819, 820
injunction against or in favour of, **17,** 254
payment of legacies to, **4,** 185
Unitarian, gift for, charitable, **4,** 121
Wales, in, **11,** 790

CHAPELRY. *See* CHAPEL.
defined, **11,** 789.
alterations in, **11,** 450
charitable funds in, apportionment of, **4,** 152
consolidated, how constituted, **11,** 444, 446
district, chapel of ease, assignment of, to a, **11,** 447
constitution of **11,** 444, 447
perpetual curate of, has freehold but no vote, **11,** 562 n.
inhabitants may be not liable for repair of parish church, **11,** 482 n.
meetings in, mode of holding and summoning, **11,** 458
parish, may be formed into new, **11,** 449, 727
part of, may be made new district, **11,** 448

CHAPLAIN,
defined, **11,** 647
archbishop's, appointment of, **11,** 386, 652 n.
army, *defined,* **11,** 483 n.
appointment of, **11,** 647
district under charge of, **11,** 443, 647, 648, 790
duties of, **11,** 647
India, in, **11,** 483 n., 496
supervision of Chaplain-General, under, **11,** 647
asylum, appointment of, **11,** 650 ; **19,** 483
dismissal of, **11,** 650
licence revocable, **11,** 650
residence of, **11,** 483 n. ; **19,** 483
superannuation allowance, **11,** 650
bishop's, **11,** 400, 652 n.
appointment of, **11,** 386
burial without service, notice of, **3,** 425
cemetery, of, appointment of, **3,** 510, 518 ; **11,** 649
duties under Cemeteries Clauses Act, **3,** 518
stipend under Cemeteries Clauses Act, **3,** 518
consulate, in connection with, **11,** 483
different kinds of, **11,** 647
gaol, of, **11,** 650 ; **23,** 237
General of the Forces, **11,** 647
hospital, of, position of, **11,** 651
India, in, **11,** 496
institution, of an, appointment of, **11,** 651
King's, appointment and position of, **11,** 652
marriage by, in British army abroad, validity of, **6,** 261
Missions to Seamen, of, **11,** 651, 651 n.
naval, appointment of, **11,** 649 ; **25,** 7
position and duties, **11,** 649 ; **25,** 7
qualifications for, **11,** 649
prison, of, **11,** 650 ; **23,** 237
executions, present at, **23,** 252
superannuation of, **11,** 651 ; **23,** 241
visit to prisoner under sentence of death, **23,** 251

CHAPLAIN—*continued.*
private, appointment of, **11,** 652 n., 653
Lord Kilmorey's case, **11,** 653 n.
penalties for unlawful preaching etc., **11,** 653 n.
restrictions on, **11,** 653
school, of, jurisdiction of incumbent of parish in respect of, **11,** 651, 790
Speaker's, **11,** 652
territorial forces, in, appointment and remuneration, **11,** 648 n.
rank and duties of, **11,** 648
workhouse, of, appointment, duties and removal of, **11,** 651 ; **22,** 542, 543

CHAPTER,
defined, **11,** 423
canon, position of, as member of, **11,** 423, 424, 425, 426, 427
cathedral, control of, by, **11,** 425
close, constitution of, **11,** 424
collegiate church, of, **11,** 423, 424
consolidation of sees, effect of, **11,** 426
constitution of, former, **11,** 423 n.
present, **11,** 423
corporation aggregate with the dean, forms, **11,** 423, 426
court, as a, **11,** 425
dean of, **11,** 416, 417. *See* DEAN.
general, constitution of, **11,** 424
members, style of, **11,** 426 n.
monasteries, dissolved, of, **11,** 426 n.
new, what are, **11,** 424, 424 n.
patronage of, **11,** 426, 579, 599
powers of, **11,** 425
proctor for Convocation, voting for, **11,** 392, 424 ; **27,** 150 n.
proper, constitution of, **11,** 424
property of, **11,** 425
quorum of, **11,** 423
statute for, effect of prejudicial, **11,** 425
visitation of, **11,** 425

CHAR,
close season for, **14,** 615
power to alter, **14,** 604, 615
sale during, **14,** 617
conservators for, **14,** 594, 606
fishery districts for, **14,** 594, 598
freshwater fish, as, **14,** 595

CHARACTER,
defined, **20,** 731
candidate for Parliament, of, false statements as to, illegal practice, **12,** 298—300
injunction to restrain, **12,** 540
change of, of property does not bring it within covenant to settle after-acquired, **25,** 553
evidence of, breach of promise action, in, **16,** 276
civil actions, where admissible in, **13,** 454, 600, 603
criminal cases, in, **9,** 382—384
defendant, against, not primarily admissible, **9,** 380, 382 ; **13,** 454
divorce, respondent may not call, to disprove act of cruelty in, **13,** 454
mitigation of damages, **13,** 455
false imprisonment, in action for, **27,** 885
libel, in action for, **13,** 454 ; **18,** 724
plaintiff, of, material as to damages, **18,** 725
opinion of witness, admissibility of, **13,** 483

CHARACTER—*continued.*
evidence of—*continued.*
party, of, not directly in issue, evidence not usually admitted, **13,** 454
prosecutor, of, **9,** 383
rape, in case of, **9,** 383
seduction, in action for, **13,** 456; **20,** 274
witness, of, **9,** 384; **13,** 603
cross-examination as to, **9,** 384; **13,** 600
party's own, **13,** 600
false certificates of, **9,** 711. *See* servant, *infra.*
goods, of, *bonâ fide* description is not infringement of trade mark, **27,** 713
gratuitous borrower for use, of, measure of care required modified by, **1,** 538
injury to, rights in respect of, **27,** 475. *See* DEFAMATION; LIBEL; SLANDER.
interrogatory as to, **11,** 97 n.
lessee, of, misrepresentation of referee as to, **15,** 501 n.
licence, justices', of applicant for, **18,** 63, 64
renewal or transfer of beerhouse licence, of applicant for, **18,** 64
malicious prosecution, in action for, plaintiff may be cross-examined as to his, **19,** 687
representations as to, to obtain credit, exemption from stamp duty of, **15,** 473
writing, cannot be sued on unless in, **15,** 456, 457; **20,** 731, 732
servant, of, discovery of communications as to, **11,** 84
false, liability of master in respect of, **20,** 124
forged, liability as to, **20,** 124
libellous or slanderous, **20,** 122—124
master under no obligation to give, **20,** 121, 122
privileged communication, when, **18,** 688; **20,** 122, 123
production of, **11,** 84
written, property in, **20,** 124
ship, of, colours and pass as evidence of, **23,** 278
statement reflecting upon, how far defamatory, **18,** 620. *See* DEFAMATION; DEFAMATORY STATEMENT; LIBEL; SLANDER.

CHARGE. *See also* CHARGES.
archdeacon, of, **11,** 440
bishop, of, how far privileged, **11,** 403
giving in, false imprisonment, whether, **27,** 878 n., 879 n.
liability for, **27,** 879
grand jury, to, **9,** 346; **18,** 242
property, on. *See* CHARGE ON PROPERTY.
train, of a, meaning of, within Employers' Liability Act, **20,** 146

CHARGÉ D'AFFAIRES,
administration of oaths by, **26,** 858
notarial powers of, **21,** 497
position of, **6,** 428
privileges of, **6,** 428—432

CHARGE ON PROPERTY,
agreement, mortgage, to execute, on request, does not create an immediate, **13,** 93
chattels, conferring charge over, is a bill of sale, **3,** 13
real and personal property, to create over, effect of, **21,** 83
allotments, on, to raise expense of inclosure, **4,** 583

CHARGE ON PROPERTY—*continued.*
assignments of choses in action by way of, not within Judicature Act, **4,** 370
benefice, upon, validity of, **11,** 615. *See* BENEFICE.
bill of sale, transferee of, memorandum of charge, registration not necessary, **3,** 72
building society, in favour of, discharge of, **3,** 372
registration of, **3,** 364, 365
chapel of ease, for endowment of, **11,** 616
chattels, upon, removal by chargee to avoid distress, **11,** 190
company, property of, on. *See* COMPANIES, mortgage by.
compensation, agricultural, for, **1,** 266
fund for licensing purposes, for, **18,** 71 *et seq.*
compulsory acquisition of land subject to, **6,** 146, 147
conditional gift may create, **28,** 792
contractor's interest under building contract, on, **3,** 281
copyright, by proprietor of, **8,** 160
covenant to give, effect of, **13,** 93; **21,** 83
covenant to pay, to what extent binding on lessee, **18,** 494
creditor, of, effect of release in composition deed, **2,** 336
debts, of, realty, upon, effect of, **14,** 286
power of sale implied by, **14,** 236; **23,** 12
deed of, on assets of company not a bill of sale, **3,** 20
devise subject to, distinguished from devise with an exception out of it, **28,** 618
disentailing deed, by, effect of, **24,** 260
doweress may be liable for interest on, **24,** 199
drainage. *See* DRAINAGE OF LAND, rent-charges.
dwelling-house, on, for cost of works required by local authority, **23,** 531
earnings of undertaking, on, as consideration of sale of land, **6,** 59
enforcement of, county court, in, **8,** 444
equitable right, as an, **27,** 5
sale not foreclosure, by, **13,** 93; **21,** 83, 273
equitable. *See* EQUITABLE CHARGE.
estate duty, allowance in respect of, for, **13,** 210
charge on property, as, **13,** 220, 223
field gardens, on, redemption of, **1,** 337
floating. *See* FLOATING CHARGE.
fund or debt, on, is a partial equitable assignment, **4,** 375
general, on undertaking of a company, effect of, **5,** 349
gift subject to, effect of, **15,** 426; **28,** 792
husband, created by, priority over dower, **24,** 194
income
exhausted by, possession, effect as regards, **25,** 694 n.
tenant for life, liability of, **23,** 85 n.
upon, when a charge upon *corpus*, **23,** 83; **28,** 698
incumbent, for pension of retiring, **11,** 616
Intestates' Estates Act, under, **11,** 17
land, on, acknowledgment under statutes of limitation in respect of, **19,** 92—96, 103, 104. *See* ACKNOWLEDGMENT UNDER STATUTES OF LIMITATION.
agreement for, when no lien arises in respect of, **19,** 25
Crown debt as, **14,** 70; **21,** 346
deceased person, of, whether payable out of rest of estate, **14,** 288—290; **21,** 302

CHARGE ON PROPERTY—*continued.*
land—*continued.*
discharge out of capital money of settlement, **25,** 646
equitable mortgage, by. *See* EQUITABLE MORTGAGE.
interest on, **21,** 115 n.; **23,** 84, 85
judgment is, when, **14,** 70, 72 n.; **18,** 220
enforcement of, **13,** 93 n.; **18,** 220
land tax, is subject to, **18,** 309
limitation of actions in respect of, **19,** 77, 82 *et seq.* *See* MONEY CHARGED ON LAND.
matters relating to, assigned to Chancery Division, **13,** 61
merger of, **21,** 318—326. *See* merger, *infra.*
mortgage, by way of. *See* MORTGAGE.
registered. *See* REGISTERED CHARGE ON REGISTERED LAND.
road, cost of making, raised by, **18,** 285
specifically devised, when presumption against, **14,** 291
unascertained, on, effect of, **13,** 93
land improvement, for, **18,** 276 *et seq.* *See* IMPROVEMENT OF LAND.
land tax redemption, in respect of, **18,** 325, 326
lapsed property, on, effect of, **28,** 617, 618
local authority, imposed by, for permanent improvements, by whom payable, **18,** 489—491
lunatic, power of committee or *quasi*-committee of, to raise money by, **19,** 442
real estate of, on, effect of release of, **19,** 450
merger, contract, must not be opposed to, **21,** 326
equity of redemption, purchase of, effect of, **21,** 323, 324
express declaration against, **21,** 321
ignorance of rights or incapacity, effect of, **21,** 323
intention as to, effect of, **13,** 147; **21,** 318, 319, 321
inference of, when arising, **21,** 322; **24,** 333; **28,** 62
when presumed to continue, **21,** 319
limited owner acquiring charge, presumption in case of, **21,** 319
lower in higher security, of, **21,** 325, 326
nature of principle, **21,** 318
presumed intention operative notwithstanding owner's ignorance of rights or incapacity, **21,** 323
presumption as to, **13,** 147; **21,** 318, 319; **24,** 511; **28,** 62
particular cases, in, **21,** 318—320
rebuttal of, rules as to, **21,** 321
when not beneficial to owner, **21,** 322
remainder, acquisition by owner of estate in, presumption in case of, **21,** 320
union with fee simple or estate tail in possession, effect of, **21,** 319
mortgage by way of, effect of, **21,** 83, 169, 272
multiplication of, in case of settlement, **23,** 86; **25,** 709
payment off, tenant for life, by, effect of, **13,** 147; **21,** 320, 322; **23,** 86; **25,** 620; **28,** 62.
tenant in tail or fee simple, by, effect of, **13,** 147; **21,** 319, 320; **28,** 62.
personal estate specifically bequeathed, on, payment of, **14,** 288; **21,** 302
portions, of, **23,** 82—87. *See* PORTION.

CHARGE ON PROPERTY—*continued.*
power, under, accumulations, application of invalid, **22,** 383
effect of death of person entitled to, **23,** 86, 87
interest on, **23,** 84, 85
principal, by, on money in agent's hands, effect of, **1,** 224
in favour of, on agent's mixed fund, **1,** 204
Private Street Works Act, expenses under, when a, **16,** 234
receiver, appointment of, to enforce, **24,** 366
entitled to, in respect of purchase-money paid by him, on sale being set aside, **24,** 398
rentcharge. *See* RENTCHARGE.
Sale of Goods Act, implied warranty under, as to freedom from, **25,** 154
sale intended to operate as, does not apply to, **25,** 110
school, elementary, on arrangement for transfer of school, **12,** 28
setting aside fund to meet, does not release residue, **14,** 262 n.
settled estates, on, when not supported as family arrangement, **14,** 543
settled land, on. *See* SETTLED LAND (apart from Settled Land Acts); SETTLED LAND ACTS.
settlement or will, by, enforced by sale, **13,** 93
settlor, by, having option to settle money, effect of, **13,** 93
share, on, effect of notice of, on company's lien, **5,** 169; **27,** 236
small holdings, for, limitation of amount of, **26,** 675
meaning of, as applied to, **26,** 675 n.
specific, *defined*, **5,** 348
substitution of land acquired under Settled Land Acts as security for, **25,** 651, 652
succession duty
is a, **13,** 298
payable on termination of, **13,** 272, 294
tenant agreeing to pay, effect of, **18,** 493 *et seq.*
local authority, imposed by, **18,** 489, 490
trust may be created by, **28,** 16
trustees of institution may borrow in respect of, **19,** 200, 201
unregistered deed of, transfer of, as bill, **3,** 20

CHARGE-SHEET,
signing of, liability arising from, **27,** 879 n.

CHARGEABILITY,
poor law purposes, for, **22,** 590, 591

CHARGES.
banker's right to make, **1,** 643
building contracts, architects' scale of, **3,** 306, 307
quantity surveyors' scale of, **3,** 312
burial board, of, for burial, **3,** 473, 474
canal company, of a, **23,** 788, 789
common carrier's right to increase of, in certain cases, **4,** 22
distress, for, collector of taxes, by, **11,** 220
table of, **11,** 186
warrant, for execution of, **11,** 226
electric light, for. *See* ELECTRICITY.
gas, for. *See* GAS, supply, charges for.
innkeeper, of, acceptance of security for payment of, effect of, **17,** 326
loan societies, payments covering all, in case of, **19,** 222
medical practitioners, of, **20,** 235, 236

CHARGES—*continued.*
mortgagee, of, **21,** 231, 237, 239—244. *See* MORTGAGEE, costs, charges and expenses of.
questions as to, in foreclosure action, **13,** 62 n.; **21,** 231, 237
pawnbroker's right to make, **22,** 251
pilotage, for, recovery of, **26,** 604
port, exemption of lighthouse authority from, **26,** 628
general average expenses, as, **26,** 321
incidence of, on putting into, **26,** 321
right to levy, **28,** 388
provisional liquidator, of, **5,** 421
railway, **23,** 635, 745. *See* RAILWAY RATES AND CHARGES.
receiver of, rule as to allowances in respect of, **24,** 405
school, public elementary, in, **12,** 30, 31
shipowner's lien for, **26,** 284, 285
solicitor, of. *See* BILL OF COSTS; COSTS; SOLICITOR.
telegrams, for transmission of, **27,** 370, 371
warehouse, general average in regard to, **26,** 321
lien, none where goods retained, **4,** 93

CHARGING ORDER,
defined, **14,** 101—102
absolute, cannot be rescinded, **14,** 107
effect of, **14,** 107; **26,** 827
remedies conferred on judgment creditor by, **14,** 107
when made, **14,** 106, 107
when taking effect, **14,** 107
annuity, on, **14,** 103
appeal against, **14,** 107
applicable, when, **14,** 102—103, 103 n.
application for, how made, **14,** 105; **26,** 827, 827 n.
Bank of England, as affecting, **14,** 108, 108 n.
bankruptcy notice, effect of issue of, **2,** 29
Companies Clauses Act, as to stock or shares of company under, **5,** 698, 699; **14,** 102
company, public, what is a, for purpose of, **14,** 102 n.
costs, for solicitor's, **25,** 518 n.; **26,** 827
application for, **26,** 827 n.
court making the order, **26,** 827
distress, effect as against landlord's, **2,** 292
dividends, on, **2,** 239
priority over garnishee order, **26,** 825
property subject to, **26,** 824—826
recovery barred by statutes of limitation, none where, **19,** 42; **26,** 824
taxation as between solicitor and client directed, **26,** 827
when court will make, **26,** 819, 823—827
who may apply for, **26,** 826, 827
county court, power of, to make, **26,** 827
debentures cannot be made subject to, **5,** 347; **14,** 102 n.
disposition wrongfully of property after, liability to judgment creditor, **14,** 109
Divorce Division, in, making and effect of, **16,** 588
on behalf of solicitors, **16,** 589
effect of, when made, **14,** 107, 108
enforcement of, **13,** 62 n.; **14,** 109, 110
execution, a mode of, **14,** 4
completion of, by, **2,** 273, 274
equitable, by way of, when made, **14,** 103 n.
executors and trustees, not made against, **14,** 104
extent of, on interest of judgment debtor, **14,** 103

CHARGING ORDER—*continued.*
fund in court, notice to Paymaster-General, effect of, **14,** 109, 109 n.
receiver appointed, no priority by obtaining a, **14,** 109
Lunacy, in, effect of, **19,** 440, 441
incumbrancer prior in date to order *nisi* not prejudiced, **14,** 108
infants, when not made against, **14,** 104
injunction, operation as an, **14,** 108
inoperative where judgment or order set aside, **14,** 108
judge of the High Court or a master may make, **14,** 102, 103
judgment, ascertained sum, must be for, before issue of, **14,** 103
de bonis testatoris, not made on, **14,** 104
order is not a consent to pay the, **18,** 189 n.
payment into court, for, not applicable to, **14,** 103 n.
judgment creditor, use of other remedies of, not prevented by, **14,** 108
judgment debtor, effect of order on, **14,** 106
death of, effect of, **14,** 104
where not made against, **14,** 104
local authority, right of owner executing works required by, to, **23,** 530, 531
lunatic, against, **14,** 104, 105; **19,** 440
partner, on interest of, when made, **14,** 11 n.
married woman, stocks and shares of, where not subject to, **14,** 104
nisi, form and service of, **14,** 105, 106
defined, **14,** 105
varying and discharging, how order for obtained, **14,** 106
partner's share, on, **14,** 11; **22,** 59
appointment of receiver in aid of, when made, **22,** 59
judgment creditor's right as to, **22,** 55
procedure as to, **22,** 59
redemption of shares subject to, power of remaining partners, **22,** 59, 60
right of remaining partners to dissolve, **22,** 87
prior incumbrances not affected by, **14,** 108
priority of, **14,** 109, 109 n.
property liable to a, **14,** 102—103
protected transaction in bankruptcy, not a, **2,** 289; **14,** 107 n.
settlement determinable on involuntary alienation, effect on, of, **25,** 571 n., 572
solicitor, in favour of. *See* costs, *supra.*
lien of, how affected by, **14,** 109
Solicitors Act, 1860, under, Divorce Division, made in, **16,** 589
limitation of actions in case of, **19,** 42
priority of, **14,** 97 n.
Stock Exchange defaulter, not obtainable on fund of, **14,** 105
stocks and shares, on, where process available, **14,** 101, 102, 102 n.
summons to enforce, parties necessary to, **14,** 110
trustee, shares of, on, **5,** 151
stock in the name of, how far liable to, **14,** 102 n.

CHARING CROSS.
horseracing, restrictions as to, within ten miles of, **15,** 287; **27,** 427
metropolitan police area, as centre of, **20,** 416; **22,** 467

CHARITABLE CORPORATION,
defined, **4,** 282
bequest to, death duties on, liability for, **4,** 206
bribery of fellows, officers, etc., of, **4,** 248
Chancery Division, jurisdiction of, over, **4,** 283, 284, 294—301
Charity Commissioners, jurisdiction of, over, **4,** 304
college as a, **4,** 282, 283; **12,** 92
corporate property, are trustees of, **4,** 255, 283
Corporation duty, whether payable, **4,** 207, 208
costs, order as to, against, **4,** 353
custodian trustees, as, **4,** 259
eleemosynary corporation, meaning of, **4,** 282; **8,** 304 n.
exchange of charity lands by, **4,** 233
foundation of, **4,** 284, 285
founder, rights of, **4,** 286
visitatorial powers of, **4,** 289
who is, **4,** 285, 286; **8,** 334 n.
hospital as a, **4,** 282, 283; **12,** 92
incorporation of, certificate of Charity Commissioners, by, **4,** 285, 314
different modes of, **4,** 285, 286
stamp duty, **4,** 215
injunction against, **17,** 226
land, compulsory purchase of, costs, **4,** 353
grant of, cemetery, for, **3,** 438, 442, 443
churchyard, for, **3,** 438
licence in mortmain, conveyance to, in case of, **8,** 367
devise to, in case of, **4,** 134; **28,** 544
exemptions from requirement as to, **4,** 137—139
lease
by, **4,** 226
to, option to purchase within rule against perpetuities, **4,** 175
membership of, increase of, **4,** 284
municipal, civil and ecclesiastical corporations holding property on trust for charity, **4,** 284
officers of, appointment and removal of, **4,** 247—250
discretion of, not interfered with by the court, **4,** 299
election of, concurrence of president in, **4,** 248
corruption at, **4,** 248
power, majority at, of, **4,** 248
visitor, of, **4,** 247, 248
qualification of candidates for, **4,** 248—250
forfeiture of office by, **4,** 248, 250
petition cannot be presented by, **4,** 333
royal charter, founded by, **4,** 188, 285, 296
sale of trust property by, **4,** 217
special trusts, power to execute, **4,** 255
varieties of, **4,** 282, 283, 284
visitor of, **4,** 287 *et seq.* *See* VISITOR.
appointment of, **4,** 289, 290
court, jurisdiction over, **4,** 299, 300
founder as, **4,** 289
governors, when are visitors, **4,** 290
jurisdiction of, **4,** 287, 288, 291—293
mandamus to, **4,** 300
remedies against, **4,** 300, 301
special visitor, **4,** 289
suspension of, **4,** 290

CHARITABLE FUNDS. *See* CHARITY.

CHARITABLE GIFTS. *See* CHARITY.

CHARITABLE INSTITUTION,
contract by, without necessary consent, no specific performance of, **27,** 62 n.
Factory and Workshop Acts, application of, to, **14,** 445
provisions in, relating to, **14,** 508, 509
returns of, provisions as to, **14,** 526, 527
gift to, application by governing body, **4,** 165
Inhabited House Duty, exemption from, **4,** 213, 214; **17,** 191
land tax, exemption from, **4,** 214; **18,** 312
Literary and Scientific Institution, when a, **19,** 196, 208
National Health Insurance, exemption of inmates from, **28,** 995
suspension of benefits on person entering, **28,** 995
poor law settlement not gained by residence in, **22,** 580
societies of the nature of, **19,** 196
unincorporated, effect of contracts with, **7,** 340
work for, whether within Workmen's Compensation Act, **20,** 154 n.

CHARITABLE PURPOSE, 4, 105—120. *See* CHARITY.

CHARITABLE SOCIETY. *See* CHARITABLE INSTITUTION.
income tax, relief given in respect of, **16,** 642
partnership, is not a, **22,** 4

CHARITABLE TRUST,
advowson, of, **4,** 250; **11,** 580
ambiguity of, necessity of scheme in case of, **4,** 184
breach of. *See* CHARITY TRUSTEES.
no compensation from trust for, **4,** 279
certainty not essential to validity of, **4,** 147, 153, 155, 195; **28,** 18, 19 n.
Church of England, for benefit of, preservation of, **11,** 773
construed liberally, **4,** 272
court, administer, will not, **4,** 185
enforce, jurisdiction to, **4,** 294—301; **8,** 640—643
creation of, **4,** 141—149, 170—181
amount must be ascertainable, **4,** 148, 149
application to charity obligatory, **4,** 146—148
intention must be expressed, **4,** 145, 146
modes of, **4,** 141—143
rules applicable to, conditional gifts, **4,** 170—172
gifts over, **4,** 172—174
limited gifts, **4,** 172
perpetuities, rule against, **4,** 174—176
resulting trusts, **4,** 180, 181
surplus income, **4,** 176—180
secret trusts, **4,** 143, 144
cy-près doctrine applied to, **4,** 156—161, 190—199. *See* CY-PRÈS DOCTRINE.
deed, secondary evidence of, **4,** 155
discretion to trustees, effect on validity of trust, **4,** 146, 147, 150; **28,** 27 n.
enfranchisement of manor held on, **4,** 218; **8,** 134
moneys paid on, **4,** 240
evidence as to terms of, **4,** 154, 155, 163
description of charity, to aid, **4,** 159
latent ambiguity, to explain, **4,** 160
object of charity, to ascertain, **4,** 162

CHARITABLE TRUST—*continued.*
execution of, interference by court, **4,** 295—297
literal as a rule, **4,** 271, 297
forfeiture on variation does not affect a scheme, **4,** 189
gift over in, *cy-près* application in, on failure of prior object, **4,** 299
failure of, does not extend prior estate, **4,** 173
forfeiture on breach of condition, when enforced, **4,** 172
when not enforced, **4,** 173
lapse of time, effect of, **4,** 173
prior charity remodelled, effect of, **4,** 173, 174
public policy, prior gift being against, **4,** 173
refusal to perform conditions where court declares prior gift non-charitable, effect of, **4,** 174
grantee or devisee of property subject to, when binding on, **4,** 142, 143
illegal or impossible, application *cy-près*, **4,** 157, 161, 191
intention, charitable, must be clear, **4,** 145, 147
founder's, must be observed, **4,** 197, 297, 298
limited to part only of property, **4,** 143
marshalling, **4,** 152
object of. *See* CHARITY.
presumption of, from usage, **4,** 181, 182
religious. *See* CHARITY.
resulting trusts in case of, **4,** 161, 176, 180, 195
condition, on breach of, **4,** 170—172
revocation of, **4,** 128, 145, 172
school subject to, transfer of, to local education authority, **12,** 28
Statute of Frauds applicable to, **4,** 142
subject-matter, ascertainment and apportionment of, **4,** 149—152
variation of, **4,** 187—189
commissioners, by the, **4,** 187 n.
court, by the, **4,** 187—189, 297, 298
founder, when may be made by, **4,** 189, 286
members of congregation, by, **4,** 272
trustee must not vary even if terms impossible, **4,** 271
void for uncertainty, when, **4,** 124, 148, 149; **28,** 18, 19 n.

CHARITABLE USES. *See* CHARITY assurance for.

CHARITY.
The title CHARITIES *is contained in Vol. IV., pp.* 104 *et seq. The topic is dealt with in the index under the following heads :* CHARITABLE CORPORATION; CHARITABLE INSTITUTION; CHARITABLE SOCIETY; CHARITABLE TRUST; CHARITABLE USES; CHARITY; CHARITY COMMISSIONERS; CHARITY TRUSTEES; ECCLESIASTICAL CHARITY; EDUCATIONAL CHARITY; HOSPITAL (Eleemosynary); PAROCHIAL CHARITY; SCHEME; VISITOR.
defined, **4,** 105
for purposes of the Charitable Trusts Act, **4,** 106
accounts, action to compel trustees to render, **4,** 347
annual return of, trustees, by, **4,** 273
Charity Commissioners' power to call for, **4,** 309; **12,** 13 n.
defaulting trustees, against, **4,** 277
official trustees' duty to keep, **4,** 281

CHARITY—*continued.*
accounts—*continued.*
refusal to furnish, contempt, as, **4,** 309
trustees liable for costs of committal order on, **4,** 347
actions relating to, **4,** 318—330
Attorney-General, administration action, as party to, **4,** 318, 327, 330, 341
appeal by, **4,** 328
county court order, against, **8,** 641, 642
improper, when, **4,** 328
arbitration, sanction to, **4,** 319
charitable gift, party to proceedings as to, **4,** 327
Commissioners, appeals against order of, **4,** 316, 317
compromise, may sanction, **4,** 326
consent of, to, **4,** 189, 202, 313, 318, 321, 322, 333—335
control by, of, **4,** 319, 324, 325
conversion of ordinary action into information, may sanction, **4,** 320
costs, with reference to, **4,** 340—342
Crown as beneficiary, acts for, **4,** 327
defendant, as, **4,** 319, 327, 328
fiat of, **4,** 313, 318, 325, 342
necessary party to, when, **4,** 318, 319, 325—328
when not, **4,** 326, 327
payment into Court, notice of, to, **4,** 328
petition by or by authority of, **4,** 313 n., 319 n., 332—325
plaintiff, as, **4,** 317, 318, 319, 321
relator, relation to, **4,** 318 n., 319, 320, 323—325, 341
rentcharges, may sue for, **4,** 202
respondent on appeal, as, **4,** 317
stay of proceedings by, **4,** 319
strict legal rights, need not insist on, **4,** 319
Charity Commissioners' sanction to, **1,** 23; **4,** 310—313, 320, 321. *See* CHARITY COMMISSIONERS.
compromise of, **4,** 313, 322, 323, 326
Crown, beneficial claims by, **4,** 327
real plaintiff in relator's action, **4,** 324
defects in form, **4,** 319, 320
discouragement of unnecessary, **4,** 322
ex officio or *ex relatione*, **4,** 318
expediency of proceedings, whether court may consider, **4,** 322
information, in the nature of, **4,** 318 n., 319, 320
conversion into action in nature of an, **4,** 320
form of proceedings, how far important, **4,** 320
injunction, for, **4,** 323
official trustee as defendant, **4,** 330
parties to, **4,** 325—330
rentcharge, as to existence of, **4,** 329
public subscription, by, court disapproves of, **4,** 322
relator, appointment of new, **4,** 325
Attorney-General, separate appearance of, with reference to, **4,** 324, 341
signs writ in proceedings, **4,** 320
subjection to, of, **4,** 319, 324
suing at instance of, **4,** 318
collusion of, with defendants, **4,** 341
death or insanity of, stay on, **4,** 325
essential party, not an, **4,** 323
interest of, pleading of, **4,** 325

CHARITY—*continued.*
actions relating to—*continued.*
relator—*continued.*
plaintiff, not a, **4,** 324
qualifications to act as, **4,** 324
sanction before, in certain cases, **4,** 320—322
trustees, by and against, **4,** 203, 313, 319, 329, 330
position of, in regard to, **4,** 329, 330
administration proceedings, questions raised in, as to, **4,** 185, 310, 311, 327
allotments, commissioners, jurisdiction of, **1,** 335, 338, 339; **4,** 188, 199, 591, 595—597
lease of charity land for, **4,** 230
sale for, **4,** 223
scheme providing for, **1,** 338; **4,** 187, 188, 199, 595
alteration of constitution of, effect on gift to, **4,** 160
ambiguity, evidence to remove latent, in case of gifts for, **4,** 155, 159, 160, 162, 163
scheme required in case of, **4,** 184. *See* SCHEME, charitable.
animals, gift for protection of, **4,** 116, 118; **22,** 298 n.
anti-vivisection society, gift for, **4,** 116
apprenticing as a, **4,** 110, 165
stamp duty on deeds, **4,** 215, 216; **20,** 80
associations for benefit of members are not charitable, **4,** 119
assurance for, **4,** 124—141
attestation of, **4,** 129
copyholds, in case of, **4,** 124, 129
death of grantor within limited period may avoid, **4,** 130, 131, 138
declaration of trust must be in writing, **4,** 142
enrolment of, **4,** 131—133, 138
exemptions from provisions as to, **4,** 132; **11,** 722; **21,** 580, 591, 597, 604
form of, **4,** 126, 127, 129; **10,** 365
deed necessary, when, **4,** 129; **10,** 365
joint tenants or tenants in common, by, **4,** 130
land *defined* for purposes of, **4,** 124, 125; **8,** 367 n.
Land Transfer Acts, under, **4,** 129
Mortmain Acts, subject to, **4,** 124, 125
corporations, in case of, **4,** 137, 138—140; **8,** 368; **28,** 544
public purposes, for, exemption of, **4,** 138, 140; **8,** 368; **11,** 722
religion and learning, for, exemption of, **4,** 140
Scotland, Ireland and Colonies, in case of, **4,** 140, 141
property capable of, **4,** 124
requirements for validity of, **4,** 127
reservations in, effect of, **4,** 128
residuary estate, of, trustees' power of apportioning, **4,** 134
reversion, of, **4,** 134
spiritual purposes, for, **11,** 773, 774
tenants in common, by, **4,** 130
will, by, land or money for purchase of land, of, **4,** 124, 133—136; **11,** 721
land to be sold, **4,** 133—135, 217
retention of land may be authorised, **4,** 135
unsold land vested in Official Trustee of, **4,** 135
personal estate for purchase of land, of, **4,** 136
land may be purchased for occupation, **4,** 136
proceeds of sale of land, of, **4,** 125, 134

CHARITY—*continued.*
Attorney-General. *See* ATTORNEY-GENERAL.
construction of documents not referred to, **4,** 323
draft scheme prepared by, **4,** 338
funds paid into court by trustees, relation to, **4,** 328
inquiry in chambers, Charities Procedure Act, 1812, under, party to, **4,** 334
legal proceedings, relation to, **4,** 318—330. *See* action, *supra.*
reference by court to, **4,** 323
scheme, petition for, refusal of fiat for, **4,** 347
settlement of scheme, attendance at, **4,** 338
powers with regard to, **4,** 185, 189
trustee, in position of, **4,** 327
trusts, powers with a view to protection of, **4,** 202, 286, 312, 313, 318—330, 334
exceptions to, **4,** 327
bequests for, **4,** 124, 136. *See* legacy, *infra.*
burial ground, provision of, is charitable, **3,** 432, 433; **4,** 114
capital
applied as income to be replaced out of income, **4,** 271
expended on improvements recouped out of income, **4,** 239, 240
Chancellor of the Exchequer, gifts for the country applied by, **4,** 114
Chancery Division, accounts annually passed in, **4,** 245
jurisdiction of, over, **4,** 283, 284, 294—301; **6,** 476
gift, failure of, in case of, **4,** 297
not strictly charitable, in case of, **4,** 297
special remedy, not ousted by, **4,** 299
when court will interfere, **4,** 295, 297
Charitable Donations Registration Act, registration under, **4,** 244
friendly societies exempt from registration under, **4,** 245; **15,** 122
charitable purposes, **4,** 105—124
actual benefit to community immaterial if purpose charitable, **4,** 106
educational, **4,** 110, 111
Income Tax Acts, within the meaning of, **16,** 630
indigent, for relief of, **4,** 108—110
public nature, must be of, **4,** 107
purposes generally charitable, gifts for, public, **4,** 114—117
purposes which are not, **4,** 117—124
charitable society, not a partnership, **22,** 4
relief given in respect of income tax, **16,** 642
charitable trusts, **4,** 141—182. *See* CHARITABLE TRUST.
Charity Commissioners. *See* CHARITY COMMISSIONERS.
chattels personal, incumbent may not hold, for, **4,** 256
chattels real, gift of, for, **4,** 125; **15,** 406
incumbent may not hold, for, **4,** 256
class, gift for benefit of a, may be good, **4,** 148, 155, 156, 166
community, to be a charity a gift must be for benefit of, **4,** 107
company
for promoting, incorporation of, **4,** 285; **5,** 13, 15, 31, 77—79
subscriptions by, for, **15,** 401

CHARITY—*continued.*
copyholds, assurance of, **4,** 124, 129
enfranchisement of, application of funds, **4,** 218, 240; **8,** 134
incumbent may not hold, for, **4,** 256
corporation. *See* CHARITABLE CORPORATION.
costs, administration actions, in, **4,** 341, 348, 349
allowance and disallowance of, out of charity funds, **4,** 354, 355
appeals, of, **4,** 341, 348, 355, 356
apportionment as between charities of, **4,** 350, 352
attachment for contempt, of, **4,** 347
Attorney-General, of, **4,** 340—343, 353
fiat of, of obtaining, **4,** 342
charge on proceeds of sale of property for, **4,** 350
Charity Commissioners, of, **4,** 342
co-defendant of trustees, payment by, **4,** 356
compulsory purchase of charity lands, of, **4,** 350—353
county court, in, stamp duty on bonds to secure, **4,** 215
inquiries of Commissioners into county charities, of, **4,** 357
interest on, **4,** 354
interveners, of, **4,** 344
lease, of setting aside a, **4,** 356
misdescription of charity, occasioned by, **4,** 349
next of kin, of, **4,** 349
Official Trustee, of, **4,** 348
Parliament, of applications to, **4,** 341, 345
payment of, out of estate, **4,** 350, 354, 355
petition to Lord Chancellor as visitor, of, **4,** 356
relator, of, **4,** 343, 344
security for, by, **4,** 343
solicitor and client, **4,** 354
administration proceedings, in, **4,** 349
Attorney-General allowed, **4,** 342
relator allowed, **4,** 344
trustees allowed, **4,** 345, 346, 347, 354
special Act, nnder, **4,** 356
taxation of, **4,** 354
trustees, of, **4,** 344—348
ordered to pay, when, **4,** 345, 346, 347
removal of, of, **4,** 269
unnecessary parties, of, **4,** 355
unsuccessful applications, of, **4,** 354
vexatious proceedings, of, **4,** 354
county court, jurisdiction of, **4,** 301, 302; **8,** 640, 641
appointment and removal of trustees by, **4,** 267, 270
court, jurisdiction of. *See* Chancery Division, *supra.*
covenant restricting user of premises for, breach of, **4,** 183
criminals, gifts for paying fines of, **4,** 123
Crown, jurisdiction of, over, **4,** 126, 182, 286, 287
cy-près doctrine, in relation to, Attorney-General a party to proceedings, **4,** 327
discretion of court, **4,** 196
failure of trust, where, **4,** 191—194; **28,** 53, 54
illegal or impracticable object, where, **4,** 157, 161, 191, 192
inapplicable, when, **4,** 158, 161, 197—199
particular person not named, where, **4,** 195—197
petition to the court for application of, **4,** 331

CHARITY—*continued.*
cy-près doctrine—*continued.*
royal charter, where charity created by, **4,** 286
statutory application of, **1,** 334, 338; **4,** 199, 596
surplus of trust fund, in respect of, **4,** 194, 195
trustees, not to be applied by, **4,** 189, 191, 271
will, lapsed legacy under, applied to, **28,** 618
uncertain gift under, applied to, **28,** 643 n.
denominationalism, presumption against, **4,** 162
description of, in gift, latent ambiguity in, **4,** 160
trivial error immaterial, **4,** 159
uncertainty of, **4,** 159, 160
disclaimer of gift to a, **4,** 157, 169
duties, exemption of property held for charity from certain, **4,** 207, 208; **17,** 191; **19,** 209; **24,** 567, 568, 574, 578; **21,** 581
succession and estate duty payable in case of trust for, **4,** 205, 207; **13,** 284, 286, 293
trustees' power to raise money to pay, **13,** 300, 301
easement, gift of an, for, **4,** 124
ecclesiastical, **11,** 355 n. *See* ECCLESIASTICAL CHARITY; *also* religious, *infra.*
education, the advancement of, is, **4,** 106, 110, 111
educational. *See* EDUCATIONAL CHARITIES.
election time, at, may be bribery, **12,** 287
eleemosynary, presumption against denominationalism, **4,** 162
religious opinions of proposed trustees immaterial, **4,** 260
endowed, *defined,* **4,** 303, 304, 306
investment of contributions constitutes, **4,** 306
jurisdiction of Charity Commissioners over, **4,** 303. *See* CHARITY COMMISSIONERS.
estate duty, not payable on death of a recipient of benefits from a, **13,** 196
payable on property of, **4,** 205, 206
exchanges of property of, **4,** 231—233
executor, admission of assets by, effect of, **4,** 349
duty of, not to retain funds bequeathed to, **4,** 270
to inform beneficiaries of, **4,** 270
foreign, jurisdiction of Charity Commissioners over, **4,** 303, 306
forfeiture of gift for, **4,** 172, 189, 297
franchise qualification through occupation of institutions, **12,** 166
friendly society, subscription by, to, **15,** 170, 171
when a, **4,** 110, 119; **15,** 122
funds, adjustment of, as between the Charity Commissioners and Board of Education, **4,** 318; **12,** 13 n.
charitable, official trustee of, **4,** 280, 281; **12,** 13 n.
transfer to, **4,** 275
court, in, application as to investment of, **4,** 337
payment into, by trustees, **4,** 275
payments of dividends on, **4,** 242, 337
investment of. *See* investment, *infra.*
gift for, accumulate, direction to. *See* accumulation, *supra;* income, *infra.*
alteration of charity, effect of, **4,** 160
alternative not substitutional, when, **4,** 161
amount must be ascertainable, **4,** 148, 149
apportionment of, **4,** 146, 147, 149—152, 315
balance after effecting particular purpose, of, **4,** 148, 149, 150; **28,** 26, 27
condition, upon, *cy-près* doctrine excluded if unsatisfied, **4,** 198

CHARITY—*continued.*
gift for—*continued.*
condition—*continued.*
forfeiture on breach of, **4,** 172—174
illegal, **4,** 171
perpetual, **4,** 172
precedent, **4,** 170—172
religious purpose, in case of gifts for, **4,** 112
scheme necessary, when, **4,** 185
subsequent, **4,** 170—172
conditional or future gifts, **4,** 157, 158
construction of, benignant, **4,** 153
contemporaneous, **4,** 154, 155, 163
context of will, by, **4,** 159, 160
dependent on another gift, **4,** 158
disclaimer of, **4,** 157
division of, where donee uncertain, **4,** 160
executory limitations, **4,** 170—172
future, **4,** 157
gift over, effect of, **4,** 172—174. *See* gift over, *infra.*
indefinite, effect of, **4,** 147, 153, 155
power to trustees to vary investments does not make gift uncertain, **4,** 148
scheme in case of, **4,** 184, 195
intention, general charitable. *See* intention, *infra.*
regarded rather than form, **4,** 126
lapse of, **4,** 156, 157, 158, 160; **28,** 618
time, effect of, **4,** 173
limited, **4,** 172
motive of donor immaterial, **4,** 106
objects of. *See* object, *infra.*
obligatory, must be, **4,** 146
residue after satisfying a prior object, validity of, **4,** 148, 149; **28,** 27
reversionary interest, of, duty to sell, **4,** 134
validity of, **4,** 127, 134
revocable, whether valid, **4,** 128, 172
rule against perpetuities, how far applicable, **4,** 174—176
several objects, for, some charitable, some not, **4,** 150, 151, 157
springing use, by way of, to, **4,** 172
undisposed-of interests, what becomes of, **4,** 176
gift over, breach of condition, on, **4,** 172, 174
compensation for loss of, in what cases, **4,** 174
donee under, may be barred by time, **4,** 173
rule against perpetuities in relation to, **4,** 175
void prior gift, in case of, **4,** 173
hospital. *See* HOSPITAL.
charitable corporation, as, **4,** 282, 283
elections, rules governing, **4,** 247—250
exempt from registration, **4,** 245
gift for, **4,** 108, 110
income, accumulation of, *cy-pres* application, **4,** 191
restrictions on, **4,** 176
right of charity to stop, **4,** 176, 199; **22,** 327
surplus, application of, **4,** 176—180, 194, 195
cy-près application, **4,** 194, 195
donee in trust takes, when, **4,** 177, 178—180
express gift to, **4,** 177
increase of income subsequent to gift, **4,** 176—180
surplus at date of gift, **4,** 176
income tax, exemption from, **4,** 208; **16,** 629, 630, 665
incorporation of, Charity Commissioners, by, **4,** 285, 314; **11,** 794; **24,** 706

CHARITY—*continued.*
incorporation of—*continued.*
Companies Act, under, **4,** 285; **5,** 13, 15, 31, 77—79
other modes of, **4,** 285
stamp duty on, **4,** 215
increment value duty, exemption in respect of, **19,** 209; **24,** 567, 568
indefinite purposes, effect of, **4,** 145, 147, 148, 153, 155, 184, 195
individuals, gifts for, not charitable, **4,** 117—119
inhabited house duty, exemption from **4,** 213, 214; **17,** 191
inquiry, whether gift is for charitable purposes, **4,** 146
whether objects can be carried out, **4,** 298, 299
inspection of
lists of certified places of worship, **4,** 246
memorials, **4,** 244
periodical list, **4,** 245
institutions. *See* CHARITABLE INSTITUTION.
intention, ascertainment of donor's, **4,** 145, 147, 196
charitable, clear, must be, **4,** 145
not allowed to fail, **4,** 147, 153, 155, 161
condition, subject to, **4,** 145
construction, a matter of, **4,** 145, 153
evidence of, **4,** 145, 153, 154, 155
expression of, in testator's lifetime, **4,** 144, 146
presumption in favour of, whether there is, **4,** 145, 153, 154
revocation of, by codicil, **4,** 145, 146
uncertain, application of *cy-près* doctrine, **28,** 643 n.
investment of funds of, **4,** 236—242
change of, **4,** 236
directions of Charity Commissioners as to, **4,** 240
enfranchisement of copyhold, received on, **4,** 240; **8,** 134
land, in, **4,** 136, 238, 239
Lands Clauses Act, of moneys paid under, **4,** 240, 241, 337
mortgage of real estate, in, **4,** 237, 238
official trustee, of money paid to, **4,** 240
partition, of compensation money on, **4,** 239; **21,** 818
rentcharge, in purchase of, **4,** 238
sanctions required, **4,** 136, 238—242
savings bank, in, **4,** 237
trust instrument, according to, **4,** 236
trustee securities, in, **4,** 236
Ireland, bequests for masses in, **4,** 122
charitable gifts of land in, how regulated, **4,** 141
exemption from rates and death duties of certain gifts in, **4,** 207, 212
meaning of charity in, **4,** 106
jurisdiction, Board of Education, of, **4,** 135, 231, 317, 318; **12,** 10, 13, 99—111. *See* EDUCATIONAL CHARITIES.
county courts, of the, **4,** 301, 302
court, of the, **4,** 294—301, etc.
Act of Parliament, in case of charities regulated by, **4,** 296
charitable corporations, **4,** 283, 284
enforcement of trusts, **4,** 294, 295
exclusion by statute, **4,** 296, 299
execution and variation of trusts, **4,** 274, 297, 298

CHARITY—*continued.*
jurisdiction—*continued.*
court—*continued.*
extent of, **4,** 295
gift over, in case of, **4,** 299
gifts and matters not within, **4,** 297
leases, in respect of, **4,** 227
mortgage, in respect of, **4,** 234, 235
Nonconformist charities, trusts of, **4,** 295
petition, on, **4,** 331, 332
retention of fund pending inquiry, **4,** 298, 299
royal charter, charities founded by, **4,** 296
sale of land, **4,** 217, 218, 220
trustees, appointment of, **4,** 265—268
removal of, **4,** 268—270
Crown, of, **4,** 286, 287
land, of, Agricultural Holdings Acts, application of, **1,** 269
assurances of, to, must comply with Mortmain Acts, **4,** 124, 141: **18,** 406; **28,** 544. *See* assurances, *supra.*
bequest of personalty for purchase of, effect of, **4,** 136
boundaries, ascertainment of, **4,** 200, 203
confusion of, **3,** 117 n.
duty of tenant to preserve, **4,** 200
declaration of trust of, for, must be in writing, **4,** 142
exchange of, **4,** 232, 233
express trust of, statutory limitation of rights respecting, **19,** 142
improper sale or lease to purchaser for value, **4,** 200, 201
literary or scientific purpose, grant for, **19,** 199
meaning of, in Mortmain Act, **4,** 124
mortgages of, **4,** 234—236. *See* mortgage, *infra.*
official trustee, vesting in, **4,** 135, 279
out of England, power to hold, **4,** 140, 141
parochial charity, of, use for allotments, **1,** 338
possession by trespasser, when time runs in case of, **19,** 142
purchase of, for, **4,** 136, 238, 239, 314
compulsory, **4,** 218—220, 240—243, 350—353
recovery of, limitation of action for, **4,** 204; **19,** 138, 142
summary procedure for, **24,** 326 n.
reversion duty, exemption from, **24,** 574
undeveloped land duty, exemption from, **24,** 578
land tax, exemptions from, **4,** 214; **18,** 311, 312
gifts of, for, validity of, **18,** 327
redemption of, **4,** 242—244; **18,** 322, 328
leases, by trustees of, **4,** 223—231; **18,** 342
adequacy of rent, **4,** 224
allotments, for, **4,** 230
avoidance of, **4,** 227, 228; **13,** 53 n.
limitation of time for, **4,** 228
compensation for improvements, **1,** 269, 270; **4,** 224, 225
consents required for, **4,** 229—231
control by court, **4,** 227
favouring trustees and their relations, **4,** 227
fines on, **4,** 226
lives, for, **4,** 226
mining, powers to grant, **20,** 534
official trustee of land vested in, **4,** 229

CHARITY—*continued.*
leases—*continued.*
onus of proof that lease is beneficial if *primâ facie* improvident, **4,** 227
option of purchase, **4,** 226
recreation grounds, for, **4,** 230
renewal, covenants for, **4,** 225
reversion, in, **4,** 227
seal, under, in case of corporations, **4,** 226
tender, by, **4,** 226
term, length of, **4,** 225, 226, 229, 230
exceeding term authorised is void, **4,** 229
to trustees of, **4,** 127; **18,** 342
enrolment of, **4,** 131
form of, **4,** 129
reservations in, what are lawful, **4,** 128
take effect within a year, must, **4,** 127
upset, right to, when barred, **19,** 142, 143
legacy to, ademption of, **4,** 143
duty on, **4,** 206, 207
interest on, **4,** 200
lapse of, **4,** 156, 157, 191
cy-près doctrine applied to prevent, **28,** 618
marshalling in favour of, **4,** 152, 153; **13,** 145, 146
uncertain, *cy-près* doctrine applied, **28,** 643 n.
legal proceedings relating to, **4,** 318—357. *See* actions, *supra*; originating summons, petition, *infra.*
library, gift for public, **4,** 115
limitations of actions with regard to, **4,** 173, 204, 205; **19,** 138, 142
impeachment of lease, in case of, **4,** 228; **19,** 142
purchaser for value with notice, in case of, **4,** 200
rentcharge, in case of a, **4,** 203
trespasser in possession of lands of, in case of **19,** 142
Lord Chancellor, original powers of, as to, delegated to the High Court, **7,** 64
visitatorial jurisdiction of Crown, exercises, **4,** 287, 340; **7,** 64
lunatic, gifts by, for, **4,** 143; **15,** 403
maintained by voluntary contributions, meaning of, **4,** 305, 306
maintenance of an action, as excuse for, **1,** 53
marshalling in favour of, **4,** 153
legacies formerly not entitled to, **4,** 152; **13,** 145, 146
misapplication of property of, **4,** 154, 161, 271, 272
mixed, jurisdiction of Charity Commissioners over, **4,** 306—308
meaning of, **4,** 306
money secured on land may be given to, **4,** 125
mortgage, bequests of, to, **4,** 125; **27,** 183
of property of, **4,** 234—236, 350; **21,** 111
costs, for payment of, **4,** 234, 350
injunction to restrain, **4,** 234
sanction required for, **4,** 234—236
municipal, assistance from, effect on right to vote in municipal elections, **12,** 183
liability of corporation, **4,** 278, 284
municipal corporations as trustees for charity, **4,** 256, 284
museum, assurance for public, **4,** 132, 133
gift for, **4,** 115
name, gifts to persons of particular, **4,** 118
nomination, beneficiaries of, **4,** 166—168
conditions to be complied with, **4,** 167
right of, **4,** 166, 167

CHARITY—*continued.*
nomination—*continued.*
setting aside improper, **4,** 168
subscribers to, by, **4,** 168
schoolmaster, of, alienation of, **12,** 126
right of, **12,** 126
notices to governors or members of, or subscribers to, service of, **4,** 340
nuisances created by, **4,** 183
injunction to restrain, **21,** 561
objects of, ascertainment of, **4,** 153—168
delegation of choice of, **4,** 148, 166
machinery to ascertain, failure of, application *cy-près*, **4,** 194; **28,** 643 n.
religious charities, in case of, **4,** 161—165
subscription, in case of fund raised by, **4,** 154, 168
usage and acquiescence, by, **4,** 154, 155
apportionment between different objects, **4,** 134, 148, 149—152, 160
Charity Commissioners, determination by, **4,** 196
court, determination by, of, **4,** 182—199. *See cy-près, supra.*
discretion of, **4,** 196
Crown, determination by, where not named, **4,** 153, 196, 287
description, applicable to two charities, **4,** 160
locality, by reference to, **4,** 108, 114, 159
evidence, as to, **4,** 153—155
contemporaneous, **4,** 154, 163
extrinsic, **4,** 154, 155, 159, 160, 162
trustees' accounts as, **4,** 155
failure of particular, **4,** 156, 157, 158, 191—193, 198
after creation of trust, **4,** 161, 191—193; **28,** 54
subsidiary, of, **4,** 192
illegal or impossible, **4,** 157—159, 191
misdescription of, **4,** 156, 159, 160
name of charity, change of, **4,** 156
omitted, **4,** 156
particular charity dissolved in lifetime but replaced by similar one, **28,** 618 n.
uncertainty of object, **4,** 147, 153, 155—166, 195
officers of, appointment of, **4,** 247—255
jurisdiction of Charity Commissioners over, **4,** 247, 314, 315
income tax, liability to, **4,** 211; **16,** 667
notice to, of proposed order of Commissioners, **4,** 315, 316
removal of, Commissioners, by, **4,** 314—316
consent of visitor, **4,** 293, 294
court's jurisdiction as to, **4,** 254
pleasure, at, of dissenting minister, **4,** 254
trustees, by, sanction of Commissioners, **4,** 314
retiring allowances, **4,** 314
open space as a, **4,** 132, 133, 138; **21,** 580
originating summonses, proceedings by, **4,** 267, 322, 335—337; **23,** 191
affidavits in support, **4,** 337
appeals from order on, **4,** 336
jurisdiction of court on, **4,** 267, 335, 336, 337
service of summons, **4,** 337
parishes, division of, apportionment in case of, **4,** 151, 152
parishioners, for benefit of, **4,** 165, 167
parochial. *See* PAROCHIAL CHARITY.
relief may disentitle recipient to benefit of, **4,** 165

CHARITY—*continued.*
partition of charity estates, **4,** 233
partitions of property of, **4,** 233, 234; **21,** 817, 818
partnership cannot exist for, **22,** 4
perpetuities, rule against, applicable to, how far, **4,** 174—176; **22,** 300, 322, 323, 329, 330
non-charitable institutions, effect as regards, **4,** 119
personal property, gift of, to, **15,** 406
ownership of, **4,** 124; **22,** 399
petitions for administration of, **4,** 330—335
action and, proceeding simultaneously, **4,** 334
affidavits in support of, **4,** 334, 335
application by, when may be made, **4,** 330, 331
certificate of Attorney-General, **4,** 333, 334
Commissioners, sanction of, **4,** 333
evidence on, **4,** 334
jurisdiction of the court on, **4,** 330—332
order on, carrying out of, **4,** 334
persons not parties may be heard, **4,** 334, 344
presentation of, **4,** 332, 333
proceedings in chambers, **4,** 334
respondents to, **4,** 333, 334
service of, **4,** 333
special Acts of Parliament, under, **4,** 334, 335
stamp duty, **4,** 215
poor, relief of the, is, **4,** 106, 108—110
power, defective execution of, aided in favour of, **4,** 126; **23,** 55, 56
re-entry, of, effect in assurance to, **4,** 128, 129
revocation of, effect in assurance to, **4,** 128
practice as to, **4,** 318—357. *See* actions; costs; petitions, *supra*; summons, *infra.*
private, gifts for, how far recognised as charitable, **4,** 117—119
promise to pay to, when enforceable, **4,** 142, 146; **15,** 430
property
abroad, gift of, powers of court in case of, **4,** 182, 183
added to existing property, whether augmentation of trust property, **4,** 238
follow, power to, **4,** 200, 201
recovery of, beneficiaries, by, **4,** 199—205
Charity Commissioners, by, **4,** 199, 322
transfer or vesting of, Commissioners' powers, **4,** 314—316
new trustees, in case of, **4,** 261, 263, 265
public park, assurance for, **4,** 132, 133, 138
use of, in aid of, **21,** 589
public purposes constitute, when, **4,** 114—117, 123—124
public trustee not to accept trust exclusively for, **28,** 213
quo warranto not appropriate procedure in case of, **10,** 133
rates, charitable gift not to be applied so as to relieve, **4,** 165, 190
gift in aid of, is good charitable gift, **4,** 115, 165
liability of charity to, **4,** 211—213
reading room, gift for a, **4,** 115, 116
receipts for contributions to, no stamp duty on, **4,** 215
recreation ground as a, **21,** 580
recreation ground, gifts for, regulation by scheme, **4,** 186, 188
use of lands for, **4,** 199
registration of, **4,** 244—246
title to land, of, **4,** 246, 247
entry restraining alienation, **4,** 247

CHARITY—*continued.*
relator, actions by, **4,** 323—325. *See* actions, *supra.*
collusion by, **4,** 341
lunacy of, **4,** 325
religious, ascertainment of object of, **4,** 161—165
Nonconformist body, in gift to, **4,** 163, 164
Roman Catholic body, **4,** 164
certificate of incorporation of, **4,** 314
clergy, provision and support of, **4,** 112, 113
ecclesiastical charity, meaning of, **11,** 355 n.
form of worship or teaching not to be charged, **4,** 161, 162, 164, 271, 272
gifts for, conditional, **4,** 112
particular doctrines, persons professing, for, not to be extended, **4,** 271, 272
promotion of, for, **4,** 116, 122, 162
particular instances of, **4,** 112, 113
holders of office, gifts to, **4,** 165, 166
ministers, appointment and removal of, **4,** 250—254; **11,** 814—816. *See* MINISTER.
new trustees, appointment of, **4,** 261, 262, 263
vesting property, in, **4,** 261, 262
Nonconformist religions, advancement of, **4,** 114
persons and corporations which may be trustees for, **4,** 165, 256—258; **11,** 792—794
presumption in favour of denominationalism, **4,** 162
reparation of church, application of fund for, **4,** 164
religious buildings, repair of, **4,** 113, 114
religious purposes are *primâ facie* charitable, **4,** 112—114; **11,** 773
rent, reservation of, in assurance to, **4,** 128, 129
rentcharge, account for, by owner of land charged, **4,** 270, 271
bar of, Statutes of Limitation, under, **4,** 203
boundaries uncertain of land charged, effect of, **4,** 203
charged on, estate of, purchase of, on behalf of, **4,** 222 n., 238
existence of, how proved, **24,** 471 n.
joinder of parties in action to establish, **4,** 329
purchase of land subject to, **4,** 201
recovery of, **4,** 201—203, 329
reservation of, on sale of land to, **4,** 128, 129; **24,** 478
sale of, owner of land charged, to, **4,** 222
time does not run against beneficiaries, when, **4,** 204
trust presumed from long receipt of, **4,** 181, 203
repairs and improvements of property of, **4,** 239, 240
mortgage to raise money for, **4,** 235
rifle shooting, encouragement of, is charity, **4,** 124 n.
Roman Catholic, advancement of religion, gift for, **4,** 114, 120—123; **11,** 809, 810
apportionment in case of, **4,** 151, 315; **11,** 810
originating summons for, **4,** 337
ascertainment of trusts for, usage, by, **4,** 164, 182
bequest for, when void, **28,** 538
bishops and clergy, for maintenance of, **4,** 121, 123; **11,** 810
chapel, gift for, **4,** 121
scheme unnecessary, **4,** 183
Charitable Trusts Act, within, **11,** 810

CHARITY—*continued.*
Roman Catholic—*continued.*
Charity Commisioners, jurisdiction of, **4,** 303—308
orders for apportionment by, **4,** 315
court, jurisdiction of, **4,** 295
cy-près doctrine applied to, **4,** 199
doctrine, for maintenance of, invalid as a, **4,** 122, 123; **11,** 810
male monastic orders, gift for, void, **4,** 120, 122, 123; **11,** 810; **28,** 538
Mortmain Acts, within, **11,** 809
prescription, period of, to establish trust, **4,** 182
rule against perpetuities, conforming to, **11,** 810
scheme for, **4,** 315; **11,** 810
superstitious uses, for, **11,** 810
apportionment to other Roman Catholic trusts, **4,** 151, 315, 337; **11,** 810
trusts of undefined, ascertainment of, **4,** 164, 182
royal charter, charities founded by, **4,** 188, 285, 286, 296. *See* ROYAL CHARTER.
sale of trust property of, **4,** 216—223
beneficial to charity, must be, **4,** 216, 217, 220, 221
Board of Education, consent of, when required, **4,** 218, 223
Charity Commissioners, consent of, conduct of sale, in case of, **4,** 221 n.
general power to give, **4,** 221
overrides disabling Act, **4,** 221
required, when, **4,** 218, 222, 223
unnecessary, when, **4,** 218, 222, 223
court, power of, to sanction, **4,** 217, 218, 220
Lands Clauses Act, under, **4,** 218—220; **6,** 57, 58
costs of, **4,** 350—353
purchase-money, application of, **4,** 220, 240—242, 243; **25,** 634 n.
payment of, **4,** 219
literary institution etc., to, **4,** 223
minerals, reservation of, **4,** 243 n.
official trustee, concurrence of, **4,** 222
purchaser for value, rights of, **4,** 200, 201
sanction generally necessary to, **4,** 218
scheme legally established, according to, **4,** 218, 220
trustees' general power to sell, **4,** 216, 222
schemes. *See* SCHEME, charitable.
school, *defined*, **4,** 213
schoolmasters as officers of, **12,** 125, 126
subject to trusts, Board of Education regulations, **12,** 9 n. *See* BOARD OF EDUCATION; SCHOOL.
secret trusts in favour of, effect of, **4,** 143, 144
sites for, purchase of, **4,** 136, 238, 239, 314
stamp duty, liability of instruments relating to, **4,** 215, 216
statute, jurisdiction of court in case of charities regulated by, **4,** 296
statutes regulating gifts to, **4,** 105—107, 187, 188, 262—265, 296, 299; **15,** 406; **23,** 191
strangers, liability of, for intermeddling with, **4,** 278
succession duty, rate chargeable, in case of, **4,** 207; **13,** 284, 286, 293
summons, applications by way of, **4,** 335—337
jurisdiction of judge in chambers, **4,** 335, 336

CHARITY—*continued.*
summons—*continued.*
order in chambers, **4,** 335, 336
appeal from, **4,** 336
originating. *See* originating summons, *supra.*
service of, **4,** 337
superstitious uses, gifts for, apportionment of, **4,** 151, 315, 337 ; **11,** 810
validity of, **4,** 120—122, 151. *See* SUPERSTITIOUS USES.
surplus, application of, under charitable bequest, **4,** 176
surplus after illegal object, validity of gift of, **4,** 149, 150
terminable gifts to, effect of, **4,** 172
tomb or monument, gift for, whether a, **3,** 433, 434 ; **4,** 118, 119
condition in gift to charity as to repair of, effect of, **3,** 434 n. ; **4,** 118 n., 149 ; **22,** 329 n.
residue after gift for, effect of gift of, **4,** 149, 150 n.
trustees of. *See* CHARITY TRUSTEES.
trusts, in relation to. *See* CHARITABLE TRUST.
underlessees, protection of, **4,** 228
unendowed, not subject to jurisdiction of commissioners, **4,** 304
undue influence, religious superior, of, as avoiding gift, **13,** 19
uses for. *See* assurance for, *supra.*
visitatorial powers over, **4,** 287—294. *See* VISITOR.
voluntary
contributions, institution maintained by, position of, **4,** 143, 305, 306, 307, 308
conveyances in favour of, position of, **4,** 127 ; **15,** 95
volunteer, acquisition of charity property by, **4,** 201
will, assurance by, for. *See* assurance, *supra.*
bequests under, avoidance of, Roman Catholic, in case of, **28,** 538

CHARITY COMMISSIONERS,
accounts, power to require, **4,** 309 ; **12,** 13 n.
trustees of certain charities must render to, **4,** 273
actions, commencement of, by, **4,** 313, 322
certificate of, sanctioning, **4,** 312, 321
sanction of, by, when necessary, **1,** 23 ; **4,** 276, 310—313, 320, 321 ; **8,** 640, 641
administrative powers of, **4,** 310—314
advice and directions to trustees by, **4,** 275, 310
allotments, jurisdiction in respect of, **1,** 335, 338, 339 ; **4,** 188, 199, 591, 595—597
applications to, **4,** 315. *See* trustees, *infra.*
schemes must have provision for, **4,** 199
apportionment of funds, by, **4,** 152
education and other charity, between, **4,** 318 ; **12,** 105 n.
superstitious uses, in case of, **4,** 151, 315
approval of trusts on gift to local authorities, **21,** 586
arbitration by, in disputes between members of charities, **4,** 310
Attorney-General, consent to proceedings by commissioners, **4,** 202, 313, 322
proceedings by, instance of commissioners, at, **4,** 313, 321
sanction of commissioners not required, **4,** 312, 321

CHARITY COMMISSIONERS—*contd.*
Bishops' Trusts Substitution Act, powers under, **4,** 167, 317 ; **11,** 581
Board of Education, exercise of powers of commissioners by, **4,** 317 ; **12,** 13
British Museum exempt from jurisdiction of, **4,** 305 ; **19,** 213
cathedral or collegiate
church not subject to jurisdiction, **4,** 305
schools, jurisdiction over, **4,** 304
charitable corporations, jurisdiction over, **4,** 304
company, property of, subject to jurisdiction of, **4,** 304 ; **5,** 78
compromise of claims, sanction of, **4,** 313, 323
costs of, in legal proceedings, **4,** 342
counsel's right of audience, discretion as to, **2,** 376
county court, appeals from, sanction of, **4,** 302
applications to, sanction of, **4,** 301
orders of, control over, **4,** 301
removal of trustee by, sanction of, **4,** 270, 301
documents, power to call for, **4,** 309
education, conversion of non-educational charities to, by, **4,** 199 ; **12,** 115
endowed schools, schemes for, by, **12,** 100 n., 105 n., 115
endowment for, decision as to application of, by, **4,** 318 ; **12,** 13 n.
powers respecting, **4,** 280, 317, 318 ; **12,** 13 n.
enrolment of certain assurances of land for public purposes in books of, **4,** 133, 138, 139 ; **8,** 369
evidence before, **4,** 309 ; **12,** 13 n.
exchanges of charity lands, sanction of, **4,** 232, 233, 596
friendly societies exempted from jurisdiction of, **4,** 305 ; **15,** 122
functions of, generally, **4,** 302, 303 ; **6,** 476 ; **12,** 7 n.
improvements on charity land, sanction of, **4,** 239
charge for compensation for, sanction of, **4,** 276
income of charity, jurisdiction in respect of, **4,** 303
income tax, certificate of exemption from, **4,** 210
incorporation of trustees by certificate of, **4,** 285, 314 ; **11,** 794
duty payable on, **4,** 215
information, adverse claimant not bound to furnish, **4,** 309
persons connected with charities bound to furnish, **4,** 309
refusal of, is contempt of court, **4,** 273, 309 ; **7,** 305
trustees bound to furnish, **4,** 273
inquisitorial powers of, **4,** 308, 309
investment of trust funds, sanction to, of, **4,** 238—242
judicial powers of, **4,** 314—317
jurisdiction of, Bishops' Trusts Substitution Act, under, **4,** 167, 317
cannot be terminated when once invoked, **4,** 303
charities, abroad, operating or the funds of which are, **4,** 303, 306
exempt from, **4,** 304—307
partly exempt from, **4,** 307, 308
subject to, **4,** 303, 304
contentious cases, in, **4,** 316
extension to exempted charities by request, **4,** 307
nature of, **4,** 308—317

CHARITY COMMISSIONERS—*contd.*
land
given by will to charity, retention authorised by, **4,** 133, 135
sale by, **4,** 133, 135
purchase of, may be authorised by, **4,** 136, 238, 239, 314
leases, sanction of, **4,** 229, 231, 313; **20,** 534
libraries, powers in relation to, **23,** 587
mixed charities, in case of, jurisdiction of, **4,** 306—308
mortgage of charity property, sanction of, **4,** 235, 236, 313, 314
muniments of charity, custody of, **4,** 275
nature of powers of, **4,** 302
oath, administration of, by, **4,** 309; **12,** 13 n.
officers of charity, removal of, by authority of commissioners, subject to consent of visitor, **4,** 293, 294, 314
official trustees, vesting property in, **4,** 279—281; **12,** 13 n.
open spaces and recreation grounds, powers as to, **4,** 236; **21,** 586, 591, 592
orders by, **4,** 314—317
appeals from, **4,** 268, 316, 317, 355
discharge or variation of, **4,** 316
enforcement of, **4,** 303, 309
procedure, **4,** 315—317
originating summons, sanction of, **4,** 336
parochial charities, powers in relation to, **4,** 222, 263, 264, 317
partitions of charity lands, sanction of, **4,** 233, 234
petitions, sanction of, **4,** 333
proceedings by, **4,** 313, 322
on report of assistant commissioner, **4,** 321
public policy, purpose contrary to, **4,** 122, 123
recreation grounds, powers as to, **4,** 236; **21,** 586, 591, 592
registration of title to charity lands, sanction of, **4,** 246, 247
rent charges, recovery of, **4,** 202, 203
redemption or sale of, sanction of, **4,** 222, 314
requisitions of, disobedience to, **4,** 309; **7,** 305
how made, **4,** 309
sale of charity estates, approval of, **4,** 218, 221—223, 313, 314
schemes, approval of, **4,** 314
making of, defining objects of or regulating a charity, **4,** 182—189. *See* SCHEME.
procedure on making, **4,** 314—316
settled by the court, notice of, **4,** 339
strangers, jurisdiction over, **4,** 309, 310
taxation of costs, power to order, **4,** 354
transfer or vesting of property, powers as to, **4,** 314—316
trust property, recovery of, by, **4,** 199
trustees, application by, to, for establishing scheme, **4,** 185, 186, 315
appointment of, **4,** 268, 314, 315, 316; **28,** 81
stamp duty, **4,** 215
vesting order on, **4,** 314, 315; **28,** 111
incorporation of, by, **4,** 285, 314; **11,** 794
duty payable on, **4,** 215
proceedings by majority of, sanction of, **4,** 313, 329
removal of, by, **4,** 270, 314—316
universities, colleges etc. powers over, **4,** 247
vesting order as to trust estate, jurisdiction to make, **4,** 268, 314, 315; **28,** 111
visitatorial powers of, **4,** 288, 300

CHARITY COMMISSIONERS—*contd.*
voluntary contributions, institutions maintained by, jurisdiction over, **4,** 305, 308
Welsh Intermediate Education, and, **12,** 114 n.
witnesses, attendance of, before, **4,** 309; **12,** 13 n.

CHARITY TRUSTEES,
absence or failure of, does not defeat gift, **4,** 126, 168, 169
accounts, costs of proceedings for, **4,** 347
duties and liability in respect of, **4,** 273, 277, 278, 309
actions by and against, **4,** 203, 313, 319, 329, 330
advice from Charity Commissioners, power to obtain, **4,** 275, 310
advowsons held in trust, sale of, by, **4,** 217
agent of, liability of, **4,** 278
applications by, to Charity Commissioners, **4,** 185, 186, 315, 316
appointment of, Board of Education, by, **4,** 268 n., 317
Charity Commissioners, by, **4,** 268, 314, 315, 316; **28,** 81
corporation, trusteeship of, determined, **4,** 266
county court, by, **4,** 267, 301
court, by, **4,** 265—268, 331, 332, 335
judge in chambers, by, **4,** 267
sanction of Charity Commissioners, **4,** 267
educational or religious purposes, of society for, **4,** 262
express power, under, **4,** 261
court is administering trust, whilst, **4,** 261
trust deed lost or ambiguous, when, **4,** 261
heirs of a person are trustees, when, **4,** 266
judicial trustee cannot be appointed, **4,** 268; **28,** 209 n.
old trustees all dead, where, **4,** 265, 266
parochial charities, in case of, **4,** 264
pendente lite, whether bound by proceedings, **4,** 330
qualification, generally, **4,** 259, 260
religious, **4,** 260
residential, **4,** 260
scheme or trust deed should be followed as to, **4,** 259, 260
stamp duty, in case of, **4,** 215
statutory powers, under, **4,** 262—265
Trustee Act, under, **4,** 263, 265, 266
vacancies will not be filled, when, **4,** 266, 267
breach of trust, by, **4,** 270—272, 276—279
corporation, by, liability enforced by sequestration, **4,** 279
following trust property, in case of, **4,** 200, 201
injunction against, **4,** 323
liability for, **4,** 276—279; **28,** 188 n.
petition for relief in case of, **4,** 330
presumption against, **4,** 276
removal for, **4,** 268—270. *See* removal, *infra.*
company may act as, **4,** 261
compulsory purchase of land from, **4,** 218
costs payable in, **4,** 350—353
payment of purchase-money in, **4,** 219, 220, 240, 241
conditional gift, not bound to accept, **4,** 171
contempt of court by, **4,** 273
copyhold, enfranchisement of, money received for payable to, **4,** 218
corporations and *quasi*-corporations as, **4,** 255—259

CHARITY TRUSTEES—*continued.*
costs of proceedings by or against, **4,** 344—348
right to indemnity against, **4,** 344, 345, 354
severance of defence, effect of, **4,** 346
solicitor and client costs, as between, **4,** 345, 346, 347, 354
custodian trustees, charitable corporations as, **4,** 259
cy-près, must not apply funds, **4,** 191, 271
death of, before gift operates, **4,** 168
necessity for scheme on, **4,** 184
deposit deeds etc. with commissioners, power to, **4,** 275
disclaimer by, effect of, **4,** 169
discretion of, exercise of, **4,** 274, 275
will, by, **4,** 275
failure to exercise, effect of, **4,** 150, 166, 169, 274
objects of charity, as to, **4,** 146 n., 147, 150, 166, 274; **28,** 26, 27
duties of, **4,** 270—273
exchange lands, power to, **4,** 231—233
fund raised by contributions, power to declare trusts of, **4,** 154
funds, payment into court, **4,** 275, 328
power to apply, **4,** 165, 273, 274
transfer to Official Trustee, **4,** 275
guardians of the poor, whether may act as, **4,** 259
improvements, power to charge land with cost of, **4,** 276
incapacity of, will not affect gift, **4,** 169
incorporated, purchase of site for charity by, **4,** 239
incorporation of, by commissioners, **4,** 285, 314; **11,** 794
Charitable Trustees Incorporation Act, under, **4,** 217
leasing powers not affected by, **4,** 230
duty payable on, **4,** 215
incumbent as, **4,** 258, 259
infancy of, land vested in Official Trustee, **4,** 279
injunction against, **4,** 323
inquiries of Charity Commissioners, duty to answer, **4,** 273, 309
interest chargeable on funds misapplied, **4,** 278, 345
investment of funds by, **4,** 236—242. *See* CHARITY.
judicial trustees, court cannot appoint, **4,** 268; **28,** 209
land tax, redemption by, **4,** 242; **18,** 322, 328
right to purchase land sold for, **4,** 243
lease, power to, **4,** 223—231; **18,** 342. *See* CHARITY.
literary, scientific etc., societies, grant of land to, by, **4,** 223
local education authority as, **4,** 259; **12,** 21
lunacy of, land vested in Official Trustee, **4,** 279
majority of, action by, **4,** 276, 313, 329, 330
defending of, by, **4,** 313
power of, to let, exchange, mortgage etc., **4,** 230, 231, 233, 236, 275, 276
ministers and incumbents, powers in regard to election of, **4,** 250—254
misapplication of funds by, **4,** 271, 272, 276—279
reason for a scheme, **4,** 184
mistakes by, liability for, **4,** 276, 277
mixing funds of two charities, effect of, **4,** 271
mortgage, power to, **4,** 234—236; **21,** 111. *See* CHARITY.
neglect or default of, **4,** 150, 166, 169, 274

CHARITY TRUSTEES—*continued.*
notice to, by commissioners, of proposed order, **4,** 315, 316
service of, **4,** 340
official, **4,** 279—281. *See* OFFICIAL TRUSTEE.
overdrawing at bank by, **4,** 235
overpayment by, **4,** 272
parish councils as, **4,** 222, 257, 258, 263
parochial charity, of. *See* PAROCHIAL CHARITY.
parsons, churchwardens and overseers may act as, **4,** 256—258
partition of land by, **4,** 233, 234; **21,** 817, 818
payment into court by, **4,** 275, 328
notice to Attorney-General, **4,** 328
political purposes, use of powers for, **4,** 259
powers of, **4,** 273—276
exerciseable by the court, when, **4,** 274
trustee for the time being may exercise, **4,** 274
property, protection of, by, **4,** 270
transfer of, to Official Trustee by, effect of, **4,** 275, 279, 280, 281
Public Trustee may not act as, **4,** 259; **28,** 213
quorum of, **4,** 276
religious charity, form of worship in case of, not to be changed by, **4,** 272
removal of, Charity Commissioners, by, **4,** 270, 314—316
county court, by the, **4,** 301
sanction of Charity Commissioners necessary, **4,** 270
court, by the, **4,** 268—270, 331, 332, 335
costs of, **4,** 269
grounds for, **4,** 269, 270
partial removal, **4,** 269
rent-charge, recovery of, by, **4,** 203
sale of property by, advowsons held in trust, **4,** 217
allotments, for, **4,** 223
Board of Education, with consent of, **4,** 223
Charity Commissioners, with or without approval of, **4,** 221, 222
Charitable Trusts Acts, subject to, **4,** 218
concurrence of Official Trustee, **4,** 222
court, by order of, **4,** 220
general power of, **4,** 216
Lands Clauses Consolidation Act, under, **4,** 218, 219. *See* compulsory purchase of land from, *supra.*
onus of proof to support, **4,** 216
parochial charities, in case of, **4,** 222, 223
scheme legally established, according to, **4,** 220
substitution of bishops as, **4,** 291, 317
Succession Duty, power to raise duty, **13,** 300, 301
terms of trust, observation of, by, **4,** 271, 272
vesting property on appointment of new, Charity Commissioners, by, **4,** 268, 314
court, by the, **4,** 265, 267, 335
statutory powers, under, on, **4,** 261, 262, 263

CHART. *See also* MAP.
defined, **8,** 145
copyright in, **8,** 143—145
Crown, rights as regards, **8,** 173 n.; **27,** 527 n.
registration of, **8,** 144

CHARTA,
forestæ, **4,** 452, 474; **7,** 182
Magna. *See* MAGNA CARTA.

CHARTER,
Act of Parliament, when equivalent to, **7,** 238
art union, to an, effect of, **9,** 547 n.; **15,** 301 n.
by authority of Act of Parliament, effect of the words, in a, **7,** 238 n.
Cornwall, Duchy of, created by, **7,** 238
feoffment of, livery of seisin accompanied by, **24,** 291
Forests, of the, enumeration of, **7,** 182 n.
privileges under, **4,** 452
fraud, obtained by, rescission of, **8,** 400, 420, 761
grant of land by, **6,** 476
Great Seal, under, objects attained by, **6,** 476; **7,** 17
incorporation, of, **8,** 314—320
acceptance of, **8,** 316, 317
annulment of, **8,** 400
bye-laws, charter cannot be explained or augmented by, **8,** 336
right of corporation to make, **6,** 388
charities, in case of, **4,** 285, 286
court's jurisdiction over, founded by, **4,** 296
schemes of, established by, **4,** 188
company, in case of, **5,** 13, 646, 744, 745; **17,** 226. *See* CHARTERED COMPANY.
construction of, **6,** 479 *et seq.*; **8,** 317, 318
Crown, rights of the, **8,** 314, 315, 316
limitation on rights of, by, **8,** 315, 316
forfeiture of, **8,** 359 n., 397, 398
injunction against act which may cause, **17,** 226
fraud, obtained by, rescission of, **8,** 400; **20,** 761, 762
granted during reign of James II., **8,** 319
implication of, **8,** 315
learned societies, in case of, **19,** 196
licence in mortmain by, **8,** 370
new, application for, **8,** 318
effect of, **8,** 319, 320
Oxford University, by Chancellor of, **8,** 314 n.
powers of corporation, **8,** 359
presumption in favour of, **8,** 400
revocation of, **8,** 398, 399
statute creating similar rights, effect of, **27,** 199
surrender of, **8,** 397
presumption of, **11,** 267
university, for, application for, **4,** 285 n.; **12,** 92
validity, presumption of, **8,** 400
scire facias to determine, **8,** 400
void, declared to be, effect, **8,** 401
lost, presumption of, **8,** 321; **11,** 267, 344
surrender of, presumption of, **11,** 267
market privileges, grant by, **20,** 8, 9
lawful change of day by, **20,** 17

CHARTERED BANKS,
establishment of, **1,** 570, 581; **5,** 612

CHARTERED COMPANY,
Crown's power to create, **5,** 744
decisions affecting powers and liabilities of, **23,** 310
general law governing, **5,** 745; **8,** 359
injunction to restrain breach of charter, **17,** 226
limitation of liability of members, **5,** 744
power to register under Companies Act, **5,** 39, 745
registration not necessary for, **5,** 646
special statutes, under, **5,** 745
winding up of, **5,** 745

CHARTERED CORPORATIONS,
incorporation of. *See* CHARTER.

CHARTERER,
defined, **26,** 84
acceptance of ship arriving at port of loading, **26,** 179, 180. *See* BILL OF LADING; CARGO; CHARTERPARTY.
advanced freight, insurance of, **17,** 365
berth, loading, for, to be named by, **26,** 183, 184
unloading, for, to be named by, **26,** 261, 262
bill of lading, effect of, where goods shipped by, **26,** 168. *See* BILL OF LADING.
indorsing of, by, effect of, **26,** 171 n.
cargo, amount to be provided by, **26,** 102
duty to procure a, **26,** 190—192. *See* CARGO.
failure to provide, excuses for, **26,** 192—195
shipping of proper, damages for failure in, **26,** 209
charterparty not operating as demise, rights under, **26,** 86
collision, liability in case of, **26,** 526, 527
damages, limitation of liability for, **26,** 612—617
losses to which limitation applies, **26,** 613
right to, delay or non-arrival of ship at port of loading, for, **26,** 178, 179
where shipowner fails to provide ship, **26,** 209, 210
exceptions in charterparty relieving, in case of, **26,** 129, 130
delay, arrival of ship at berth, in, when falling on, **26,** 184
demurrage, non-liability for, in case of shipowner's default, **25,** 120
right to, **26,** 124, 125, 128, 129
when time begins to run against, **26,** 126, 127
discharge from contract by delay or deviation, **26,** 93
dispatch money, effect of payment of, **26,** 126
exceptions in charterparty for protection of, **26,** 129—132, 194
freight, insurable interest in, **17,** 365, 369, 370
liability to pay, **26,** 293, 294, 297, 298
cesser clause, effect of, **26,** 294, 295
payment of, by goods sold during voyage, where, **26,** 72
ship under charter, when, **26,** 297, 298
right against consignee for, **26,** 298
general average contribution, liability to, **26,** 322
goods of third parties, right to carry, **26,** 86
indorsee of bill of lading, as, **26,** 169 n.
insurable interest as affected by covenant of, **17,** 369, 374
lay days, right to, **26,** 124—129
loading, delivery of goods to place of, duty as to, **26,** 192, 198, 199. *See also* berth, cargo, *supra.*
destruction of goods during, as affecting liability of, **26,** 201, 202
excused for failure or delay in, when, **26,** 200, 201
right to place agent on vessel during, **26,** 119
when charterer's obligation arises, **26,** 177
negligence clause, charterparty, in, in favour of, **26,** 132
when none in bill of lading, effect of, **26,** 107 n.
obligations extended by charterparty, **26,** 118, 119
passengers, carriage of, rights as to, **26,** 327

CHARTERER—*continued.*
port of discharge, naming of, by, **26,** 97, 255
unsafe port, liability on naming, **26,** 256, 257
salvage reward, right to, **26,** 565, 566
ship, loss of, not liable for, after expiration of charterparty, **26,** 99 n.
owner of, when charterer to be deemed, **17,** 445 n.; **26,** 85
possession of, when charterer has, **26,** 85; **27,** 867
premature readiness of, effect of, **26,** 193
shipowner, when charterer liable to indemnify, **26,** 107
shipper, as, **26,** 168, 169
not, position of parties, when, **26,** 169, 171, 172
shipping according to description of cargo, **26,** 99
stevedore, liability for defective stowage by, **26,** 203
provisions in charterparty as to, **26,** 206, 207
stipulations designed to relieve, construction of, **26,** 130
stowage by, effect on liability of shipowner, **26,** 205, 206
sub-charter, right to, **26,** 86
war, effect of, **26,** 132, 193

CHARTERHOUSE,
Public Schools Acts apply to, **12,** 97. *See also* PUBLIC SCHOOL.

CHARTERPARTY.
See also CARGO; CHARTERER.
defined, **26,** 84
about, meaning of, in, **26,** 101, 102
accidents, charterer's control, beyond, **26,** 132
navigation, of, exception as regards, **26,** 114
ship, to, repairs, **26,** 223
agency, rules of, applicable when not under seal, **26,** 89, 90
agent, made by, effect of, **26,** 88—90
unauthorised, **26,** 90
undisclosed principal, for, **26,** 90
alterations and additions to, principles governing, **26,** 142
and/or, effect of, in, **26,** 100
arbitration clause in, effect of, **26,** 136
arrival at port of discharge, meaning of, **26,** 254, 260, 263. *See* port of discharge, *infra.*
average clause in, **26,** 136, 323
berth, arrival at, loading, for, **26,** 184
unloading, for, **26,** 261, 262
berth note, nature of, **26,** 84 n.
bill of lading as affecting. *See* BILL OF LADING.
construction of reference in, to charterparty, **26,** 176, 285, 286
contract under, where ship demised by, **26,** 169, 170, 298
where ship not demised by, **26,** 170, 172, 174
in addition to charterparty, effect of, **26,** 148, 149
inconsistency between charterparty and, **26,** 168—173
consignee, rights of, **26,** 172
freight, as to, **26,** 105, 106, 171, 177
shipper, rights of, **26,** 171
signature of bill of lading by master, as to, **26,** 171, 172, 174
when charterparty prevails, **26,** 175, 177
incorporation of terms of charterparty in, **26,** 106, 172, 175—177, 285

CHARTERPARTY—*continued.*
breach of, **26,** 288—291. *See also* BREACH OF CONTRACT.
damage to goods by, **26,** 291
delay on voyage, caused by, **26,** 289
indemnification *aliunde* for, **26,** 291
limitation of damages for, **26,** 290
measure of damages for, **26,** 288, 289
non-delivery of goods, by, **26,** 288, 289
special damage by, **26,** 290
brokerage clause in, **26,** 136, 137
reporting of ship by broker, **26,** 137
cancellation clause in, effect of, **26,** 97, 98
capacity of ship, stipulation as to, **26,** 91, 92
cargo, provision of, **26,** 190, 191
stipulations as to. *See* stipulations as to cargo, *infra.*
carriage, contract of, not necessarily expressed in, **26,** 147, 148
carrier, common, shipowner as, **26,** 325, 326
cesser clause in, effect of, **26,** 133, 134, 294
charterer. *See* CHARTERER.
stipulations relieving the, **26,** 129, 130
chose in action, is a, **4,** 364
clearances, stipulation as to obtaining, under, **26,** 218
colliery working days, meaning of, **26,** 123
collision, clauses relating to, **26,** 522
liability for, under, **26,** 526
commission payable, broker or agent, to, **26,** 136, 137, 138
services to ship, for, **26,** 137, 138
conditions precedent, breach of, effect of, **26,** 91, 92, 142—144, 192
stipulations which are, **26,** 91, 92, 94, 186, 189
test of what are, **26,** 143, 144
consignee. *See* CONSIGNEE.
construction of, **26,** 138—144
additions and alterations, effect of, **26,** 142
conflict of laws, law of ship's flag, **26,** 141
contra proferentem rule, **26,** 139
court and jury, functions of, **26,** 141
ejusdem generis rule, **26,** 139
inconsistent with bill of lading, when, **26,** 177
meaning of words used, **26,** 138
parol evidence admissible, **26,** 140
reference in bill of lading to, of, **26,** 176
surrounding circumstances, **26,** 139
writing and print, effect of, **26,** 141
contract between shipowner and charterer, is the, **26,** 169, 175
county court jurisdiction in respect of, **1,** 128
damages, breach of contract, for, **26,** 288
cargo not ready, when, **26,** 191, 192
dead freight, as, **26,** 209
delay on voyage, for, **26,** 178—180, 289
demurrage, for, **26,** 125
failure to supply ship, for, **26,** 209, 210
limitation of liability, contract, by, **26,** 290, 291
statute, by, **26,** 612 *et seq.*
non-delivery, for, **26,** 289
non-performance, for, stipulation as to, **26,** 135, 136
penalty clause, under, **26,** 135, 136
shipping proper cargo, for, dead freight, **26,** 209
dangerous goods as cargo, provisions as to, **26,** 100, 101

CHARTERPARTY—*continued.*
day, construction of word, in, **26,** 122—124
conventional day, **26,** 124
usual meaning where no stipulation, **26,** 123
dead freight, what is, **26,** 101 n., 209
lien for, **26,** 134, 135, 285
demise, by, kinds of, **26,** 85
master signing bill of lading, effect of, **26,** 174
rights of charterer under, **26,** 86
shipper under, **26,** 169, 170
not by, master signing bill of lading, effect of, **26,** 174
rights of charterer under, **26,** 86, 87
shipper under, **26,** 170
test whether by, or not, **26,** 86
demurrage under, **26,** 124—133. *See* DEMURRAGE.
deviation. *See* DEVIATION.
express stipulation as to, **26,** 96
implied stipulation as to, **26,** 83, 95
disablement of ship, repairs, **26,** 223
disbursements, stipulation as to, **26,** 104, 313
discharge of, by breach of condition precedent, **26,** 91, 92, 143
dispatch money, stipulation as to payment of, **26,** 128
dock, arrival in, stipulation as to, **26,** 183, 184
dues, payment of, **26,** 136
evidence in, action for damage to goods, burden of proof in, **13,** 434
excepted perils, charterer, for benefit of, **26,** 131—133
shipowner, for benefit of, **26,** 107—118. *See* risks excepted from, *infra.*
exceptions in, charterer, protecting, **26,** 129—133, 194
when operative, **26,** 201
shipowner, protecting, **26,** 107—118
effect of, **26,** 107, 118, 189
fitness of ship, effect of, **26,** 189, 190
mutual, how far, **26,** 118
freight, payment of, under, **26,** 103—105. *See* FREIGHT.
general average, adjustment and enforcement of, **26,** 323—325. *See also* GENERAL AVERAGE.
general ship, in case of, **26,** 100
guarantee for due performance of, stamp duty, **15,** 472; **26,** 87
ice, frost, fog, storm, exceptions as to, **26,** 132
illegality of, freight not payable, **26,** 307
in turn, provision as to loading or discharging, in, **26,** 127, 128
injunction to restrain, use of ship inconsistent with, **17,** 247, 251; **26,** 84 n.
insurance clause in, **26,** 136
money, right to, for breach of, **26,** 291
insurers' right to freight, when it arises, **26,** 301
lay days, **26,** 121, 124, 126
leakage and breakage, loss covered by exception of, **26,** 115, 116
of goods, risk excepted from, in charterparty, **26,** 115
lien under, **26,** 134, 135, 283 n., 285—287
discharge of, **26,** 287
loading. *See* CARGO; PORT.
delay in, cancellation on account of, **26,** 97, 98
exceptions relating to, **26,** 194, 195, 198, 201

CHARTERPARTY—*continued.*
loading—*continued.*
stipulation as to, **26,** 118
customary despatch, with, **26,** 121
sailing telegrams, as to, **26,** 119
time for, as to, **26,** 119
master, loading and warehousing of cargo by, **26,** 279
power to enter into charterparty, **26,** 64—66
right to sign bill of lading at any rate, stipulation as to, **26,** 87, 106, 107
transhipment, power of, **26,** 222
vary, no power to, **26,** 174
more or less, meaning of, **26,** 101, 102
mortgage of ship, assignment of freight, equities, **26,** 303
mortgagee, binding on, how far, **26,** 84 n., 85 n., 299 n.
carriage of contraband, not bound in case of, **21,** 134
impairing security of, injunction restraining, **17,** 251
right to repudiate, **26,** 299 n.
in possession, freight, **26,** 299, 300
restrained from preventing carrying out of, **17,** 251
nature of contract by, **26,** 84—87
negligence clause in, effect of, **26,** 116, 132, 133
port of discharge, as to, **26,** 97, 254
selection of cargo, as to, **26,** 100
option to continue, **26,** 28, 98, 99
parol evidence to explain terms of, **26,** 140, 141
parties to, **26,** 88
passengers, carriage of, under, **26,** 327
penalty clause in, operation of, **26,** 135, 136
relief against, **13,** 151 n.
perils excepted from shipowners' contract of, **26,** 107—118
persons not bound by terms of, **26,** 171, 172, 175
port, discharge, of. *See* PORT.
stipulation as to, **26,** 92, 94, 97, 255
loading, of. *See* PORT.
stipulations as to, **26,** 92, 93, 177 *et seq.*
refuge, of, seeking, is not culpable deviation, **26,** 96, 223
preliminary voyage may be provided for in, **26,** 97
repairs to ship, **26,** 223
reporting of ship, stipulation as to, **26,** 137
riots, exception as to, effect of, **26,** 132, 132 n.
risks excepted from, accidents of navigation, **26,** 114, 115
act of God, **26,** 107, 108
barratry, **26,** 112, 113
collision, **26,** 111, 114
fire, **26,** 111, 112
King's enemies, **26,** 108
latent defects, **26,** 115
leakage and breakage, **26,** 115
mutuality of, **26,** 118
negligence, **26,** 116, 117
perils of the sea, **26,** 110, 111
pirates, robbers and thieves, **26,** 113
restraint of princes and rulers, **26,** 109
running days, **26,** 122
stranding, **26,** 114
sailing, stipulation as to day of, **26,** 93, 94
what constitutes, **26,** 219
sailing telegram, provision as to, **26,** 119
saving of property allowed, **26,** 97

CHARTERPARTY—*continued.*
seal, effect where under, **26,** 88, 89
not under, effect of, **26,** 89
seaworthiness of ship, condition as to, **26,** 186—190, 211—224, 327
services to ship, commission for, **26,** 137
ship, description of, in, **26,** 91
duty of shipowner to supply, **26,** 103
failure to supply, damages, **26,** 209, 210
hire of, **26,** 65, 103, 104
substitution of, right to freight, **26,** 306
liability, bill of lading signed by master, on, **26,** 34, 64, 65, 153, 174
shipowner, agent, acting by, **26,** 88—90
bill of lading, how far modifying liability under, **26,** 148, 149, 171
discharge of cargo, duties as to, **26,** 265—267
divested of control by execution, **26,** 85
excepted perils relieving, **26,** 107—118
misdescription, liability for, **26,** 92
possession retained by, **26,** 86
third parties, duties to, **26,** 85, 86
shipper's liability to pay freight, when not affected by, **26,** 292
transhipment, authorised by, **26,** 239
signing of, master of foreign ship may delegate, **1,** 170
special rights under, loss occasioned by exercise of, in marine insurance, **17,** 439
specific performance of, will not be ordered, **26,** 84 n.
stamp duty on, **26,** 87, 88
stamping of lost, when presumed, when presumption rebutted, **13,** 506
stipulations as to cargo, amount, as to, **26,** 101, 102
bringing to ship, of, **26,** 118, 119
dangerous goods, **26,** 100
deck cargo, as to, **26,** 205
description of cargo, **26,** 99
discharge of cargo, **26,** 271—273
excuses for breach, **26,** 192—194
excusing charterer from delay or failure to provide, **26,** 194, 195
full cargo, as to provision of, **26,** 102
option to select, **26,** 100
stowage, exception as to shipowner's liability, **26,** 204, 205
strikes and lock-outs, provisions as to, effect of, **26,** 131
tides, stipulations as to, **26,** 181
time, computation of, under, **26,** 122—124
demurrage, for, **26,** 126. *See* DEMURRAGE.
discharge, to, conditions affecting, **26,** 271, 272, 274—278
loading, stipulation as to, **26,** 179
terms referring to, construction of, **26,** 122—124
voyage, of, conditions of, **26,** 92, 93
successive voyages, in effect of, provision for, **26,** 93 n.
time charter, general nature of, **26,** 98
cargo to be carried under, **26,** 100
freight in case of, **26,** 104, 105
option to continue, **26,** 98, 99
tonnage and carrying capacity, difference between, **26,** 91, 92
tow, liberty to, **26,** 96
transhipment of cargo, contract for, **26,** 234
unauthorised, agent's liability under, **26,** 90

CHARTERPARTY—*continued.*
usage, evidence of, admissible in case of, **10,** 262
printed form, as to applicability of, **10,** 286
shipbrokers, by, **26,** 285, 286
usual stipulations, **26,** 91—138
vary terms of, when master no authority to, **26,** 174
voyage, stipulations as to, **26,** 92—99
as to proceeding on, **26,** 94, 95, 219, 220
voyage charter, **26,** 92—98
freight in case of, **26,** 103
war, excuse from providing cargo, **26,** 193
rendered illegal by, **26,** 132
warranty in, express and implied, **26,** 83
verbal, not embodied, **26,** 91 n.
weather working days, **26,** 123
working days in, **26,** 122
written and printed parts of, relative value of, **26,** 141, 142

CHASE. *See* FOREST; HUNTING.
defined, **6,** 490
beasts of, deer as, **15,** 215
liberty to keep, **6,** 490
right to kill, **6,** 497
what are, **6,** 490 n.
Crown rights in regard to, **15,** 212
forest, distinguished from, **6,** 490 n.
passes by grant of, **7,** 184
free, prerogative grant of, **6,** 490
game, franchise with respect to, **15,** 212, 215
manor, rights attached to, **8,** 7
park distinguished from, **6,** 491
rights not affected by Game Act, 1831, **7,** 188

CHASTISEMENT. *See* CORPORAL PUNISHMENT; WHIPPING.
apprentice, of, **9,** 608; **20,** 106 n.
infant, of, by father, **9,** 608; **12,** 124; **17,** 107
justification for, **27,** 876
pupil, of, by schoolmaster, **9,** 608 n.; **12,** 124; **17,** 107
wife, of, by husband, **9,** 608 n.; **16,** 318 n.

CHASTITY. *See also* UNCHASTITY.
defamatory statement imputing unchastity, **18,** 620, 621, 641
dum casta clause. *See* DUM CASTA CLAUSE.

CHASUBLE,
wearing of, illegal during communion service, **11,** 672 n.
usage as to, **11,** 376 n.

CHATHAM,
dockyard port at, Orders in Council affecting, **28,** 386 n.
jurisdiction of Medway Conservancy in, **28,** 386 n.
police courts of, fines in, how appropriated, **22,** 476, 477

CHATTELS. *See* MOVABLES; PERSONAL PROPERTY.
defined, **22,** 388
abandonment of, **1,** 529; **9,** 641; **22,** 392, 396
accession, ownership by, **22,** 401
acquisition of, **22,** 399—404, 413. *See* PERSONAL PROPERTY.
after-acquired, assignment of, **2,** 19, 64; **3,** 29; **10,** 496; **13,** 64 n., 74, 104; **22,** 409; **27,** 491 n. *See* AFTER-ACQUIRED PROPERTY.

CHATTELS—*continued.*
after-acquired—*continued.*
bankruptcy, effect of, **2,** 139, 152, 164. *See* BANKRUPTCY.
licence to seize, on, **2,** 155 n.
bill of sale of, **3,** 28, 29, 37; **22,** 410
alien's rights as to, **1,** 306; **22,** 399
alienation of, **6,** 213—218; **22,** 404—412
bill of sale, by, **3,** 3 *et seq.* *See* BILL OF SALE.
foreign, **6,** 215
deed, by, **10,** 397; **15,** 410; **22,** 406
delivery, by, **22,** 404—406. *See* DELIVERY.
fraudulent against creditors, impeachment of, **15,** 79.
future chattels, of. *See* after-acquired, *supra.*
involuntary, **22,** 407, 408
law applicable to, **6,** 213—218
restraints on, **22,** 410—412
sale or exchange, by, **22,** 406. *See* SALE OF GOODS.
bailee of. *See* BAILEE; BAILMENT.
gratuitous, position of, **1,** 526—543; **21,** 393
intermixture by, effect of, **1,** 542; **17,** 317 n.
bequests of, **14,** 261, 263; **22,** 414; **28,** 526—528, 774
bill of sale of, **3,** 3 *et seq.* *See* BILL OF SALE.
bills and notes, transfer of, as, **2,** 509
capture of, right of ownership in case of, **22,** 400
company shares not, bill of sale, for purpose of, **3,** 21
compensation in lieu of return of, **13,** 13
compulsory purchase, no compensation for chattels, **6,** 34
consumable, limited interest in, **15,** 408; **22,** 414; **25,** 526 n.; **28,** 528
specific bequests of, **15,** 408; **22,** 414; **25,** 526 n.; **28,** 528
contract for sale of, specific performance of, **13,** 11 n.; **27,** 4, 5, 14, 15
conversion of, wrongful, what amounts to, **27,** 865, 889—897. *See* CONVERSION OF GOODS.
corporeal and incorporeal, distinguished, **22,** 388—390
custody of, when settled as heirlooms, **25,** 706.
defective, liability of master for injury to servant, **20,** 141
loss in respect of, liability of hirer as to, **1,** 544
notice of, duty to give, **21,** 370, 375, 390, 393
owner lending, liability of, **1,** 550, 551
position of gratuitous lender as to, **1,** 539; **21,** 375, 393
delivery of, **22,** 404—406; **25,** 206—228. *See* DELIVERY.
enforcement of, **13,** 12; **25,** 272; **27,** 4, 5, 14, 15, 917, 918 n.
county court, in the, **8,** 429, 569
writ of assistance, by, **14,** 75; **24,** 376
writ of delivery, by, **14,** 74
gift, necessary to complete, **15,** 412; **22,** 406
implied warranty of fitness by, **1,** 550, 551
deposit of. *See* BAILMENT; DEPOSIT.
detinue of. *See* DETINUE.
trover, distinguished from, **27,** 916
devolution of, **6,** 220—232; **11,** 3 n., 16 *et seq.*; **14,** 218; **22,** 408; **24,** 238—241
conflict of laws as to, **6,** 220—232
dignity, settled to devolve with, **22,** 347 n.; **25,** 659 n., 705
distress on. *See* DISTRESS; DISTRESS FOR RENT, ETC.

CHATTELS—*continued.*
finding of, belief that owner cannot be found, effect of, **1,** 529; **9,** 630
obligations of finder as to, **1,** 528
private property, on, **1,** 531
rights of finder against third parties, **1,** 530
when contract of deposit, **1,** 528
fixtures, attached to, rights as to, **22,** 401
when chattels are, **11,** 137; **18,** 417, 418; **27,** 889 n.
gift of, **15,** 406, 408, 410, 412, 414
delivery necessary, **15,** 410, 412, 432; **22,** 406
description of locality, effect of, **28,** 697
donor retains possession, where, **15,** 408, 410
essentials of, **15,** 410, 412, 413, 432; **22,** 406
husband and wife, between, necessity for delivery or deed, **16,** 393
incomplete, not assisted, **13,** 97; **15,** 414, 429 n.
life, for, **15,** 408; **28,** 527—529, 695, 774
possession or use of chattels, effect of, **28,** 528, 774
heirlooms, when, **11,** 3 n.; **24,** 240; **25,** 703—705. *See* HEIRLOOM.
heritable, are land under Wills Act, 1837, **11,** 3 n.
hire of, **1,** 550—554. *See* HIRE OF CHATTELS.
incumbent may not hold, for charitable uses, **4,** 256
injunction in case of contract for sale of, **17,** 242, 267, 268
injury from use of, misrepresentation, through, **20,** 706 n.
servant, to, liability of master, **20,** 141, 142
to, action by personal representative, **14,** 229
measure of damages where, **10,** 342; **21,** 485; **27,** 868
interest, corporeal hereditaments, in. *See* CHATTELS REAL.
deed necessary to assign, **10,** 368
hereditaments, in, not real estate, **11,** 3
land, in, succession to, **6,** 218, 219; **11,** 3, 4 n., 16
intermixture of, effect of, **1,** 542, 543
interpleader with reference to title to, **17,** 582, 628
sheriff, by, in respect of execution on, **17,** 588—592
relief though no actual seizure, **17,** 591
inviting use of, duty of person, **21,** 391
occupier's liability, **21,** 390, 391
land, associated with, rights in, **13,** 13; **24,** 238—241, 281 n.
devolving with. *See* settled, *infra.*
unlawfully on, removal of, **27,** 871 n.
lapse of time, as affecting ownership of, **19,** 50; **22,** 400
larceny of. *See* LARCENY.
lease of, **18,** 341 n. *See* HIRE OF CHATTELS.
licence to
seize, **3,** 11, 12
assignment of, **3,** 10 n., 10—12
bankruptcy, effect of, **3,** 10 n.; **2,** 65, 155 n.
tenancy not created by, **11,** 127 n.
take possession of, **3,** 10, 11
chose in action, is a, **4,** 365
lien on, **3,** 11; **19,** 11; **22,** 398. *See* LIEN.
person doing work upon, of, **19,** 12—14; **28,** 872
life, donee for, liability of, **25,** 706; **28,** 529
life interest in. *See* LIFE INTEREST.
loan of. *See* BAILMENT; DEPOSIT; LOAN.

CHATTELS—*continued.*
lost, finder's rights in, **1,** 528—531; **22,** 394, 395, 400; **27,** 905. *See* finding, *supra*; FINDER.
larceny of, **9,** 630, 631
legal possession remains in owner, **22,** 392
ownership may be acquired of, **22,** 400
making and delivering, nature of contract for, **28,** 861
mortgage of, **21,** 129, 130; **22,** 406
bill of sale, by, **3,** 3 *et seq.*; **21,** 129. *See* BILL OF SALE.
equitable, not within Statute of Frauds, **21,** 75
implied power of sale in, **3,** 41, 68; **21,** 246
mortgaged, trespasses against, remedies for, **27,** 867. *See* TRESPASS.
mortgagor in possession of, conversion by, **3,** 67; **27,** 899, 906
ownership of, acquisition of, **22,** 399—404, 413
nature of, **22,** 398, 413
partnership, of, survivorship in, **22,** 55 n., 56 n., 403
peculiar value, of, specific delivery of, **27,** 4, 5, 14, 15, 918 n.
personal, Bills of Sale Acts, meaning in, **3,** 20
conveyance of, **10,** 397; **22,** 406, 412
covenant to settle after-acquired property, exempted from, **25,** 554
devolution on representative, **11,** 16; **14,** 218; **22,** 408
heir, when devolving on the, **14,** 218; **24,** 238
husband, right to wife's, **16,** 325, 326, 376
gift by, when presumed, **16,** 395, 396
renunciation by, **16,** 342
nature of, **22,** 388—390
settlement of, **25,** 706
tenant's right in, when slightly fixed to freehold, **27,** 889 n.
wife, of, non-separate, disposition of, **16,** 376
personal estate, included in, **22,** 388
pledging of, rights and liabilities in respect of, **1,** 525—562; **22,** 234 *et seq.* *See* PAWN; PLEDGE.
possession of, acquisition of, **22,** 395, 396
authority to retain, not a bill of sale, **3,** 11
bailee, of, **22,** 394. *See* BAILEE.
change of, effect of, **22,** 399
different kinds of, **22,** 389, 392
finder of lost, **22,** 394, 395
loss of, **22,** 396
order for, how enforced, **14,** 75; **24,** 376. *See* delivery, *supra.*
rights annexed to, **22,** 395
trespass, in case of, **27,** 864
trespasser, by, **22,** 394
property in. *See* PROPERTY (Ownership).
railway ticket is a, **4,** 53 n.
rateability, presence of, not necessary to, **24,** 6 n.
real, **24,** 163. *See* CHATTELS REAL.
estate, chattels associated with, rights in, **13,** 13; **24,** 238—241, 281 n.
receiver, appointment in respect of, **14,** 118—122; **24,** 365
delivery to, **24,** 376
duty of, **24,** 390, 391
remedies for wrongful detention etc. *See* CONVERSION OF GOODS; DETINUE; TRESPASS TO GOODS; TROVER.
removal of, unlawfully on land, **27,** 871 n.
rent satisfied by render of, **18,** 464
replevin action for restitution of, **11,** 199, 200

CHATTELS—*continued.*
return of, how obtained, **13,** 13; **27,** 888. *See* delivery, *supra.*
Royal prerogative, acquisition of possession by, **6,** 371; **22,** 402
sale of. *See* SALE OF GOODS.
prevention of, by court, **17,** 242, 267, 268
settled, leave required for, **25,** 641
seizure of, licence to seize. *See* licence to seize, *supra.*
remedies for wrongful, **11,** 199; **14,** 28—32
settled, **25,** 687, 706
capital money arising from, **25,** 645
heirlooms, as, **22,** 347; **24,** 241; **25,** 703—705. *See* HEIRLOOM.
land, to devolve with, **22,** 347; **24,** 241; **25,** 703—706
lease by tenant for life of, **25,** 659 n.
position of, when house sold, **25,** 642 n.
sale by tenant for life of, **25,** 659—661
powers and duties of trustees as to, **25,** 687
provisions in settlement as to, **25,** 706
title, to go with, effect of, **22,** 347 n.; **25,** 659 n., 705
ship, attached to, **22,** 401
whether a chattel, **26,** 15 n.
special purpose, for, damages for non-delivery of, **10,** 317
specific, action for return of, **27,** 888
delivery of. *See* delivery, *supra.*
gift by will of, ademption of, **28,** 602
specific performance of contract for sale or purchase of, **13,** 11 n.; **25,** 272; **27,** 4, 5, 14, 15
stamp duty, assignment, whether payable on, **25,** 166, 446
contract for sale whether payable on, **7,** 538; **25,** 109 n., 165, 166
stolen, rights in respect of, **9,** 686; **20,** 55; **22,** 400; **25,** 198. *See* STOLEN GOODS.
substituted, bill of sale of, **3,** 37
fixtures, in case of, **3,** 24, 29
machinery, in case of, **3,** 25, 29
plant as subject of, **3,** 22, 23, 29
succession to, **6,** 220—232; **11,** 16 *et seq.*; **14,** 218; **22,** 408
successive interests in, creation of, **13,** 96 n.; **15,** 408; **22,** 413, 414; **25,** 703, 705; **28,** 527
limitation of, validity of, **28,** 527, 528
vesting of, **22,** 413, 414; **28,** 529
title deeds as, **24,** 238
devolution of, **24,** 239, 240
transfer of, **15,** 408, 410. *See* alienation, *supra.*
bills of sale, when, **3,** 6, 8; **15,** 408, 410
trespass to, actual possession necessary in action for, **27,** 864
foreign country, in, when actionable, **27,** 864
what is, **27,** 863, 864 n.
trover for. *See* TROVER.
undivided part of, lies for, **27,** 889 n.
trust of. *See* settled, *supra.*
fieri facias in case of, **14,** 49
retention of article in breach of, **13,** 13
successive interests, usual method of creating, **13,** 93; **15,** 408; **22,** 414
unborn person, in favour of, **22,** 348
unlawful dealing with, remedy for. *See* CONVERSION OF GOODS; DETINUE; TRESPASS TO GOODS; TROVER.

CHATTELS REAL. *See also* LEASEHOLD.
The title REAL PROPERTY AND CHATTELS REAL *is contained in Vol. XXIV., pp.* 133 *et seq.*
defined, **22,** 388; **24,** 138, 163, 164
alienation of, fraudulent, penalty for, **15,** 91
bill of sale, effect of inclusion in, **3,** 22
charitable gift of, whether valid, **15,** 406
corporation, effect of dissolution of, **5,** 568; **8,** 401; **11,** 25
division of real property into real estate and, **24,** 138
execution on, **14,** 44, 45, 66, 68
elegit, under, **14,** 66
entry by executor *de son tort*, after, **14,** 151
fieri facias, under, **14,** 44, 45
husband's right to deal with wife's, extent of, **16,** 323, 324, 376; **24,** 300, 301
incumbent may not hold, for charitable uses, **4,** 256; **15,** 406
lands, tenements and hereditaments includes, **24,** 164
leasehold land as, **11,** 3, 4 n.; **22,** 388; **24,** 137 n., 138, 163, 164. *See* LEASEHOLD.
married woman, of, when vesting in husband *jure mariti*, **14,** 232; **16,** 324
mortgage estates devolve like, **11,** 5; **14,** 235; **21,** 183; **28,** 524
nature of, **22,** 388; **24,** 163
personal estate, are, **11,** 3 n.; **22,** 388
real estate, distinguished from, **24,** 138
devolves from trustee or mortgagee like, **11,** 5; **14,** 235; **21,** 183; **28,** 101, 524
rent issuing out of term of years is a, **24,** 164 n., 464, 467
rentcharge charged on, is in the nature of personal estate, **24,** 465, 467
sale of, under *fieri facias*, **14,** 45
no forfeiture of lease, **14,** 45; **18,** 577
purchaser's rights, **14,** 44
rentcharges, **14,** 45
seizure and sale of, under *fieri facias*, **14,** 44—49, 68
succession to, **6,** 218, 273; **11,** 16; **24,** 238
tenancies by *elegit*, are, **14,** 69; **24,** 163
term of years as a, vesting of, **14,** 230; **24,** 138
trust estates devolve as, **11,** 5; **14,** 235; **28,** 101, 524

CHAUFFEUR. *See also* CAB; MOTOR.
duties and liabilities of, **27,** 324—326
licence for, **27,** 320

CHEAP TRAINS,
Board of Trade orders as to, **23,** 747
duty on fares, exemption from, **23,** 639
naval force, conveyance of, **23,** 699; **25,** 52
police, conveyance of, **22,** 504; **23,** 699 n.
representative bodies may oppose application under Cheap Trains Act, **23,** 756 n.
troops, conveyance of, **23,** 699; **25,** 52
urban district council, intervention by, **23,** 756 n.
workmen, provision for, **4,** 71; **23,** 747

CHEAT. *See* FRAUD.
defined, **9,** 689
punishments for, **9,** 690
what does not amount to, **9,** 690

CHECKWEIGHER,
appointment of, how made, **20,** 598
liability of persons interfering with, **20,** 599 n., 600 n.
notice of, **20,** 599
statutory declaration on, **20,** 598
deputy included in term, **20,** 598
facilities to be afforded to, **20,** 599, 600
misconduct of, **20,** 600 n.
powers of, **20,** 600
removal of, **20,** 599, 600, 622
remuneration of, **20,** 599
stannaries, in, **5,** 669
supervision of hours by, **20,** 596

CHEESE,
defined, **15,** 54
analysis of, **15,** 54
certificate as to, **15,** 11, 54
description of, by notice, where insufficient, **15,** 19 n., 20
margarine, *defined*, **15,** 54
consignments of, **15,** 58
importation of, **15,** 55
manufacture of, **15,** 58—63
marking of, **15,** 56
sale of substitute for, **15,** 19 n.
standard of purity for, **15,** 54, 55
water in, regulations as to, **15,** 54

CHEESEMONGER,
restrictive covenant as to, **27,** 584

CHELSEA PENSIONERS,
part of Army reserve, **25,** 58

CHEMICAL,
equivalents, substitution of, as infringement of patent, **22,** 214
experiment, explosive, with, **14,** 365
licence not required for, **14,** 365
manure works, meaning of, **23,** 404 n., 405 n.
statutory provisions as to, **23,** 404—414. *For these provisions see* ALKALI WORK.
process, nature of, to be subject of patent, **22,** 139 n.
refuse, liability of person permitting flow of, into drain or sewer, **21,** 554 n., 558, 570; **25,** 768
test, use in inspection of documents, **11,** 90 n.; **14,** 168
works, nuisance from, **21,** 533; **23,** 407—411, 414
statutory provisions as to, **23,** 404—414. *For these provisions see* ALKALI WORK.

CHEMIN-DE-FER,
game of, when lawful, **4,** 436 n.; **15,** 285 n.

CHEMIST. *See also* CHEMIST AND DRUGGIST.
analytical, when to be registered, **20,** 352 n.
apothecary distinguished from, **20,** 351, 351 n.
assistant, what is reasonable notice of dismissal, **20,** 98 n.
business of, company carrying on, **5,** 312; **20,** 356 n., 382
corporate body carrying on, **5,** 312; **20,** 355, 356, 382
executor carrying on, **20,** 355 n.
certified, giving medical advice, **20,** 349
death of, notification from registrar as to, **20,** 354
excise licences, position in regard to, **18,** 16; **24,** 673

CHEMIST—*continued.*
jury-service, exempt from, **18,** 232
National Health Insurance, under, exhibition of notice by, **28,** 951 n.
withdrawal from list of, **28,** 951 n.
negligence of, liability for, **20,** 330 n.
pharmaceutical, **20,** 352 *et seq.* *See* PHARMACEUTICAL CHEMIST.
photographic, effect of use of term, **20,** 352 n., 356 n.
restrictive covenant, effect of, **27,** 576 n., 584
retail, excise duty on drugs not payable by, **20,** 380
spirit licence not required by, when, **18,** 16; **24,** 673
technical, effect of use of term, **20,** 352 n., 356 n.
unregistered person acting as, offences by, **20,** 356
penalties for, **20,** 356

CHEMIST AND DRUGGIST. *See* CHEMIST.
defined, **20,** 351
appointment of examiners of, **20,** 353
business of, conditions as to conduct of, **20,** 355, 356
restrictive covenants as to, reasonableness of, **27,** 561 n., 576 n., 584
colonial diplomas, provisions as to, **20,** 352
death of, notice to registrar, **20,** 354; **24,** 442
drugs, rights as to sale of, **20,** 355, 377
poisons, regulations as to sale of, by, **20,** 355, 356, 381, 384
qualification of, publication of, **20,** 355
qualifying examination, **20,** 352, 353
register of, as evidence in all courts, **20,** 354
erasure of name from, on conviction, **20,** 355
registrar of, **20,** 354
registration of, **20,** 354
penalty for false or improper, **20,** 354
spirit licence not required by, **18,** 16; **24,** 673
title, when use of, illegal, **20,** 355, 357

CHENEY COURT OF WINCHESTER,
jurisdiction of, **9,** 212
where held, **9,** 212 n.

CHEQUE,
defined, **1,** 569; **2,** 462
account payee, effect of crossing, **1,** 595, 611
action on, special indorsement of writ in, **23,** 111
administrators' or executors' account, provisions as to drawing on, **1,** 605
alteration, date, of, payment usually refused, **1,** 604
material, what is, **1,** 604; **2,** 557
ambiguous or irregular in form, banker may refuse payment of, **1,** 603
and company crossing, effect of, **1,** 569; **2,** 480
assignment, cheque is not an, **1,** 585, 605 n.; **4,** 371
of, assignee is free from equities, **2,** 506, 508, 514; **4,** 391
death of donor, effect of, **2,** 510, 511; **15,** 433
effect of, **2,** 509; **4,** 371, 378, 394
auctioneer may receive payment of deposit by, **1,** 503
authority, must be drawn by person having, **1,** 604
to pay, what terminates, **1,** 607; **2,** 516, 517

CHEQUE—*continued.*
balance at one branch does not entitle to draw, on another branch, **1,** 606
bank holding in its own right, when, **1,** 592, 596
banker, acceptor of, is not, **2,** 465
authority for payment of, determination of, **1,** 607; **2,** 516, 517
cross, right to, **1,** 593; **2,** 480
duty to pay or refuse payment at once, **1,** 602; **2,** 465, 515, 516
liability if proceeds reach true owner, **1,** 593
need not credit before reasonable time, **1,** 591
obligation to honour customer's, **1,** 602; **2,** 465, 515, 516
receiving payment of, for customer without title, **1,** 595, 615; **2,** 495, 512; **27,** 894 n.
banker's draft, head office to branch of same bank, is not a, **1,** 602, 612
one bank on another, is, **1,** 602, 613
bankruptcy, drawer, of, effect of, **1,** 606, 607; **2,** 545
payee, of, effect of, **1,** 603
bearer, *defined,* **1,** 569
fictitious payee, order to, treated as, **1,** 608
protection to banker paying, **1,** 608
bill of exchange, as, **1,** 569; **2,** 460; **9,** 727
parties to, **2,** 465, 518
blank, signed by principal, effect of, **2,** 483; **13,** 392
characteristics of, **2,** 461
chose in action, is a, **2,** 509; **4,** 363
circular note, as, **1,** 627; **2,** 570
collection of, **1,** 590—597
crossed cheque, of, **1,** 593—597. *See* crossed, *infra.*
crossing by banker, **1,** 593
defective title of customer, **1,** 592, 593
drawing against cheque, **1,** 591, 597
notice of dishonour, **1,** 591
presentment for payment, **1,** 590, 591
uncrossed, of, no protection to banker, **1,** 592
consideration for, antecedent debt as, **2,** 497; **7,** 386, 447; **15,** 454
corporations, seal unnecessary in case of, **8,** 382
trading or non-trading, have power to draw, **1,** 588; **8,** 361
counterfoil of, evidence of the giving of, as, **13,** 562
county council, payment by, signing of, **19,** 358
credited as cash, effect of, **1,** 591, 592, 597, 606
crossed, *defined,* **1,** 569; **2,** 480
banker, identification stamp of, may or may not be a, **1,** 611, 612
right of, to cross cheques, **1,** 593; **2,** 480
collection of, negligence of banker, **1,** 593—597
protection to banker, **1,** 593—597
on receipt for customer, **1,** 595
drawn on one branch and paid in at another, bank protected by, **1,** 596
effect of, **1,** 569, 593—597, 610—612; **2,** 480, 518
official, payable to, paid to private account, **1,** 594
payment of, in accordance with crossing, **1,** 611; **27,** 894 n.
in contravention of crossing, **1,** 610
protection to banker, **1,** 225, 610—612
persons entitled to cross, **1,** 593; **2,** 480
where bank receives as transferee and not for customer, **1,** 595, 596, 597

CHEQUE—*continued.*
crossing, alteration of, effect of, **1,** 593, 611; **2,** 557
opening, what is, **1,** 611
current account, money on, repayable without, **1,** 585
custom of Stock Exchange as to delivery of securities as against member's, **27,** 243
customer, defective title of, **1,** 592
duty as to filling up of, **1,** 616
date, alteration of, **1,** 604; **2,** 556
omission of, **1,** 604
debt, when evidence of payment of a, **13,** 562
delivery of, necessity for, **2,** 480—484
operation of, **2,** 463
dishonour of, notice to be given on, **1,** 591, 618
when drawn by one customer of bank, paid in by another, **1,** 591
presentment, on, banker may debit customer, **1,** 591
request to re-present amounts to, **1,** 602
wrongful, liability for, **1,** 608; **2,** 516
dishonoured, payment by, is not payment, **25,** 133 n.
when action will lie in respect of, **1,** 608; **2,** 518; **19,** 45
dividend warrant as, **1,** 600
donatio mortis causâ, transfer by, **2,** 510
drawer, authority of, **1,** 604
death of, **1,** 607
discharged on cheque reaching payee, **1,** 609, 611
liability of, **2,** 518
drawing against, **1,** 591, 597
drawn abroad payable in England, law governing, **2,** 562 n.; **6,** 240
executors' account, on, who may draw, **1,** 605
fictitious payee, how treated, **1,** 608; **2,** 474
foreign, payable in England, **2,** 562 n.; **6,** 240
forged, adoption by customer of, **1,** 616, 617
banker's liability as to, **1,** 608—612, 615—618; **27,** 894 n.
duty of customer to warn banker, if reason to suppose, **1,** 615, 616
estoppel in case of, **1,** 616; **2,** 512
indorsement, banker's liability in respect of, **1,** 593, 597, 610; **27,** 893 n., 894 n.
rights of banker as to, **1,** 609, 610, 614, 618
no protection to banker, **1,** 612, 615—618
payment of, by banker, **1,** 615—617; **2,** 550
recovery of money paid on, **1,** 617
forgery of, penalties in regard to, **9,** 719, 723, 727
silence as to, does not work estoppel or adoption, **1,** 617
what included in term cheque for purposes of, **9,** 727
form of, requirements of, **2,** 466—472
fraudulent alteration, **1,** 615—618; **9,** 728
estoppel and adoption, **1,** 616
recovery of money paid by banker, **1,** 618
friendly society, of, stamp duty on, **15,** 161 n.
funds insufficient, drawing cheque equivalent to request for overdraft, **1,** 630
effect of, **1,** 605, 606
must be available for payment of, **1,** 605, 607
gaming, given for purposes of, recovery upon, **2,** 501, 562 n.; **15,** 279, 281 n.
garnishee
order prevents payment of, **1,** 585, 606
proceedings, when prevented by giving of, **14,** 93

CHEQUE—*continued.*
gift of, child, to a, **13,** 98 n.; **15,** 429
death of donor, effect of, on, **15,** 428
donatio mortis causâ, as a good, **15,** 433, 434
incomplete, effect of, **15,** 428, 429
validity of, **15,** 413
guarantee by, validity of, **15,** 466
history of, **2,** 460
holder in due course, when title can be set up by banker, **1,** 592
husband, liability of, when signed with his authority, **16,** 418
indorser discharged by failure to present for payment, **1,** 591; **2,** 531, 554
infant, drawn by, **1,** 587, 631
payment to, **1,** 603
irregular, bank justified in not paying, **1,** 603
joint account, on, who may draw, **1,** 604, 607
law relating to, origin of, **2,** 459
lien of banker on cheque received for collection, **1,** 592, 593, 606, 622
marking, effect of, **1,** 606, 607; **2,** 465
married woman, liability of, as signatory to, **1,** 587; **2,** 489; **16,** 412, 413
misrepresentation as defence to payment of, **20,** 755 n.
negotiable instrument, is a, **2,** 460
negotiation of, *defined*, **2,** 463, 502
indorsement, by, **2,** 502—505. *See* INDORSEMENT.
not negotiable, effect of crossing as, **2,** 508. *See* not negotiable, *infra*.
not negotiable
crossing, effect of, **1,** 569, 592, 595, 597, 611; **2,** 480, 508
marking, by itself, effect of, **1,** 611; **2,** 508
open order, indorsement of, effect of, **1,** 610
order, to, *defined*, **1,** 569
forged
indorsement, banker's rights and liabilities, **1,** 609, 610, 610 n.; **27,** 893 n., 894 n.
signature of drawer, banker's liability, **1,** 615—618; **2,** 550
need not necessarily be drawn by customer, **1,** 609
on demand, bank not liable for cashing, **2,** 550; **27,** 893 n.
protection to banker paying, **1,** 609, 610; **27,** 893
order for payment is not, **1,** 599
parish councils, by, signature of, **19,** 246
parties to, **2,** 465
partnership account, on, how drawn, **1,** 604; **2,** 492, 493
effect where one partner bankrupt, **1,** 605
pay cash, meaning of, **1,** 611
payable on demand, is always, **1,** 602; **2,** 475
payment by, **7,** 447—449
accepted in satisfaction or on account, whether, **7,** 441, 442
acknowledgment to prevent statute running, **19,** 71 n.
agent, acceptance by, **1,** 164 n., 165, 168, 210; **7,** 445; **18,** 474; **25,** 439
claim on breach of warranty cannot be set off against, **1,** 391
debt, of, notice of assignment after, **4,** 372
deposit on sale, of, **1,** 503
dishonoured, no payment, **25,** 133 n.
garnishee proceedings prevented by, **14,** 93
proof of, **7,** 446 n.; **13,** 562

CHEQUE—*continued.*
payment by—*continued.*
rent, of, **18,** 474
sale of land, on, **25,** 437, 439
servant, to, for master, **20,** 244
solicitor cannot accept, **26,** 745, 746
Stock Exchange, on, **27,** 243
tender of, invalid, **7,** 420
payment of, **1,** 602—608
breach of trust by drawer, effect of, **1,** 606
countermand of, **1,** 607 ; **2,** 516
forged, **1,** 615—617 ; **2,** 550
injunction to restrain, **1,** 607, 608
order of presentment, should be in, **1,** 605
stopping, effect of, **1,** 607
undischarged bankrupt, to, **1,** 603
what funds not available for, **1,** 606
without authority, effect of, **1,** 605—607
per pro.
indorsement, effect of, **1,** 594, 610
signature of drawer, effect of, **1,** 604
personalty, is, **22,** 389
postdated, admitted to prove its own validity, **13,** 562
forgery of, **9,** 728
payment in of, **1,** 602
power exercised by, **23,** 27
presentment of, for payment, **1,** 590, 591 ; **2,** 531
failure to make, within reasonable time, **1,** 591 ; **2,** 531, 554 ; **19,** 45
receiving order against customer, effect of, **1,** 606 ; **2,** 516, 517
rent, payment of, by, **18,** 474
revocation of, countermand of payment, by, **1,** 607 ; **2,** 516
death, by, **1,** 607 ; **2,** 510 ; **15,** 428
seizure by sheriff, liability to, **14,** 47
set-off may render moneys unavailable for, **1,** 606
stale, bank custom as to payment of, **1,** 603
stamp duty on, **2,** 570
adhesive stamp on must be cancelled, **1,** 603
unstamped, banker may stamp, **1,** 603
banker must not pay, **1,** 603
statute of limitations may render funds unavailable for, **1,** 606
stopped, **1,** 607
Sunday, dated on, validity of, **1,** 603
telegram, payment countermanded by, **27,** 395
tender by, invalid, **7,** 420
termination of banker's duty to honour customer's, to amount of credit, **1,** 607 ; **2,** 516, 517
time between paying in and drawing against, must be reasonable, **1,** 605
transfer of, indorsement or delivery, by, **2,** 461
trust account, drawn on, payment of by banker, **1,** 605, 607
trustee, of, on mixed trust and private account, **1,** 586 ; **28,** 90 n., 208
uncrossed, no protection to banker collecting, **1,** 592 ; **2,** 480
undated, **1,** 604
wages or order etc., payable to, effect of, **1,** 608

CHESTER,
County Palatine of, abolition of courts of, **13,** 5
avoidance of office in, **6,** 384
foreshore, title to, **28,** 365
local courts of, **9,** 152
sheriffs of county of, **25,** 822 n., 824 n.

CHEVALIER, AID PUR FAIRE FITZ,
feudal aid, as a, **6,** 328 n. ; **11,** 118 n. ; **24,** 141 n.

CHEWING GUM,
neither food nor drug, **15,** 6 n.

CHICHESTER,
local courts of, **9,** 153

CHICORY,
coffee, mixed with, sale of, **15,** 63
sold as, prosecution for, **15,** 19.
compulsory marks, **27,** 722
customs duty on imported, **15,** 45 ; **24,** 595
dryer and roaster of, combination of businesses of, **27,** 539, 540
statutory obligation on, **27,** 539, 540
essence of, restrictions on importation of, **15,** 45 ; **24,** 596
excise duty on, **24,** 615, 616
substitute and mixtures, on, **24,** 617
exportation of, **24,** 595, 596
imitations of, sale of, **15,** 63
importation of, revenue restrictions on, **15,** 45 ; **24,** 595
offences relating to, penalties for, **27,** 540
warehousing and payment of duty, **24,** 595

CHIEF BUTLER,
England, of, duties of, **6,** 332, 334, 336
office of, when conferred, **6,** 336
Ireland, of, office and duties of, **6,** 331

CHIEF CLERKS,
Chancery, in, now called masters, **9,** 67 n.
Master of Rolls and Vice-Chancellors, assigned to, **13,** 6 n.

CHIEF CONSTABLE,
defined, **12,** 311 n.
borough, of, notice of application for licence served on, **18,** 41
when costs of, on appeal, payable out of borough fund, **18,** 43 n., 85
county police, of, appointment of, **22,** 482, 517
borough police, control of, by, **22,** 490
deputy, appointment of, **22,** 484
disqualifications and privileges of, **22,** 484, 485
duties and powers of, **22,** 484, 485, 490, 517
power to appoint additional constables, **22,** 490
rates, liability for, **24,** 15 n.
superannuation and pension of, **22,** 484
meaning of term, under Police Disabilities Removal Act, **12,** 311 n.
reports of, how far privileged, **18,** 699

CHIEF GAS EXAMINER,
appeal to, decision of gas referees, from, **15,** 390
metropolitan companies, by, **15,** 392
power to exempt gas companies from penalties, **15,** 393, 394
report of, delivery of, **15,** 392
proceedings to be taken within six months from, **15,** 394

CHIEF JUSTICE IN EYRE,
abolition of office of, **9,** 114

CHIEF LARDERER,
office and duties of, **6,** 336, 337 n.

CHIEF OFFICE,
building society, of, change of, **3,** 330, 331, 354
must be specified, **3,** 330

CHIEF OFFICER,
customs, of, production of certificates of competency to, prior to sailing, **26,** 39
police, of, certificate by, for keeping explosives, **14,** 360, 374, 375, 379, 380
dangerous performances by child, consent to, **17,** 153
ship, of, successor to master on death at sea, **26,** 40

CHIEF REGISTRAR,
Friendly Societies, of. *See* REGISTRAR OF FRIENDLY SOCIETIES.
Industrial and Provident Societies, of, disputes referred to, **17,** 29

CHIEF RENT,
compensation for loss of, on inclosure, **4,** 572
distress for, **11,** 120
corporation, by, **11,** 131
sale after, **11,** 180 n.
fee farm rent distinguished from, **24,** 285
nature of, **7,** 207; **11,** 120; **24,** 285
partition of, **21,** 825, 826
settled land, charged on, redemption of, **25,** 645

CHIEF SECRETARY FOR IRELAND,
Cabinet, as member of, **7,** 37
duties and powers of, **7,** 99, 100
extradition, powers relating to, **14,** 428
licence to practise anatomy granted by, **20,** 341

CHILD. *See also* BOY; GIRL; INFANT.
The title INFANTS AND CHILDREN *is contained in Vol. XVII., pp.* 39 *et seq.*
defined, **17,** 44—46
agriculture, in relation to, **1,** 277; **17,** 45 n.
Children Act, 1908, in, **9,** 624 n.; **17,** 44
deeds and wills, in relation to, **6,** 231, 274; **10,** 438; **17,** 45, 46; **28,** 735. *See* children, *infra.*
education, in relation to, **12,** 41
Factory and Workshop Act, 1901, in, **12,** 67; **14,** 445
Fatal Accident Act, 1846, in, **17,** 45
Summary Jurisdiction Acts, for purposes of, **17,** 45
term of relationship, as a, **17,** 45
Workmen's Compensation Act, 1906, in, **17,** 45
abandonment of. *See* desertion, *infra.*
abduction of, what constitutes, **9,** 620, 621
absence of, power of Court to proceed in, **17,** 170
access to, Guardianship of Infants Act, order under, **17,** 108
order on application of mother, **17,** 108
practice of Divorce Court, **16,** 545, 577
accident to, prosecution for, **9,** 626; **17,** 153
accumulation in interests of children, validity of, **22,** 379
acrobatic performances, training for, **17,** 153, 154
action by, for fatal accident to parent, **17,** 45; **21,** 457
acts of very young, not regarded as interrupting chain of causality, **10,** 321
adopted, purchase in name of, gift presumed from, **15,** 414, 415

CHILD—*continued.*
adopted—*continued.*
settlement in favour of, **25,** 564
when included in wills under term children, **28,** 745
adoption of, **17,** 111
guardians, by, **22,** 568, 569
advancement of. *See* ADVANCEMENT.
age, emancipation, of, **22,** 596
false representation as to, on part of parent, **12,** 64; **20,** 623
irrebuttable presumptions arising from, **13,** 499
licensing purposes, for, **17,** 45; **18,** 121, 122
proof of, dangerous performances, in, **17,** 153
Factory Acts, under, **14,** 534
agriculture, conditions of employment in, **1,** 276
education of children employed in, requirements as to, **12,** 59 n., 61, 62
alien, of, re-admission to British nationality, **1,** 319
amusement, employment in public place of, **17,** 152
apprenticing of. *See* APPRENTICE.
bequests in aid of, **4,** 110
arrest, child under seven not subject to, **9,** 296
persons committing offence under Children Act, 1908, of, **17,** 168
bail, release on, of, **17,** 176
when granted in respect of offence on, **17,** 168
beer, sale of, to, **17,** 172; **18,** 121 *et seq.*
begging, found, **12,** 71; **17,** 165
liability of person procuring for purposes of, **17,** 163
begotten or to be begotten, descriptions of, as, **28,** 744
bequest to parent and gift over on failure of, no implication of gift to, **28,** 849
bleaching and dye works, employment in, **14,** 490—493
blind. *See* BLIND, child, children.
boarding out of poor, by guardians, **22,** 565
boy. *See* BOY.
British subject, of, born abroad, declaration of alienage by, **1,** 318
status of, **1,** 303; **6,** 340
brothel, residing in, penalty for allowing, **17,** 163
building societies, priority in winding up of, **3,** 360, 361
canal boat, in, education of, **12,** 67; **17,** 174
care of, power of person having, **17,** 166
provisions as to, **17,** 165
charitable entertainments exempted from provisions relating to employment of, **17,** 152, 153
chastisement of. *See* corporal punishment, *infra.*
children, meaning of, in will, **6,** 231, 274; **28,** 744
grandchildren, construed as, **28,** 744, 745
legitimate children, construed as, **28,** 735
limitation, as word of, **28,** 766, 787, 788
Children Act, 1908, provisions of, **17,** 158—178. *See* CHILDREN ACT, 1908.
chimney sweeping, employed in, regulations as to, **17,** 157; **20,** 73 n.
class-gift to, **28,** 714—723, 731, 732, 744
A. and B., how taken, **28,** 745, 746
born or to be born, **28,** 714, 721, 723
grandchildren take, when, **28,** 745 n.
illegitimate children take, when, **28,** 543, 738. *See* ILLEGITIMATE CHILD.

CHILD—*continued.*
class-gift to—*continued.*
parent's share, of, **28,** 731, 732
specified age, contingent on attaining, **25,** 627 n.
when youngest attains specified age, vesting of, **28,** 814
cleansing of verminous or filthy, **12,** 32 n.; **17,** 174
metropolis, in the, **20,** 399 n.
commitment of, to care of person, under Children Act, 1908, **17,** 165—167. *See* CHILDREN ACT, 1908.
compromise of action on behalf of, sanction of court to, **14,** 546; **17,** 145
confinement by parent or master, **12,** 124, 124 n.; **27,** 884
contributory negligence
as applied to, **21,** 453
by persons in charge of, **21,** 454
no answer in acts by, **21,** 373
control, not under, how dealt with, **12,** 71, 72, 73 n.
school attendance order in case of, **12,** 56
convicted person, of, power of court as to, **17,** 165
corporal punishment of, apprentice, **9,** 608; **20,** 106 n.; **27,** 876
assault, is not, if lawful, **9,** 608
parent, by, **9,** 608; **12,** 124; **17,** 107
schoolmaster, by, **9,** 608; **12,** 124; **17,** 107
workhouse, forbidden in, **22,** 560, 561
youthful offender, in case of, **9,** 421 n., 423, 424
costs, provision for, when convicted, **9,** 424, 437; **17,** 177
covenant to
provide for children, who benefits under, **25,** 544
stand seised to use of, effect of, **15,** 417
cruelty to, **9,** 623—626; **17,** 45, 162—164
gifts to prevent, are charitable, **4,** 116
London County Council, jurisdiction as to, **20,** 396
custody of, **17,** 105—111. *See* CUSTODY.
damages in divorce action apportioned for benefit of, **16,** 579
dangerous
employment of, duty of employer, **21,** 366, 373
matter in relation to, what may be, **21,** 373
care necessary, where left within reach of, **21,** 373, 394 n.
public performance, offences in regard to, **9,** 626; **17,** 153
deaf, meaning of, **12,** 41. *See* DEAF CHILD.
death, certificate of, insurance claim, in relation to, **15,** 156
nurse child, of, notice to coroner, **8,** 242; **17,** 161
sentence of, when possible, **9,** 420 n.
debts of. *See* INFANT.
defective, meaning of, **12,** 41. *See* DEFECTIVE CHILDREN.
schools for. *See* CERTIFIED SCHOOLS.
deposition of, taking and using of, **9,** 315 n., 328, 366; **17,** 170
desertion of, **9,** 625 n.; **22,** 570
adoption on, **22,** 568, 569
certified school, sent by guardians to, **12,** 84
criminal liability for, **9,** 625; **17,** 171
destitute, power of court, where found, **17,** 165
reception of, industrial school, in, **12,** 71

CHILD—*continued.*
detention of,
association with adult prisoners during, prevention of, **17,** 176, 178
justices' power to order, **9,** 420; **17,** 164, 176; **19,** 581
parent or schoolmaster as to, rights of, **17,** 124; **27,** 884
place of safety, in, **17,** 164
refusal of bail, on, **17,** 173
domicil of, **6,** 184
change of, **6,** 191
evidence from education, marriage etc. of, **6,** 190
drunk whilst in charge of, penalty for being, **17,** 169
education of. *See* EDUCATION.
emigration of, powers of Secretary of State as to, **17,** 166
employment of, factories and workshops, in, **17,** 150—158, and *see* factories, *infra.*
false or forged certificate in case of, **12,** 64
home, at, what is, **12,** 63 n.
hours of, **14,** 491—497; **17,** 150—152
extension of, **14,** 500, 501
non-textile factory, in, **14,** 493
local authority, bye-laws made by, **17,** 150
education, as to, **12,** 61
metropolitan borough councils, power of, **17,** 150; **20,** 404
mines, in, **17,** 154—157
coal, **17,** 154
metalliferous, **17,** 156
restrictions on, **1,** 276; **12,** 54, 62; **14,** 489; **17,** 150—158
search, power to, in case of, **12,** 65
shops, in, **14,** 509—511; **17,** 157
street trading, in, **17,** 150
who is an employer, **12,** 64
en ventre sa mère. *See* CHILD EN VENTRE SA MÈRE.
entertainment, employment in public, **17,** 152, 153
provisions for safety at, **17,** 173; **27,** 421 n.
epileptic, meaning of, **12,** 41. *See* EPILEPTIC CHILDREN.
escape from committee of, liability for assisting in, **17,** 166 n.
evidence of, depositions admitted in lieu of, **9,** 315 n., 328; **17,** 170
power of court to hear *in camerâ,* **9,** 362, 363; **17,** 170
unsworn, corroboration necessary for, **9,** 388, 408; **13,** 421, 603
judge must direct jury as to value of, **13,** 421; **17,** 170
when received, **9,** 408; **13,** 569
exclusion of, from certain trials, **9,** 363
executory devise to class of children at specified age, effect of, **28,** 722
exemption of, arrest, from, **9,** 296
explosives, sale of, to, **14,** 381
exposing in manner likely to cause harm, **9,** 625; **17,** 162 n.
factories, employment in, **14,** 445, 446, 487 *et seq.*
age, limit of, **14,** 487, 497; **17,** 151 n.
proof of, **14,** 534
certificates of
birth, how obtained, **14,** 488
fitness for, regulations governing, **14,** 487, 488
power of inspector, to require, **14,** 489
continuous, provision as to, **14,** 491, 493, 494, 505

CHILD—*continued.*
factories—*continued.*
contrary to Act, liability of parent, **14,** 534
when deemed, **14,** 496
domestic, hours of, **14,** 494
education of employed children, **12,** 54, 67—70; **14,** 489. *See* EDUCATION.
fish curing, in, **14,** 506
fruit preserving, in, **14,** 507
half-time, on, may not be employed elsewhere, **17,** 150, 151
heavy work, provisions as to, **14,** 487
holidays, **14,** 496, 507, 508
hours of. *See* employment, *supra.*
meal times, **14,** 478
simultaneous hour of, **14,** 495, 505, 506
moving machinery, working near, **14,** 465, 466
non-textile, in, **14,** 492, 493; **17,** 152
outside factory or workshop, **14,** 494, 495
print works, in, **14,** 491
prohibited, where, **14,** 477
notice to be affixed, **14,** 478
provisions relating to, **14,** 445, 446, 487—498
restrictions as to, **14,** 487, 491, 493, 496, 497; **17,** 152
Sundays, on, prohibited, **14,** 490
textile, in, **14,** 490, 491; **17,** 152
wet spinning, in, **14,** 477
family arrangement, interests under, attitude of the court as to, **14,** 546
father of, liabilities and rights of. *See* FATHER.
female prisoners, of, when received in prison, **23,** 255
fire, protection from, **17,** 163
food injurious to, sale of, **15,** 17 n.
foreign country, born in, affiliation proceedings in respect of, **2,** 443 n.
fraud by, liability for, **9,** 239; **17,** 46, 74
fraudulent purchase in name of, impeachment of, **15,** 80
friendly society policy on life of, certificate of cause of death required, **15,** 156
inquiry by society, duty as to, **15,** 156
limit as to amount payable on, **15,** 155
meaning of term child in, **15,** 124 n., 156
payment of money on, to whom to be made, **15,** 156
when an offence, **15,** 185
gift by, to parent, when valid, **15,** 107, 108, 420
gift by will to, applicability of description, **28,** 744
construction of, **28,** 670, 671
en ventre sa mère, **17,** 75 n.; **28,** 537, 740—742
grandchild, when description applies to, **28,** 744 n.
now living, effect of description, **28,** 714
predeceasing testator, effect of, **28,** 611, 612
reference to legitimate child presumed, **28,** 735—737
share of parent, of, **28,** 731, 732
unborn, effect of, **17,** 75 n.
girl, protection of, **17,** 110. *See* GIRL.
grandchild, when included in term, **17,** 46; **28,** 744, 745
group of children as individuals, effect of gift to, **28,** 724
guarantee for parent, validity of, **15,** 450
guardian of, *defined,* **17,** 151 n. *See* GUARDIAN OF INFANT.
ad litem. *See* GUARDIAN AD LITEM.

CHILD—*continued.*
guardians of the poor, powers and duties of, as to, **12,** 82—85; **17,** 171; **22,** 537, 564—566, 568, 569
proceedings under Children Act, 1908, by, **17,** 171; **22,** 541
illegitimate. *See* ILLEGITIMATE CHILD.
imprisonment of, **9,** 420—422
in loco parentis, legal consequences resulting from being, **15,** 108; **17,** 111, 119, 120
right of relative or stranger to put himself, **17,** 111, 119
when person becomes, **17,** 111 n.
income tax, abatement to parents in respect of, **16,** 673
independent, existence of, in law, **9,** 571
legal advice for, when required, **13,** 18; **15,** 107; **25,** 690. *See* ADVICE.
volition of, as relieving wrongdoer from liability, **10,** 321
indictable offences by, punishment of, power of justices, **9,** 421; **17,** 177; **19,** 580, 581
when triable summarily, **9,** 420 *et seq.*; **17,** 176; **19,** 580, 581
industrial school, at, maintenance of, **12,** 80, 81
sent to, order of court, by, **12,** 58, 81
infant. *See* INFANT.
infant life protection. *See* NURSE.
jurisdiction of London County Council as to, **20,** 396
injunction to restrain intercourse with parent, **17,** 269
inspectors of institutions and homes for, **17,** 167
insurable interest of, none in parent's life, **17,** 545
insurance on life of, **17,** 162, 545, 546. *See* FRIENDLY SOCIETIES.
intestate's personalty, rights in distribution of, **11,** 16—23
intoxicating liquors, age at which child may be supplied with, **17,** 45; **18,** 121, 122
giving of, to, when offence committed, **17,** 172
sale of, to, knowledge of licensee necessary to conviction, **18,** 122
liability of licensee, **18,** 121, 122
London, in, **17,** 172; **18,** 123
issue may be confined to children, **28,** 753
judicial separation, custody after decree of, **6,** 265; **16,** 521; **17,** 116
legitimacy of, determination of, **2,** 431 *et seq.*; **6,** 272—275; **11,** 19. *See* LEGITIMACY.
presumption of, where gift by will to, **28,** 735, 736 n.
licence for child performance, grant of, **17,** 153
licensed premises, allowing on, penalty for, **17,** 172; **18,** 123
liability of persons sending to, **18,** 122
limitation to, settlement, in, **25,** 575—579, 597
maintenance of, **17,** 115 *et seq.* *See* MAINTENANCE OF PERSONS; MAINTENANCE (Poor Law).
management of, powers of court as to injunction in aid of, **17,** 106, 269
marine stores, purchase of, from, **27,** 544
marriage
articles, insertion of power of appointment among children in, effect of, **25,** 542
consideration, is within the, **25,** 564
former, of, settlement in favour of, **25,** 564
future, of, settlement in favour of children of, effect of, **25,** 564

CHILD—*continued.*
marriage—*continued.*
of, covenant by parent to make provision on, **25,** 543
parent may take proceedings to procure annulment of, **17,** 117
settlement, provisions in, for, **25,** 590, 594
married woman, of, presumption of legitimacy, **2,** 427, 428
rebuttal of, **2,** 427, 428—431
mines, employment in, coal, **17,** 154, 155
metalliferous, **17,** 156, 157
mischievous nature of, judicially noticed, **13,** 495
murder, when subject of, **9,** 570, 571
conviction of concealment of birth in case of, **9,** 592, 599
named person, description of, as, **28,** 744, 745
nationality of, abroad, born, **1,** 303, 318, 319; **6,** 340
British diplomatic agent, of, **1,** 303
allegiance of the Crown, born within, **1,** 303
diplomatic agent, of foreign, **1,** 303
natural acts of, in regard to contributory negligence, **21,** 453
necessaries for, father's liability, **17,** 114, 116
neglect of, liability for, **9,** 584 n., 623—626; **17,** 110, 174
negligence of person in control of, effect of, **21,** 454
nursing for reward, provisions as to persons, **17,** 158—162. *See* NURSE.
oath, incapability to understand the nature of, **9,** 408; **13,** 569
offences by, how dealt with, **9,** 420—425; **12,** 71, 72; **17,** 176—178
fine payable by parent, **9,** 424, 437; **17,** 177
old metal, purchase of, from, **17,** 172; **27,** 543
overlaying, liability for, **9,** 626; **17,** 162
owners of property, obligation of, with regard to, **21,** 373 n.
parent. *See* FATHER; MOTHER; PARENT.
passenger, when not counted as, **27,** 294 n.
paternity of, *see* AFFILIATION.
question raised by respondent to divorce action, **16,** 515.
pawning by, **17,** 172; **22,** 238
personal injury to, father's right of action, **17,** 107; **20,** 276
pistol, sale of, to, **27,** 547, 548
pit banks, employment in, **17,** 155
place of safety, removal to, **17,** 160, 161, 164, 174
meaning of, **17,** 161 n.
police constable, of, provision for, **22,** 511, 512
statutory powers of, as to, **17,** 164; **22,** 502
poor, cruelty to, prevention of, **17,** 171
education of, **12,** 5, 14, 81—90. *See* GUARDIANS OF THE POOR.
portion for, **25,** 587—595. *See* PORTION.
posthumous. *See* POSTHUMOUS CHILD.
postnuptial settlement, gift in, to, **25,** 568 n.
press, right of, to remain in court during evidence of, **23,** 225
prostitution of girl, liability of persons encouraging, **9,** 614; **17,** 164
permitting, **9,** 614; **17,** 163
protection of, interim order for, in matrimonial cause, **16,** 521, 522
parent's duty as to, justification for acts of violence, **17,** 114; **27,** 875
variation of powers of appointment, on, **16,** 573
provision for, **11,** 21. *See* PORTION.

CHILD—*continued.*
public entertainment, employment at. *See* entertainment, *supra.*
punishment of, crime, for, **9,** 418—425
master, by, rights of, as to, **9,** 577, 578, 608; **12,** 124, 124 n.; **27,** 884
parent, by, **9,** 578 n., 608; **17,** 107; **27,** 876, 884
delegation of right, **17,** 107
purchase of property in name of, effect of, **15,** 414—416; **17,** 118; **28,** 55, 56
railway, playing on, liability of company for injury, **23,** 727
reception of, duty of poor law guardians as to, **22,** 537
nursing or maintenance, for, restrictions as to, **17,** 158, 160. *See* NURSE.
refractory, how dealt with, **12,** 72, 73 n.
relationship, as term of, **17,** 45
religion of, **17,** 112, 113, 167. *See* EDUCATION; RELIGION.
removal of, jurisdiction of court, as to, **17,** 160, 164, 169
matrimonial cause, in, from custody ordered by the court, **16,** 578, 579
notice of, in case of nursed infant, **17,** 160
place of safety, to, **17,** 160, 161, 164, 169
enforcement of order, **17,** 161
poor law purposes, for, **22,** 594, 595, 596
when not as deck passenger, **22,** 602
when person convicted of offence, in respect of, **17,** 161
school, at, travelling facilities, provision of, **12,** 21, 22 n.
search warrant, issue under Children Act, 1908, **17,** 168
power of constable under, **17,** 169
seduction of girl, **17,** 164. *See* GIRL; SEDUCTION.
separation deed, covenant for maintenance in, **16,** 450
interests under, not affected by resumption of cohabitation, **16,** 578
trust in, how construed, **16,** 447
settlement for benefit of, decree in matrimonial cause, after, **17,** 116
limitations in, **25,** 575—579
provisions as to portions in, **25,** 587—597
construction of, **25,** 594
ultimate limitation in, to, construction of, **25,** 597
voluntary, effect of, **25,** 565 n., 568. *See* VOLUNTARY SETTLEMENT.
settlement of, parentage, by, **22,** 588, 589
over sixteen, rules as to, **22,** 589, 596
under sixteen, where deemed to be, **22,** 578
smoking by, prevention of, **17,** 175
society for prevention of cruelty to, subscription by guardians, **17,** 171
special classes of, education of, **12,** 7. *See* EDUCATION.
stepchild, when included in term, **17,** 46; **28,** 744, 745
still-born, burial of, **3,** 563, 564
cremation of, **3,** 574
street trading, employment in, **17,** 150
supposititious, proceeding to prevent supplanting of heir by, **11,** 11 n.
torts by, liability for, **17,** 74, 75, 116; **21,** 463 n. **27,** 478
trust for, imperfect, effect of, **15,** 429 n.
maintenance of, variation of, court may direct on removal of, **17,** 161

CHILD—*continued.*
unborn, no remedy for injury in railway accident, **4,** 59. *See* UNBORN CHILDREN.
murder, when subject of, **9,** 570, 571
undue influence, over parent, no presumption of, **15,** 108
parent, of, presumption of, relations leading to, **15,** 107
family arrangement, as regards, **14,** 543, 549
gifts, as to, **15,** 420; **17,** 118
resettlements, in, **14,** 543, 549; **25,** 690
rule as to, **13,** 18
trustee, of, presumption of, **13,** 18
vaccination of, **20,** 340; **23,** 468—485. *See* VACCINATION.
vagrant, of, **17,** 173
verminous, cleansing of, **12,** 32 n.; **17,** 174; **20,** 399 n.
visitors of children, appointment by board of guardians, **22,** 544, 545
wandering, found, how dealt with, **12,** 71, 73 n.; **17,** 165
whereabouts of, divorce court power as to discovery of, **16,** 578
wife's equity to a settlement, rights of, as to, **16,** 336, 337
terms usually imposed on behalf of, **16,** 337, 338
will, construction of, presumption in favour of testator's child, **17,** 45; **28,** 670
second marriage, effect of, on meaning of word in a, **28,** 744 n.
settlement and, distinction as to dealing with children in, **28,** 670 n.
wine, sale of, to, **18,** 121 *et seq.*
witness, competency as, **9,** 400, 408; **17,** 56
Workmen's Compensation Act, dependant within, **17,** 45; **20,** 156, 186—188
illegitimate, is within, **17,** 45; **20,** 156 n., 187, 188
parent of, damages for death of, **17,** 45; **21,** 457
dependant within, as, **20,** 186, 188 n
posthumous child is a dependant, **20,** 188
workman, may be a, **20,** 147, 188 n., 198
workshop, employment in. *See* factories, *supra.*

CHILD-BEARING,
admissibility of evidence that woman is past, **13,** 504; **22,** 335
presumption as to a woman being past, **13,** 504

CHILD EN VENTRE SA MÈRE,
appointment to, under power, **25,** 573
Fatal Accidents Act, within, **21,** 457 n.
gift to, construction of, **28,** 740—742, 788
validity of, **28,** 537
guardian of, appointment of, **17,** 124
illegitimate, trust for, **25,** 579 n.
interest of, vesting of, **22,** 310 n.; **28,** 742
life in being, as, **20,** 188 n.; **22,** 301 n., 302, 310 n., 334 n.
when not regarded as, **28,** 788
perpetuities, as affected by rule against, **22,** 302, 334 n.; **28,** 742
Workmen's Compensation Act, within, **20,** 188 n.

CHILDBIRTH,
midwives at, **20,** 366—370. *See* MIDWIVES.

CHILDREN ACT, 1908,
appeals under, **17,** 161, 171, 175
CHILDREN ACT, 1908—*continued.*
arrest without warrant of offenders under, **9,** 304 n.; **17,** 168
attendance in court of parent or guardian of child charged, **17,** 177
bail, custody of child under 16 on refusal of, **17,** 176
release of child under 16 on, **17,** 176
begging, **17,** 163
cleansing of children, **17,** 174
commitment of child to care of person or society, **17,** 165—167
discharge of child from, **17,** 165
emigration of child, **17,** 166
maintenance after, **17,** 166
religious education, **17,** 167
drunken person in charge of child, **17,** 170, 171
entertainments, safety of children at, **17,** 173
fire, damages or costs ordered to be paid by parent, **17,** 177
protection from, **17,** 163
habitual drunkard convicted of offence under, **17,** 169
infant life protection, **17,** 158—162. *See* NURSE.
intoxicating liquor, giving to child under five, **17,** 172
juvenile courts, **17,** 178
licensed premises, child under 14 not to be in bar of, **17,** 172
old metal, purchasing, from child under 16, **17,** 172
overlaying, **17,** 162
parent or guardian, attendance in court of, **17,** 177
fines, etc., ordered to be paid by, **17,** 177
pawning by child under 14, **17,** 172
prosecution of offenders under, **17,** 168—171
procedure, **17,** 170, 171
prostitution, **17,** 163, 164
punishment of child or young person, **17,** 177
safety, detention in place of, **17,** 164
school attendance of children of vagrants, **17,** 173, 174
search warrant, **17,** 168, 169
smoking by child, **17,** 175
undesirable person, removal from custody of, **17,** 165
visitation of institution, **17,** 167

CHILTERN HUNDREDS,
appointment of member to stewardship of, **21,** 662

CHIMERE,
defined, **11,** 402 n.
vestment of archbishops and bishops, as, **11,** 402

CHIMIN,
common, equivalent for public right of way, **11,** 284 n.
private, equivalent for private right of way, **11,** 284 n.

CHIMNEY,
black smoke from trade, liability for, **21,** 542, 543
bye-laws as to, local authorities may make, **14,** 475, 476; **23,** 418, 421
construction of, in metropolis, regulations as to, **20,** 484
fire, liability for wilfully causing, **9,** 770; **21,** 541, 542; **23,** 552

CHIMNEY—*continued.*
fire—*continued.*
occupier of premises, liability of, **20,** 418; **21,** 403, 404
statutory presumption of negligence from, **21,** 403, 542; **23,** 552
shafts of, power to make bye-laws as to, **14,** 475, 476; **23,** 421
smoke, issue of, from, liability for, **21,** 542—544

CHIMNEY SWEEP,
apprenticeship to, **20,** 73 n.
cancer of, within Workmen's Compensation Act, **20,** 165 n.
employment of children in business of, when illegal, **17,** 157; **20,** 73 n.
licensing of, in metropolis, **22,** 471
police powers as to, **22,** 503
restrictive covenant as to, **27,** 577 n., 584

CHINA (COUNTRY OF),
Holy Catholic Church of, **11,** 499 n.

CHINA (WARE),
carrier's liability for loss of, **4,** 23
trade usages relating to manufacturer of, **10,** 280, 289

CHIPPING NORTON,
local court of, **9,** 153

CHIPPING WYCOMBE,
local court of, **9,** 154

CHIROGRAPH,
proof of fine by the, **25,** 353

CHIROMANCY,
offence of telling fortunes by, **22,** 612

CHIVALRY,
court of, **9,** 116
tenure in, nature of, **24,** 140, 146

CHLORAL HYDRATE,
customs duties on, **24,** 603 n.
sale of, **20,** 383 n.

CHLORATE MIXTURE,
classifications of, **14,** 361
meaning of term, **14,** 361

CHLORINE WORKS,
defined, **23,** 405 n.
statutory provisions as to, **23,** 404—414. *For these provisions see* ALKALI WORK.

CHLOROFORM,
customs duties on, **24,** 603 n.
sale of, **20,** 383

CHOICE. *See* ELECTION; OPTION; SELECTION.
course, of, by plaintiff in emergency created by act of defendant, effect of, **21,** 448
domicil of, meaning of, **6,** 184, 185
pilotage, meaning of, **26,** 600 n.
right to first, in case of coparceners, **21,** 814
tribunal, of, on assessment of compensation by jury, **6,** 86

CHOIR SCHOOLS,
provisions as to, **11,** 812

CHOKE,
attempt to, punishment for, **9,** 602

CHOLERA,
burial of person dying of, **3,** 549, 550
quarantine, in, **3,** 553
cremation of person dying of, **3,** 573, 574
notification of, **20,** 338 n.
regulations to prevent the spreading of, **23,** 464

CHORISTERS,
correction of, by choirmaster, **27,** 876 n.
gift to provide, is charitable, **4,** 113

CHOSE IN ACTION.
The title CHOSES IN ACTION *is contained in Vol. IV., pp.* 359 *et seq.*
defined, **4,** 360; **22,** 390
action on, equitable assignee, by, necessary parties, **4,** 391, 392
rights of debtor, **4,** 392
right of, assignment of, **4,** 402, 403
annuity as, **4,** 363
appertaining, does not ordinarily pass as, **28,** 699
assignee of, action by, **4,** 373, 391; **6,** 218
constructive notice to, of equities, **4,** 373, 385
discharge, power to give, **4,** 367 n., 373, 393
duty to make inquiries, **4,** 386
takes subject to
equities, **4,** 373, 386—391; **13,** 103; **20,** 758
rights of set-off, **4,** 387, 388; **13,** 164; **25,** 496. *See* set-off, *infra.*
assignment of, **4,** 365—399; **15,** 411
avoidance for misrepresentation, **20,** 758
bankrupt, by, after adjudication, **2,** 165, 189 n.; **4,** 399
bankruptcy, by, **2,** 189; **4,** 399. *See* BANKRUPTCY.
bills and notes, in case of, **2,** 509; **4,** 391, 394, 397; **20,** 758
Bills of Sale Act, when within, **3,** 22
common law, at, **4,** 365 n.
condition against, effect of, **4,** 403
conflict of laws as to, **4,** 366; **6,** 217, 218, 245
Crown, by or to the, **4,** 397, 398
equitable. *See* equitable assignment, *infra.*
foreign country, in, **4,** 366, 367; **6,** 217, 218, 245
fraudulent against creditors, **15,** 79
general principles as to, **4,** 365, 366
gratuitous, deed not necessary for, **10,** 376 n
impossible, in what cases, **4,** 400—403; **7,** 501
Judicature Act, under, **4,** 367—374. *See* Judicature Act, *infra.*
law, by operation of, **4,** 399
law merchant, by the, **4,** 397; **20,** 758
partial assignment of, **4,** 368, 375; **13,** 103
particular statutes, under, **4,** 393—397; **7,** 500; **20,** 758. *See* statute, *infra.*
priority of, **4,** 366, 367, 373, 374, 380
security, by way of, effect of, **4,** 370, 371, 375; **21,** 76, 77
stamp duty on, **4,** 372, 379
voluntary, **4,** 371, 374, 376
wife, belonging to, **16,** 331—333
assignor of, when necessary party to action, **4,** 391, 392
bankruptcy, debtor cannot collect after act of, **2,** 184; **4,** 399
petition by assignee, **2,** 37; **4,** 373, 392
realisation by trustee in, **2,** 188, 189; **4,** 399

CHOSE IN ACTION—*continued.*
bankruptcy—*continued.*
reputed ownership, when within, **2,** 173, 174
trustee in, appropriation of pensions etc. by, **2,** 190, 191; **4,** 402
mode of enforcing rights of, **2,** 136—139
realisation by, **2,** 188, 189
rights of, **1,** 21, 55; **2,** 119, 120, 164, 167; **4,** 399
void release by partner acting without, **7,** 457
bequest, as subject of, **4,** 366; **28,** 522, 523
bill of exchange drawn on debtor is not equitable assignment, **4,** 378
bill of lading is a, **4,** 364, 395
bonâ vacantia, whether, **11,** 28
bond as, **4,** 360 n.
book debts as, **4,** 362 n.
charge, assignments by way of, not within Judicature Act, **4,** 367, 370, 375; **13,** 103
charterparty as, **4,** 364
cheque is a, **2,** 509; **4,** 363
classification of, **4,** 361—365
common law, not assignable at, **4, 365 n.**; **24,** 289
contract, action on, as, **4,** 364
copyhold fine as, **4,** 363
copyright, whether a, **4,** 360 n., 364
corporation sole, effect of death of, **4,** 399
county court action by assignee, form of plaint, **8,** 461, 462
death, assignor or assignee, of, notice of, **4,** 372, 394
devolution on, **4,** 399
where right of action not affected by, **4,** 399; **14,** 225
debenture and debenture stock as, **4,** 363; **5,** 359
debt as, **4,** 362, 363
debtor, interpleader by, **4,** 367 n., 374; **17,** 584
notice of assignment to. *See* notice etc., *infra.*
after notice cannot diminish rights of assignee, **4,** 392, 393; **13,** 104
payment into court by, **4,** 367 n., 374
rights of, against assignor, bound by instrument creating, **4,** 392, 393; **13,** 103
set-off by, **4,** 387, 388; **13,** 103, 104; **21,** 177; **25,** 494, 496, 500, 502
disposition of, by court, in case of interpleader, **17,** 594
dividend as, **4,** 360 n., 363
donatio mortis causâ, delivery in case of, **15,** 432—434
enumeration of different kinds of, **4,** 362—365
equitable, assignment of, **10,** 376 n.
what are, **4,** 362
equitable assignments of, **4,** 374—393; **13,** 9, 102
assent of debtor unnecessary, **4,** 380
assignee, communication to, necessary, **4,** 376
right of, to sue, **4,** 391, 392
consideration for, whether necessary, **4,** 374, 376
debtor's rights and duties after notice, **4,** 386, 392, 393; **21,** 78, 339
declaration of trust by assignor, **4,** 377; **13,** 10, 98, 103
effect of, **4,** 391—393; **13,** 9, 10
equities, assignor, against, is subject to, **4,** 386—391; **13,** 103; **20,** 758
intermediate assignor, against, not available against assignee, **4,** 388

CHOSE IN ACTION—*continued.*
equitable assignments of—*continued.*
future debts, of, **4,** 375, 376
history of, **4,** 374, 375
instances of, **4,** 376, 377
Judicature Act does not affect, **4,** 367, 368
mode and form immaterial, **4,** 375; **10,** 376 n.; **13,** 103
mortgage of trust funds, **4,** 393; **21,** 77
negligence of assignee immaterial, **4,** 381
notice of, **4,** 384; **21,** 77. *See* notice, *infra.*
parties necessary to, **4,** 391, 392
payment after notice of, **4,** 392, 393
release of equities, **4,** 390; **13,** 103
revocation of, **4,** 376
stamp duty on, **4,** 379; **7,** 499
subject to all equities, is, **4,** 386—391; **13,** 103; **20,** 758
transactions which are not, **4,** 378, 379
valid discharge in case of, **4,** 373, 393
voluntary, **4,** 371, 374, 376
execution against, **4,** 399; **14,** 90—126
attachment, by, **14,** 90—101. *See also* ATTACHMENT OF DEBTS.
charging order, by, **14,** 101—115. *See also* CHARGING ORDER.
receiver, by appointment of, **14,** 115—126. *See also* EQUITABLE EXECUTION.
extinction of, on death of owner intestate and without next of kin, **11,** 28
fieri facias, cannot be seized under, **14,** 47
fraudulent alienation of, impeachment of, **15,** 79
fundholder, duties and rights of. *See* debtor, *supra.*
specified person, effect of direction to pay to. *See* notice, *infra.*
gift of, **4,** 371, 376; **15,** 409, 411, 413
gratuitous assignment of equitable, **10,** 376 n.
indemnity, right of, **22,** 390
intestate, of, distribution of, **6,** 224; **14,** 224, 225
joint interest in, death, effect of, **4,** 399
marriage, effect on wife's non-separate, **16,** 327
Judicature Act, assignment under, **4,** 367—374; **7,** 500
absolute, must be, **4,** 367, 370
attorney, power of, effect on absolute assignment of, **4,** 370
bankruptcy notice, assignee cannot issue, **4,** 373
charge, must not be by way of, **4,** 367, 370
conditional assignment, **4,** 370
date of, wrongly stated in notice, **4,** 372
equities, is subject to all, **4,** 367, 373, 374; **13,** 64
form of, **4,** 371
general effect of, **4,** 367, 368, 373; **13,** 64
interpleader in case of dispute, **4,** 374
motive immaterial, **4,** 371
notice of. *See* notice, *infra.*
payment into court by debtor, **4,** 374
policy of assurance, of, **17,** 560, 584
priority of, **4,** 372
reverter to assignor, **4,** 373
seal under, **4,** 371
signature of agent, whether necessary, **4,** 371
transfers, legal rights, **4,** 373
remedies, **4,** 373
right to sue, **4,** 373
what assignments are within the Act, **4,** 370—372
what choses are within the Act, **4,** 368, 369
writing, must be in, **4,** 367, 371, 372

CHOSE IN ACTION—*continued.*
larceny, not the subject of, **9,** 641
legacy as a, **4,** 362, 364
legal, what is, **4,** 362; **13,** 103
litigation, assignment of right of, **4,** 402, 403
locality, not described by, **4,** 361; **28,** 696, 697
married woman, of, devolution on intestacy, **14,** 232; **16,** 326
non-separate, **16,** 326—334. *See* non-separate, *infra.*
separate, **16,** 326, 348, 377
mortgage of, absolute assignment, is, **4,** 371
effect of, **4,** 394; **21,** 132
equitable, by bankrupt, validity of, **21,** 93, 94
implied power of sale in case of, **21,** 246, 247
priority between mortgagees of, **21,** 339
trust funds, of, payments by trustee after, **4,** 393
non-separate, of married woman, assignment by husband, **16,** 331—333, 377
bankruptcy of husband, effect of, **2,** 157
common law rights of husband, **16,** 326, 327
desertion or decree for judicial separation, effect of, **16,** 334, 346, 347
divorce, effect of, **16,** 334
equitable, assignment of, **16,** 332
joint tenancy not severed by marriage, **16,** 327
mortgage by husband, **16,** 331, 332
protection order, effect of, **16,** 334, 347
recovery of, by husband, **16,** 329, 330
reducing into possession by husband, **16,** 326, 327, 328, 329
release by husband, **16,** 331, 333
reversionary, disposition of, **16,** 332, 333, 377
right of husband in, **16,** 332, 377
notice, constructive, of equities, **4,** 373, 380
floating charge, of, is not notice of assignment, **25,** 496 n.
to fundholder to pay to specified person, effect of, **1,** 224; **3,** 267; **4,** 367, 372, 376—386; **13,** 98, 103; **17,** 559; **21,** 77, 78
notice of assignment under Judicature Act, by whom to be given, **4,** 372
takes effect from date, **4,** 367, 372, 376
writing, must be in, **4,** 367, 372
notice of equitable assignment, assignee, after death of, **4,** 382
assignor and assignee, as between, **4,** 379; **21,** 77
bankruptcy, in case of, **4,** 381
company, in case of, **4,** 372, 385; **5,** 306—308
debtor, as against, **4,** 376, 379—386; **13,** 98; **21,** 77
form of, **3,** 267; **4,** 381, 382
fund in court, of, **4,** 384
impossibility of, effect of, **4,** 384
payment to assignor by debtor before, **4,** 380
person to whom it should be given, **4,** 382—386; **21,** 339 n.
posting, operates from time of, **4,** 376
priority determined by, **4,** 380, 381; **13,** 79, 103
land, in case of, **4,** 386; **13,** 79
simultaneous notices, effect of, **4,** 381
solicitor, given to, **4,** 385
lien of, not lost by omission to give, **4,** 385
trustees, to, **4,** 382, 383, 384; **21,** 339 n.
statements by, as to receipt of, **4,** 385
owner deprived of, by fraud, rights of, **27,** 902 n.
parol assignments of, **4,** 371, 375

CHOSE IN ACTION—*continued.*
patent right as, **4,** 363, 396, 403; **22,** 127 n., 141, 190
pauper, of, rights of guardians, **4,** 399; **22,** 570
payment into court by debtor, **4,** 374
personal chattels are not, **3,** 21
personal representatives, rights in, when passing to, **4,** 399; **14,** 224, 225
right of, where accruing subsequent to death, **14,** 229
personalty as a, **11,** 3; **22,** 389, 390
presentation to living as, **4,** 364
protection order, effect on wife's, **16,** 334, 346, 347
set-off, by or against assignee of, **25,** 502
contract, right may be excluded by, **13,** 164
debt under contract for work done, of, **25,** 496, 497
debtor or fundholder, against, **4,** 386—388
defendant's right when sued by assignee, **25,** 496, 497
equities, power to assign free from, **13,** 103
liability of assignee to, **4,** 387; **13,** 104, 164; **25,** 496
plea that plaintiff sues as assignee, no defence by, **25,** 494
settled duty of trustees as to, **25,** 686, 687
statute, legally assignable by, **4,** 393—397; **13,** 103
special, assignable under, **4,** 393—397
survivorship, wife's right of, **16,** 326, 377
title deeds, right to, as, **4,** 365
transfer of, marriage, by, **4,** 399; **16,** 326
pauperism, by, **4,** 399; **22,** 570
process of execution, by, **4,** 399
trust in favour of assignor, effect of, **4,** 370

CHOSE IN POSSESSION,
defined, **4,** 360; **22,** 390
avoidance of assignment of, for misrepresentation, **4,** 391; **20,** 759
document as a, **9,** 641; **22,** 390

CHOSE JUGÉ. *See* RES JUDICATA.

CHRIST'S HOSPITAL,
exempted from land tax, **18,** 311

CHRISTENDOM,
meaning of, **6,** 253

CHRISTENING. *See* BAPTISM.

CHRISTIAN BURIAL. *See also* BURIAL.
persons excluded from, **3,** 421, 422; **11,** 710

CHRISTIAN CHURCH,
constitution of, **11,** 362 n.
recognition of, by the Empire, **11,** 356

CHRISTIAN MARRIAGE. *See also* MARRIAGE.
meaning of, in conflict of laws, **6,** 253

CHRISTIAN NAME,
alteration of, at confirmation, **11,** 689; **21,** 349, 350
change of, **21,** 349, 350
by Act of Parliament, **21,** 350
equivocation arising where two persons have same, **28,** 645

CHRISTIAN NAME—*continued.*
execution of instrument in changed, effect of, **21,** 350
register, alteration of, **24,** 447
registration of, as trade mark, **27,** 691

CHRISTIAN RELIGION,
attempting to bring into contempt at burial service, penalty for, **3,** 426, 427; **9,** 479
practice of the court where child's religion other than the, **17,** 113

CHRISTIAN SERVICE,
meaning of, in case of burial, **3,** 426; **11,** 710

CHRISTIANITY,
gift for doctrines subversive of, are void, **4,** 123

CHRISTMAS CARD,
copyright in, **8,** 143

CHRISTMAS DAY,
acts prohibited on, **27,** 445
bankruptcy, in relation to time allowed in, **2,** 306, 319
billiards, provision as to playing, **27,** 426
bills of exchange, effect of last day of grace falling on, **2,** 477
burial on, not allowed, **3,** 426
corporations, provisions as to acts of, on, **19,** 314; **27,** 452
election, candidate for, may not be nominated on, **12,** 277
exclusion in calculations of time, **12,** 262, 414, 427; **27,** 453
municipal, in relation to, **12,** 340 n.
factories and workshops, in, regulations as to, **14,** 496; **27,** 442
game, protection of, on, **15,** 209
hares, killing of, **15,** 260 n.
holidays, included in term, **27,** 442
imprisonment, term of, expiring on, **23,** 258; **27,** 452
intoxicating liquors, in relation to, closing hours on, **18,** 88, 89
occasional excise licence not granted for, **18,** 98
six-day licence, effect of, **18,** 91
Wales, in, closing of licensed premises on, **18,** 90
markets and fairs, provisions as to sale in, on, **20,** 16, 17
pawnbroker must not do business on, **22,** 255
quarter days, as one of the usual, **27,** 437
service of writ or process on, prohibited, **23,** 115; **27,** 445
county court, in, **8,** 620
sport, assembly of persons for, on, **27,** 445
supreme court, observance by officers of, **27,** 436

CHURCH.
The main words beginning with CHURCH *are as follows*:—CHURCH (Building); CHURCH (Religious Body); CHURCH BUILDING COMMISSIONERS; CHURCH ESTATES COMMISSIONERS; CHURCH OF ENGLAND; CHURCH OF IRELAND; CHURCH OF ROME; CHURCH OF SCOTLAND; CHURCH PROPERTY; CHURCH RATE; CHURCH SCOT; CHURCHING OF WOMEN; CHURCHWARDEN; CHURCHWAY; CHURCHYARD.

CHURCH (BUILDING),
access to, right of, **11,** 469
acquisition of, **11,** 719 *et seq.*
modern modes of, **11,** 720
rights of bishop in case of, **11,** 719
site for, **11,** 722—726. *See* site, *infra.*
additional building, when regarded as enlargement of, **11,** 731 n.
advocati as founders of, **11,** 564 n.
alms, provision for collecting, in, **11,** 472, 735
alteration of, **11,** 540, 734
assault in, excommunication for, **3,** 423; **11,** 470, 539 n., 663
attendance at, nonconformists, by, not now obligatory, **11,** 367
parishioners' duty, **11,** 361 n., 481, 482, 737
school children, by, **12,** 29
Uniformity, Act of, under, **11,** 361 n., 367 n., 481, 737, 789
bells, care of, **11,** 468
control of, **11,** 452, 736
ringing of, agreements as to, **11,** 468, 547
injunction against, **17,** 240
nuisance from, **21,** 532 n.
brawling in, **9,** 477—479; **11,** 470, 663
clergy, by, **11,** 521
breaking into, **9,** 675
building, test as to whether it is or is not a, **11,** 715 n.
building of, **11,** 716, 719 *et seq.*
burial in, **3,** 415, 416, 528
candles, use of, in, **11,** 681, 682
chancel included in word, **11,** 722, 732 n., 734 n.
chapel as part of, **11,** 788 n.
charitable gifts to and for, how dealt with, **4,** 185, 186
churchwardens, duty of, as to, **11,** 468, 469
preventing entering of, **11,** 656
clerk of, trial of, by archdeacon, **11,** 501
clock, faculty for, **23,** 502
common inclosure for purpose of building a, **4,** 511, 549
consecration of, freehold site must be secured before, **11,** 729
manner of, **11,** 728
necessity of, **11,** 719, 729
time limit for, **11,** 719 n.
conveyance of land, as site for, **11,** 722—726, 729. *See* site, *infra.*
Cornwall, Duchy of, grant in, for, **7,** 245; **11,** 723
Crown, grant by, for, **7,** 151, 192; **11,** 716, 723
decorations of, control and use of, **11,** 736
provisions as to the, **11,** 667—672
dedication of, **11,** 729, 731
deeds of trust for benefit of, how construed, **11,** 366
district, without a, position of, **11,** 562
disturbance of worship in, removal of offender, **11,** 469, 663, 664; **27,** 876
donative, how filled, **11,** 564
elective, filling of, **11,** 564 n.
endowment of, provisions as to, **11,** 366, 369, 720, 721, 726—728. *See* ENDOWMENT.
entrance to, prevention of, by incumbent, **11,** 656
erection of, **11,** 716, 719 *et seq.*
consecration of ground before, **11,** 729
expenses, gift for, **4,** 113, 114, 118, 120—123

CHURCH (BUILDING)—*continued.*
fabric of, alteration of, injunction to restrain, **11,** 734 n.
procedure in case of, **11,** 454, 540, 734, 735
prohibition of, without faculty, **11,** 655
repair of, **11,** 469, 732—734
felonies committed in, **9,** 675; **11,** 736, 737
fittings of, care and use of, **11,** 468, 471, 656, 667—671, 735, 736
foundation of a, ancient manner of, **11,** 720, 729 n.
effect of and essentials to, **11,** 720
parish, how effected, **11,** 715—717
freehold of, is in vicar, **11,** 730; **12,** 149
site must be secured before consecration, **11,** 729
gifts for, **3,** 434, 435; **11,** 722—728, 755, 773
goods of, custody by churchwardens, **11,** 468
protection of, **11,** 468, 736
house within meaning of Metropolis Management Acts, is not a, **11,** 732 n.
insurance of, **11,** 772; **17,** 525
key of, custody of, **11,** 469
Lancaster, Duchy of, sale of land in, for, **7,** 223, 224
land tax, redemption of, **18,** 327, 328, 330
light, claim of, in respect of, **11,** 306
lighting of, a public purpose, under Electric Lighting Acts, **12,** 547
litigious, meaning and effect of, **11,** 586
maintenance and repair of, **11,** 468, 732—734
monuments in, **11,** 541
alteration of, **3,** 418
erection of, **3,** 416—418
faculty for, **3,** 417; **11,** 541
fee on erection of, **3,** 430; **11,** 777
inscription on, control over, **3,** 418; **11,** 541, 672, 777
property in, **3,** 418
repair of, **3,** 417
trespass in respect of, **3,** 418
new division or district, for, modes of providing, **11,** 721
New Parishes Act as affecting, **3,** 441
old, pulling down of, **11,** 542, 721
order in, maintenance of, **11,** 469, 663—665
ornaments of the, meaning of, **11,** 667
not necessarily included in consecration, **11,** 732
ownership of, **11,** 718, 730, 732; **12,** 149
parishes, formation etc. of, **11,** 442—451, 716, 720 n.
parishioners, rights of, **11,** 480 n., 737
paving of private street, exemption from liability for, **16,** 217, 230
pews in, rights in regard to, **11,** 737; **12,** 147 n. *See* PEW.
polling station, may not be used as a, **12,** 310
poor rate, exemption from, **11,** 791, 819, 827; **24,** 22
possession of, who is in, for purposes of trespass, **27,** 854 n.
private rights in, duties and powers as to, **11,** 468 n., 470, 733
pulling down, faculty for, **11,** 542, 721
rebuilding, faculty for, **11,** 542
reconsecration of, when necessary, **11,** 720 n.
registers, keeping of, **11,** 741
provision of, **11,** 472
removal from, for disturbance, **11,** 664, 665
repair of, **11,** 469, 732—734. *See* REPAIR.
riotous demolition of, **9,** 778

CHURCH (BUILDING)—*continued.*
sacrilege, taking goods out of church is, **9,** 675; **11,** 736
what is, for purposes of, **9,** 675
seats in, **11,** 737. *See* sittings, *infra.*
allotment of, churchwardens, by, **11,** 471 n., 738 n.
Ecclesiastical Commissioners, by, **11,** 740
control of, churchwardens, by, **11,** 740
faculty seats, **11,** 740
free, **11,** 740, 748
readjustment of, on union of benefices, **11,** 786
re-allotment of, **11,** 740
rent for, in what cases, **11,** 786
site for, acquisition of, **11,** 721
allotment of, on inclosure of common, **4,** 595 n., 596, 597
Church Building Acts, acquisition under, **3,** 436, 437
compulsory acquisition, **6,** 7, 174; **11,** 723
mode of estimating value of, **6,** 37
conveyance of land for, **4,** 139; **11,** 722—726
corporation, grant by, **11,** 723, 725
disused burial ground as, **3,** 533
limited owner, grant by, **11,** 723, 725, 822
vesting of, in new parish, **11,** 726
sittings in, **11,** 737; **12,** 147 n. *See* seats, *supra*; PEW.
appropriation of, **11,** 786, 787
substitution of new for old, **11,** 721
Sunday street traffic near, regulation of, **27,** 269—270
tower of, when part of, for purposes of sacrilege, **11,** 736 n.
trust, building of, for, construction of, **4,** 164; **11,** 726, 773
reparation and endowment of, for, **4,** 164, 165
trustees, accounts of, **11,** 475
appointment, status and functions of, **11,** 453, 474
Church Building Act, 1824, under, **11,** 726
church vested in, **11,** 726
Compulsory Church Rate Abolition Act, 1868, under, **11,** 453, 474, 475, 726
corporate body, as a, **11,** 793, 794
diocesan association, as, **11,** 802
dissenting congregation, in case of, **11,** 814, 821; **17,** 254
presentation to benefice by, **17,** 254
use of building before consecration as, **11,** 719, 729

CHURCH (RELIGIOUS BODY),
defined, **11,** 355, 356 n., 722 n.
Catholic, defined, **11,** 358
Roman, **11,** 803. *See* CHURCH OF ROME.
change in meaning of, **11,** 355, 356
Christ, of, visible, *defined,* **11,** 370 n.
Christian, recognition by Roman civil law, effect of, **11,** 356
what it may consist of, **11,** 362 n.
colonial, constitution of, by Crown, **11,** 361 n., 487
disestablishment of, **11,** 484 n.
position of, **6,** 399; **11,** 483—496. *See* COLONIES, church in.
Crown in relation to, **6,** 391—399; **11,** 380—383. *See* CROWN.
tithes in extra-parochial places, **6,** 394
discipline of, **11,** 366, 520—540, 653—657. *See* ECCLESIASTICAL OFFENCES.
disputes, settlement of, **11,** 365
division of a, **11,** 360

CHURCH (RELIGIOUS BODY)—*continued.*
doctrine of, admission of evidence as to, **13,** 479
alteration of, **11,** 363—365
England, of. *See* CHURCH OF ENGLAND.
Established, meaning of, **11,** 364 n.
formation of, modes of, **11,** 361—363
free, differentiated from established, **11,** 364 n.
powers of, **11,** 364
gifts to, under Roman law, **11,** 357 n.
identity of, how determined, **11,** 363
law of the, legal recognition of, **11,** 365, 366
what is, **11,** 374
missionary, when recognised as a branch of, **11,** 487
national, how formed, **11,** 360
patronage. *See* PATRONAGE.
recognition of, Roman civil law, by, **11,** 357
State, by, **11,** 356
rights, protection of, by the courts, **11,** 366
secession from membership of a, freedom as to, **11,** 362
separate,
formation of, **11,** 360
organisation according to race or colour, Lambeth conference on, **11,** 360 n.
retention of identity with pre-existing church, **11,** 360 n.
state, relations to, **11,** 358
tribunal of, when supported by the courts, **11,** 367
union of churches, conditions of, **11,** 365
usage of, admission of evidence as to, **13,** 479
voluntary association of individuals forming a, **11,** 362

CHURCH BUILDING COMMISSIONERS,
defined, **11,** 784 n., 801
powers now vested in ecclesiastical commissioners, **3,** 437

CHURCH ESTATES COMMISSIONERS,
constitution of, **11,** 795
duties of, **11,** 797, 798
payment of, **11,** 800

CHURCH OF ENGLAND,
defined, **11,** 370, 485
abroad, **11,** 483, 487, 497—499
organisation of, **11,** 487, 497
Act of Union with Scotland, effect of, **11,** 372
archbishop, appointment and duties of, **6,** 392, 395—399; **11,** 384. *See* ARCHBISHOP.
archdeacons, **11,** 436, 437. *See* ARCHDEACON.
as by law established, meaning of, **11,** 359 n., 360 n., 363 n., 371
authorities of, **11,** 373, 374
baptism in. *See* BAPTISM.
beadles, office and duties of, **11,** 479
benefice in. *See* ADVOWSON; BENEFICE.
bishop of, **11,** 396—416. *See* BISHOP.
branch of, formation of, in colonies, **11,** 491, 492. *See* COLONIES, church in.
burial, powers of clergy as to, **3,** 428; **11,** 710—712
service, without, **3,** 425, 426
Canada, in, **11,** 491 n., 492 n.
canons, *defined,* **11,** 426. *See* CANON.
cemetery chaplain, notice to, burial without service, of, **3,** 425; **11,** 710
chancellors of dioceses, **11,** 412. *See* CHANCELLOR.

CHURCH OF ENGLAND—*continued.*
chapters, **11,** 416, 423. *See* CHAPTER.
Charitable Trusts Acts, position under, **11,** 773
church of Ireland, separation of, **11,** 361 n.
clergy of, **11,** 549—657. *See* CLERGY.
colonies, in, **10,** 537, 538; **11,** 483—494. *See* COLONIES, church in.
communion. *See* COMMUNION.
Crown, possessor of, to join in, **6,** 325; **11,** 381
duty of members of church to attend, **11,** 480, 490
confirmation in, alteration of Christian name at, **11,** 689; **21,** 349, 350
bishop's duty as to, **11,** 689 n.
godparent's duty with regard to, **11,** 688
minister's duty with regard to, **11,** 688
nature of, **11,** 688
constitution of, **11,** 370—374
territorial, after Reformation, **11,** 373
constitutional position of, **6,** 391, 392; **11,** 371, 380—383
continuous body from Saxon times, **11,** 359 n.
convocations of, **11,** 390. *See* CONVOCATION.
coronation oath to maintain etc., **6,** 324, 339; **11,** 381
deacon of, **11,** 549, 552. *See* DEACON.
deans, **11,** 416. *See* DEAN.
dioceses, division into, **11,** 484, 495. *See* DIOCESE.
discipline of. *See* ECCLESIASTICAL OFFENCES.
divine service in, **11,** 657—684. *See* DIVINE SERVICE; PUBLIC WORSHIP.
doctrine of, declaration by Sovereign as to, **6,** 324; **11,** 381, 382
offences in respect of, **11,** 653
punishment for, **11,** 521, 536, 538
state sanction required to alteration of, **11,** 364
thirty-nine articles as embodying, **11,** 372, 653, 654
ecclesiastical courts, **11,** 499—549. *See* ECCLESIASTICAL COURTS.
feasts observed in, notice of, by minister, **11,** 680
foreign parts, in, **11,** 497—499
foundation of, **11,** 359 n., 370
Henry VIII., effect of statutes of, **11,** 359 n., 371, 372
history of, as independent church, **11,** 359 n., 360 n.
Holy Catholic and Apostolic Church, is a branch of, **11,** 370
identity with church at Reformation, **11,** 360 n., 361 n.
incumbent of the parish, **11,** 451 *et seq.* *See* INCUMBENT.
India, in, **11,** 495
intercommunion of colonial church with, **11,** 485, 486, 494
King as head of, **6,** 391, 392; **11,** 372 n., 380—383
lay reader, office of, **11,** 480
law of, **11,** 354, 374—380. *See* ECCLESIASTICAL LAW.
acceptance of old rule and usage, **11,** 375
binding effect of, **11,** 358 n.
canon law, **11,** 374, 375 n., 377—380. *See* CANON LAW.
origin of, **11,** 374
liturgy of, conformity with, limitation of enactments requiring, **11,** 367 n.
Magna Carta declaration as to, **11,** 359 n.
marriage, in relation to, **11,** 692—709. *See* BANNS; SOLEMNISATION OF MARRIAGE.
membership, what constitutes, **11,** 371, 480 n., 684, 685

CHURCH OF ENGLAND—*continued.*
ministers, three orders of, **11,** 487 n., 549. *See* CLERGY.
minor canons, **11,** 434. *See* MINOR CANON.
oath for preservation of, by Sovereign, **6,** 324, 325, 339
offences against, **9,** 531
organist, office of, **11,** 479
parish clerks, **11,** 475. *See* PARISH CLERK.
parishes, constitution of church into, **11,** 442—482, 715—717. *See* PARISH (Ecclesiastical).
parishioners, rights and duties of, **11,** 480. *See* PARISHIONER.
priest of, **11,** 401, 549, 553. *See* PRIEST.
refusing conformity to Prayer Book, **9,** 532
property of, **11,** 713 *et seq.* *See* CHURCH PROPERTY; ECCLESIASTICAL PROPERTY.
Protestant character of, Acts securing, **11,** 371—373
provinces, division into, **11,** 383—395
public worship in, **11,** 657—684. *See* PUBLIC WORSHIP.
Queen Anne's Bounty, **6,** 394; **11,** 780—783. *See* QUEEN ANNE'S BOUNTY.
Reformation statutes, effect of, **11,** 359 n., 371, 372
rites and ceremonies. *See also* RITE; RITUAL.
additional, effect of, **11,** 530, 655, 681—684
alteration of, effect of, **11,** 363, 530
lawful and unlawful, **11,** 675—684
meaning of, **11,** 675
ritual. *See* RITUAL.
offences, **11,** 675—684
proceedings for, **11,** 526—531, 655
punishment for, **11,** 531—539
Roman Catholics excluded from office in, **11,** 805
royal supremacy, **6,** 391; **11,** 372 n., 380—383
separate existence of, recognised in England, **11,** 359
sexton, office of, **11,** 478. *See* SEXTON.
sidesman, office of, **11,** 474. *See* SIDESMEN.
societies for religious ministrations outside England and Wales, **11,** 484
status of, constitutional, **11,** 370—374
supreme government of, doctrine of, **11,** 497
surplice fees in, **11,** 776
synods of, **11,** 373, 390 n. *See* SYNOD.
colonial, **11,** 492, 494
union of, Church of Ireland, with, **11,** 361 n., 373
other Christian bodies, with, **11,** 486 n.
vestry, **11,** 452, 453. *See* VESTRY.

CHURCH OF IRELAND,
bishopric in, no vacation of other preferments on promotion to, **11,** 405 n.
disestablishment of, **11,** 373
continuity preserved, **11,** 361 n.
effect of, **11,** 361 n.
jurisdiction over, Court of High Commission, of, **11,** 502 n.
seats in House of Lords, **11,** 373 n.
separation from Church of England, **11,** 361 n.
union with Church of England, **11,** 361 n., 373

CHURCH OF ROME. *See* ROMAN CATHOLICS.
bishop of, gift for establishment of, **11,** 810
clergy of, cannot sit in Parliament, **21,** 657
common law of, meaning of, **11,** 376
Crown, exclusion from, of person reconciled with, **6,** 324

CHURCH OF ROME—*continued.*
gift to order or society of, invalidity of, **4,** 122 123; **28,** 538
hierarchy of, **11,** 808
position in England, **11,** 803

CHURCH OF SCOTLAND,
clergy of, cannot sit in House of Commons, **21,** 657
establishment of, **11,** 364 n.
India, in, **11,** 497 n.
Moderator of, precedence of, **11,** 373 n.

CHURCH PROPERTY. *See* ECCLESIASTICAL PROPERTY.
limitation of actions in regard to, **11,** 744, 748; **19,** 105, 152, 153
mining rights in, **20,** 519

CHURCH RATE,
defined, **11,** 785
compulsory, abolition of, **3,** 411 n.; **11,** 785
making of, **11,** 453, 784, 785
mandamus, when enforced by, **10,** 87
metropolis, in, **20,** 440 n., 463
payable by reason of local Act, **11,** 786
recovery of, **11,** 453, 785
refusal to pay, **11,** 785

CHURCH SCOT,
kinds of, and modes of payment, **11,** 776 n.

CHURCHING OF WOMEN,
fees for, **11,** 709

CHURCHWARDEN,
access to church, right of, **11,** 469, 656
accounts by, **11,** 473
acting alone, power of, **11,** 131, 466
action, as party to, **11,** 466, 467
admission of, **11,** 465
allocation of seats by, **11,** 470, 738, 740
alms, collection of, **11,** 472, 735
appointment of, **11,** 453, 462—465
admission on, **11,** 438, 465
mandamus for, **11,** 465
ancient parish, in, **11,** 462
necessity for, **11,** 462 n.
new parish, in, **11,** 464
presumption as to, **13,** 443
time of, **11,** 463
arrest by, **9,** 302 n.; **11,** 470, 664
bells, joint control with incumbent etc. as to ringing, **11,** 468 n.
bier, provision of, by, **11,** 736
books of church, custody of, **11,** 468
borrowing powers of, **11,** 734
brawling etc., duty in case of, **3,** 410, 422; **11,** 470, 664
burial, discretion as to place of, **3,** 410; **11,** 730
fees for, payable to, **3,** 429, 480, 481
ground, summoning of parish meeting to consider acquisition of, **3,** 453, 454
register of, attestation of copy of, **3,** 558
duty to provide, **3,** 556
supervision of places of, by, **3,** 537, 538
Burial Acts, *defined* in, **3,** 449
charitable gift to, whether scheme necessary, **4,** 113, 185
charity trustee, as, **4,** 257, 258
choice of **11,** 462, 464
church goods, custody of, **11,** 468

CHURCHWARDEN—*continued.*
church without district, of, **11,** 464
churchyard, duties in respect of, **3,** 410, 537, 538; **11,** 468, 469, 730
maintenance of closed, by, **3,** 529, 530
common, rights of, whether capable of acquiring, **4,** 478 n.
contract, liability on, **11,** 467, 734
conviction of, effect of, **9,** 428; **11,** 473
copyhold land, cannot hold, **8,** 66, 105
corporation (*quasi-*) for holding property in succession, **4,** 257, 258; **11,** 465, 794
with minister, in City of London, **11,** 794 n.; **25,** 311 n.
county rate, may appeal against, **24,** 75
declaration by, on appointment, **7,** 27 n.; **11,** 465
defeated candidates, rights of, **11,** 463
degrees of affinity, table of prohibited, duty to provide, **11,** 472
deputy, service by, in case of Roman Catholics and dissenters, **11,** 462, 807, 811
disqualifications for service as, **11,** 461
dissenters eligible, when, **11,** 461, 462, 811
distress by, powers of, **11,** 131, 214, 466
divine service, provision of requisites for, **11,** 471, 735
drowned persons, duties as to, **3,** 547
ecclesiastical
corporation, as, **11,** 794
parochial charities, accounts of, to be rendered to, **4,** 273
education, right to hold land for purposes of, **11,** 794; **12,** 119, 120; **15,** 407
election of, mandamus to compel, **11,** 462 n.
mode of, **11,** 462
metropolis, in, **20,** 463
select vestry, by, **11,** 462
exemptions from liability to serve as, **11,** 461
fees payable to, for incumbent's stipend, **3,** 513
field gardens, duties as to, **1,** 336; **4,** 510, 511
fittings and decorations, provision of, **11,** 469, 471, 735
fuel allotments, duties as to, **1,** 333, 334
functions of, **11,** 468—473
Holy Communion, provision for, **11,** 690
inclosures by, for purpose of poor relief, **1,** 333; **4,** 510, 511
intruders, removal of, by, **11,** 471
irregularities in service introduced by minister, duties as to, **11,** 470, 665
jurisdiction over, **11,** 513
legal proceedings by, **11,** 466
liabilities of, **11,** 467
marriage registers, duties as to, **11,** 472
misconduct, liability for, **9,** 481; **11,** 467, 473, 513, 734
monuments in church, no right to erect, **11,** 469
new parish or district, of, **11,** 462 n., 464
order, maintenance of, in church and churchyard, **11,** 469, 664
ornaments of church, custody of, **11,** 468, 737
parish council, documents in custody of, right of access to, **19,** 254
transfer to, of property of, **4,** 257, 258
pew-renters, chosen by, **11,** 464
pew-rents, alteration of, by, **11,** 787
collection and payment of, provisions as to, **11,** 788
presentments by, **11,** 473
Quaker, exemption of, **11,** 462 n.
qualifications of, **11,** 460, 461 n., 464

CHURCHWARDEN—*continued.*
quasi-corporate bodies, capacity as, **4,** 257, 258; **11,** 465, 794
removal of, for misconduct, **11,** 473
repairs by, duties as to, **11,** 468, 734
resignation of, **11,** 473
Roman Catholic as, **11,** 462, 807
seating of parishioners by, **11,** 470, 738, 740
senior and junior, **11,** 463
sequestrators, as, **11,** 472, 621, 624
service, interference with, rights in case of, **11,** 470
release from, **11,** 463
special church rates, liability to, **11,** 469
status of, **11,** 465
sue, how may, **11,** 466
sued, how may be, **11,** 465
trespasser, removal of, **11,** 469 n.
trustees of charities, parish council substituted for, **4,** 264
power to act as, **4,** 257, 258
vacancy of benefice, duties during, **11,** 472
vacation of office by, duties on, **11,** 473
vaults, obedience to Order in Council respecting, **3,** 537, 538
village green vested in, **21,** 584
visitation fees from, **11,** 465
woman may be, **11,** 461

CHURCHWAY,
defined, **10,** 244; **16,** 23
creation of, **10,** 244; **16,** 23
easement, as an, **11,** 285 n.
footpaths, relation to, **16,** 23, 81, 181
highway, when a, **16,** 8, 23, 33
memorandum by deceased lord of manor inadmissible as to, **13,** 468 n.
obstruction of, **10,** 245 n.; **16,** 23
repair of, **10,** 245 n.; **11,** 468; **16,** 23

CHURCHYARD. *See* BURIAL GROUND.
acquisition of land for, **11,** 722, 723, 725
Church Building Acts, under, **3,** 436, 437; **11,** 723
addition to, consecration of, **3,** 412, 413, 445 n.
faculty for, **11,** 540
alteration of, faculty for, **3,** 411; **11,** 540, 655, 734
appropriation of, as burial ground, **11,** 719 n.
assault in, excommunication for, **3,** 423; **11,** 539 n.
brawling in, **3,** 422, 426, 427, 523; **9,** 479; **11,** 369, 664
appeal from conviction for, **3,** 422
apprehension of offenders, **11,** 664
misdemeanour, as a, **3,** 426, 427; **9,** 479
penalty for, **3,** 523; **9,** 479
recovery of, **11,** 369
burial in, **3,** 407—424; **11,** 741
exclusive right of, **3,** 419. *See* vault, *infra.*
non-parishioners, rights in case of, **3,** 414; **11,** 741
parishioners, rights of, **3,** 413; **11,** 481, 741
registration of, **3,** 555, 556; **11,** 712
rights as to, **3,** 413—415; **11,** 741
burial service in, **3,** 420; **11,** 710
dispensing with, **3,** 424—428; **11,** 710, 711
full service unlawful, when, **3,** 421, 422; **11,** 710
irregularity of, **3,** 421
minister's duty in respect of, **3,** 420, 421
churchwardens, control by, **3,** 410, 411, 537, 538; **11,** 730

CHURCHYARD—*continued.*
closed, maintenance of, by churchwardens, **3,** 529, 530
open space, use as, **3,** 533—536
reserved portion in, **3,** 442
way over, faculty for, **3,** 423, 424
closing of, **3,** 526 *et seq.*
consecration of, **3,** 412, 438, 441, 442, 528; **11,** 728—730
effect of, **11,** 730
essential, whether, **3,** 408; **11,** 719
fees on, **3,** 412, 413
mode of, **3,** 412, 413; **11,** 729
constitution of, conditions necessary for, **3,** 408
corporation, grant of land by, for, **3,** 435, 438, 443
dedication of, **11,** 730, 731
Ecclesiastical Commissioners, powers of, **3,** 411, 412
enlargement of, **3,** 441; **11,** 723, 724, 734
fee of, is in abeyance, **11,** 730
fees for burial in, **3,** 428—430; **11,** 712, 777
footpath in, faculty for, **11,** 541 n.
stopping up, **3,** 412; **16,** 81
freehold of, in whom vested, **3,** 408, 409; **11,** 726, 730
gift for, **3,** 434, 435; **4,** 114; **11,** 722
land to extend, of, area of, **15,** 407
money for repair, of, **11,** 722 n.
reservation of rights in, **3,** 434, 435, 441; **15,** 407
graves in, levelling without faculty, **11,** 541 n.
position of, **3,** 415, 427
herbage in, right to, **3,** 409, 410
inclosure for purpose of, **4,** 511
interference with, unauthorised, injunction against, **3,** 410, 411; **17,** 270
land, conveyance of, for, **3,** 434, 439, 440, 443; **4,** 139
Crown, by, **3,** 437, 438; **7,** 151
maintenance and repair of, by churchwarden, **3,** 411, 412; **11,** 468, 734
immemorial usage for, **3,** 411
management of, **3,** 410, 411, 537, 538; **11,** 730
market or fair not to be held in, **20,** 23
monument in. *See* MONUMENT.
nuisance in, is cognisable by Ecclesiastical Court, **3,** 423
occupier of, incumbent is, **3,** 410
order in, maintenance of, duties of churchwarden, **11,** 469, 664
ownership and occupation of, **3,** 408, 410; **11,** 741
parish, *extra commercium*, is, **3,** 465 n.
inhabitants of, right of sepulture of, **11,** 730
when burial ground is a, **3,** 407, 408
possession of, right to, **3,** 409, 410
rateability of, **3,** 410; **11,** 741
removal of body from, **3,** 553—555; **11,** 731, 732. *See* DISINTERMENT OF BODY.
secular purposes, use for, **3,** 423, 424; **11,** 540 n., 542
stopping up gate to a path over, **3,** 412; **16,** 81
trees in, provisions as to felling, **3,** 409, 410; **11,** 767 n.
trespass in, who may maintain action for, **3,** 409, 410; **11,** 730 n.
vault in, rights as to, **3,** 415, 419; **11,** 541 n., 542, 546

CHURN,
distress on, **11,** 142 n.

CIDER,
defined, **10,** 266, 275; **18,** 6
annual value of premises for excise licence, **18,** 57, 60
convicted person permanently disqualified from selling, **18,** 54, 55
dealer in, **18,** 13, 15
hours for sale of, **18,** 87 *et seq.*
intoxicating liquor, is an, **18,** 6
off-licence for, includes perry, **18,** 6, 15; **24,** 655
provisions relating to, **18,** 15; **24,** 655, 656
renewal of, discretion of justices limited, **18,** 65
on licence, application for, **18,** 39
perry included in, **18,** 13
when may be taken out, **18,** 13; **24,** 654, 655
retailer, licence, registration of, provisions as to, **18,** 101, 102
required by, nature of, **24,** 651, 655
sale of, credit, on, when price recoverable, **18,** 172
without excise licence, effect of, **18,** 113
trade usage in Devonshire as to, **10,** 275

C.I.F. CONTRACT. *See* p. 299, *ante.*

CIGARETTES,
automatic machines, restrictions on sale in, **17,** 175
children, sale to, **17,** 175
duty on imported, **24,** 607 n.
right to trade name in, **27,** 777 n.

CIGARS,
duty on imported, **24,** 607

CINDERS,
removal of, from house, **23,** 568, 606

CINEMATOGRAPH EXHIBITION,
closing hours for, **27,** 419 n.
constable's power to enter building used for, **27,** 420
electricity, use of, in, **12,** 644
infringement of dramatic piece by representation at, **8,** 185
licence for, **27,** 419, 420
fees payable for, **27,** 420
metropolis, in, **20,** 394 n.
notice on application for, **27,** 420
when no licence required, **27,** 420, 421
music in, when requiring licence, **27,** 421
use contrary to statutory provisions, penalties for, **27,** 420

CINQUE PORTS,
barons of, claim of, at coronation, **6,** 333
election of, **9,** 129
number of, **6,** 333 n.
constitution of, **9,** 127; **19,** 301, 302
coroner of, remuneration of, **8,** 235
Court of
Admiralty, appeal to King in Council from, **1,** 139; **9,** 28, 50
jurisdiction of, **1,** 139, 140; **9,** 105, 127, 128
sits in St. James's Church, Dover, **1,** 139
Brotherhood, **9,** 129
Guestling, **9,** 129
Shepway, **9,** 129
enumeration of, **9,** 127 n.; **19,** 301, 541
franchise of, **6,** 490, 492; **25,** 798 n.
justices of, provisions in respect of, **9,** 128; **19,** 302 n., 541

CINQUE PORTS—*continued.*
land tax commissioner in, qualification of, **18,** 313
liberty of, status of, **9,** 128 ; **15,** 6 ; **19,** 302
licensing authorities in, **9,** 127—129 ; **18,** 35
Lieutenant of Dover Castle, jurisdiction of, **9,** 128
salvage commissioners of, appointment of, **1,** 139 ; **9,** 128
duties and jurisdiction of, **1,** 139, 140 ; **9,** 128
territorial forces, position of warden as to, **25,** 85
warden of, boundaries of jurisdiction of, **9,** 128 n.
commission issued to, **9,** 128
deputy, duties of **1,** 139 : **9,** 128
former jurisdiction of, **9,** 127, 129
installation of new, **9,** 129

CIRCUIT,
cases triable on, **9,** 72
commissions, effect of, **9,** 72
divorce judges liable to go on, **16,** 463
going special at, **2,** 367
joining, method of, **2,** 367
jury fees upon, **18,** 264
list of circuits, **2,** 366 ; **9,** 72 n.
mess, **2,** 367
officers of, **9,** 73, 74. *See also* ASSOCIATE ; CLERK OF ASSIZE.
quarter sessions, **2,** 367, 368
closed or open, meaning of, **2,** 368
retainer, effect of, **2,** 405, 406
separate commissions of assize in certain towns, **9,** 286 n.
special fee for counsel on, **2,** 408
system, constitution of, **2,** 366—368, 408 ; **9,** 72—74

CIRCUITS (ELECTRIC LIGHTING),
earthing of, **12,** 567
remedy of defects in, **12,** 602, 603

CIRCUITY OF ACTION,
counterclaim introduced to prevent, **25,** 504 n.
equitable jurisdiction as preventing, **13,** 10
third party procedure to prevent, **23,** 162—165. *See* THIRD PARTY PROCEEDINGS.

CIRCULAR,
betting, with reference to, **9,** 551 n. ; **15,** 298 ; **17,** 172
contempt of court by misleading, **5,** 416 ; **7,** 287 ; **27,** 676
disclosure in, of commission for underwriting by company, effect of, **5,** 93
infants, to, inviting betting transactions, **9,** 552 ; **15,** 293 ; **17,** 172
loans of money, offering, **9,** 552 ; **17,** 172 ; **21,** 57, 58
persons deemed to send, **21,** 58
injunction to restrain issue of misleading trade, **17,** 260 n.
prospectus, included in term, **5,** 37
publication of, for purpose of injuring person in business, liability for, **17,** 260 ; **27,** 658
shareholders of railway company, power to issue to, **23,** 630

CIRCULAR LETTER,
to creditors, notice of suspension by, **2,** 33, 34

CIRCULAR NOTE,
bill or cheque, when becomes, **1,** 627 ; **2,** 570
conditions of issue of, constitute contract, **1,** 626
forgery of holder's name, effect of, **1,** 627
letter of indication, production of, not condition precedent to payment, **1,** 626, 627
negotiability of, **1,** 627 ; **2,** 570

CIRCULATING CAPITAL,
defined. **5,** 89
dividend, in relation to payment of, **5,** 272, 273

CIRCUMSTANCES,
damages aggravated by, **10,** 341 ; **27,** 885
surrounding. *See* SURROUNDING CIRCUMSTANCES.

CIRCUMSTANTIAL EVIDENCE,
adultery, in proof of, **16,** 478
criminal cases, in, **13,** 447
murder cases, in, **9,** 588
state of mind inferred from, **13,** 448—450

CIRCUMSTANTIAL LETTER,
naval court-martial, initiation of, by, **25,** 12
plea of guilty admits accuracy of, **25,** 13
as evidence, **25,** 12
prisoner's right to copy, **25,** 13

CIRCUS,
child performance in, **17,** 153
dancing licence, whether necessary, **27,** 416
proprietor of, not a trader for purposes of carriage licence duty, **27,** 509 n., 510 n., 511 n.

CISTERCIANS,
exempt from tithe, **11,** 744

CISTERN,
escape of water from, liability of landlord, **18,** 501 ; **21,** 402 ; **28,** 455
flat, in case of, liability of landlord for soundness of, **18,** 571
nuisance arising from, abatement of, **21,** 538
pollution of, powers of local authority, **28,** 265, 266
provision of, when water undertakers may require, **28,** 324
public, vesting of, in local authority, **28,** 264, 265, 267, 268
repair of, water undertaker's powers, **28,** 324
water-butt, includes, under Public Health (London) Act, 1891, **28,** 267 n., 445

CITATION,
Convocation, for attendance at, **11,** 392
ecclesiastical courts, in, **11,** 517
faculty, to show cause against, **11,** 517, 544
matrimonial proceedings, in, **16,** 508
advertisement, by, **16,** 503, 504, 508
copy of, **16,** 508
extraction of, necessity for, **16,** 503, 508
filing of, **16,** 508
lis pendens dating from, **16,** 508
service of, **16,** 508, 509
abroad, **16,** 508
indorsement of, **16,** 508 n.
personal service impossible, **16,** 510
persons *non sui juris*, on, **16,** 509
substituted, **16,** 509, 510
probate proceedings, in, **14,** 155, 156
caveat necessary before, when, **14,** 156

CITATION—*continued.*
probate proceedings—*continued.*
executor, illness of, in case of, **14,** 199
nature and contents of, **14,** 155
object of, **14,** 155
party cited to see proceedings, **14,** 176
propound will, to, as compared with citation to take probate, **14,** 144, 175
service of, **14,** 156
statutes, of, mode of, **27,** 202, 203

CITIZEN. *See* BURGESS.
burgess includes citizen, **19,** 294 n.
duty of, how arising, **27,** 464, 465.
owed to fellow-citizens by, **27,** 464, 465
infant's incapacity to exercise rights of, **17,** 46
member of municipal corporation, as, **19,** 294, 295

CITY,
defined, **19,** 299
boundaries of, duties and powers, in respect of, **3,** 112 n.; **19,** 322, 323
county, constituted as, **19,** 300, 540 n.; **25,** 796 n.
enumeration of cases of, **9,** 286 n
separate commissions of assize for **9,** 286 n.
creation of, **19,** 300
gifts for, are charitable, **4,** 114, 115
land tax commissioner in, qualification of, **18,** 313
sheriffs, qualification and appointment of, **25,** 796
town clerk of, payment of election commissioners' expenses by, **12,** 481, 482

CITY COMPANIES,
5, 746—751. *See* LIVERY COMPANIES.

CITY OF LONDON. *See* LONDON, CITY OF.

CITY OF LONDON CORPORATION. *See* LONDON, CORPORATION OF CITY OF.

CITY OF LONDON COURT,
admiralty jurisdiction of, **1,** 112, 127
appeal from, **1,** 114
costs in, security for, **8,** 412, 413
constitution of, **25,** 807 n.
county court, has jurisdiction of a, **8,** 412
judge of, deputy, eligibility for office of, **2,** 382
eligibility for office of, **2,** 383
mandamus to, **8,** 412; **10,** 108
municipal election petition matters, jurisdiction as to, **12,** 500 n., 511
summoning of jurors for, **18,** 237, 263; **25,** 809

CITY POLICE. *See* LONDON, CITY POLICE OF.

CIVIL COURTS.
The title COURTS *is contained in Vol. IX., pp.* 1 *et seq. See also* COURT; JURISDICTION OF ENGLISH COURTS, *and under titles of particular courts.*
defined by Army Act, **25,** 89 n.
jurisdiction, courts-martial, over, **25,** 90
dependencies, in, **6,** 281; **10,** 578, 579
persons subject to
military law, over, **9,** 488; **25,** 53, 89, 91, 92
naval law, over, **25,** 11, 89
martial law, suspended by, **6,** 403; **23,** 308 n.; **25,** 43
naval and military officers, protection of, when sued in, **23,** 341; **25,** 93; **27,** 384

CIVIL ENGINEER,
defined, **3,** 160
exemption of Institution of, from corporation tax, **19,** 209
qualifications of, **3,** 161

CIVIL LAW,
common law based on, **11,** 377
ecclesiastical law partly derived from, **11,** 374, 377
history of development of, **11,** 378 n.
incorporation of essentials of, laws of the Church and realm, in **11,** 377
parliamentary enactment, only alterable by, **11,** 383
rules for ascertainment of next of kin at, **11,** 23
wills, use in construction of, **28,** 663 n.

CIVIL LIST,
defined, **7,** 109
amount of, **7,** 271
annuities provided for in, **7,** 271
audit of, **7,** 272
classes of expenditure of, **7,** 271
King's daughters, provision for, **7,** 271
payments charged on Consolidated Fund, **7,** 272; **24,** 744, 745
pensions in, **7,** 272, 745
Princesses' trustees, enumeration of, **7,** 271
retired allowances, provision for, **7,** 272

CIVIL LORD,
Admiralty, of the, position and duties, **7,** 89; **25,** 6

CIVIL MARRIAGE,
British subjects abroad, of, **6,** 257—260, 261; **16,** 306—308
foreign country, in, how far recognised in England, **6,** 252—257; **16,** 306
superintendent registrar's office, at, **16,** 289, 290, 305, 306

CIVIL MATTERS,
justices' jurisdiction as to, **19,** 573
powers of single justice in, **19,** 575

CIVIL POWER,
church
formed by direct act of, **11,** 361
relation of, to, **11,** 358—360, 367
commanding officers should hand over offenders to, **25,** 89
obstruction of, military officer, by, misdemeanour **9,** 488
refusal of subject to aid, when called on, misdemeanour, **9,** 506, 507; **22,** 499
reservists may be called out to aid, **25,** 60
Territorial Force, duties of members in aid of, **25,** 78

CIVIL PROCEEDINGS. *See* ACTION; CIVIL PROCESS.
act of State as defence to, **6,** 415; **23,** 312, 316; **25,** 92
Civil Procedure Act, 1833, actions under, limitation of time for, **6,** 306; **19,** 76, 77
disability, effect of, on application of, in, **19,** 78, 79
criminal proceedings distinguished from, **9,** 386
discovery cannot be resisted because of danger of, **11,** 83
Divorce Court proceedings are, **11,** 36 n.

CIVIL PROCEEDINGS—*continued.*
ecclesiastical courts, in, **11,** 515, 517
hearing in. *See* HEARING; TRIAL IN CIVIL PROCEEDINGS.
information when a, **11,** 36 n.
malicious abuse of, remedy for, **19,** 689. *See* MALICIOUS PROCEEDINGS.
mandamus may be, **11,** 36 n.
misrepresentation not subject of, when, **20,** 721
nuisance, in respect of, **1,** 8; **8,** 428; **21,** 550—558. *See* NUISANCE.
public authorities, against. *See* PUBLIC AUTHORITIES PROTECTION ACT.
suspension of, felonious tort, in respect of, **1,** 27—29
trespass, usual remedy for, **27,** 845
person, to the, **27,** 872
servant, of, master's rights as to, **20,** 270, 275; **27,** 872
wife, of, husband's rights as to, **16,** 318, 460; **27,** 872
trial in. *See* TRIAL IN CIVIL PROCEEDINGS.
unemployment fund, for recovery of sums due to, **28,** 902
verdict in. *See* VERDICT.
vexatious, protection against, **1,** 30; **13,** 51, 59 n.; **22,** 436; **23,** 157 n.

CIVIL PROCESS,
arrest on, **1,** 320—322; **25,** 811—820
custody of prisoner after, **25,** 816, 817
limits of, **2,** 337; **25,** 815—820
malicious, **19,** 693—695
manner of, **25,** 815, 816
payment of money, disobedience to order for, **7,** 298 n.
privilege from, **2,** 60, 62, 63; **8,** 250; **11,** 555; **21,** 779; **25,** 94, 818
execution of, by sheriff, **25,** 811—823. *See* arrest on, *supra*; ARREST.
fees payable on, **14,** 32; **25,** 835—840
justification of sheriff or other officer by warrant on, **25,** 819; **27,** 882
malicious, action for, **14,** 28, 29; **19,** 695, 696
right of entry by sheriff, **25,** 813
public minister, immunity of, **6,** 429—431
service of. *See* SERVICE OF PROCESS.

CIVIL SERVANT,
acts of subordinate, not liable for, **6,** 416
administration to estate of, when unnecessary, **14,** 191
franchise of, **7,** 82
resignation of, on parliamentary candidature, **7,** 81

CIVIL SERVICE,
abroad, effect of, on domicil, **6,** 189
clerk in, bankruptcy of, **2,** 190, 191
colony, in, relation of executive council, to, **10,** 534
Commissioners, duties of, **7,** 81, 82
estimates, classes of, **21,** 769
division into votes, **21,** 769
grants out of, to universities, **12,** 94 n.
Treasury responsibility for, **21,** 768; **24,** 540
India, of, **10,** 588, 591
regulations for admission to, **10,** 591, 598
loss of office, compensation for, whether assignable, **4,** 401
members of, general position of, **7,** 80, 81
Parliament, members in, **7,** 81, 82

CIVIL SERVICE—*continued.*
paymaster of, is *ex-officio* commissioner of income tax, **16,** 615
pension, no disqualification to holder as member of Parliament, **21,** 658
receiver of, when appointed, **24,** 369, 370
whether assignable, **4,** 400—402
salaries in, regulation of, **7,** 81
whether assignable, **4,** 400—402
tenure of office in, **7,** 22; **20,** 94, 98

CIVIL STATUS,
distinguished from political, **6,** 183

CIVIL WAR,
what constitutes, **6,** 355; **9,** 452

CIVILIAN,
offences by, relating to Army Reserve, **25,** 61, 62
billeting, **25,** 56, 57
impressment of vehicles, resisting, **25,** 52
inciting to mutiny, **25,** 464, 465
member of the forces, personating, **9,** 707; **25,** 48
discharged member, personating, **25,** 99
seducing members of the forces from allegiance, **9,** 464, 465
wearing uniform, **25,** 98, 99

CLAIM OF RIGHT,
criminal proceedings, as defence to, **9,** 238 n.; **27,** 179 n.
jurisdiction of justices ousted by, **10,** 194, 195; **19,** 597. *See* JUSTICES.
game, in case of, **15,** 231
trespass to goods, as defence to action for, **27,** 769, 869
trespass to land, as defence to action for, **23,** 722

CLAIMANT IN INTERPLEADER,
abandonment by, where applicant defendant to an action, **17,** 631
costs against, when ordered, **17,** 626
Crown a, relief when, **17,** 596
execution debtor may be, **17,** 596
interest on part of, effect of, **17,** 592, 593
jus tertii, right to set up, **17,** 613
litigation by, effect on rights of applicant, **17,** 586
non-appearance of, duty of county court judge on, **17,** 636, 637
power of court on, **17,** 601
non-service of, procedure on, **17,** 601
notice to sheriff of withdrawal by, **17,** 598
number of, no bar to relief, **17,** 597
payment
into court by, **17,** 608
out by, interpleader by sheriff on, **17,** 591
possession money, of, in lieu of security, **17,** 608
preparation of claim by, not entitled to assistance from sheriff, **17,** 598
proof necessary to case of, in sheriff's interpleader, **17,** 613
receiver, practice where claimant is a, **17,** 608
relief
granted though contract between applicant and claimant, **17,** 583
several claimants no bar to, **17,** 597
substitution of, for defendant, **17,** 615
title of, where property subject of a trust, **17,** 613, 614
who may be, **17,** 595, 596

CLAIMS,
administration action, in, creditors, of, **14,** 341
evidence of, **14,** 341
unsuccessful, costs of, **14,** 350
Admiralty, by, ship, for necessaries supplied to, **1,** 67, 127 ; **9,** 57
foreign ship, in case of, **1,** 67, 70
suit for limitation of liability, in, **7,** 91
towage, for, **1,** 68, 127 ; **9,** 57
advertisement for, by personal representatives, **14,** 243, 244
compromise of, personal representative, by, **14,** 300
trustee, by, **28,** 140
conflicting, interpleader in regard to, **17,** 580 *et seq.* *See* INTERPLEADER.
county court action, in, particulars of, **8,** 466—468
Court of, **6,** 326, 329 ; **9,** 117. *See* COURT OF CLAIMS.
easements, to, doctrine of lost grant, under, **11,** 264—268
Prescription Act, under, **11,** 268—273
prescriptive, **11,** 256—264
equitable, High Court of Justice must recognise, **13,** 62
priority of, **13,** 80
franchise. *See* REGISTRATION OF VOTERS.
joinder of. *See* CAUSE OF ACTION.
malicious, to property, **19,** 699
patent, ambiguity in, effect of, **22,** 163
ambit of invention must be circumscribed by, **22,** 161, 162
construction of, **22,** 164
distinction between new and old things not necessary in, **22,** 162, 163
essentials of, **22,** 161, 162
meaning of, **22,** 162
peerage,
Attorney-General, reference to, **7,** 73, 74
determination of, **21,** 786
legitimacy, in case of, **2,** 432
disputed, adjudication on, **6,** 456
evidence in, **22,** 279—281
jurisdiction as to, **9,** 20, 21 ; **22,** 277
lapse of time no bar to, **22,** 274
legitimacy, question as to evidence as to access, **22,** 282, 283
visitations as evidence in, **22,** 289 n.
possession, adverse, through. *See* ADVERSE POSSESSION ; POSSESSORY TITLE.
profits à prendre, to, custom, by, **10,** 238, 239 ; **11,** 343, 344 ; **20,** 520
doctrine of lost grant, under, **11,** 343, 345
persons under disability, against, **11,** 346
Prescription Act, under, **11,** 343, 345
prescriptive, **11,** 339, 343, 344
workmen's compensation, in. *See* WORKMEN'S COMPENSATION ACTS.

CLANDESTINE, *See* SECRET.
removal of goods. *See* FRAUDULENT REMOVAL OF GOODS.

CLARENDON,
Constitutions of, **11,** 500, 501 n., 504

CLASS,
action against, or on behalf of, county court, in, **8,** 454, 455, 457
High Court, in, **23,** 103. *See* REPRESENTATIVE ACTION.

CLASS—*continued.*
gift to. *See* CLASS GIFT.
goods, of, in case of application for trade mark, **27,** 704
higher education, for, grant in aid of, **12,** 48
implied trust in default of appointment to, **23,** 71
inclosure allotment for benefit of, **4,** 581
misrepresentation to member of a, evidence as to, **20,** 718, 719
patronage, rights to, how exercised by, **11,** 579
receiver, appointment of, on behalf of, **24,** 345
Settled Land Act powers, exercise of, by, **25,** 627 n.
usage of words, evidence of, **10,** 450

CLASS GIFT,
defined, **22,** 341 n. ; **28,** 614, 615
alternative classes, to, **28,** 728 n., 729, 731—735
Andrews v. *Partington*, rule in, **28,** 718
annuity, of an, **28,** 721
ascertainment of class, **23,** 71 ; **28,** 714 *et seq.*
contingent gift, **28,** 715
income, in case of gift of, **28,** 721
mixed fund, in case of, **28,** 721
personal estate, in case of, **28,** 714—722
real estate, in case of, **28,** 722, 723
specified age, gift on attaining, **28,** 718, 801
alternative gift, effect of, **28,** 801 n.
charitable, **4,** 148, 155, 156, 166
children, to, **28,** 714—723, 731, 732, 744
A. and B., of, how taken, **28,** 745, 746
born or to be born, **28,** 714, 721, 723
grandchildren take, when, **28,** 745 n.
parent's share, of, **28,** 731, 732
youngest attains specified age, vesting in case of, **28,** 814
closing of class, **28,** 715—722
conditional, vesting of, **28,** 817
contingency, upon happening of, **28,** 715
contingent remainders, by way of, **24,** 225
death of member before testator or distribution, effect of, **28,** 614, 716
distribution, whether *per capita* or *per stirpes*, **28,** 781—783
enumeration of some members of, effect of, **28,** 615, 616, 743, 744
executory settlement, in, right of survivorship, **25,** 540
gift over, class not in existence, to, **28,** 607 n.
distribution in case of, **28,** 715 n., 718 n., 820
time for payment, before, **28,** 832
illegitimate
children, in case of, **28,** 543, 738
relatives, when included, **28,** 735—738
income before distribution, right to, **28,** 723
income of property, of, **28,** 721
intermediate income, effect of gift of, **28,** 723
issue, to, **28,** 753—755
issue of deceased child not included in, **28,** 611, 616
lapse, doctrine of, as applied to, **23,** 40 ; **28,** 611, 613 n., 614—616
class and individuals, gift to, **28,** 615
issue of testator, in case of gift to, **28,** 611, 616
proviso against, effect of, **28,** 614
male heirs, to, **28,** 755
naming of some members, effect of, **28,** 615, 743
nephews and nieces, to, **28,** 615 n., 739 n.
next-of-kin, to, **28,** 756
others, to, whether means survivors, **28,** 728
parents and issue, to, **28,** 732

CLASS GIFT—*continued.*
parents or their children, to, **28,** 734
period of distribution, determination of, **28,** 717—720
gift over does not postpone, when members take at birth, **28,** 718 n.
payment directed on particular event, in case of, **28,** 718—720
postponed, how substituted gift affected, **28,** 732, 733
power of appointment, under, effect of, **23,** 23, 24
period for ascertaining class, **23,** 71
power authorising exclusion, effect of death of members, **23,** 24
previous gift to members, effect of presence or absence of, **23,** 70, 71
trust implied in favour of members pending exercise of power, **23,** 71
real estate, of, **28,** 722, 723
executory devise, by, **28,** 722, 723
relations, to, **28,** 757
reversionary property, of, **28,** 718
rule against perpetuities in relation to, **22,** 341—346
age greater than twenty-one, at, effect of, **22,** 343, 344
class living at a remote event, to, when void, **22,** 342
court cannot remodel gift, **22,** 345
forfeiture clause may be severable, **22,** 346
individual gift to each member, effect of, **22,** 345, 346
members ascertained by description, **22,** 342, 343
part of a larger class, to, effect of ascertainment of larger class, **22,** 343
power of comprising valid and invalid objects, effect of, **22,** 357
principles governing, **22,** 341
restraint on anticipation is severable among shares, **16,** 371; **22,** 352
settlement of each share, effect of, **22,** 346
substitutionary clause, effect of addition of, **22,** 346
survivor of a class, to, when valid, **22,** 305 n.
unborn children as a class, to, on attaining age of twenty-one, **22,** 345
validity of limitation, where attainment of age not a condition precedent to vesting, **22,** 344
springing devise, in the nature of a, **24,** 234
substitutional gift, in case of, **28,** 731, 733—735
death before testator, effect of, **28,** 731
lapse prevented by, **28,** 616
survivors, to, **28,** 724—728
tenant for life, rights of member of class entitled as, **25,** 627
time when members of class ascertained, **23,** 71; **28,** 616, 714—723
context clear, **28,** 714
contingent gift, in case of, **28,** 715
date of will, **28,** 616
death of testator *primâ facie*, **28,** 715—717
postponement of distribution, effect of, **28,** 616, 716—720
condition attached to gift, by reason of, **28,** 718—720
twenty-one, at, **2**[illegible], 718, 722, 801, 806, 814
alternative gift, effect of, **28,** 801 n.
unmarried persons, to class of, **28,** 716 n.
validity of, **28,** 537

CLASS GIFT—*continued.*
vesting of, direction as to, **28,** 799
gift over, effect of, **28,** 820
interest applied to maintenance, effect of, **28,** 817—819
specified age, at, with power as to maintenance, **28,** 817, 818
youngest attaining twenty-one, on, **28,** 814
vests in interest as to all members at the same time, **28,** 616
younger children, to, **28,** 749 n.

CLAUSES,
Acts, *defined*, **27,** 829 n.
incorporation of provisions in light railway order, **27,** 829
bill in Parliament, of, amendments to, procedure as to, **21,** 713
division of bill into, **27,** 117
deed, in, repugnant, construction of, **7,** 517; **10,** 456

CLAY,
lease to get, in Forest of Dean, **20,** 650
mineral, whether a, **20,** 503 n.
pit, tenant for life's right to open, **25,** 600, 602
tea adulterated with, penalty for, **15,** 68

CLAYTON'S CASE, RULE IN,
building society's banker, application to, **3,** 377
general application of, **1,** 586; **7,** 450
mortgage, current account to secure, in relation to, **21,** 225
more than one, in case of, **13,** 81 n.
trustee and *cestui que trust*, as between, **1,** 586; **2,** 169; **13,** 160; **28,** 90 n., 208
two trust funds, as between, **13,** 160 n.; **28,** 90 n. 208

CLEAN,
certificate of shares, meaning of, **5,** 182
hands, he who comes into equity must come with, **13,** 70, 72
injunction will not be granted if plaintiff does not come with, **17,** 247
particeps criminis may be assisted, **13,** 20 n., 54 n., 73 n.

CLEANSING,
children, of, liability of persons neglecting, **12,** 32 n.; **17,** 174; **20,** 399 n.
ditches and drains adjoining highway, of, **25,** 770, 771
drain, of. *See* DRAIN; DRAINAGE OF LAND.
factories or workshop, of, exceptions relating to, **14,** 498
infected house, of, **23,** 458, 459
sewer, of. *See* SEWERS.
streets, of, duty of local authority, **16,** 257; **23,** 608, 609
metropolis, in, **23,** 609, 610
urban districts, in, **16,** 256; **23,** 608
water supply by Metropolitan Water Board for, **28,** 345
verminous persons, of, **23,** 501

CLEAR DAYS,
meaning of, **15,** 56; **24,** 75; **27,** 448, 449

CLEAR YEARLY RENT,
defined, **25,** 307 n.

CLEARANCE,
friendly society, of, not an acquittance or receipt, **9,** 725
imported goods, of, **24,** 589
ship, of, duty of master to obtain, **26,** 218
emigrant, special requirements of, **26,** 81, 82
necessity for, before sailing, **26,** 81
power to withhold, non-compliance with statutory provisions as to ship's papers, in case of, **26,** 43
non-payment of tonnage rates, in case of, **26,** 639
shipowner's duty to obtain, **26,** 126 n.

CLEARING BANK,
defined, **1,** 568

CLEARING HOUSE,
bankers, object and duties of, **1,** 568, 590
presentment through, equivalent to presentment to bank drawn on, **1,** 590
railway, committee of, meetings of, **23,** 713, 714
constitution of, **23,** 713
documents of, validity and service of, **23,** 715
election of chairman of, **23,** 714
expenses of, how paid, **23,** 714
funds of, **23,** 714
legal proceedings by, parties to, **23,** 715
meeting of committee, **23,** 713, 714
minutes of proceedings of, as evidence, **23,** 715
recognition of, by Parliament, **23,** 713
recovery of sums due by, **23,** 714, 715
representation of companies on committee of, **23,** 713
secretary and treasurer of, appointment of, **23,** 714
settlement of questions as to accounts and contributions, **23,** 714

CLEARING SYSTEM,
canal companies, establishment by, **23,** 788
railways, of. *See* CLEARING HOUSE.

CLEMENT V.,
decretals of, **11,** 378 n.

CLEOPATRA'S NEEDLE,
injury to, penalty for, **9,** 788 n.
maintenance of, **21,** 606

CLERGY.
See also ARCHBISHOP; ARCHDEACON; BISHOP; CANON; CURATE; DEAN; INCUMBENT; RECTOR; VICAR.
abroad, ministering, **11,** 497
ordination of clergy, **11,** 553
admission to ministry, **11,** 549
ages for, **11,** 550
aliens in foreign countries, of, **11,** 553
adultery by, **11,** 523; **16,** 552
pardon, effect of, **6,** 407 n.; **11,** 523
advowsons, **11,** 564 *et seq.* *See* ADVOWSON.
affiliation order against clergyman, **2,** 452; **11,** 523
army chaplain, **11,** 647. *See* CHAPLAIN.
arrest of, privilege from, **11,** 555; **25,** 818
assurance society, business connection with, **11,** 558

CLERGY—*continued.*
bankruptcy, payments for duties performed before receiving order, **2,** 190
sequestration of benefice in case of, **2,** 153, 189, 190; **11,** 617, 620. *See* SEQUESTRATION (of Benefice).
stipend appointed by bishop in case of, **2,** 190; **11,** 620
barrister, declaration on becoming, **2,** 365
bastard, ordination of, **11,** 551
beneficed clergy, **11,** 559—636
defined, **11,** 392, 559
election of proctors for convocation by, **11,** 392. *See* CONVOCATION.
benefices. *See* BENEFICE.
benefit and assurance societies, business connection with, **11,** 558
bills of exchange, capacity and liability in respect of, **2,** 489
bishop, authority of, over, **11,** 406, 410. *See* BISHOP.
bishop's charge to, privilege in regard to, **11,** 403
brawling by, **3,** 422, 423; **11,** 470 n., 521
burial, drowned person, duty in case of, **3,** 547, 548
duties in regard to. *See* BURIAL.
fees in respect of, **3,** 480—483, 510, 522, 570; **11,** 776, 777
recovery of, **3,** 429; **11,** 712
chapels with districts or chapelries attached, serving, **11,** 562. *See* CHAPEL.
chaplains, **11,** 647. *See* CHAPLAIN.
Church Discipline Act, proceedings under, **11,** 520—522, 526
Clergy Discipline Act, proceedings under, **11,** 520—526; **16,** 552. *See* ECCLESIASTICAL OFFENCES.
Clerical Subscription Act, effect of, **11,** 372, 420 n.
collation of, **11,** 601, 602. *See* BISHOP; COLLATION.
colonial, **11,** 487, 553, 554. *See* COLONIES.
confirmation, duties in regard to, **11,** 688
Consistory Court, prosecution in, **11,** 506, 524
certificate of, **11,** 524
conviction for felony etc., deprivation on, **11,** 523
copyholds held by, in regard to, **4,** 256
corporation sole, as, **4,** 256; **11,** 563, 754
county
aldermen, qualification for, **12,** 361
franchise, qualifications for, **12,** 149, 150
cremation, fees for burial service at, **3,** 569, 570; **11,** 577
crime or immorality, procedure in case of, **11,** 522, 523
curates, **11,** 637, 638 *et seq.* *See* CURATE.
cure of souls, **11,** 609
vacancy, during, **11,** 635
deacons, **11,** 552. *See* DEACON.
death of, avoidance of benefice by, **11,** 627
deposition of, from Holy Orders, **11,** 526, 533 n., 539
deprivation, **11,** 525, 526, 533, 535—539, 635. *See* DEPRIVATION.
dilapidations, in case of. *See* ECCLESIASTICAL DILAPIDATIONS.
disabilities of, **11,** 556—558; **21,** 657; **24,** 360
Discipline Act, 1892. *See* ECCLESIASTICAL OFFENCES.
discipline of, **11,** 512 *et seq* *See* ECCLESIASTICAL OFFENCES.

CLERGY—*continued.*
disobedience of, bishop's orders, to, **11,** 406, 533, 538
sentence of ecclesiastical court, to, **11,** 526, 533
distress, privilege from, **11,** 556
ecclesiastical duties, **11,** 609, 613
ecclesiastical offences of. *See* ECCLESIASTICAL OFFENCES.
elections, wrongful interference at, **12,** 292 n.
exchange of benefices by, **11,** 632
excommunication, **11,** 533 n., 539. *See* EXCOMMUNICATION.
execution against, **11,** 556, 617; **14,** 89
farming, restrictions on, **11,** 557
fees of, **11,** 609, 776—779
banns, for publication of, **11,** 707
baptism, for, **11,** 688, 776 n.
burial, for, **11,** 712, 776, 777. *See* BURIAL.
churching, for, **11,** 709
cremation, on, **3,** 569, 570; **11,** 777
extortionate, offence of taking, **11,** 656
freehold interest, are not, **12,** 149
marriage, on, **11,** 707, 776
monuments, for, **11,** 777
new districts, in, **11,** 778
searches in parochial registers, for, **11,** 687 n., 707, 779
foreign and colonial, licence to minister in England, **11,** 554
ordination of, **11,** 553
gift to parish church as gift to clergy, **4,** 164
gifts for supporting, **4,** 112, 113, 118, 120—123; **11,** 773, 774; **15,** 406
House of Commons, incapacity to sit in, **11,** 556; **21,** 657
immorality of, **11,** 522—524, 537
income tax, when payable by, **11,** 775, 775 n.; **16,** 656, 668
incontinence, action by clergyman for imputation of, **18,** 622 n.
proceedings for, **11,** 522
incumbent. *See* INCUMBENT
induction of, **11,** 602
simoniacal, **11,** 593
inhibition against, **11,** 528, 534, 536, 614. *See* INHIBITION.
institution of, **11,** 601
refusal of, proceedings as to, **10,** 100; **11,** 512
insurance by, of parsonage, church, etc., **11,** 772; **17,** 525
judicial separation, decree for, against, **11,** 523; **16,** 552
pardon, effect of, **6,** 407 n.; **11,** 523
jury, exemption from service on, **11,** 556; **18,** 231
justice of peace, practice regarding appointment as, **19,** 550 n., 636
land tax, exemption of charities for relief of widows and children of, **18,** 311, 312
lecturers, as, **11,** 645
libel against, **11,** 556; **18,** 622 n., 632, 637, 704
licence, admission of perpetual curate by, **11,** 602
performance of divine service, for, **11,** 609
local government, disabilities as to, **11,** 557
marriage. *See also* MARRIAGE SOLEMNISATION OF MARRIAGE.
cannot celebrate their own, **11,** 704
deceased wife's sister, of, refusal to solemnise, **11,** 694
with, **16,** 285 n.
divorced person, of, **11,** 694

CLERGY—*continued.*
marriage—*continued.*
duty to celebrate, **11,** 693, 694
register, signing of, **11,** 705; **24,** 452
medieties, *defined*, **11,** 563
meeting of, without King's licence, legality of, **11,** 441
ministers in charge, **11,** 637, 638
chapels of ease, of, **11,** 646
proprietary chapels, of, **11,** 647
misconduct of. *See* ECCLESIASTICAL OFFENCES.
mode of life, restrictions on, **11,** 557
monition to, **11,** 534. *See* MONITION (ecclesiastical).
National Insurance Act, position under, **28,** 905 n., 908 n.
naval chaplains, as, **11,** 649; **25,** 7
nomination of, to living, **4,** 250—252
oaths by, **7,** 25, 26 n.
institution etc. to benefice, before, **11,** 601
ordination, before, **11,** 551
obstruction of, in performance of duties, **3,** 426; **9,** 478; **11,** 555, 663
offences by. *See* ECCLESIASTICAL OFFENCES.
orders of, **11,** 549 *et seq.*
ordination of, **11,** 549 *et seq.* *See* ORDINATION.
colonies, etc., for, **11,** 553, 554
ornaments of, **11,** 672. *See* ORNAMENTS.
pardon to clergyman, effect on incapacity to hold preferment, **6,** 406, 407; **11,** 523
parson. *See* PARSON.
patronage of benefices, **11,** 564. *See* BENEFICE.
penalties and forfeitures, **11,** 520 *et seq.* *See* ECCLESIASTICAL OFFENCES.
pensioner, as, **11,** 629—632
residence of, **11,** 631
status and liability of, **11,** 631
perpetual curacy, **11,** 560 n., 562, 602. *See* CURATE.
pluralities, **11,** 604—609
preachers, appointment as, **11,** 645
preferment, *defined*, **11,** 524 n., 527 n.
incapacity to hold, **11,** 537
vacation of, on appointment as bishop, **11,** 405
priests, functions of, **11,** 553
promises of, at ordination, **11,** 553 n.
privileges of, **11,** 555
punishments or censures, classes of, **11,** 533, 534
receiver, disability to act as, **24,** 360
rector. *See* RECTOR.
relinquishment of status, **11,** 558
effect of, **11,** 559
residence of, Crown grant for, **7,** 151
duty as regards, **11,** 610—613
non-resident, appointment of curate, **11,** 640
provision of, on common, **4,** 511, 549
resignation of, **11,** 627—632
bonds in regard to, **11,** 628
illegal engagement for, **11,** 628
infirmity, by reason of, with pension, **11,** 629—632
lunacy, in case of, **11,** 630
rights and duties of, **11,** 609—615, 654, 657—663
cure of souls, **11,** 609. *See* INCUMBENT.
school site, gift of, to, **15,** 407
schoolmasters, may be, **11,** 558
Scottish, restrictions on ministration in England, **11,** 555
secular pursuits, restrictions as to, **11,** 557, 558
self-taxation discontinued, **11,** 393 n.
sentence on, disobedience to, **11,** 526, 533

CLERGY—*continued.*
sequestration of benefices, **11,** 616—627 ; **14,** 89. *See* SEQUESTRATION (of Benefice).
services, duties as regards, **11,** 613, 654, 655, 657—663. *See* SERVICE (rite)
procedure on neglect of duty as to, **11,** 526, 529 *et seq.*
ritual offences, **11,** 665—684. *See* RITUAL.
simony, **11,** 593. *See* SIMONY.
status of, **11,** 555—559
relinquishment of, **11,** 558
suspension of, **11,** 535, 613 n.
resumption of duty during, effect of, **11,** 533
sequestration during, **11,** 535, 621
tolls, exemption from, **11,** 556, 636
trading or dealing, restrictions on, **11,** 522, 557, 558, 637 ; **22,** 19
exceptions allowed, **11,** 558
trial of, archdeacon's court, before, **11,** 501
Clergy Discipline Act, under, **11,** 506, 512, 524, 525
trustee of charity, as, **4,** 256. 258
unbeneficed, **11,** 636—653. *See* UNBENEFICED CLERGY.
undue influence of, presumed over devotee, **15,** 110
union of benefices, **11,** 605—609. *See* BENEFICE.
unlicensed, punishable for preaching, **11,** 520 n.
vestments of. *See* VESTMENTS.
vicar. *See* VICAR ; VICAR CHORAL.
vicarage, **11,** 561. *See* VICARAGE.
workhouse or district school, visits to, of, **12,** 90

CLERGYMAN. *See* CLERGY ; MINISTER OF RELIGION.
burial by. *See* BURIAL.
incumbent, as. *See* INCUMBENT.
parson, as, *defined*, **11,** 560 n.
corporation sole, as, capacity of, **4,** 256
fencing of ecclesiastical property, duty as to, **3,** 130
poor rate, liability to, **24,** 3, 4
tithe-owner, rateability as, **24,** 17, 18
rector, as. *See* RECTOR.
vicar, as. *See* VICAR.

CLERICAL ERROR,
award, in, correction of, **1,** 265, 458, 470
bill of sale, in filed copy of, **3,** 47
construction of documents, errors treated as corrected in, **3,** 174, 181 ; **7,** 517 ; **10,** 454 ; **21,** 14
correction of, power of court as to, **3,** 173, 174 ; **28,** 72
judgment or order, in, correction of, **18,** 213 ; **23,** 141
patent, in, Comptroller may correct, **22,** 168
Prescription Act, in, **11,** 270 n.
register of births, deaths and marriages, in, correction of, **24,** 447
register abroad, in case of, **24,** 459
settlement, in, correction of, **25,** 533 n.
specific performance not refused on account of, **27,** 50
statutes, in, **27,** 146
wills, in, practice as to, **14,** 168 ; **28,** 630, 675

CLERK,
defined, **9,** 651
agency, of, **1,** 170 ; **15,** 470

CLERK—*continued.*
arraigns, of, *defined*, **9,** 74
Central Criminal Court, of, **9,** 89
duties of, **9,** 74, 89
articled, **26,** 710—716. *See* ARTICLED CLERK.
right on employer's bankruptcy, **2,** 222
assessment committee, of, duties of, **24,** 47 ; **27,** 72
assize, of. *See* CLERK OF ASSIZE.
asylum, to, duty to keep books and documents, **19,** 484
visiting committee, may be clerk to, **19,** 468
auctioneer, of, authority of, **1,** 505
bankruptcy of employer, preferential payment in, **2,** 217
barrister, of, fees of, **2,** 422, 423
borough councils, to, **19,** 312. *See* TOWN CLERK.
metropolis, in, **20,** 455
burial board, to, **3,** 449, 459
cemetery company, to, **3,** 519
chief, assignment to Master of Rolls and Vice-Chancellors, **9,** 67 n. ; **13,** 6 n.
Masters of High Court, as, **9,** 67 n.
church or chapel, of, trial by archdeacon, **11,** 501
company, to, authority of, **5,** 292
notice to, effect of, **5,** 307
preferential claim of, in winding up, **5,** 516, 517, 518
contract of service of, stamp duty on, **20,** 79 n.
corporation, of municipal. *See* TOWN CLERK.
county council, of, **19,** 342. *See* COUNTY COUNCIL.
court, of the, duties in connection with distress, **11,** 226, 227
forgery by, of court documents etc., **9,** 735, 736
infant, disability of, **17,** 47
Crown in Chancery, of. *See* CLERK OF THE CROWN IN CHANCERY.
ecclesiastical. *See* CLERGY.
election, employment at parliamentary, **12,** 268, 269
payment for, illegal, **12,** 300
embezzlement by, **9,** 651, 652
entry made by, admissibility in evidence, **13,** 465
falsification of accounts by, **9,** 656
friendly society, of, when guilty of embezzlement, **15,** 189
officer, of, liability for misappropriation by, **15,** 186, 186 n., 189
guarantee on behalf of, **15,** 496 n., 497 n., 498 n.
surety's liability for, **15,** 487 n.
guardians, to, appointment and duties of, **22,** 538, 542, 543
liability on failure to make return, **22,** 538
holy orders, in. *See* CLERGY.
House of Commons, of the, appointment and functions of, **9,** 25 ; **21,** 667. *See also* HOUSE OF COMMONS.
assistant, appointment and functions of, **9,** 25 ; **21,** 667
Income Tax Commissioners, to, appointment of, **16,** 615
duty in reference to returns, **16,** 618
indictments, of, duties of, **8,** 289 ; **9,** 345
insurable interest of, in employer's life, **17,** 546
jury, service on, exemptions from, **18,** 231 *et seq.*
justices, to, **19,** 611—618. *See also* JUSTICES' CLERK.
accounts, of, **11,** 223 ; **19,** 615, 616

CLERK—*continued.*
justices—*continued.*
appointment of, **19,** 611
as justice, effect of, **19,** 551
duties of, **11,** 223; **19,** 614—616
club registration, as to, **4,** 432
person acting for, status of, **19,** 614
qualification and disqualification of, **19,** 612
licensing justices, in case of, **18,** 54
register to be kept by, **18,** 102, 103; **19,** 615
salary and fees of, **19,** 613, 614
liability on demanding excessive fees, **18,** 38; **19,** 614
licensing justices, in case of, **18,** 38
separate, may be appointed, when, **19,** 611, 612
tenure of office, **19,** 612
Land Tax Commissioners, to, **18,** 314
duties of, **18,** 323
larceny by, **9,** 644
licensing justices, to, solicitor as, **18,** 54
local authorities, of, barrister may be instructed by, **2,** 389
lunacy visiting committee, to, **19,** 468
visitors appointed by justices, to, **19,** 469
markets, of the City of London, in, **20,** 423
court of, **9,** 137; **20,** 25 n.
jurisdiction of, **9,** 137; **20,** 25 n.
liability as regards price lists, **28,** 471
marshal, change of ministry as affecting, **7,** 107
metropolitan police magistrate, to, appointment and salary of, **19,** 616
duties of, **19,** 617
fees and fines received by, **19,** 617
qualification, **19,** 617
municipal election, in, **12,** 341
notice of dismissal, what is reasonable, **20,** 97 n., 98 n.
parish. *See* PARISH CLERK.
parish council, to, appointment of, **19,** 250
duties of, at elections, **12,** 382, 383
Parliaments, of. *See* CLERK OF THE PARLIAMENTS.
peace, of the. *See* CLERK OF THE PEACE.
Petty Bag, of the, duties transferred, **7,** 11, 12
petty sessional division, to, barrister eligible, **2,** 383
position of, what it implies, **20,** 66 n.
privileged communications, **11,** 74. *See* DOCUMENTS; PRIVILEGE; SOLICITOR.
Reading, in House of Lords, appointment of, **9,** 24; **21,** 631
attendance of, **21,** 630
functions of, **9,** 24
registrar of High Court, of, right of succession by, **9,** 68
relief of poor, **4,** 108, 110
restrictive covenant with, validity of, **27,** 575 n.
carriers, in case of, **27,** 564 n.
confidential, in case of, **27,** 558 n., 563 n.
solicitor's, in case of, **26,** 712 n.; **27,** 562 n., 573 n., 574 n.
rural district council, of, **19,** 333
returning officer at elections, as, **12,** 377
Sewers, of Commissioners of, **25,** 778, 787
signet, of the, abolition of office of, **7,** 11 n.
solicitor, to, articled, **26,** 710—716. *See* ARTICLED CLERK.
inspection of documents by, **11,** 90 n.
liability for acts of, **26,** 758
privilege of, **11,** 73 n.

CLERK—*continued.*
solicitor—*continued.*
privileged communications through, **11,** 74
restrictive covenant by, **20,** 89 n.; **26,** 712 n.; **27,** 562 n., 573 n., 574 n.
stipendiary, to, appointment and salary of, **19,** 547, 617
duties of, **19,** 618
fees of, **19,** 618
qualification and disqualification of, **19,** 617
surety for, liability of, **15,** 487 n.
urban district council, of, appointment, **19,** 272
legal proceedings, duties as to, **19,** 290
returning officer at elections, **12,** 362
vestry, to, **11,** 460. *See* VESTRY CLERK.
visiting committee of asylum, of, **19,** 468
Workmen's Compensation Act, position under, **20,** 154
works, of the, *defined*, **3,** 163
architect's responsibility for, **3,** 293, 299
duties of, **3,** 163

CLERK OF ASSIZE,
appointment of, **9,** 73, 74
coroners' inquisitions, delivery to, **8,** 290
duties of, **9,** 73, 74; **25,** 822
exaction of fees by, penalty for, **9,** 482, 483
extortion by, **9,** 482, 483; **23,** 351
juror, duty where attendance not required, **18,** 239
liability for recording appearance of non-appearing, **18,** 268
oath to be taken by, **25,** 822 n.
qualifications of, **2,** 383; **9,** 74
salary of, effect of, **9,** 74
tenure of office of, **9,** 74

CLERK OF THE CROWN IN CHANCERY,
appointment of, **7,** 12, 12 n.
claim at coronation, **6,** 334
Clerk of the Petty Bag, transference of duties of, **7,** 11, 12
commission of escheat, issued by, **10,** 36
duties of, **7,** 12, 13
election, misfeasance in respect of, **12,** 538, 539
municipal, not returnable to, **12,** 350
packets relating to, to be sent to, **12,** 329
Parliamentary, entries in return book of result, **12,** 333
return of result of, **12,** 275, 331, 332
petition, notice of hearing of, **12,** 439
fees of, **7,** 12, 13, 17, 18
patents of creation, on, **7,** 17 n.
functions of, **6,** 330, 334
Great Seal, keeper of, **7,** 60

CLERK OF THE PARLIAMENTS,
appointment and position of, **9,** 24; **21,** 630, 631
assistant, appointment and duties of, **9,** 24; **21,** 631
duties of, **9,** 24; **21,** 630
when the Sovereign prorogues Parliament in person, **21,** 700
under-clerk, appointment and duties of, **9,** 25; **21,** 667, 693
clerk of the House of Commons, as, **9,** 25

CLERK OF THE PEACE,
annual return of qualified justices, by, **19,** 537
appointment of, **19,** 343, 624, 625

CLERK OF THE PEACE—*continued.*
assistant, appointment of, **19,** 626
certificate of conviction, duty as to, **18,** 55
common, deposit of award on inclosure of, **4,** 586
compulsory purchase, duties in respect of copies of special Act, **6,** 18, 19
costs of appeal to quarter sessions, payment of, to, **11,** 226, 227
county boundary, notice of alteration of, to, **4,** 553
depositions, filed with, on conviction or dismissal of information, **19,** 586
deputy to, appointment of, **19,** 344, 626
disqualifications affecting a, **19,** 626, 627
division of county, appointment on, **19,** 627
duties of, **19,** 343, 627, 628
fees of, authorisation of, **19,** 625, 626
compensation paid to, for loss, **19,** 626
filing of declaration by sheriff, on, **25,** 693
under-sheriff, from, **25,** 799 n.
payment of, **19,** 625
gamekeepers registered with, **15,** 241
gas company's accounts to be lodged with, **15,** 372
plans of alterations of districts to be deposited with, **15,** 314, 376 n.
special Acts to be deposited with, **15,** 319
juror's attendance not required, duty where, **18,** 239
book, preparation by, **18,** 235
fees for, **18,** 236
false entry as to attendance of, liability for, **18,** 268
neglect of duties in respect of, liability for, **18,** 269
precepts, duty as to, **18,** 233
revised lists, delivery to, **18,** 235
justice, effect of appointment as, **19,** 551
Lands Clauses Acts, duties in respect of, **6,** 18, 19
London, County of, provision to appointment for, **19,** 629
status and duties of, **20,** 402
lunatics, duty to keep account of licence fees of, **19,** 475
maiden sessions, duty as to, **19,** 620
parish constables, list of, to be sent to, **22,** 464
pension of, whether assignable, **4,** 400—402
quarter sessions, duty as to juries, **19,** 628, 631
notice of, duty as to, **19,** 619
salary and fees of, payment of, **19,** 625
whether assignable, **4,** 400—402
status of, **19,** 624, 625
taxing officer, duties as, **19,** 628
vacancy in office of, provision for, **19,** 343

CLIENT,
barrister, of, advice of barrister, effect of acting on, **2,** 402. 403
authority of barrister to bind, **2,** 397—401
confidential information, duty in respect of, **2,** 394—397
contracts between barrister and, **2,** 392
duty of barrister towards former, **2,** 407
fees cannot be recovered by barrister from, **2,** 209, 390—393
negligence, barrister not liable for, **2,** 394
relations of barrister with, **1,** 185 n.; **2,** 389, 409
retainers, **2,** 405—407. *See* RETAINER.
solicitor, intervention of, **2,** 389
solicitor, of. *See* SOLICITOR.
account stated with, **7,** 492; **26,** 776
acts which are not binding on, **26,** 744

CLIENT—*continued.*
solicitor—*continued.*
authority of solicitor to bind, **26,** 741—744
contentious business, **26,** 741—744
non-contentious business, **26,** 744—746
withdrawal of authority after authorisation to enter appearance, **26,** 831
communications between solicitor and, how far privileged, **11,** 72—74. *See* PRIVILEGE.
costs, right of solicitor to recover against, **26,** 797, 798
right to tax bill of, **26,** 781, 782
credit of, solicitor cannot pledge for counsel's fees, **26,** 741
death of, effect on solicitor's authority, **26,** 737, 739, 742
delivery up of papers belonging to, **26,** 840
discharge of solicitor by, **26,** 737
disclosure to, duty as to, **26,** 665 n.
gift to solicitor by, **13,** 19; **15,** 104, 108, 420; **26,** 747
indemnification by, of solicitor, **26,** 832
London agent's relation to, **26,** 843, 844
money of, receipt by solicitor, **13,** 156 n.
moneys in hands of solicitor, right as to, **26,** 746, 837—840
mortgages between solicitor and, **21,** 124, 145; **26,** 751, 752
negligence, liability of solicitor for, **21,** 370; **26,** 753—758
papers of, property in, **26,** 740
protection of interests of, **26,** 758
retainer of solicitor by, **26,** 728—740. *See* RETAINER.
sale to solicitor by, **15,** 108, 109; **26,** 748—750. *See* SOLICITOR, purchase.
standing relation of solicitor to, cannot exist, **26,** 737 n.
taxation of costs by, **26,** 781, 784, 787. *See* TAXATION OF COSTS.
undue influence of solicitor, presumption of, **13,** 19; **15,** 104, 108, 420; **26,** 747 *et seq.*
will of, when solicitor can benefit under, **26,** 752
stockbroker, of. *See* STOCKBROKER.
stockjobber, of, relation between jobber and, **27,** 225

CLITHEROE,
local court of, **9,** 154
separate commission of peace for, **19,** 541

CLOAK ROOM,
cotton cloth factory, provision in, **14,** 457
railway company, duty to supply, **4,** 68
liability for luggage left at, **1,** 549; **4,** 29; **21,** 428
lien on goods in, **1,** 548; **4,** 94
reasonable facility, is a, **4,** 68
Sunday, delivery out on, **27,** 444 n.

CLOCK,
carriage of, liability for, **4,** 23
church, faculty for, **23,** 502
gift of, **4,** 114
clockmakers, trade usages of, **10,** 282
public, gift of, **23,** 503
maintenance and repair of, **23,** 502
metropolitan borough councils, by, **20,** 405
provision of, by local authorities, **23,** 502

CLOG ON EQUITY OF REDEMPTION,
defined, **13,** 91 ; **21,** 71
agreement not amounting to, **13,** 91 ; **17,** 252 ; **21,** 143
bonus as, **21,** 144
collateral advantage to mortgagee, when amounting to, **13,** 91 ; **21,** 143, 242
company's securities, in case of, **5,** 360 ; **13,** 92 ; **21,** 143 n.
examples of, **21,** 142—145
forbidden, **13,** 91 ; **21,** 71, 142, 143
foreign land, on mortgage of, **13,** 65 n.
independent transactions not regarded as, **21,** 144
invalidity of, **13,** 91 ; **21,** 71, 142, 143
postponement of redemption, by, **13,** 91 ; **21,** 142, 143
transactions not amounting to, **21,** 144

CLOSE CHAPTER,
defined, **11,** 424

CLOSE-HAULED,
defined, **26,** 431, 432
evidence as to whether vessels were, **26,** 430
keeping course when, meaning of, **26,** 451
luff to avoid collision, not pay off, **26,** 453
port tack, on the, hove to and appearing to be, duty of vessel, **26,** 425, 432, 433
sailing rule where vessel is, **26,** 425, 431—433
vessel being overhauled must keep out of way, **26,** 464 n.

CLOSE ROLLS,
letters close, recorded in, **7,** 16, 17
peerage claim, production as evidence in, **22,** 280
writ close recorded in, **7,** 16, 17

CLOSE SEASON,
deer, for, no statutory, **15,** 210, 262
fish, for, **14,** 614—616. *See under name of particular fish.*
sale during, **14,** 617, 618
salmon fishery districts, power to exempt from, **14,** 597
game, for, **15,** 209—211
licensed dealer, liability for sale or possession or killing during, **15,** 259, 261 ; **24,** 657
persons other than, liability for sale or possession during, **15,** 261, 262
offences in connection with, **15,** 259—262
rabbits, for, no statutory, **15,** 210
royal forest, in, **4,** 475
salmon, for, **14,** 614—617
exemption from, **14,** 597
variation of, **14,** 604, 615
seals, for, **14,** 638
wild birds, for, **1,** 405, 406 ; **15,** 209, 210. *See* WILD BIRD.

CLOSET. *See* EARTH-CLOSET ; SANITARY CONVENIENCE ; WATER-CLOSET.

CLOSING HOURS,
billiard licence, in case of, **27,** 425, 426
cinematograph, for, **27,** 419 n.
fairs, for, **20,** 19
intoxicating liquor, for premises licensed for sale of, **18,** 87—98

CLOSING HOURS—*continued.*
intoxicating liquor—*continued.*
bonâ fide traveller, effect in case of, **18,** 94, 127, 128
Christmas Day and Good Friday, on, **18,** 89
clubs, application to, **18,** 107 n.
early closing licence, in case of, **18,** 91
entertainment of friends during, right of licensee as to, **18,** 125, 126, 143
exemptions from, **18,** 94—98
general order for, **18,** 95, 96
notice of, **18,** 131
special order for, **18,** 97
variation or withdrawal, **18,** 96
general closing hours, **18,** 88
infringement of, by licensee, penalty, **18,** 124, 125
keeping open during, what will amount to evidence of, **18,** 125—127, 128
shops for sale of other articles, in case of, **18,** 127
licensed premises during, penalty for being found on, **18,** 142, 143
local customs, effect of, **18,** 89
lodgers, effect as regards, **18,** 94
markets, exemptions in case of licensed premises near, **18,** 95, 96 ; **20,** 34
metropolis, **18,** 88, 90
power of Commissioner of Police as to, **22,** 472
occasional licence, in case of, **18,** 98
railway station refreshment rooms not affected, **18,** 95 ; **23,** 698
retail licensed premises, of, in and outside towns, **18,** 88, 89
riot, in case of, **18,** 93, 129
sale during, effect of, **18,** 124, 125
six-day licence, effect of, **18,** 90, 91
Sunday, on, **18,** 88, 89, 90, 91
theatres, application to, **18,** 107
variation by licensing justices, **18,** 89
Wales, for sale by retail in, **18,** 90
wholesale dealings, application to, **18,** 87
markets, for, **20,** 19
music and dancing, for places licensed for, **27,** 417
penalty for keeping open, **27,** 422, 423
refreshment house, for, **18,** 92, 93
consumption of intoxicating liquor in, **18,** 128, 129
exemption order for, **18,** 96, 97
licensed to sell foreign wine, **18,** 93
railway station, at, **18,** 95
shops, for, **14,** 510—512
Sunday entertainments, **27,** 422, 423

CLOSING ORDER,
dwelling-houses, in respect of, **21,** 569 ; **23,** 527—530
appeals, **23,** 545, 546
county council, power of, **19,** 376
county court, by, **8,** 656
determination of, **21,** 569 ; **23,** 529
effect of, **21,** 569
local authority, inspection by, prior to making, **23,** 527
power to make, **23,** 527, 528
notice of, **23,** 529
owner, entry by, on default in compliance with order, **23,** 546
not in receipt of rent and profits, rights, **23,** 545, 546

CLOSING ORDER—*continued.*
dwelling-houses—*continued.*
rescission of, **21,** 569 ; **23,** 529
underground room, in respect of, **23,** 529
when made, **21,** 569 ; **23,** 528
hospital for lunatics, as to, **19,** 479
licensed premises during riot, **18,** 93, 129
markets, as to, **20,** 19
shops, in respect of, **14,** 510—512
exceptions from, **14,** 511
local authorities having power to make, **14,** 512
penalty for non-compliance with, **14,** 511
Secretary of State, local inquiries by, **14,** 512
power to revoke, **14,** 512
theatres, for, Lord Chamberlain's powers as to, **27,** 406, 407

CLOSURE,
how put in the House of Commons, **21,** 670

CLOTHING. *See* WEARING APPAREL.
apprentice's covenant as to, **20,** 118
bankrupt, of, **2,** 143, 299
convict in penal servitude, of, **23,** 264
distress, privilege from, **11,** 138, 139, 209, 226
enticing child with intent to steal from its person, **9,** 621
execution, exemption of, from, **2,** 299 ; **14,** 48
gift of, whether a portion, **11,** 21
infant's, necessary, as, **17,** 68
infected, destruction of, **23,** 451
disinfection etc. of, **1,** 426 ; **23,** 456—459
laundry, liability on sending to, **23,** 451
married woman may pledge husband's credit for necessary, **16,** 420 n.
secus, where goods ordered in excess of requirements, **16,** 417 n.
master, duty of, to supply apprentice with, **20,** 118
neglect of, to provide, apprentice or servant, for, offence, **9,** 623 ; **22,** 541
pauper, damage by, to, **22,** 613
destroying his own, idle and disorderly person, as, **22,** 609
pawn of, **22,** 237
prisoners awaiting trial, right of, as to, **23,** 244
schoolmaster has no implied authority to supply, **12,** 123
street, hanging on lines in, when an offence, **27,** 284, 287
trustee in bankruptcy, not vesting in, **2,** 143
withholding of
seaman's, payment of lodging, for, **26,** 54
woman's, disorderly house, in, **9,** 543

CLOUD ON TITLE. *See* TITLE.

CLOVER,
right of tenant to, **18,** 565, 566

CLUB.
The title CLUBS *is contained in Vol. IV., pp.* 405 *et seq.*
defined, **4,** 405
accounts of, **4,** 429
actions, by and against, **4,** 426, 427
members of, by and against, **4,** 420—423
wrongful expulsion, for, **4,** 417 ; **17,** 231
administration of assets of, **4,** 437
admission to, **4,** 414

CLUB—*continued.*
agency of committee etc., **4,** 420—422
agents of, personal liability of, **4,** 423, 425
warranty of authority by, **4,** 424
association distinguished from, **7,** 339, 341 ; **15,** 127 ; **22,** 4 n.
betting house, when not a, **4,** 435 ; **9,** 550 ; **15,** 296
betting in, **4,** 435—437 ; **15,** 295
bogus clubs, betting in, **4,** 435
sale of intoxicating liquors in, **4,** 430, 433 ; **18,** 107 n.
bye-laws of, **4,** 408, 413
card games at, **4,** 436
classification of, **4,** 406
coal contracts, liability of members for, **7,** 341 n
committee of, authority of, **4,** 420—422
contribution between members of, **4,** 420
indemnity of, **4,** 420, 422
liability of, contracts, on, **4,** 423, 424 ; **7,** 339
torts, for, **4,** 425
lien of, **4,** 420
management by, **4,** 407, 408, 416, 418—426
powers of, **4,** 418—420
quorum of, **4,** 419
ratification of acts of, **4,** 422
company, formation into, **4,** 408
conduct injurious to interests of club, expulsion for, **4,** 415, 416
constitution and internal arrangements of, **4,** 411—420
contracts, liability of members on, **4,** 408, 421—423, 425 ; **7,** 339
contribution, between members of, liability on contract for, **4,** 423
committee of, between, as joint contractors, **4,** 420 n.
property purchased by, to, exemption from duty of, **4,** 428
debentures, authority to issue, **4,** 427, 428
registration of, **4,** 427, 428
seal, need not be under, **4,** 428
dissolution of, **4** 437, 438
duty on property of, **4,** 428
annual account for, **4,** 429
election purposes, illegal use for, **4,** 434 ; **12,** 304, 348, 349
entrance fees and subscriptions, liability for, **4,** 418
excise duty on liquors supplied to, rate of, **24,** 616
recovery of, **24,** 617
expulsion from, **4,** 415. *See* members of, *infra.*
friendly society, registration as a, **4,** 409
unregistered, resembles a, **15,** 127
games in, unlawful. **4,** 436
gaming house, as a common, **4,** 435 ; **9,** 546 ; **15,** 288, 290
gaming in, **4,** 435—437 ; **9,** 546 ; **15,** 295
penalties for, **4,** 436 ; **9,** 546
gifts to, are not charitable, **4,** 119
incorporated, act on against, **4,** 426
alteration of rules, **4,** 413
constitution of, **4,** 408
contracts on behalf of, **4,** 408, 425
debentures of, **4,** 427, 428
dissolution and winding up of, **4,** 438
entrance fees and subscriptions, recovery of, **4,** 418
liabilities of members, **4,** 408, 425
memorandum and articles of, **4,** 408

CLUB—*continued.*
incorporated—*continued.*
registration of, **4,** 409
resignation of members, **4,** 414, 415
rights and duties of members, **4,** 408, 409
sale of liquor in, **4,** 431
trustees unnecessary for, **4,** 419
wrongful expulsion from, **4,** 417 ; **17,** 231
indemnity of trustees and committee, **4,** 420, 422
injunction, when relief granted to members of, by, **4,** 417 ; **17,** 231
intoxicating liquor, excise duty on supply of, to, **24,** 616, 617
sale in, **4,** 429—434 ; **24,** 673
consumption off premises, for, **4,** 429
habitual drunkards, to, **18,** 167, 168
licence required, when, **4,** 429—431 ; **24,** 673
non-members, to, **4,** 430, 433
registration for. *See* registration, *infra.*
striking off for offences as to, **4,** 433
lien of trustees and committee, **4,** 419, 420
management of, **4,** 418—420
members' clubs, **4,** 406. *See* MEMBERS' CLUB.
members of, election of, **4,** 414
expulsion of, **4,** 415—418. *See* expulsion, *supra.*
committee, position of, **4,** 416
injunction to restrain, when available, **4,** 417 ; **17,** 231
interference by court to prevent, **4,** 416 ; **17,** 231
meetings for, **4,** 415
opportunity of defence before, **4,** 415, 416
reasonable and probable cause for, **4,** 416
rules as to, must be observed strictly, **4,** 415
wrongful, **4,** 417, 418
liabilities of, **4,** 420—425. *See* MEMBERS' CLUB ; PROPRIETARY CLUB.
tort, for, **4,** 425, 426
resignation of, effect, **4,** 414, 415, 423
rights of, **4,** 420—426
mutual insurance, legal character of, **17,** 504, 505
name, infringement of, **27,** 749
non-election to, whether actionable, **20,** 705 n.
notice by,
alteration of rules, of, **4,** 413
meeting for expulsion of member, of, **4,** 415, 416
rules, of, **4,** 411
service of, **4,** 414
objects of, **4,** 406
alteration of, **4,** 406, 413
partnership, not a, **4,** 406, 420 ; **22,** 4 n.
persons employed by, provisions as to, **28,** 908
police, powers of, **4,** 434, 436 ; **22,** 503
political, meaning of, **4,** 434
use of for election purposes, **4,** 434
pretended, betting in, **4,** 435
Licensing Acts, application of, **4,** 430, 433 ; **18,** 107 n.
property of, alienation of, **4,** 407
charge on, for money borrowed, **4,** 427
division of, on dissolution, **4,** 437
duty on, **4,** 428, 429
interest of members in, **4,** 406
larceny or embezzlement of, by members, **4,** 407
vesting of, in trustees in certain cases, **4,** 419

CLUB—*continued.*
proprietary. *See* PROPRIETARY CLUB.
purposes of, need not be all fulfilled, **4,** 406
registration of, for sale of intoxicating liquor, **4,** 409, 431—434 ; **24,** 673
register, clerk to justices to keep, **4,** 432
contents of, **4,** 432
inspection of, **4,** 432, 433
striking off, **4,** 433
return by secretary, **4,** 432
sale of liquor in unregistered, **4,** 433
rights and liabilities of, **4,** 420—427
rules of, **4,** 411—414
access to, implies knowledge of contents, **4,** 411 ; **13,** 448
alteration of, **4,** 412, 413
construction to be put upon, **4,** 411 ; **17,** 231 n.
copy of, to whom furnished, **4,** 411, 412
form part of members' contract, **4,** 411
matters provided for by, **4,** 411
notice to members of, **4,** 411, 413
search warrants in, **4,** 434, 436, 437
secretary of, *defined,* **4,** 431 n.
authority and functions of, **4,** 419, 421
duty on club property, liability as to, **4,** 429
excise, statement to be furnished for, **24,** 617
personal liability of, **4,** 424
registration, duties as to, **4,** 431, 432
shop, *defined,* **4,** 410. *See* SHOP CLUB.
solicitor, retainer of, **26,** 734
steward of, authority and functions of, **4,** 419, 421
personal liability of, **4,** 424
striking off register, **4,** 433
subscriptions of, liability for, **4,** 418
tort, liability of members in, **4,** 425, 426
trustees of, indemnity, not entitled to, **4,** 420
liability in respect of corporation duty, **4,** 429
lien of, **4,** 419
powers and functions of, **4,** 419
unincorporated members' clubs, **4,** 406, 407. *See* MEMBERS' CLUB.
unregistered, sale of intoxicating liquors in, **4,** 433, 434
winding up of, **4,** 437, 438 ; **5,** 394, 650
working men's, **4,** 409. *See* WORKING MEN'S CLUBS.

CLYDE,
local navigation rules affecting, **26,** 481

CO-ADVENTURERS,
marine insurance, in, **17,** 339
partnership, in case of, **22,** 6
working of mines by, **5,** 656 ; **20,** 638

CO-CONTRACTOR. *See also* JOINT CONTRACTOR.
adult as, with infant, liability of, **17,** 73, 74
liabilities of, *inter se,* **19,** 46, 73, 74
limitation of actions, in relation to, absence abroad of, effect on action, **19,** 57
acknowledgment of debt in writing by, effect of, **19,** 61, 62, 81
payment by, effect of, **19,** 73
on account by, effect of, **19,** 61, 62
suing one only, unprotected by, **19,** 187
when Statute of Limitations begins to run as between, **19,** 46, 47

CO-DEBTORS. *See also* JOINT DEBTOR.
bankruptcy, cost incurred in case of, recovery of, **2,** 115
limitation of actions, in relation to absence abroad of any, effect of, **19,** 57
effect of statute as between, **19,** 46, 47
liabilities of, *inter se,* **19,** 74
payment by any, effect of, **19,** 73

CO-DEFENDANT. *See also* DEFENDANT.
contribution from, **23,** 162, 165
counsel, representation by, **2,** 411
joinder of. *See* JOINDER OF PARTIES.
probate action, in, **14,** 181

CO-EXECUTOR. *See also* EXECUTOR.
acknowledgment by, **14,** 252, 253; **19,** 59, 61, 62, 104
claim of, when may be compromised by other executor, **14,** 300
distress by, **11,** 126
infant as, rights and liabilities of, **17,** 50
liability for acts of, **14,** 319

CO-EXISTENCE,
copyhold customs, of, **8,** 23
private and public rights of way, of, **11,** 286
settlements, of, for purposes of Settled Land Acts, **25,** 671, 672. *See* COMPOUND SETTLEMENT.

CO-HEIR,
abeyance of peerage distinguished from co-heirship, **22,** 273
attainder of one, effect on barony in abeyance, **22,** 276
gavelkind, in, distress by, **11,** 126
rights of, **24,** 152
office of honour vests in all, **22,** 274
peerage, to, rights of, **22,** 273

CO-HEIRESS. *See* CO-PARCENER.
family arrangement for division of property, **14,** 542
peerage, in case of, **22,** 273

CO-OPERATIVE SOCIETY,
defined, **17,** 3; **26,** 675
allotments, cultivation of, for promotion of, **1,** 355, 360, 361; **26,** 675
letting of, to, provisions for, **1,** 354; **17,** 7
bank, as registered, special provisions as to, **17,** 4
building, advantages over ordinary building society, **17,** 6
members' interest in restricted, registration of, **17,** 5, 6
county council, assistance by, for purpose of workmen's dwellings, powers, **17,** 6
grants for allotments by, to, **1,** 360
promotion by, of, **1,** 360; **17,** 6; **26,** 675
land, contract of infant member of, validity of, **17,** 15
legislation as to, **17,** 3
licensed hawker, as, **24,** 657 n.
nature and object of, **17,** 3
set-off in respect of member's shares, **17,** 30
small holdings, for provision of, county councils may promote and assist formation of, **26,** 675
stamp duty, no exemption from, **17,** 4

CO-ORDINATION,
education, of all forms of, education committee scheme, by, **12,** 19
local education authority, by, **12,** 18 n.
duty of, as to, **12,** 22

CO-OWNER. *See also* COPARCENER; JOINT OWNER; JOINT TENANT; PART OWNER; TENANT IN COMMON.
bailee
as, rights of, **1,** 565; **27,** 898 n.
from one, liability of, towards other, **27,** 899 n.
bailor as, rights of, **1,** 565
common, in, **22,** 403, 404
contribution between, **21,** 851 n.; **24,** 204
coparcener as, **24,** 210, 211. *See* COPARCENER.
county franchise for, qualification of, **12,** 152
goods of, trespass to, rights of action, **27,** 866
improvements, by, money spent on, rights as to, **13,** 41; **21,** 851
joint, nature of, **22,** 403. *See* JOINT OWNER; JOINT TENANT.
joint adventure, in, partnership, as to, **22,** 6
land, of. *See* JOINT TENANT; TENANT IN COMMON.
classes of, **24,** 199
covenants on sale by, extent of, **10,** 484, 485; **25,** 427
manager, appointment of, as between, **24,** 426
partnership not constituted between, **22,** 6
trespass, right of action for, between, **27,** 855
lease by, notice to quit under, how given, **18,** 452
grant of, effects of, **18,** 343, 344
licensed premises, of, compensation, procedure for payment of, **8,** 662, 663; **18,** 77
mine, of, powers of sale of, extent of, **20,** 525, 526
partners, working as, powers of disposition of, **20,** 513, 525, 526
rights and remedies of, **20,** 511—514
mortgagee from, title deeds, rights as to, **21,** 205
mortgaging powers of, **21,** 91
newspaper, of, rights of, **23,** 220
partition, application of term, to division between, **13,** 40; **21,** 810. *See* PARTITION.
partnership
not constituted by joint ownership, **22,** 5
where property not joint, effect of, **22,** 7
patent, of, rights of, **22,** 187, 188
personalty, of, vesting of, **22,** 403, 404
kinds of ownership in, **22,** 403
possession, extent of, by, **22,** 393, 394
property of, **24,** 199, 239
receiver, ground for appointment of, **24,** 355
rent received by one, limitation of action in case of, **19,** 130, 131
sale, common property, of, by one, remedy in case of, **27,** 899 n.
ship, of, actions between, form of, **1,** 64, 118; **9,** 57
Admiralty jurisdiction as to, **1,** 64, 118
powers of minority, **1,** 64
title deeds, right to, **24,** 239
against mortgagee, **21,** 205
will, rights of disposition under, by, **28,** 523

CO-PARCENER. *See* p. 499.

CO-PARTNER. *See* PARTNER.

CO-PLAINTIFF. *See also* JOINT.
adding of, court's power as to, **23,** 105
counsel, representation by, rule as to, **2,** 411
counterclaim against, defendant's right as to, **25,** 506
disability of, effect on limitation of actions, **19,** 57
discovery against, practice as to, **11,** 44
infant as, rights of, **17,** 136 n., 138
joinder of. *See* JOINDER OF PARTIES.
representation of, counsel, by, rule as to, **2,** 411
set-off against, defendant's right as to, **25,** 506

CO-RESPONDENT,
agreement with, restraint as to area of abode, **27,** 526 n.
bankruptcy of, **2,** 26, 36, 83, 269; **16,** 546
right of petitioner in, **2,** 26, 36, 83; **16,** 546
costs, liability for, **16,** 550, 551
respondent, of, **16,** 552
under Debtors Act, 1869, **2,** 26, 36, 83; **16,** 546
order for, against, not final judgment, **2,** 26
security for, when obtained by, **16,** 523
damages against, measure of, **16,** 543
order for, avoiding service of, **16,** 546
enforcement of, **16,** 546, 584
death of, effect of, **14,** 313; **16,** 537, 538
procedure on, **16,** 537
decree *nisi* in previous suit, when evidence against, **16,** 479
defences which may be pleaded by, **16,** 514, 542
discharge in bankruptcy, order of, effect on judgment in matrimonial suit, **2,** 269; **16,** 546
foreign, procedure in case of, **6,** 264; **16,** 507
identity becoming known after leave to proceed, procedure on, **6,** 264; **16,** 506
injunction against, **16,** 546, 590
judgment summons against, **16,** 546
jurisdiction of the court over, **6,** 264; **16,** 507
knowledge that respondent is a married woman, effect of, **16,** 542, 543
leave to proceed without joining, **16,** 507
means of, measure of damages not affected by, **16,** 543
name of, omitted from cause list, stay of proceedings, **16,** 538
naming in petition of, procedure as to, **16,** 505, 506
petition in bankruptcy against, **2,** 36; **16,** 546
scheme of arrangement, liability not released by, **2,** 83
service on, **16,** 506, 546
unknown, procedure in case of, **16,** 506

CO-SURETY. *See also* SURETY.
bankruptcy petition against, presentation of, by surety, **2,** 41
contribution among, **15,** 526—534. *See* CONTRIBUTION.
counter-security, duty as to receipts from, **15,** 532, 535
dealings of, discharging surety, **15,** 546, 558
death of, effect on guarantee, **15,** 573
defence open to, claim to contribution, in, **15,** 534
discharge by creditor of one, effect of, **15,** 569
form of guarantee by, immateriality of, **15,** 527, 528
fraud on, effect of, **15,** 529
further time to surety, effect of giving, **15,** 588
guarantee of, parol evidence admissible to prove, **15,** 529 n.
insolvency of, **2,** 41; **15,** 489, 490, 533, 569 n.

CO-SURETY—*continued.*
joining of, guarantee of surety depending on, parol evidence to prove, **7,** 527
liability of, **15,** 441 n., 489, 490, 504
limitation of action affecting, **19,** 46, 47
overpayment by, of share of liability, **15,** 534, 535
release of, by another, effect of, **15,** 534
when not releasing others, **15,** 570
remedies against, reservation of, **15,** 570
third party notice to, **15,** 505 n., 533, 534
time given to, by creditor, effect of, **15,** 534

CO-TENANT. *See* JOINT TENANT; TENANT IN COMMON.
acts of, not amounting to trespass, **27,** 856
conversion of common property by, **27,** 898
repairs, liability in respect of, **18,** 343; **24,** 204
trover, action for, between, **27,** 904, 905

CO-TRUSTEE,
bankruptcy, discharge in, of trustee, effect as to liability of, **2,** 270
breach of trust, liability on, for costs of innocent, **28,** 195
common, inclosure of, application for, by, **4,** 542, 543
contribution between co-trustees, **28,** 203, 204
death of, devolution of trust estate on, **28,** 100, 101
incorrect accounts rendered by, liability of trustee for, **28,** 126
indemnity, right as to, **28,** 203, 204
Public Trustee, right to retire after appointment of, **28,** 214
trust affairs left to, trustee's liability for, **28,** 122

COACH
building, trade usages, **10,** 282
house, valued with dwelling-house for inhabited house duty, **17,** 183
mail, carriage of, by railway, **22,** 651, 652
tolls, exemption from, **22,** 656
obstruction of metropolitan street by, **27,** 286
proprietor, not a tradesman under Sunday Observance Act, **27,** 510
tramcar as a, **27,** 796 n. *See* CARRIAGE.

COACHMAN. *See also* DRIVER.
licence for, **24,** 692, 693 n., 694
menial servant, is a, **20,** 71
whether tenant or servant, **20,** 69 n.

COADJUTOR BISHOP,
archbishop, to, appointment and duties of, **11,** 389
bishop, to, appointment and duties of, **11,** 405
stipend of, **11,** 389 n.

CO-ADVENTURERS. *See* p. 397.

COAL,
club, contract for purchase of coal by, **4,** 423
common, under, right to dig for, **4,** 471, 472
right of lord of manor, **4,** 503
contract, deliver, to, specific performance of, **27,** 14 n.
relating to, time as essence of, **27,** 68 n.
deficiency of, no ground for suspending rent, **13,** 27 n.
demise of, uncertainty of amount, effect on contract, **27,** 37 n.
drops, railway company's right to charge for, **4,** 84
foreshore, under, conveyance by Crown, **20,** 550

COAL—*continued.*
Forest of Dean, special customs in, **20,** 645—650. *See* FOREST OF DEAN.
hulk, when ceasing to rank as a ship, **26,** 14 n., 22 n.
larceny of, from mines, **9,** 638, 639
laying down in street, offence of, **27,** 284
loading of, colliery working days, under charter, **26,** 123
metropolis, in, **27,** 288
merchant, restrictive covenant by, **27,** 587 n.
usages of, **10,** 276
yards of, rateability in railway premises, **24,** 13 n.
mines. *See* COAL MINES.
mining, whether a trade, within Income Tax Acts, **27,** 510 n.
police, statutory powers of, **22,** 503
rentcharge in respect of, legality of, **20,** 551
sale of, bulk, in, provisions relating to, **28,** 481, 482
bye-laws regulating, **28,** 483
carrying for sale, what amounts to, **28,** 483 n.
inspection of weights, measures and weighing machines, **28,** 480
inspector, power of, **28,** 480, 483, 484
metropolis, in, provisions, **28,** 481 n.
retail, provisions as to, **28,** 481 n., 482, 483 n.
statutory offences in case of, **28,** 480, 481, 482, 484
trade usages as to, **10,** 276
weighing and reweighing, requirement of, **28,** 482, 483
weighing machines, inspection of, **28,** 480, 483
provision by local authority, **28,** 483
vehicles, on, **28,** 481 n., 483, 483 n.
weight, must be by, with exceptions, **28,** 480
ticket, delivery of, on, **28,** 480, 481
Weights and Measures Acts, application of, to, **28,** 480—483
exemption of areas from, **28,** 484
ship, excessive consumption by, effect on insurance of, **17,** 449 n.
seaworthiness, supply necessary to, **26,** 215
unloading of, City of London, in, **27,** 288
metropolis, in, **27,** 288
wages paid according to weight gotten, **28,** 479, 480

COAL MINES. *See also* COLLIERY ; MINES.
defined, **20,** 601 n.
abandoned, **20,** 603, 604
fencing of, **20,** 603
notice of abandonment, **20,** 608
plans of, **20,** 604
accidents in, inquiry into, **20,** 610
notice of, **20,** 607, 608
ambulances to be kept in, **20,** 619
child, employment of, in, **17,** 154
false statement as to age, **20,** 623
Coal Mines Regulation Act, abstract of, to be posted up, **20,** 621, 622
conditions of labour in, **20,** 594—597
court of inquiry in case accident in, **20,** 610, 611
division into parts, provisions relating to, **20,** 602
explosion in, damages for injury by, **20,** 612 n.
fatal accident from, regulation as to **20,** 608
notification of accident resulting from, **20,** 607, 608
explosives, use of, in, **20,** 615, 616, 621
fencing of, **20,** 617
abandoned mines, of, **20,** 603
fines for offences, **20,** 623
application of, **20,** 624

COAL MINES—*continued.*
hours of labour in, **20,** 594, 596
limit of powers of owners to extend, **20,** 595
injunction to restrain breach of covenant in lease of, **17,** 240
inquiries by county court judge, **8,** 622
inspection of, before and during shifts, provisions for, **20,** 612, 613
Government inspector, by, **20,** 608—610
periodical, on behalf of workmen, **20,** 613
inspectors of, appointment and duties, **20,** 608—610
joint tenants or tenants in common, rights of, **27,** 856
lamps in, **20,** 614
legal proceedings, **20,** 622—624
lowering and raising miners in, provisions for, **20,** 595, 618
keeping register of times of, **20,** 596
machinery in, **20,** 618
examination of, **20,** 613
manager of. *See* MANAGER OF COAL MINE.
certificate of, cancellation and renewal, **20,** 606
manholes in, **20,** 617
offences and penalties relating to, **20,** 596
opening of new shaft or seam, notice of, **20,** 608
plans, abandoned mines, of, **20,** 604
workings, of, duty of owner, agent, or manager as to, **20,** 602
poor rate, liability of occupier of, to, **24,** 4
rateable value of, how ascertained, **24,** 42, 43
rating of, application of parochial principle in, **24,** 43
register in, certificated managers, **20,** 605 n. 606
employees, of, **17,** 155
times of raising and lowering men, of, **20,** 596
work, extension of time of, **20,** 596
Regulation Acts, 1887—1908, **20,** 593—624
offences under, **9,** 761 ; **20,** 622—624
publication of abstract of, **20,** 621, 622
regulations in, provision and publication of, **20,** 596
rescue work, appliances for, **20,** 619
returns required by statute, **20,** 606, 607
safety of, general rules as to, **20,** 611—619
special rules as to, **20,** 619—622
procedure for framing, **20,** 620
publication and observance of, **20,** 620, 621
subjects of, **20,** 619, 621
sanitary accommodation in, provisions as to, **20,** 596, 597
shafts and outlets, provision of, **20,** 601
rules as to, **20,** 618
signals, use of, in, **20,** 617, 618
statutes affecting, **20,** 593, 594
apply to metalliferous mines, **20,** 625, 626
timbering in, **20,** 617
ventilation of, provisions for, **20,** 612
wages, payment of, **20,** 597—601
check weigher where payment according to weight, **20,** 598—600. *See* CHECK WEIGHER.
deductions from, **20,** 597
inspection of weights and measures, **20,** 601
minimum rate of, **28,** 874, 875
basis of rate, **28,** 875
district rules as to, **28,** 875
joint district board for, **28,** 876
payment not to be made at public-house etc., **20,** 597

COAL MINES—*continued.*
water, accumulations of, **20,** 616
wilful damage to apparatus required by statute, **20,** 619, 623
withdrawal of men from, in case of danger, **20,** 614
working alone in, regulations as to, **20,** 619
workmen's compensation claim, effect on, of breach of rules, **20,** 172 n., 173 n., 175 n., 178 n.

COALITION MINISTRY,
how Premier chooses, **7,** 37

COARSE FISH,
statutory enactments relating to, **14,** 594, 612, 615, 618
close season for, **14,** 615
methods of catching, **14,** 612
sale prohibited March to June, **14,** 618

COAST. *See* FORESHORE; SEASHORE.
gifts for protecting, **4,** 115

COASTGUARD,
Admiralty, transfer of control to, **25,** 28
land of, vested in Admiralty, **25,** 28
Navy, provision for service in, **25,** 29
subject to same laws as, **25,** 29
officer of, command of Royal Naval Coast Volunteers by, **25,** 29
powers of punishment vested in, **25,** 29
pension, service counting for, **25,** 29
privileges and pay of, as in Royal Navy, **25,** 29
receiver of wreck, principal officer as, **26,** 551
salvage reward, right to apportionment of, **26,** 584
when entitled to, **26,** 569, 570
stations, acquisition by Admiralty of land for, **6,** 6, 160; **25,** 28
strength of, **25,** 28

COASTING LICENCE,
not necessary to yacht owners, **26,** 661

COAT OF ARMS. *See* ARMORIAL BEARINGS.

COCK-FIGHTING
or baiting, place for, penalty for keeping etc., **1,** 412; **15,** 285 n., 286 n.
prohibition of, **15,** 279 n., 280 n., 284, 285

COCKADES,
illegal payment for, at election, **12,** 301, 347

COCKCHAFER,
injury caused by, whether within Workmen's Compensation Act, **20,** 176 n.

COCKLES,
fishery, protection of, **14,** 626
ownership of, provisions relating to, **14,** 626
stealing of, how punishable, **14,** 591

COCKPIT,
keeping, penalty for, **15,** 285 n., 286 n.

COCKS OF CORN,
distress against, **11,** 133, 169

COCOA,
customs duty on, **24,** 596
warehousing and payment of duty on, **24,** 596

CO-CONTRACTOR. *See* p. 397

COD FISHING,
evidence of custom as to, **13,** 445 n.

CODE,
Board of Education, of, **12,** 10, 11
cablegram in, meaning of, onus on sender, **13,** 559
grant, public elementary schools, to, **12,** 49
Indian, civil procedure, of, **10,** 616, 617
criminal procedure, of, **10,** 616, 620
penal, **10,** 615
international, signal of distress under, **26,** 479
telegraphic, copyright in, **27,** 397

CO-DEBTORS. *See* p. 398

CO-DEFENDANT. *See* p. 398

CODICIL,
defined, **28,** 506
adeemed or satisfied legacies not revived by, **28,** 581 n.
annexed to will, cutting of signature to will, **28,** 568
invalid by *lex loci actus,* effect, **6,** 227
attesting of, by legatee under will, effect of, **28,** 556, 557, 580
confirmation of will by, **28,** 575, 576, 580, 581
evidence of, **28,** 576
when will attested by legatee, **28,** 556, 580 n.
within three months of death, effect on charitable devise, **28,** 580 n.
construction and effect of, **28,** 579, 579 n.
documents coming into existence after will incorporated by, **14,** 159
effect of, generally, **28,** 579—583
erasures in, effect on probate, **28,** 559 n.
forgery of, penalty for, **9,** 734
intermediate, whether revoked by revival of will, **28,** 577
whether revoked with will by subsequent, **28,** 568
invalid will, to, effect of, **6,** 227; **28,** 506 n.
probate, admission to, when will not forthcoming, **14,** 159
proof in solemn form, where validity in question, **14,** 174
reference in, person or matters in will, to, effect of, **28,** 579 n.
will, to, by date, effect of, **28,** 576
rentcharge created by, **24,** 476, 477
republication, invalid will, of, not affected by, **6,** 227
republication of, revival distinguished from, **28,** 577
revival, by, of earlier will, effect of, **28,** 577
revoked will or codicil, of, modes of, **28,** 575—577
revocation by, effect of, **28,** 565, 568
charitable gift, of, **4,** 145, 146
one share of residue, of, effect of, **28,** 582, 583
will, of, **28,** 565, 568
revocation of, by revocation of will, **28,** 506 n., 568, 572
specific object, identification by, **28,** 580 n.
will, how far codicil and, stand and fall together, **28,** 506 n., 568, 572
republishing of, by, **28,** 578
unattested alterations in, how far affected by, **28,** 561

CODIFICATION,
colonial legislation, of, **10,** 540
India, in, **10,** 615

CODIFYING STATUTE,
construction of, **27,** 199
object of, **27,** 199 n.

COERCION. *See also* DURESS; FORCE.
defence by wife, criminal charge, to, **9,** 243, 244; **16,** 436
libel, to action for, **18,** 617
doctrine of, when applicable, **9,** 243; **16,** 436 n.
gift induced by, rights of donor, **15,** 419, 420
husband, by, presumption of, **9,** 244; **16,** 436

CO-EXECUTOR. *See* p. 398.

CO-EXISTENCE. *See* p. 398.

COFFEE,
adulteration of, **15,** 63
compulsory marks, statutory provisions as to, **15,** 63; **27,** 722
customs duty on, **24,** 596
drawbacks on, **24,** 697
essence, restrictions on importation of, **15,** 45; **24,** 597
exportation of, drawback of duty on, **24,** 597
imitations of, sale of, **15,** 19, 63
importation of, revenue restrictions on, **15,** 45; **24,** 597
chicory, provisions with respect to, **15,** 63. *See* CHICORY.
substitutes, excise duty on mixtures or, **24,** 617
wrapping and labelling of, **15,** 19, 63; **24,** 617, 618
warehousing and payment of duty on, **24,** 597
weighted, preparing or selling, as to, **15,** 63

COFFEE-HOUSE,
when an inn, **17,** 303

COFFIN,
containing more than one body, regulations for burial of, **3,** 564
iron, burial in, permission for, **3,** 415
opening of, regulations as to, **3,** 554; **11,** 42 n.

COGNOVIT,
acceptance by creditor of, effect on sureties, **15,** 554 n.
execution of a, **10,** 394
false acknowledgment of, **9,** 739
obsolete, now, **18,** 190 n.

COHABITATION,
defined, **16,** 473
annuity granted in terms discouraging, effect of, **24,** 490, 491
avoidance of condition relating to, **16,** 320; **28,** 585
bonds in consideration of, validity of, **3,** 85, 85 n.; **13,** 73 n.
contract with regard to, effect of, **7,** 400
desertion in regard to, **16,** 597, 598, 600
evidence of, as negativing contract of service, **20,** 75 n.
gift tending to prevent, effect of, **16,** 320; **24,** 490; **28,** 585

COHABITATION—*continued.*
interruption of, sufficient to constitute desertion, **16,** 597, 598
presumption of, authority to pledge husband's credit from, **16,** 420, 421
presumption of marriage from, **13,** 444; **16,** 309, 310
resumption of, effect on summary jurisdiction order, **16,** 600
interests of children in deed not affected by, **16,** 578
return to, necessary to end provisions of separation deed, **16,** 452
separation deed, provision in, for resumption of, **16,** 452
wife's duty to husband in regard to, **16,** 318

CO-HEIR. *See* p. 398.

CO-HEIRESS. *See* p. 398.

COIN. *See* COINAGE; MONEY.
bequest of, to body corporate, exemption from legacy duty, **4,** 206
carriage of, liability for loss, **4,** 23
counterfeit. *See* COUNTERFEIT COIN.
current, passing of property in, **27,** 868 n.
defacing of, penalty for, **9,** 518
distress, when liable to, **11,** 138
execution, may be taken in, **14,** 47
filings of, unlawful possession of, **9,** 515
foreign, legitimating, **6,** 462 n., 473
gilding of, **9,** 514
gold, counterfeit, offences as to, **9,** 516
legal tender of, **6,** 463
lighten, or impair, offence to, **9,** 515
importation of, **6,** 473, 474
legal tender in, **6,** 461—463; **7,** 419. *See* LEGAL TENDER.
legal weight for purpose of, Crown may determine, **6,** 468, 472
lightening gold or silver, **9,** 515
loss of weight, *primâ facie* evidence not due to fair wear and tear, **6,** 473 n.
ownership of, follows possession, **22,** 400
postal packets containing, marking of, **22,** 643 n.
standard weights for, **6,** 467; **28,** 465
stolen, passing of, in market overt, **27,** 868 n.
treasure trove, as, **7,** 212; **8,** 247; **9,** 521
uttering non-current, **9,** 517
wages, payment of, must be in, **14,** 514
worn, exchange of, by Bank of England, **6,** 473

COINAGE. *See* COIN; CURRENCY.
arrest without warrant for offences in regard to, **9,** 300 n.
Board of Trade, powers of, in regard to, **6,** 468, 469, 470, 472; **27,** 513
Coinage Offences Act, 1861, arrest without warrant under, **9,** 300 n.
coins, dimensions etc. of, **6,** 465—469; **28,** 465
importation of, **6,** 473, 474
light, calling in, **6,** 472, 473
counterfeit, making of, **9,** 514 *et seq.* *See* COUNTERFEIT COIN.
Crown, power of, to direct currency of coins other than gold, silver and bronze, **6,** 462 n.
prerogative, as to, **6,** 461 n., 465—469
offences, provisions in respect of, **9,** 514—521

COINAGE—*continued.*
Royal Mint, conveying tools out of, offence of, **9,** 520
exclusive rights of, **6,** 463—465
standard weight and fineness of, **6,** 466—469
trial of the pyx, regulations as to, **6,** 469—472. *See* PYX.

COKE,
gas undertaking, disposal by, **15,** 310, 322
ovens, nuisance from, **21,** 533

COLCHESTER,
local court of, **9,** 155

COLLATERAL,
defined, **15,** 440 n.
action, costs in respect of administration proceedings, **14,** 348
acts, in furtherance of common object, responsibility for, **9,** 252
agreement, bailee's liability, effect on, **1,** 546
bill of exchange or note, in case of, **2,** 483
bill of sale, effect as regards, **3,** 32, 36
incorporation of, in, **3,** 44, 45
land, to contract for sale of, need not be in writing, **10,** 447 n.; **25,** 291 n.
lease, to, agreement for, need not be in writing, **10,** 447 n.; **18,** 373
stamp in case of, **18,** 399, 400
lessor and lessee, between, effect on mortgagee of lessor, **7,** 523 n.; **11,** 129 n.
non-performance of, as defence to specific performance, **27,** 58
parol, specific performance of, **27,** 30
parol evidence as to, **7,** 523 n., 528; **10,** 447; **13,** 428, 567; **26,** 140
void and illegal contracts, to, effect of, **7,** 390
benefits in favour of mortgagee, **13,** 91; **21,** 143, 144
facts, evidence relating to, admissibility of, **13,** 452
guarantee, whether properly described as, **15,** 439, 440 n.
liability of bankrupt, extinction by discharge of, **11,** 172
limitation, nature of estate of, **24,** 170, 171
matters, defendant in action for damages not allowed to go into, **10,** 325
negligence, *defined,* **21,** 473 n.
collisions, in, immaterial, **26,** 505, 508 n.
independent contractor, by, **21,** 473
object, compulsory acquisition of land for, **6,** 24
power, *defined,* **23,** 4
disclaimer of, effect of, **23,** 64
perpetuities, application of rule against, to, **22,** 361, 362
suspension or release of, **23,** 64, 65
recital may amount to, **23,** 65
purpose, discovery in bankruptcy for, **2,** 143
petition in bankruptcy presented for, **2,** 39, 60
private examination in bankruptcy for, **2,** 142
relations. *See* COLLATERALS.
security, bill or note given as, effect of, **1,** 634; **2,** 498
bond by mortgagor as, former use of, **21,** 90, 91
Statute of Limitations in case of, **3,** 99, 100
bottomry bond, in case of, **1,** 66; **26,** 73
debenture stock issued as, **5,** 339
distress, effect in case of, **11,** 174

COLLATERAL—*continued.*
security—*continued.*
mortgage, to, bill of exchange as, **21,** 271
bond as, **21,** 90, 91
enforcement by mortgagee, **21,** 271
stamp duty on, **21,** 135, 136
suretyship as, **21,** 89
warrant of attorney as, **21,** 89, 90
promissory note not affected by pledge of, **2,** 470
rent, for, effect on right of distress, **11,** 174
surety, given to, creditor's right, **15,** 503 n., 505, 509 n., 513 n.
surety to mortgage as, **21,** 89
transfer of, on transfer of mortgage, **21,** 172, 176
warrant of attorney as, **21,** 90
stipulations, leases, in, stamp duty, effect on, of, **18,** 399, 400
term, mortgagor, by, when breach restrained by injunction, **17,** 252
transactions, enforced, when original transaction illegal, **27,** 36
limitation of actions in case of, **2,** 559
warranty, law, at, no interference by equity, **13,** 8 n.
lease, in case of, **18,** 502
sale of goods, in case of, **7,** 521; **15,** 440 n., **25,** 122. *See* WARRANTY.

COLLATERALS,
collateral heir, *defined,* **11,** 11 n.
descent of land to, **11,** 11 n.
distribution of personal estate, in relation to, **11,** 22, 23
hotchpot by children of, **11,** 23
settlement in favour of, effect of, **25,** 564, 565
limitation in, **25,** 562

COLLATION,
benefice, to, on lapse, **11,** 400, 426, 587, 590—593
canon, of, by bishop, **11,** 428
clergyman, of, by bishop as patron, **11,** 602
oath of allegiance condition precedent to, **6,** 343; **11,** 601
void presentation, on, **11,** 602 n.

COLLECTING SOCIETIES,
defined, **5,** 625; **15,** 128
Act relating to, **15,** 121, 128
balance sheet of, regulations as to, **15,** 174
Board of Trade, exemption by, of unregistered, **15,** 129
collector of, *defined,* **15,** 128
disqualifications of, **15,** 142, 146, 158
contribution books, falsification of, **15,** 187
conversion, companies, into, **5,** 14; **15,** 195
mutual society, into, mode of, **15,** 195
county court jurisdiction in regard to, **8,** 643
disputes between members and, determination of, **15,** 178, 182
dissolution of, **15,** 128
forfeiture of benefits, notice before, **15,** 150
Friendly Societies Act, 1896, application of, **15,** 128, 188
exemption from, **15,** 128
inspection of affairs of, by inspector, **15,** 175
inspectors of, appointment of, **15,** 128, 174, 175 n.
duties and powers of, **15,** 175

COLLECTING SOCIETIES—*continued.*
insurance by, funeral expenses, of, provisions as to, **15,** 129; **17,** 546 n.
policies of, provisions as to issue of, **15,** 129, 137
meetings of, provision in rules for, **15,** 158
special, of, **15,** 128, 158 n.
name of, registration of, provisions as to, **15,** 135
notices, form of, **15,** 128
objects of, **5,** 625; **15,** 128—129
offences in connection with, **15,** 128
prosecution for, **15,** 188
officer of, dismissal of, **15,** 144
provisions, general, relating to, **15,** 128
registered, statutory provisions affecting, **15,** 128, 128 n.
returns, annual, of, to registrar, **15,** 173, 174
rules of, **15,** 128, 139
transfer of member of, **15,** 157
notice of, **15,** 157, 158
unregistered, Assurance Companies Act, provisions affecting, **15,** 129, 188

COLLECTION,
banker, by, **1,** 590—602
banker's drafts, of, **1,** 602
bills of exchange, of, **1,** 598. *See* BILL OF EXCHANGE.
cheques, of, **1,** 590—597. *See* CHEQUE.
collector or transferee, whether banker holds as, **1,** 596—598, 622
dividend warrants, of, **1,** 600
orders for payment, of, **1,** 599
Post Office money orders, of, **1,** 601; **22,** 649
income tax, of, functionaries concerned in, **16,** 612
rates, of. *See under designations of the different rates.*
street, in, regulation of, **27,** 289

COLLECTIVE DEVISE,
lands, of, to same set of persons, effect as regards charges, **14,** 290

COLLECTIVE TITLES,
to statutes, provision for, **27,** 203

COLLECTOR,
assessed taxes, of, advancement and payment of taxes by, right of distress, **11,** 220, 221
bond of, breach of, **15,** 487 n.
distress by, **11,** 218—221; **16,** 616
exempt from office of sheriff, **25,** 795
collecting society, of, **15,** 128, 142, 146, 158
income tax, of, appointment and duties of, **16,** 615, 616
Indian district, administrator of, **10,** 598
Inland Revenue, of, appointment and duties of, **16,** 616 n.
neglect to keep accounts, offence in case of, **9,** 489
land tax, of, acquittances given by, **18,** 320
actions against, defence by Commissioners, **18,** 320
appeals against assessment, duty as to, **18,** 317
appointment of, **18,** 317
assessments delivered to, **18,** 316, 317
bond of, breach of, **15,** 487 n.
Crown, how far in service of, **18,** 318
demand by, **18,** 318, 319

COLLECTOR—*continued.*
land tax—*continued.*
distress by, **11,** 218—220; **18,** 319
duties of, **18,** 318
insuper, in respect of sums in arrear, effect of, **18,** 320
liabilities of, **18,** 318
protection of, extent of, **18,** 313
recovery of tax by, mode of, **18,** 319
remuneration of, **18,** 318
security given by, **18,** 317
poor rate, of, duties of, **24,** 66
rates, of, surety for, extent of liability of, **15,** 495 n., 496 n.

COLLEGE,
defined, **4,** 282; **12,** 15 n.
assurances for benefit of, provisions as to, **4,** 140
augmentation of benefices by, **11,** 727, 756
chapels, exemption from rates does not extend to, **24,** 22
chapter in collegiate church properly called, **11,** 424
characteristics of, **12,** 94
charitable corporations, how far, **4,** 282; **12,** 92
Charitable Trust Acts, exemption from, **4,** 247; **12,** 93 n.
Charity Commissioners' jurisdiction, exemption from, **4,** 304
conscience clauses, rules as to, in, **12,** 23, 93, 94
copyhold, enfranchisement of, by, **8,** 131, 132
copyright of, extent of, **8,** 174
denominational teaching in, provisions as to, **12,** 23, 24
doctors of law, of, constitution of, **11,** 503
elections, regulations as to, **4,** 247—250
establishment of, whether a charitable purpose, **4,** 106, 111, 121
Eton, Winchester and Westminster, of, Mortmain Act, how far applicable to, **4,** 140
power to grant mining leases, **20,** 534
Public Schools Act applies to, **12,** 97
exhibitions at, in Oxford or Cambridge, exclusion from Endowed Schools Acts, **12,** 104
fellows of, appointment and removal, **4,** 247—250. *See* FELLOW.
franchise, position as regards, **12,** 149
fellowship, receiver appointed of emoluments of, **24,** 366
franchise qualification from rooms in, **12,** 164 n.
grants by
Board of Education to, **12,** 9
Treasury to, **12,** 94
head of, plurality of offices, provisions as to, **11,** 430
in reputation, meaning of, **12,** 92 n.
income tax, abatement of, for repairs to, **16,** 627
exemption from, **4,** 208—211; **15,** 162
land
compulsorily taken from, investment of purchase money, **4,** 241
gift of, to, effect of, **4,** 140; **12,** 92
enrolment when necessary, **4,** 132
grant of, by, **12,** 93
church etc. for, **11,** 723
powers of dealing with, **12,** 92, 93
land tax, exemption from, **4,** 214; **18,** 311
redemption of, by, **4,** 243, 244
leases, charity lands, of, by certain, **4,** 228
mining, powers to grant, **12,** 93; **20** 534
power to grant, **12,** 93; **18,** 366

COLLEGE—*continued.*
lectures in, copyright in, **8,** 151
living, qualification for, **4,** 250
mortgage by, **12,** 93
charity lands, of, **4,** 236
officers of, appointment and removal of, **4,** 247—250
patronage of, **4,** 250; **11,** 569, 727; **12,** 93
principal of, as trustee for charity, **4,** 258
property tax, when exempt from, **12,** 93
reparation fund of, exemption from income tax, **4,** 210
rooms in, franchise qualification as to, **12,** 164 n.
schools part of, Endowed Schools Acts application, **12,** 104
sewers and drains, powers as to, of, **25,** 720, 743 n.
support of, a charitable purpose, **4,** 106, 111, 121
theological, liable to property tax, **12,** 93 n.
training, for teachers, grants by Board of Education to, **12,** 10.
trustees for charity, as, **4,** 256
universities, of, constitution of, **12,** 92
dean cannot be head of, **11,** 420
inhabited house duty, mode of charging in respect of, **17,** 184
leases by, **18,** 366
loans by, for benefice, **11,** 756
morning and evening prayer in, regulations as to, **11,** 658 n.
nonconformists in, **11,** 821
patronage of, **11,** 577; **12,** 93
religious tests abolished, **12,** 93
Roman Catholic in, regulations as to, **11,** 805
title to orders from, requisites for, **11,** 550
visitor of royal, Lord Chancellor is, **7,** 64

COLLEGE OF ARMS,
application to, for grant of arms, **21,** 353
constitution of, **22,** 288
exemplification of armorial bearings in, **21,** 353
incorporation of, **22,** 288
visitations, returns of, production from the, **22,** 289

COLLEGIATE BODIES. *See* COLLEGE.

COLLEGIATE CHAPTERS,
nature of, **11,** 423, 424
patronage of, **11,** 578

COLLEGIATE CHURCH,
chapter of, **11,** 423, 424. *See* CHAPTER.
patronage of, **11,** 599
Charity Commissioners, exemption from jurisdiction of, **4,** 304, 305
communion, administration of, in, **11,** 689
dean of. *See* DEAN.
school of, Endowed Schools Acts, effect of, **12,** 104
religious instruction at, **12,** 108
vestments in, **11,** 420, 675
visitation of, **11,** 531

COLLIERY. *See* COAL MINES; MINES.
defined, **20,** 502
contractor's workmen in, position of, **20,** 65 n.
delay in providing cargo from, effect on rights of parties, **26,** 193, 194
joint owners of, position of, as partners, **22,** 71 n.
profits from, how accruing, **20,** 547
purchaser's rights in, **20,** 547
record book, signatories in, effect of, **20,** 65 n.

COLLIERY—*continued.*
sale of, profits overstated, specific performance with compensation, **27,** 99
rescission of, alteration in colliery as defence to action for, **20,** 750 n.
appointment of receiver and manager pending action for, **20,** 549
tenants in common of, as constituting partnership, **22,** 6
working days, meaning of, **26,** 123
wrongful deposit of spoil from, rights of owner of surface as to, **20,** 584

COLLISION (RAILWAY).
notice of accident caused by, **23,** 747, 748
proof of negligence, **4,** 47

COLLISION (SHIP). *See also* NAVIGATION; SEA REGULATIONS.
defined, **26,** 359 n.
action for damage caused by, **1,** 70 *et seq.,* 127 *et seq.*; **26,** 542—547
Admiralty may bring, **7,** 91
bail in, **1,** 91. *See* BAIL.
cause of action in, **26,** 499, 542 *et seq.*
county court, in, **1,** 127—129; **26,** 360, 546, 547. *See* COUNTY COURT.
Fatal Accidents Act, under, **21,** 457; **26,** 523, 524 n.
foreign ships, in case of, **1,** 71
Government ship, in case of, **1,** 71; **26,** 408, 533
security for costs in, **25,** 516; **26,** 408 n.
towed by British tug, **1,** 72
in personam. *See* ACTION IN PERSONAM IN ADMIRALTY.
when it arises, **1,** 70, 72; **26,** 542—544, 546
in rem. *See* ACTION IN REM IN ADMIRALTY.
jurisdiction, **1,** 70—73; **26,** 542 *et seq*
King's ships, in case of, **1,** 71; **26,** 408, 533
limitation of time for, **19,** 40, 41; **26,** 524, 545
owner of ship, against, essentials to right of, **26,** 500
security for costs in, **1,** 97, 125; **25,** 516; **26,** 408 n.
shock, injury caused by, not subject of an action *in rem,* **26,** 544
anchor watch to avert or minimise, **26,** 489
anchored ship, with, **26,** 488, 515, 516
apportionment of damages, **26,** 516—525. *See* damages, *infra.*
arrest of ship for, **1,** 70—72, 81; **26,** 545, 546. *See* ARREST.
assistance after, duty to render, **9,** 558; **26,** 371, 535
ship to blame, by, no right to salvage, **26,** 546, 563
bailee of ship, right of, to damages on, **26,** 542
barge, in case of, **26,** 525 n., 526 n. *See* DUMB BARGE.
bargeman, liability of owners for acts of, in, **26,** 525 n., 526 n.
bill of lading clauses, effect of, on cargo owner's position, **26,** 522
Board of Trade, inquiries by, **26,** 649
burden of proof in case of, **26,** 500, 501, 538
inevitable accident, on plea of, **26,** 535, 536
loss by detention, in claim for, **26,** 540
negligence, by, **26,** 500
overtaking vessel, in case of, **26,** 402

COLLISION (SHIP)—*continued.*
burden of proof in case of—*continued.*
slacken speed, stop or reverse, breach of rule to, **26,** 455
speed of ship in collision, **26,** 455
care and skill, amount required to rebut negligence, **26,** 503—505
cargo, arrest for damage to, **26,** 546
cargo owner's right to recover damages in consequence of, **1,** 73; **26,** 522, 541, 542
cause of, consideration of principles as to, **26,** 509, 509 n., 511
when antecedent fault not the, **26,** 512, 513
chartered ship, persons liable in case of, **26,** 526
charterparty, exception in, against, **26,** 111, 114
clause in policy
applies only between ships, **17,** 441, 442
form and effect of, **17,** 441
liability in absence of, **17,** 441
Colonial Court, inquiries in, **26,** 593
compulsory pilotage as affecting liability for, **26,** 412, 413, 519, 525 n., 529, 530. *See* COMPULSORY PILOTAGE.
crew, right of, **26,** 543
crossing rule, observance of, **26,** 436—442. *See* CROSSING RULE; NAVIGATION.
damage by, Admiralty jurisdiction as to, **1,** 70—73, 127; **26,** 545, 546
avoidance of, where antecedent negligence, **26,** 512, 515
duty of injured party to mitigate, **26,** 538
exceptional cases of, **26,** 505
negligence causing, **26,** 499—525. *See* negligence, *infra.*
underwriters' rights in regard to, **17,** 491, 493
without vessel to blame colliding, **26,** 506
damages for,
defined, **25,** 520 n.
apportionment of, **26,** 516—525
cargo owner, rights of, **26,** 522
debt for balance of, **26,** 520
division of, ascertainment of amount, **26,** 520
statutory rule as to, **26,** 516—518
third innocent vessel, **26,** 521
when two or more vessels in fault, **17,** 440—442; **26,** 508, 516—525
foreign state, recoverable from, **26,** 537
general, recovery of, **26,** 537
interest on, **26,** 541
limitation of
actions for, **19,** 40, 41; **26,** 524, 545. *See* LIMITATION OF LIABILITY ACTION.
liability for, **1,** 108—111; **26,** 521
Maritime Conventions Act, application of, **26,** 524
creates no new liabilities, **26,** 518
measure of, **26,** 536—541
detention of ship, expenses of, **26,** 539, 540
nature of indemnity given by, **26,** 536, 537
profits, loss of, **26,** 540
seamen, costs of repatriation of, **26,** 541
ship damaged but not lost, when, **26,** 539
substituted vessel, losses incurred by using, **26,** 540, 541
total loss, in case of, **26,** 538
more than two vessels in fault, **26,** 516, 518, 521, 529
personal injuries, in case of, **26,** 523

COLLISION (SHIP)—*continued.*
damages for—*continued.*
persons
entitled to recover, **26,** 542—545
liable for, **26,** 525—534
public authority, recoverable from, **26,** 537
dock, ship in collision with, **26,** 547
dropping anchor to avoid, **26,** 484, 485, 489
effects lost in, rights of master and crew in respect of, **26,** 543
equipment, liability from negligence in, **26,** 369, 502
evidence in case of, antecedent negligence, proof of, **26,** 510, 511
burden of proof. *See* burden of proof, *supra.*
lights, showing of, burden of proof, **26,** 401, 402
negligence, antecedent and subsequent, of, **26,** 510, 511
burden of proof of, **26,** 500
rules as to, proof of, **26,** 501
pilot's statement as, **13,** 437 n.
subsequent negligence, proof of, **26,** 510, 511
fault, negligence as distinguished from, **26,** 517 n.
one vessel, of, effect of, **26,** 426, 460, 510 *et seq.*
presumption of, for breach of sea regulations, abolished, **26,** 534, 535
fishing-vessels, regulations affecting, for prevention of, **26,** 393—399, 444, 471
fog, in, maintaining look-out, **26,** 411, 412
signals, liability for, not being heard, **26,** 411
use of foghorn, **26,** 412, 413, 414
foreign
security for damages and costs, **26,** 408 n.
ship, arrest of, to answer damage, **1,** 71; **26,** 546
state, freedom from arrest of ships of, **1,** 71; **26,** 533
damages in favour of, **1,** 71; **26,** 537
waters, in, Admiralty jurisdiction over, **1,** 71; **26,** 546
freight, earning of, effect on measure of damages, **26,** 538
general average contribution, when not recoverable, **26,** 541
harbour authorities, liability of, for acts of servants, **26,** 532, 647
limitation of time for action against, **26,** 648
inevitable accident, defence of, when it arises, **26,** 535, 536
instances of, **26,** 411
what is, **26,** 535
injured party, duty of, to mitigate damage, **26,** 538
insurances against loss by, **17,** 436, 440—442. *See* MARINE INSURANCE.
interest, recovery of, as part damages, **26,** 541
keeping out of the way, duty of vessels as to, **26,** 442—453.
King's ships, persons liable in case of, **1,** 71; **26,** 533
landing stage as vessel in, **26,** 14 n.
liability for, apportionment between vessels at fault, **17,** 440, 441; **26,** 508, 516—525. *See* damages, *supra.*
chartered ship, in case of, **26,** 526, 527
insurer, of, in case of, **17,** 491, 493
joint and several, of ships at fault, **26,** 523. *See* damage, *supra.*
limitation of, **26,** 612—617. *See* LIMITATION OF LIABILITY ACTION.
claims settled out of court to be considered, **26,** 617

COLLISION (SHIP)—*continued.*
liability for—*continued.*
limitation of—*continued.*
contribution in case of, **26,** 523
harbour authorities, in case of, **26,** 612, 614, 648
limits laid down by statute, **26,** 614—616
loss of life and personal injuries, for, **26,** 523
owner, by, **26,** 521, 614, 617
passengers, as to, **26,** 522
persons in whose favour applying, **26,** 612
procedure for, **26,** 616, 617
tonnage, as affecting, **26,** 615, 616
yacht owner, in case of, **26,** 661
master, of, **26,** 526, 641 n.
national ships, in case of, **26,** 525 n., 533
negligence in navigation, for, **26,** 506—516. *See* negligence, *infra.*
owner of ship, in respect of, **26,** 502, 525
pilotage compulsory, when, **26,** 412, 413, 519, 525 n., 529
presumption as to, **26,** 525
ship in tow, **26,** 527
wreck, in case of, **26,** 533
lien for damage caused by, **1,** 72; **26,** 545, 617 *et seq.* *See* MARITIME LIEN.
right of holder in respect of freight, **26,** 303
limitation of liability for. *See* liability, *supra.*
log, entry of particulars in, **26,** 372
loss by. *See* damage, *supra.*
life, of, liability of underwriters for, **17,** 441 n.
ship, of, after damage by, presumption as to, **26,** 538, 539
total, measure of damages, **26,** 538
luggage, claim for passengers', **26,** 522
manning, negligence in, as cause of, **26,** 502
maritime lien in case of, **1,** 72; **26,** 303, 325 n., 545
priorities under, **26,** 622
master, duties, liabilities and rights of. *See* MASTER OF SHIP.
moorings, with, liability for, **26,** 506 n.
narrow channels and waters, in. *See* NARROW CHANNEL; NARROW WATERS.
negligence, *defined,* **26,** 503
causing, antecedent and subsequent, principles as regards, **26,** 510—516
avoidance of damage, subsidiary rule as to, **26,** 512—515
burden of proof in case of, **26,** 511
both vessels, of, **13,** 382 n; **26,** 507—516
cause in relation to, meaning of, **26,** 509, 509 n.
cause of action for, nature of, **26,** 499, 500
clause, bill of lading, in, **26,** 150, 151
charterparty, in, **26,** 116, 117
collateral, immaterial, **26,** 505, 508
contributory, **26,** 507, 537
damage
must be caused to create liability, **26,** 500, 503—511
to another vessel without collision, **26,** 487 n. 506
equipment, in, **26,** 502
evidence of. *See* evidence, *supra.*
exceptional cases, in, **26,** 366, 367, 505
fisheries, when proceeding over, **14,** 592
harbour authority, by, **26,** 648
harbour master, of, **26,** 640
liability for, general principles, **26,** 506, 516. *See* liability, *supra.*
manning, in, **26,** 502

COLLISION (SHIP)—*continued.*
negligence—*continued.*
more than two vessels, by, **26,** 492, 516, 529
navigation precautions, in respect of, **26,** 477
one vessel only, from act of, **26,** 506, 507
pilot in charge, of, **26,** 519, 520, 526 n., 529, 530
presumption of, on breach of regulations, **26,** 364, 534
principles of liability for, **26,** 507—509
proof of, burden of, **21,** 448 n.; **26,** 500, 538
rules as to, **26,** 500, 501, 502
reasonable care and skill, meaning of, as applied to, **26,** 503
rebuttal of, **23,** 503—505
simultaneous, both vessels to blame for, **26,** 510
steerage tickets, exception not allowed in, **26,** 523 n.
subsequent, liability for, **21,** 380; **26,** 307 n., 505 n., 510—516, 534, 555
third vessel, with, **26,** 506
what constitutes, **26,** 502, 503
officer on watch, want of due care by, what amounts to, **26,** 485, 486
oyster beds, with, **26,** 506 n.
passengers' rights in case of, **26,** 522, 543
peril of the sea, as, **17,** 436
person, collision of vessel with, **26,** 506
personal injuries, action *in rem* for, **26,** 517, 523, 545
limitation of liability for, **26,** 523
representatives, action by, **26,** 543, 544
right of action for damages in respect of, **26,** 517, 523, 543—545
pier, with, **26,** 506, 547
pilot, liability for, **26,** 519, 526, 529, 530. *See* PILOT; PILOTAGE.
public authority, recovery of damages against, **26,** 537
repairs, costs of, recovered as damages, **23,** 539
rights
in personam in respect of, **1,** 61, 70, 105, 106; **26,** 545, 546
in rem in respect of, **1,** 61, 71; **26,** 545
risk of, navigation in case of, **26,** 425—433
river, navigation in, rules for. *See* RIVER.
salvage, effect of collision on, **26,** 546
expenses by reason of, recovery of, **26,** 539
reward not affected by statutory duty to assist, **26,** 563
ship at fault has no right in respect of, **26,** 546, 563
sea regulations for preventing, **26,** 372—499. *See* SEA REGULATIONS.
recommendation of, **26,** 359
ship, what is a, for the purposes of, **26,** 360 n., 374 n., 375 n.
shipowner's liability
acts of servants and agents, for, **26,** 525
excused from, when, **26,** 111, 114
limitation of, **26,** 521, 614, 617
negligent navigation, for, **26,** 502—505, 525, 532, 611
rights as to damages, **26,** 542
towage in relation to. *See* TOWAGE.
transports hired by Government, in case of, **26,** 526 n., 527 n.
value of vessel for purposes of assessing damages, **26,** 538

COLLISION (SHIP)—*continued.*
warships, foreign, security for damages and costs, **1,** 71 ; **26,** 408 n.
liability for damage, **1,** 71 ; **26,** 408, 525 n., 533
Workmen's Compensation Act, compensation for injuries to crew under, **26,** 544
payment under, as damage, **26,** 520 n.
wreck, with, liability as to, **21,** 380 ; **26,** 370, 533, 555
lights on, **21,** 380 ; **26,** 383, 555
yachts, limitation of liability in case of, **26,** 661

COLLODION,
cotton, not an explosive, **14,** 357 n.
customs duties on, **24,** 603 n.

COLLOQUIUM,
former necessity to show, in action for slander of title, **27,** 673

COLLUSION,
appointment under a power, in respect of, **23,** 60
architect, contractor and, between, **3,** 270
employer and, between, **3,** 201, 217, 220
bill of sale given in, **3,** 62
conveyance to defeat creditors, in case of, **15,** 82, 84
divorce, in, *defined,* **16,** 489
connivance, contrasted with, **16,** 487
contract as to, not enforced, **6,** 244, 245
effect of, **16,** 489
King's Proctor intervenes for, **16,** 553
showing cause against decree for, **16,** 554
election petition, in regard to, **12,** 460 n.
execution levied by, effect upon right of distress, **11,** 175
interpleader, in, *defined,* **17,** 593
effect of, **17,** 590, 594 n., 628
judgment obtained by, bankruptcy petition dismissed, **2,** 57
landlord and tenant, between, in postponement of sale of distress, **11,** 183
legitimacy declaration obtained by, **2,** 435
mandamus, in application for, **10,** 115

COLONIAL OFFICE,
Colonial Secretary, position of, **10,** 505
constitution and jurisdiction of, **7,** 86, 87 ; **10,** 505, 506
control of colonies by, variation of, **7,** 87
departments of, **10,** 505, 506
duties, distribution of, **10,** 506
institution of, **10,** 505
signet, use of, **7,** 68
staff of, **7,** 86 ; **10,** 505
standing committees of, **10,** 506

COLONIAL SECURITIES,
income tax in respect of, **16,** 639, 657, 658
investment by trustees on, **28,** 130 n.

COLONIAL STOCK,
investment by trustees in, **28,** 133 n.

COLONIES.
The title, DEPENDENCIES, COLONIES, AND BRITISH POSSESSIONS *is contained in Vol. X. p.* 501 *et seq.*
See also for any particular colony under the name of such colony.

COLONIES—*continued.*
defined, **6,** 422 n. ; **10,** 503 ; **11,** 483 n.
acquisition of, effect of mode of, **10,** 565
action in, and in England at same time, stay of, **10,** 578
acts of state by, consequences of, **23,** 309
proof of, **10,** 544 ; **13,** 491
administration of, by Colonial Office, **10,** 505
justice in, **10,** 553 *et seq.* *See* courts, *infra.*
agents-general of, **10,** 506
ancient laws of, continuance of, **10,** 566, 567
where in force, **10,** 567
annexation of, **6,** 422
effect as regards application of English law, **10,** 565 *et seq.*
apprenticeship for service, in, Stamp Duty, **20,** 81
bankruptcy, comity in exercising jurisdiction in, **10,** 561
property in, liability in respect of, **2,** 6
banks in, provisions as to, **1,** 583
barrister, colonial, admittance of, to English bar, **2,** 373 n.
English, admittance of, to colonial bar, **2,** 373 n.
Bills of Exchange Act, 1882, adoption of terms of, **2,** 461, 462
bishop in, appointment of, **10,** 539 ; **11,** 487. *See* BISHOP.
bishopric in, creation of, **10,** 537, 539 ; **11,** 491. *See* BISHOPRIC.
borders of, trial of offences committed on, **10,** 563
British Settlements Act, 1887, application of, to barbarous countries, **10,** 572
case for opinion of superior court in, sending of, **10,** 559 ; **13,** 490
certiorari, writ of, application of, **10,** 168
church in, **11,** 483—494. *See* clergy, *infra.*
constitution of, **11,** 486, 487
disendowment of, **11,** 491 n., 492 n.
disestablishment of, **11,** 491 n., 492 n.
ecclesiastical tribunals, creation of, in self-governing, **11,** 490, 492, 493
formation of branch, **11,** 491—492
intercommunion with Church of England, **10,** 538 ; **11,** 485, 494
Lambeth quadrilateral as basis of, **11,** 486 n.
ministers, supply of, **11,** 488, 497
missionary churches, recognition of, **11,** 487 n.
position of, **6,** 399 ; **10,** 537, 538 ; **11,** 491
Church of England in, **10,** 537, 538 ; **11,** 492
self-government, effect of, **11,** 493
spiritual jurisdiction, limits of, **11,** 491
State, no connection with, **11,** 491 n.
synods, powers of, **11,** 492, 494
Civil Service, relation of Executive Council to, **10,** 534
classification of, **10,** 503, 504
clergy, colonial, licence to officiate in England, **11,** 554
offences under Colonial Clergy Act, 1874, **11,** 554 n.
ordination of, **11,** 553
supply of, **11,** 488
codification in, **10,** 540, 541
Colonial Office, **10,** 504. *See* COLONIAL OFFICE.
companies, provisions relating to colonial, **5,** 20, 156—158, 763
constitutions of, **10,** 506—520
acts of, general observations, **10,** 518, 544
powers of amendment of, **10,** 540
contract of service in, stamp duty, **20,** 79

COLONIES—*continued.*
copyright in. *See* BRITISH POSSESSION.
counterclaim, colonial plaintiff, against, **25,** 504 n.
courts in, appeals from, **6,** 402, 426; **7,** 55; **9,** 30; **10,** 579—584
comity between English and, **10,** 561
constitutions of, **10,** 553—556
settled, conquered, or ceded, **6,** 404; **10,** 566; **23,** 311 n.
contempt in, powers of committal, **10,** 561
ecclesiastical, **11,** 490, 492
establishment of, **6,** 404, 423, 426; **10,** 553
judgment of, mode of enforcing, **6,** 281; **10,** 578; **18,** 219
proof of, **13,** 527
jurisdictions of, **10,** 556—565
Admiralty, **1,** 141; **10,** 556, 557, 558; **23,** 286
conflict of, **10,** 563
examination on commission, **10,** 559
exterritorial, **10,** 557, 558; **27,** 154
extradition, **10,** 560, 562, 563
habeas corpus, **10,** 46, 560, 562
lis alibi pendens, **10,** 578
military matters, **10,** 559
probate, **10,** 559
war, in case of, **10,** 560
power of Crown to constitute, in, **6,** 404; **10,** 553
Crown, in relation to, **6,** 421—427
disallowance of laws by, **6,** 425; **10,** 542
prerogative of, delegation to governors of, **6,** 372, 404, 423, 425
right of legislation in, **6,** 423, 424
Crown agents for, position of, **10,** 506
Crown colony. *See* CROWN COLONY.
dentists, provision for registration of, **20,** 359
dominions, *defined*, **10,** 504. *See* DOMINION; DOMINIONS OF THE CROWN.
election expenses in, **10,** 519
employees of State, provisions for religious ministration to, **11,** 483
English
courts, jurisdiction of, **10,** 578—584
law, application of, in general, **10,** 565
conquered or ceded colonies, in, **10,** 566, 567
statutes, application of, **10,** 567, 569
episcopal
organisation in, **11,** 492. *See* BISHOP.
supervision in, **11,** 488
executive council in, powers of, **10,** 534
extradition, jurisdiction in, **10,** 560, 562, 563. *See also* EXTRADITION.
forces in, composition of, **10,** 520; **25,** 37
foreign
jurisdiction, decision of Secretary of State as to, **10,** 560
territory, acquisition of, **6,** 421, 422
fugitive offenders in, **10,** 529, 530, 562 n.; **14,** 419, 420. *See* FUGITIVE OFFENDER.
government of, **6,** 423—426; **10,** 525—565
Governments-in-chief, **10,** 525
Governor of, **6,** 423—426; **7,** 21; **10,** 525—532. *See* GOVERNOR.
Governor-General of. *See* GOVERNOR-GENERAL.
habeas corpus in, **10,** 46, 560
imperial
Acts, instances of, **10,** 570, 571
legislation, principles and practice as to, **10,** 569, 570
royal prerogative, exercise of, **10,** 569
COLONIES—*continued.*
Imperial Parliament, control by, **6,** 317, 318, 423, 425; **10,** 565 *et seq.*; **21,** 616
India, **10,** 584—622. *See* INDIA.
inventions, arrangements for mutual protection, **22,** 229
judges in, **10,** 553—556
removal of, **10,** 556
responsibility of, **10,** 556
tenure of office, **10,** 556
judicature of, type of, **10,** 553
Judicial Committee of Privy Council, appeals to. *See* JUDICIAL COMMITTEE OF PRIVY COUNCIL.
jurisdiction in. *See* courts in, *supra.*
land in, law applicable to, **6,** 201; **10,** 28, 579
laws of, **10,** 565—578
case for opinion of colonial court as to, **10,** 559; **13,** 490
certificate of colonial officer as to, **13,** 491
codification of, **10,** 540, 541
construction of, **10,** 540
Court takes judicial notice of prevalent, **13,** 485 n.
date of coming into operation, **10,** 542
designation of, **10,** 541
disallowance of, by Crown, **6,** 422, 423, 425; **10,** 542
Order in Council, legislation by, **6,** 423 n.; **10,** 505, 569, 572
proof of, **10,** 544; **13,** 487, 490, 491
repugnant to civilisation abrogated *ipso facto* on annexation, **10,** 566
reservation of, for signification of His Majesty's pleasure, **10,** 543
right of veto, **6,** 423—425
suspending clauses in, **10,** 542
legislative assembly, *defined*, **10,** 535
powers of, **6,** 424; **10,** 535—537, 539
legislative powers in different colonies. *See under names of colonies.*
letters of administration granted in, recognition of, **10,** 559; **13,** 553; **14,** 173, 174
light dues, recovery of, **26,** 631, 632
Maritime Conventions Act, application of, **26,** 525
marriages in, admissibility of certificates as evidence of, **16,** 314
regulations as to, **16,** 307, 308
statutory confirmation of, **6,** 261, 262; **16,** 307
validity of, at common law, **16,** 307
medical practitioner, colonial, *defined*, **20,** 328
appointment as doctor to ship, **20,** 338 n.
Privy Council may order recognition of diploma, **20,** 329
registration in the United Kingdom, **20,** 328, 329
Merchant Shipping Acts, application to colonial ships, **26,** 13
military jurisdiction of, **10,** 559
Mortmain Acts, application in, **4,** 141
native laws in, continuance of, **10,** 567
naturalization in, legislation as to, **1,** 313
naval forces in, **25,** 26
Admiralty's power to accept services of, **10,** 520; **25,** 26
independent fleet, jurisdiction to form, **25,** 27
power to
enter seamen in, **10,** 520; **25,** 27
provide vessels of war and seamen, **10,** 520; **25,** 27
notaries in, **21,** 497

COLONIES—*continued.*
offences in foreign country, trial in British possession, **10,** 557
officers in, leave of absence, provisions as to, **7,** 70
official secrets, disclosure of, **7,** 33
Order in Council, legislation by, **6,** 423 n.; **10,** 505, 569, 572
penal statutes, interpretation of, in case of foreign judgment, **10,** 560
ports in, usages of, **10,** 294, 295
postal rates to, control of, **22,** 638
prisoners, intercolonial removal of, **10,** 564, 565 n.
privileges of House of Commons, adoption by certain, **10,** 536
Privy Council, appeals to, **6,** 402, 426 n.; **7,** 55; **9,** 30; **10,** 579. *See* JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.
prize courts in, jurisdiction of, **1,** 140; **10,** 557; **23,** 286
probate granted in, recognition of in England, **10,** 559; **13,** 553; **14,** 173, 174
resealing of, practice as to, **14,** 173, 174
protectorates, **10,** 521. *See* PROTECTORATE.
public authorities and officers, protection afforded to, **23,** 324
real estate, *lex loci rei sitæ* applies, **10,** 579
registers, colonial, entries in, admissible as evidence, **13,** 475
representative government, grant of, **6,** 424, 425
seamen in distress, maintenance of, **10,** 530
Secretary of State for, **10,** 505. *See* COLONIAL OFFICE; SECRETARY OF STATE.
securities in, income tax on, **16,** 657
self-governing, executive council of, **10,** 533
legislation of, **10,** 535 *et seq.*
sentences passed in, execution of, **10,** 558
settled, application of English law to, **10,** 565, 568
shipping casualties, jurisdiction as to, **10,** 558; **26,** 593
ships belonging to, application of Merchant Shipping Act, **26,** 13
societies for religious ministrations outside England, **11,** 484
solicitors, colonial, admission to practise in England, **26,** 722
issue of commissions for oaths in England by authorities of, **26,** 859
Solicitors Act, 1900, application of, **26,** 722 n.
stamp duty and fees on admission of, **26,** 722
statutes of, operation and effect of, **10,** 535, 536, 539, 540; **27,** 164. *See also* laws of, *supra.*
proof of, **10,** 544; **13,** 491, 492; **27,** 202
veterinary surgeon, registration of, **20,** 374, 375
veto, Crown's right of, **6,** 422, 423, 425; **10,** 542
will of land in, validity not triable in England, **10,** 579
witnesses, examination of, **10,** 559; **13,** 615, 616
mandamus for, **10,** 109, 110; **13,** 611

COLORADO BEETLE,
removal or destruction of tainted crops, **1,** 280 n.

COLORE MANDATI,
sheriff's liability for acts done, **25,** 827

COLOURABLE,
charity as bribery, **12,** 287, 288
employment as bribery, **12,** 287 n.

COLOURABLE—*continued.*
imitation, passing off. *See* PASSING OFF.
patent, of, as infringement, **22,** 210—214
trade mark, of, **27,** 711, 712
purchases as bribery, **12,** 287
transfer of share, **5,** 186, 187

COLOURS. *See* ENSIGN; FLAG.
ship, in case of,
evidence of ship's nationality, **23,** 278
illegal use of, Admiralty jurisdiction as to, **1,** 77
national, hoisting by ships, when necessary, **26,** 11
ships, for, what are proper, **6,** 362; **26,** 11
use on merchant ships, **1,** 77; **6,** 362, 363; **26,** 11
striking, indicates capture, **23,** 277
trade mark registrable in particular, **27,** 696

COMB-CUTTING,
held legal cruelty, **1,** 411

COMBINATION,
acts done by, amounting to conspiracy, **9,** 563; **27,** 655, 656. *See* CONSPIRACY.
designs, of, when registrable, **22,** 138, 139 n.; **27,** 731, 731 n.
when protected, **27,** 734 n.
education, for purpose of, by councils, **12,** 45, 46
electric lighting undertakers, between, forbidden, **12,** 562
lawful acts, becoming unlawful when done by, **9,** 563; **27,** 656, 657
patent for, **22,** 138
infringement, in case of, **22,** 214
railways, between, agreement as to, **23,** 713; **27,** 589 n.
Stock Exchange, for making purchases or sales upon, **9,** 562, 709 n.; **27,** 263, 264
trade dispute, legality where in furtherance of, **9,** 563; **27,** 659
trade mark, in case of, **27,** 696 n.
trade union is, **27,** 597
status of, **9,** 564; **27,** 598
workmen, of, former law making criminal conspiracy, **9,** 564; **27,** 638, 639
not necessarily conspiracy, **9,** 563; **27,** 639
to call out, whether illegal, **27,** 640 n.

COMEDIES.
See DRAMATIC PIECE.

COMFORT,
nuisance interfering with, restrained by injunction, **21,** 530—534
statutory provisions as to, **21,** 535 *et seq.*

COMITY OF NATIONS,
conflict of laws. *See* CONFLICT OF LAWS.
foreign judgment disregarding, effect of, **6,** 288
interpretation of statutes not to be inconsistent with, **27,** 154
marriage officer may refuse to celebrate marriage inconsistent with, **6,** 259
private international law, **6,** 180, 181 *See* CONFLICT OF LAWS.

COMMAND PAPERS,
in Parliament, nature of, **21,** 618 n.

COMMANDER-IN-CHIEF,
abolition of, and vesting of functions of, **6,** 418, 419; **7,** 92, 93 n.
India, in, **10,** 596

COMMANDMENTS,
table of, **11,** 735

COMMENCEMENT,
action, of, county court, in, **1,** 129, 130; **8,** 448—460. *See* COUNTY COURT ACTION.
High Court, in, **1,** 47; **23,** 99. *See* ACTION.
administration, for, **14,** 334
Statutes of Limitation, for purposes of, **19,** 187
bankruptcy, of, **2,** 181 *et seq.*
business, of, by company, conditions precedent to, **5,** 262, 263
contracts entered into before, liability for, **5,** 298
private company, in case of, **5,** 74
winding up for want of, **5,** 395, 396
candidature, of, municipal, **12,** 339
Parliament, for, **12,** 265, 266
criminal prosecution, of, **9,** 295; **15,** 235
demurrage days, of, **26,** 122
election, of parliamentary, **12,** 263, 264
lay days, of, **26,** 121
lease, of, **18,** 386
proceedings for corrupt practices, of, **12,** 528 n.
prosecution, criminal, of, **9,** 295; **15,** 235
food and drugs, in respect of, **15,** 30
risk, of, fire insurance policy, on, **17,** 517, 526, 527
life insurance policy, on, **17,** 554, 555; **27,** 450 n.
marine insurance policy, on, **17,** 336, 381—402, 499
mixed policy, on, **17,** 383
time policy, on, **17,** 381—383
voyage policy, on, **17,** 384 *et seq.*, 395
change of voyage, effect of, **17,** 395—402
freight, as regards, **17,** 392—395
goods, as regards, **17,** 384, 385, 387
ship, as regards, **17,** 388—392
sale of goods, on, **25,** 188
running of time, of, under limitation acts, **19,** 42—54, 77, 87, 187. *See* RUNNING OF TIME.
statute, of, meaning of, **21,** 725 n.; **27,** 117, 155, 456
tenancy for years, of, **18,** 456, 457, 459
voyage, of, **26,** 219
charterparty, under, **26,** 94, 179, 219
master's duty as to, **26,** 219
necessary for payment of freight, **26,** 314
passenger's right as to, **26,** 328, 329
winding up of company, of, by court, **5,** 419
under supervision, **5,** 598, 599
voluntary, **5,** 577

COMMENDAM,
benefice held in, **11,** 633

COMMENT,
fair, as defence to libel or slander action, **18,** 699—711. *See* FAIR COMMENT.

COMMERCE,
Board of Trade's functions with regard to, **27,** 513; **28,** 878
chamber of. *See* CHAMBER OF COMMERCE.

COMMERCE—*continued.*
company for promoting, **5,** 15, 31, 77—79
domicil of, **5,** 15
omission of limited, licence for, **5,** 77

COMMERCIAL,
company, implied powers of, **5,** 337
customs. *See* LAW MERCHANT; USAGE.
domicil, *defined*, **6,** 195
acquisition of, **6,** 195
company, of a, **5,** 14—25. *See* COMPANY; DOMICIL.
dependent persons, of, question of fact, **6,** 196
loss of, **6,** 196
person may possess more than one, **6,** 195
test of nationality, as, **23,** 278, 279
gas company, exemption of, from provisions of Gasworks Clauses Acts, **15,** 377
law. *See* LAW MERCHANT.
judge must take judicial notice of, **13,** 485
room, liability of innkeeper for goods placed in, **17,** 317
undertakings, compulsory, acquisition of land for, **6,** 153—158
protection of, from damage by telegraph works, **27,** 365—369
usages. *See* LAW MERCHANT; USAGE.
utility, as evidence of invention, **22,** 135, 136

COMMERCIAL LIST,
actions in, discovery, **11,** 43
interrogatories in, **11,** 44
security for costs in, **11,** 53 n.

COMMERCIAL TRAVELLER,
agent or servant, whether, **20,** 66
notice terminating engagement of, **20,** 96 n., 97 n., 98 n.
usage as to, **10,** 289
pedlar's certificate not required by, **20,** 59
period of engagement, **20,** 94
restraining covenants, contract of service of, **27,** 559
examples of, **27,** 583, 583 n.
reasonableness of, **20,** 88—90; **27,** 558 n., 559 n., 563—566 n., 571 n., 574 n., 578 n.
release from, **27,** 580 n.

COMMISSARIUS FORANEUS,
duties of, **11,** 505

COMMISSARY,
appointment of, **11,** 412
Archdeacon's Court, of, **11,** 438, 440, 501
court, **11,** 505. *See* CONSISTORY COURT.

COMMISSION,
Divided into COMMISSION (Authority); COMMISSION (Body); COMMISSION (Remuneration); COMMISSION AGENT; COMMISSION DAY; COMMISSION OF THE PEACE.

COMMISSION (AUTHORITY).
appraisement, of, in Admiralty action, **1,** 89, 90, 123
army, in, advancement to infant for purchase of, **17,** 93 n.
appointment to, **7,** 21; **25,** 38
King's sign manual, under, **7,** 9 n., 21
resigned, cannot be, **25,** 38
trafficking in, **9,** 486; **25,** 34, 35, 38

COMMISSION (AUTHORITY)—*continued.*
assize, of, **6,** 402 ; **9,** 72, 267
cities and towns having, separate from county, **9,** 286 n.
commissioner, position of, **9,** 267 n.
county court judge authorised under, **8,** 415 ; **9,** 72
demise of Crown, effect of, **6,** 385
jurisdiction under, **9,** 72, 266, 267
evidence, to take, Admiralty cases, in, **1,** 98
barrister's fees in case of, **2,** 393
Chancery cases, in, **13,** 45
colonial court, by order of, **10,** 559, 560
criminal cases, in, **9,** 387 ; **13,** 613
dependencies, in, **10,** 559
Divorce Division, in, **16,** 525, 535, 536
jurisdiction, out of, **13,** 46, 66, 609—618 ; **19,** 418
jurisdiction to issue, **3,** 117 ; **13,** 45, 46, 66, 609—618 ; **20,** 293
lunatic, with regard to, **19,** 418
Mayor's Court, London, in, **20,** 293
order for, **13,** 609, 611, 612 ; **16,** 525, 536
partition, in case of, **13,** 41, 61
procedure on, **13,** 613, 615—618 ; **16,** 525, 536
restraint of proceedings until return of, **13,** 46
winding up, in, **5,** 559, 560
witness abroad, in case of, **13,** 42, 614 n., 615 n. ; **16,** 525, 535, 536 ; **19,** 418
Admiralty cases, in, **1,** 98
costs of, security for, **13,** 612
Courts of Chancery, in, **13,** 46
ill, etc., where, **13,** 46 ; **16,** 536
interrogatories, order for, **13,** 615
letters of request in lieu of, **13,** 614
order for, **13,** 609
general gaol delivery, of, **9,** 72, 90, 267
Great Seal, under, to judges, **7,** 17 ; **9,** 91 ; **11,** 501, 502
judges, of, demise of Crown does not determine, **6,** 385 ; **12,** 136 n.
law, to administer, issue by Crown of, **6,** 402 ; **9,** 72, 90, 267
martial law, to try civilians by, **6,** 402
navy, in, Admiralty, held from, **6,** 419 ; **7,** 21
appointment to, **7,** 21
King's sign manual, under, **7,** 9 n., 21
oaths, to administer, **26,** 857—859. *See* COMMISSIONER.
affidavits sworn before commissioner, **13,** 627—629
officer in army, of, **25,** 38 n. *See* army, *supra.*
oyer and terminer, of, **9,** 72, 90, 266, 267
peace, of the. *See* COMMISSION OF THE PEACE.
Prize Court constituted by, **23,** 286
royal, counsel, audience of, by leave, **2,** 377
Prize Court, for, **23,** 286
reports of, Houses of Parliament, supplied to, **21,** 618
right to reproduce, **8,** 173 n.
return to, admissible in evidence, when, **13,** 530
authentication of, **13,** 530
salvage, of appraisement of, **1,** 89, 90
sign manual, under, **7,** 9, 21
special, for trial of offences, **9,** 90, 91
unlivery, of, in Admiralty action, **1,** 86
witness, to examine. *See* evidence, to take, *supra.*

COMMISSION (BODY),
benefice, to inquire as to resignation of, **11,** 629
union of, **11,** 607
boundaries, to ascertain, **3,** 117
Church Discipline Act, 1840, under, **11,** 526
Court of High, in ecclesiastical causes, **11,** 502
ecclesiastical, protection of members of, **23,** 325 n. *See* ECCLESIASTICAL COMMISSIONERS.
escheat, of, **10,** 35
foreign court, to, **13,** 610
incumbent, to inquire into conduct of, **11,** 526, 613, 629
land tax. *See* LAND TAX COMMISSIONERS.
parliamentary, corrupt practices, to inquire into, **12,** 138
Scottish private legislation, as to, **21,** 764
partition, with a view to, **13,** 41, 66 ; **21,** 858—860
public, corruption of or by members of, **12,** 141
removal of, in Admiralty action, **1,** 86
review, of, in ecclesiastical cause, **11,** 502 n.
riot charges, to try, **9,** 91
sewers, of. *See* COMMISSIONERS OF SEWERS.

COMMISSION (REMUNERATION),
action to recover, **1,** 197
agency, contract of, after determination of, **1,** 195
agent. *See* AGENT ; COMMISSION AGENT.
broker, distinguished from commission agent, **25,** 138 n.
forfeiture through taking bribe, **1,** 191, 196
paid to, **1,** 190, 216, 217, 227, 230 ; **20,** 66, 87, 94, 112 n.
performance of contract by, to entitle to, **1,** 194
architect, paid to, **3,** 168, 299, 300
auctioneer, of, **1,** 514, 516 ; **11,** 186 n. ; **17,** 465 n. ; **27,** 893
loss of, through negligence or misconduct, **1,** 516
two auctioneers, claimed by, **1,** 514
banker, of, **1,** 643
bribe, by way of. *See* SECRET.
broker's right to, vendor selling without right, in case of, **27,** 893
building contract, how affected by secret, **3,** 168, 169, 299, 300
building society's officer, paid to, **3,** 339
charterparty, for negotiation of, **26,** 136—138
commercial traveller, paid to, **20,** 94
consignee, of, insurable interest in, **17,** 373
contract to pay, **1,** 193
debentures, for subscribing for, **5,** 367
distress, on sale of, **11,** 186 n., 220 n.
goods, in respect of insurance of, **17,** 366
house and estate agent, of, **1,** 166. *See* ESTATE AGENT.
how earned, **1,** 194, 232
illegal, gift in nature of, **15,** 424. *See* AGENT, bribery ; SECRET.
letting house, in respect of, **1,** 371, 372 ; **10,** 288 ; **18,** 372
marine insurance, in, broker, paid to, **17,** 348 n., 351
sale of damaged goods, on, **17,** 465 n.
mortgagee, deduction by, of, **13,** 91 n. ; **21,** 224, 229
stipulation by, for, **21,** 224 ; **24,** 338
principal, act of, prevention of earning by, **1,** 195
default of, effect of, **1,** 195
refusal to carry out contract, **1,** 195

COMMISSION (REMUNERATION)—*continued.*
proof, bankruptcy, in, for, **2,** 211
winding up, in, for loss of, **5,** 509
quantum meruit, when recoverable in lieu of, **5,** 243
sale of land, in respect of, **10,** 288
secret. *See* SECRET.
servant remunerated by, **20,** 66, 87, 101, 112 n.
shares in company, for subscribing for, **5,** 93—95, 123
shipbroker, of, **10,** 285; **26,** 136—138
payable, by whom, **26,** 138
stockbroker, of, **27,** 230
underwriting shares etc., on, **5,** 93—95, 123, 367
discount construed as meaning, **5,** 92 n.
wagering contract, in respect of, **15,** 276, 282
when earned, **1,** 194

COMMISSION AGENT. *See* AGENT; AGENCY.
damages against, measure of, **10,** 336
insurance by, **17,** 355; **28,** 908
negotiable instruments, partner has no authority to sign, **22,** 26
restrictive covenant affecting, **27,** 587 n.
theatrical contracts of, **27,** 411

COMMISSION DAY,
at assizes, **9,** 73

COMMISSION OF THE PEACE,
annual return of, **19,** 537
Attorney-General named in, every county, for, **7,** 74; **19,** 537
borough with separate, **19,** 301, 541 n., 542 n.
Custos Rotulorum named in, every county, for, **19,** 537, 624
issue of, **9,** 84; **19,** 536, 537
judges of the High Court named in, every county, for, **9,** 72 n.; **19,** 537
justices, assigned to, **9,** 84; **19,** 536
ex officio, of, **19,** 537
removal of, from, **19,** 550
Lord Chief Justice named in, every county, for, **19,** 537
Lord President of the Council named in, every county, for, **19,** 537
Lord Privy Seal named in, every county, for, **7,** 65 n.; **19,** 537
Lords Justices of Court of Appeal named in, every county, for, **19,** 537
Master of the Rolls named in, every county, for, **19,** 537
new, effect of, **19,** 549, 550
issue of, **19,** 537, 549, 550
Privy Councillors named in, every county, for, **19,** 537
separate, issue of, **9,** 84; **19,** 536, 537
Solicitor-General named in, every county, for, **7,** 74; **19,** 537

COMMISSIONAIRE,
licensing in London, **27,** 273, 274

COMMISSIONER,
assize, of, Crown demise, effect of, **6,** 385
duties of, **9,** 267 n.; **18,** 242
bankruptcy, of, protection of, **23,** 325 n.
escheat, under commission of, **10,** 36
evidence, to take, **13,** 610
foreign court, by order of, **13,** 610
winding up, in, **5,** 559, 560

COMMISSIONER—*continued.*
High, marriage of British subjects abroad by, **6,** 259
Inclosure Acts, under, powers of. *See* INCLOSURE COMMISSIONERS.
municipal election petitions, for, **12,** 138, 486—491. *See* ELECTION COMMISSIONER.
oaths, for, affidavits and declarations before, **11,** 221 n.; **13,** 626
appointment and duties of, **7,** 62; **13,** 443, 626, 627; **26,** 857—859
forging signature of, **9,** 738
office, to execute an, number of, **7,** 41
parliamentary, appointment of, **21,** 764
election petitions, for, **12,** 138
partition, to effect, **21,** 858—860
perpetual, for taking acknowledgments of married women, **25,** 859, 860
Police, of City of London, **20,** 429, 430; **22,** 478, 479
Metropolitan, **22,** 467—473
report of, how far privileged, **18,** 699
Public Libraries Acts, under, **23,** 585, 586
special, deed acknowledged, to take, **16,** 383, 384
reference in criminal matter to, **9,** 439
wrecks, of, duties of, **9,** 107; **26,** 592

COMMISSIONERS,
Admiralty, of the. *See* ADMIRALTY, THE.
Charity. *See* CHARITY COMMISSIONERS.
Church Estates, of. *See* CHURCH ESTATES COMMISSIONERS.
Cinque Ports, of the, jurisdiction of, **1,** 139, 140; **9,** 128
Civil Service, **7,** 81, 82
Customs and Excise, of. *See* COMMISSIONERS OF CUSTOMS AND EXCISE.
development. *See* DEVELOPMENT COMMISSIONERS.
Ecclesiastical. *See* ECCLESIASTICAL COMMISSIONERS.
Election. *See* ELECTION COMMISSIONERS.
evidence, to take. *See* COMMISSION.
Great Seal, of the, duties, of, **7,** 55, 63
Income Tax, of. *See* INCOME TAX COMMISSIONERS.
Inland Revenue, of, *See* COMMISSIONERS OF INLAND REVENUE.
Irish Lights, of, constitution etc. of, **26,** 628
Land Tax, of. *See* LAND TAX COMMISSIONERS.
Light Railway, **27,** 818 *et seq.* *See* LIGHT RAILWAY COMMISSIONERS.
Lunacy, in. *See* LUNACY COMMISSIONERS.
Northern Lighthouses, of, jurisdiction of, **26,** 627, 628
oaths, for, **13,** 627—629; **26,** 857—859. *See* COMMISSIONER.
parliamentary, inquiry by order of Secretary of Scotland by, **21,** 764, 765
Prison. *See* PRISON COMMISSIONERS.
Railway. *See* RAILWAY COMMISSIONERS.
Railways and Canals, of. *See* RAILWAY AND CANAL COMMISSION.
Sewers, of. *See* COMMISSIONERS OF SEWERS.
Small Holdings. *See* SMALL HOLDINGS COMMISSIONERS.
Treasury, of the. *See* TREASURY.
Woods, Forests, and Land Revenue, of. *See* COMMISSIONERS OF WOODS.
Works, of. *See* COMMISSIONERS OF WORKS.

COMMISSIONERS FOR OATHS,
appointment of, **26,** 857, 858
colonial authorities, authorised by, **26,** 859 .
commission, procedure to obtain, **26,** 858
duties of, **13,** 626, 627 ; **26,** 859
oath in proceeding in which he is acting, must not administer, **26,** 857

COMMISSIONERS OF CUSTOMS AND EXCISE,
appointment of, **24,** 545
British possessions, in, **10,** 530 ; **24,** 545
collection of duties by, **24,** 544, 545
enforcement of statutory provisions by, **24,** 545
excise licences, powers as to, **18,** 17, 20, 98, 105, 106
explosives, powers with respect to importation of, **14,** 382
food, proceedings with regard to importation of, **15,** 44, 55, 56
forgery of signature of, **9,** 745
harbour authority, control over, of, **28,** 415
licensing offences, proceedings in case of, by, **18,** 156
light railway, notification as to, to, **27,** 822
officers of, **24,** 545—547, 593
powers of, **24,** 545
powers and duties of, generally, **24,** 544—546, 592
privileges of, **24,** 545
protection of, **23,** 325 n.
smuggling, powers as to, **24,** 545, 546
solicitor to, **7,** 77
tea, imported, examination of, **15,** 68
wines and sweets, regulations as to licences for, **18,** 11, 17

COMMISSIONERS OF INLAND REVENUE,
defined, **24,** 544
analysis of food and drugs by, **15,** 32
appeal from. *See* APPEAL.
appointment of, **24,** 544
British possession, jurisdiction in, of, **13,** 226
certificate of, estate duty, on composition in respect of, **13,** 182, 218, 221, 224, 225
valuation for purposes of, as to, **13,** 209
legacy duty, as to payment of, **13,** 258 ; **15,** 152
probate duty, as to valuation for, **13,** 318
succession duty, with reference to, **13,** 292, 300
collection of revenue by, **11,** 218, 219 ; **24,** 544
compensation in respect of licensed premises settled by, **18,** 76
compounding of estate and other duties, powers as to, **13,** 181, 182, 224, 225, 258
death duties, powers to remit, **13,** 182, 224, 258, 302
repayment of overpaid, **13,** 228, 261, 262, 304, 318
distress, powers of, of, **11,** 218—221 ; **16,** 683—685
estate duty, duties in regard to, **13,** 181, 182, 207—228, 297, 316
appeal as to repayment of, **13,** 226, 227
forgery of paper, dies etc., of, **9,** 744, 745
forging
certificates of, penalties for, **9,** 744
documents of, **9,** 746
penalty for, **9,** 745
game dealers' licences, issue of forms for, by, **15,** 257
licences, provision of forms of, by, **15,** 249 n.

COMMISSIONERS OF INLAND REVENUE—*continued.*
general purposes of Income Tax Acts, for, **9,** 219, 220 ; **11,** 218, 219 ; **16,** 612. *See* INCOME TAX COMMISSIONERS, General Commissioners.
income tax, duties as to, of, **11,** 218, 219 ; **16,** 612, 614, 681
appeals to, in respect of, **9,** 220 ; **16,** 681
inhabited house duty, duties in respect of, **9,** 220 ; **11,** 218 ; **17,** 181, 186—189
interest payable by or to, order of court as to, **13,** 227
land tax, duties in regard to, **9,** 219 ; **11,** 218 ; **18,** 316, 317, 323
legacy duty, duties in regard to, **13,** 249, 255—262 ; **15,** 152
payment out of fund in court, notice of, to, **13,** 255 n.
legal proceedings by, **11,** 218—221 ; **13,** 261, 304 ; **24,** 544
light railway, notification as to, to, **27,** 822
money-lender's name, power to remove from register, **21,** 46
offences by, **9,** 489.
paper manufactured for, purchasing, **9,** 747
penalties, power to reduce or waive, **13,** 226, 260
probate duty, duties in regard to, **13,** 314—318
credit, power to grant probate on, **13,** 315
property tax, duties in regard to, **11,** 218
prosecutions by, **24,** 544
protection of, **23,** 325 n.
rate books, right to inspect, **16,** 686
revenue, collection of, by, **11,** 218, 219 ; **24,** 544
settlement estate duty, duties in regard to, **13,** 231
sheriff, exempt from office of, **25,** 795
solicitor to, **7,** 77
special purposes of Income Tax Acts, for, **9,** 219, 220 ; **16,** 612, 614, 642, 689. *See* INCOME TAX COMMISSIONERS, Special Commissioners.
no appeal to General Commissioners from, **16,** 614
stamp duties, duties in respect of, **24,** 700, 701
stamping stationery, powers of, **22,** 640
statement of case by, **16,** 682
succession duty, duties in regard to, **13,** 292, 295—305
summary proceedings by, **10,** 19 ; **24,** 739
Treasury control of, **24,** 544
wines and sweets, regulations as to licences for, **18,** 11, 17 n.

COMMISSIONERS OF SEWERS,
accounts of, **25,** 778
separate, of separate areas, **24,** 104, 105
action by or against, **25,** 787, 788
appeal from order or rates of, **9,** 222 ; **24,** 108 ; **25,** 786
appointment of, **25,** 774
Crown, by, **25,** 727, 774
petition for, **25,** 774
costs of, **25,** 775 n.
arbitration in case of dispute with, **25,** 780 n., 786
Board of Agriculture and Fisheries in relation to, **25,** 774
borrowing powers of, **24,** 104 ; **25,** 785
certiorari, removal by, of presentments found before, **10,** 158
chairman of, appointment of, **25,** 777
clerk of, duties of, **25,** 778, 787

COMMISSIONERS OF SEWERS— *continued.*
commissioner, bailiff as, **25,** 776
infant as, **25,** 776
mayor as, **25,** 776
woman as **25,** 776
compensation, liability for, of, **25,** 780 n., 788 n.
consent necessary to works of, **25,** 779, 780
constitution of, **9,** 220, 221 ; **24,** 102
Court of Sewers of, **9,** 221 ; **25,** 776, 777
decrees and laws of, effect of, **25,** 777
distress warrant by, **24,** 109—111 ; **25,** 787
diversion of works by canal companies etc., **25,** 781
drainage, grants for, **25,** 785 n.
drainage board, distinguished from, **24,** 103 ; **25,** 778 n., 789
districts exempt from jurisdiction of, **25,** 788, 789
powers of commissioners exercisable by, **25,** 778 n.
ex officio, who are, **25,** 776
execution of works by, **25,** 778—780
expenses of, **25,** 784, 788
finance of, **25,** 784, 785
fines and penalties imposed by, **25,** 787
recovery of, **25,** 787
Highway Act, 1835, not to affect statutory rights of, **16,** 32
indictment by or against, **25,** 787 n., 788
injunction against, **25,** 788
inquiry by, **9,** 221
jurisdiction of, **9,** 221 ; **24,** 104 ; **25,** 720, 774, 775, 778 n.
Lancaster, Duchy of, in, **7,** 237
lands, purchase of, by, **6,** 7, 11, 174 ; **25,** 781—783
legal proceedings by and against, **25,** 787, 788
local authority sewers distinguished from sewers under, **25,** 727
London County Council and powers of, **25,** 773
mandamus against, **25,** 788
meetings of, **25,** 776, 777
negligence of, **25,** 787 n.
notices of, **25,** 780 n.
nuisance, liability for, **25,** 788 n.
oath to be taken by, **9,** 220 ; **25,** 776
officers, appointment and duties of, **25,** 777, 778
fines imposed on, **25,** 787 n.
powers of, **6,** 7, 11, 174 ; **9,** 221 ; **24,** 102 ; **25,** 774, 775, 780—783
history of, **24,** 102 ; **25,** 773
prescriptive liability to execute works, effect of, **24,** 103
presentment by jury to, **9,** 222
proceedings before, **25,** 785—787
protection of, in respect of electrical works, **12,** 624
Public Health Acts not applicable to, **23,** 365, 366
publication of list of proprietors affected by works of, **25,** 780
purposes for which appointed, **25,** 773
qualification of, **25,** 775, 776
quorum of, **25,** 777
rates levied by, **24,** 102, 103 ; **25,** 784
repair, liability to, of, **25,** 783, 784
restrictions on works by, **25,** 780, 781
sewers rate, duties as to levying of, **24,** 101—115
general, of, **24,** 103—111 ; **25,** 784
special, of, **24,** 112—115
vacancies in, how filled, **25,** 776
vesting of property in, **25,** 783
works under jurisdiction of, **23,** 366 ; **25,** 778—781

COMMISSIONERS OF WOODS,
accounts of, **7,** 140
banking accounts of, **7,** 125
mines account, **7,** 129, 130
agricultural holdings and allotments, duties and powers, **7,** 191
allowances to pensioners etc., payment of, **7,** 130
appointment of, **7,** 122
Arbitration Act, application of, to, **7,** 175, 176
bridges, duties and powers as to, **7,** 190
conveyance by, **7,** 154, 157, 158
copyholds, enfranchisement of, by, **7,** 194—197
purchase of, by, **7,** 158, 194.
indemnity to trustees on purchase of, **7,** 169, 197
trustees, vested in, **7,** 194
Crown lands, Treasury warrant for dealings with, **7,** 151.
manor, conveyance of, effect of, **7,** 199
managed by, **7,** 125, 194 ; **8,** 4 ; **16,** 112
mines, dealings with, by, **7,** 203—205 ; **20,** 526, 534
income from, **7,** 129
disputed claims, settlement of, **7,** 155
disqualifications of, **7,** 122
duties of, **7,** 122—132 ; **8,** 4
ecclesiastical pensions, purchase of, **7,** 131
enforcement of rights relating to Crown lands by, **7,** 153
enrolment of deeds, **7,** 171—175
entry on Crown lands by persons authorised by, **7,** 153
exchanges, power to make, **7,** 169
foreshore, transfer of control of, from, **7,** 142—144
Forest of Dean miners, functions in regard to, **20,** 646 n.
forgery of signature of, **7,** 126
gamekeeper, appointment for Crown of, **15,** 248
highway material from Crown lands, permission to take, **16,** 112
Improvement of Land Act, 1864, rights as to, **7,** 156
improvements executed by, payment for, **7,** 128, 191
inclosure of commons, notice where Crown interested, **4,** 554 n.
income, application of surplus, **7,** 130
infant's land acquired by, **17,** 83
land registration by, **7,** 177, 178
land tax, redemption of, by, **7,** 178 ; **18,** 322
lease by, **7,** 161—168, 203 ; **18,** 347. *See* CROWN LANDS.
determination of, by, **7,** 165 ; **18,** 394
mining, **7,** 203 ; **20,** 534
power to take or purchase, **7,** 159.
light, right to, cannot be established against, **6,** 485 ; **7,** 157 ; **11,** 309
light railway, notification as to, to, **27,** 822
mandamus, enforcement of duties by, **10,** 86
moneys received by, application of, **7,** 127, 129, 130, 160, 161
mortgage of Crown lands by, **7,** 170, 171
notices by, to tenants, **7,** 153
officers under control of, appointment of, **7,** 123
payments by, control of, **24,** 537
personal responsibility, exempt from, **7,** 151
powers of, generally, **7,** 125—132
purchase by, of lands, rents etc., **7,** 151, 158, 160, 161
rating of property occupied by, **7,** 206 ; **24,** 15

COMMISSIONERS OF WOODS—*continued.*
receivers of Crown revenues, pay and account to, **7,** 139, 140
release by, of Crown tenants from covenants etc., **7,** 167
rents, apportionment of, by, **7,** 206
management of, by, **7,** 207
report, annual, of, **7,** 141, 142
Royal Forests, control of, **7,** 185
salary of, **7,** 122
sales of Crown lands by, **7,** 151, 157—159
invalid, confirmation of, **7,** 152, 153
Scotland, revenues of Principality of, are under management of, **7,** 271
specific performance, cannot be sued for, **7,** 151
stamp duty on documents of, **7,** 154, 155
telegraphs on seashore, consent to, **27,** 362
tithes, commutation of, **7,** 180, 181
Treasury, controlled by, **7,** 124
validity of acts of, **7,** 123
water rights, power to release, **7,** 208, 209
Woods and Forests Fund of, **7,** 125, 126

COMMISSIONERS OF WORKS,
accounts of, audit of, **7,** 141
ancient monuments, powers as to, **7,** 136; **21,** 603, 604
appointment of, **7,** 132
Board of Agriculture and Fisheries, powers transferred to, from, **1,** 298
bridge, conveyance to bridge authority of, by, **16,** 196
Commissioners of Sewers under jurisdiction of, **23,** 366; **25,** 778—781
corporation with power to hold land, are a, **7,** 132
county court property vested in, **7,** 135 n.; **8,** 414
duties etc., of, **7,** 132—137
electrical works, powers as to, **12,** 565, 566, 622, 623
enrolment of conveyances by or to, **7,** 136
Epping Forest, management of, by, **7,** 135
geological survey, administration of, **7,** 135
land, acquisition and sale of, **7,** 136
compulsory purchase of, **7,** 137; **6,** 161
legal proceedings against, **27,** 166 n.; **28,** 865 n.
light railway, notification as to, **27,** 822
metropolis, powers in, **7,** 137
officers of, **7,** 133
powers and duties generally, **7,** 133—137
public buildings, control of, **7,** 135
statues, control of, **7,** 135; **16,** 205
rating of property occupied by, **24,** 15
royal palaces, parks etc., powers as to, **7,** 133; **12,** 565; **21,** 582, 583
telegraph works, consent to, **27,** 363 n.
Treasury, control by, **7,** 124, 125
validity of acts of, **7,** 132

COMMITMENT. *See* COMMITTAL ETC., *infra.*

COMMITTAL FOR TRIAL,
bankruptcy offence, for, **2,** 352
justices, by, **9,** 320; **19,** 572, 574
bail in lieu of, **9,** 323. *See* BAIL.
certiorari, not removable by, **10,** 160, 173
costs in case of, **9,** 328 n., 329 n.

COMMITTAL FOR TRIAL—*continued.*
justices—*continued.*
notice to governor of prison of place of trial, **9,** 326, 327
person having custody of child, of, **17,** 165

COMMITTAL TO PRISON. *See also* ATTACHMENT.
The title CONTEMPT OF COURT, ATTACHMENT, AND COMMITTAL *is contained in Vol. VII., pp.* 279 *et seq.*
defined, **7,** 307
administration in lieu of bankruptcy for default in case of, **2,** 299, 345
affiliation proceedings, in, **2,** 449
application for, affidavit in support of, **2,** 341, 342; **7,** 310, 311
Chancery Division, in, **2,** 341; **7,** 309, 316; **17,** 294
costs of, **2,** 344; **7,** 317, 318
King's Bench Division, in, **2,** 341; **7,** 310, 316; **17,** 295
open court, in, **5,** 554, 555
procedure on, **2,** 341—345; **7,** 309—315
application for, small debtor, of, in County Court, **2,** 297
winding up, in, **5,** 555
arbitrator's award, for disobeying, **1,** 474; **7,** 303
arrest upon, **2,** 343, 344; **7,** 319
attachment and, distinguished, **7,** 307—309
bail on, **7,** 307 n. *See* BAIL.
bankruptcy, in, debtor, of, default, for, **2,** 75, 105, 299, 310; **7,** 304
trial for bankruptcy offence, for, **2,** 352
prison, to which, **2,** 319
trustee or other persons, for default, of, **2,** 105, 133; **7,** 305
chambers, contempt in, for, **7,** 283, 284
Charity Commissioners, for disobedience to order of, **4,** 303, 309; **7,** 305
civil debt, for, justices, by, **19,** 610
colonial courts, by, **2,** 319; **10,** 561
comment on pending proceedings, for, **7,** 285
company directors, of, **5,** 326; **7,** 306
complaint, in case of sum recoverable by, **11,** 224
contempt of court, for, **5,** 555, 556, 562, 563; **7,** 293, 294, 310, 315—318; **8,** 259; **9,** 501, 502
appeal from, **7,** 281, 322, 323
colonies, in, **10,** 561
privilege from, **7,** 320—322; **9,** 502
coroner, by, **8,** 259, 267
corporation, of directors or officers of, **7,** 303
counsel, for insult to, **7,** 291
of, **2,** 385, 386; **7,** 295
county court, by, **2,** 339; **7,** 296, 297; **8,** 433, 577, 578; **19,** 610
order for, **8,** 615
criminal contempt, for, **7,** 280—282; **9,** 501, 502
Crown debts, for non-payment of, **2,** 338
debt, for, **2,** 337—345; **7,** 298; **19,** 610. *See* IMPRISONMENT FOR DEBT.
default of
distress, for, **11,** 215, 224, 226
land tax, for payment of, **18,** 319
payment of instalment under administration order, on, **2,** 299
discharge from custody, after, **2,** 344; **7,** 323—325
mistake, by, **7,** 320
discovery, refusal to obey, order for, **7,** 302
evidence in support of application for, **2,** 341, 342; **7,** 310, 311, 314

COMMITTAL TO PRISON—*continued.*
extradition, with a view to, **14,** 414, 415
discharge from custody after, **14,** 417
surrender after, **14,** 410, 416, 417, 418
gaoler, of, **7,** 296
habeas corpus, as defence to, **10,** 68
disobedience to writ of, for, **7,** 304
remedy for illegal, as, **10,** 49, 50, 68
injunction, in case of breach of, **7,** 307 n. 312; **8,** 577, 578; **17,** 291, 294—296
judge, inferior court, of, **7,** 296
insults to, for, **7,** 283; **9,** 501
scandalous attack on, for, **7,** 284; **9,** 501, 502
juror, for insult or threat to, **7,** 291; **9,** 501; **18,** 267
of, **7,** 296
justices' jurisdiction as to, **2,** 449; **11,** 223, 227; **19,** 602, 604, 610; **23,** 334
land tax, for refusal to pay, **11,** 220 n.; **18,** 319
married woman, of, **2,** 340; **16,** 457
Mayor's Court, London, by, **2,** 341
motion in court for, **2,** 341; **7,** 309, 310; **17,** 295
notice of, **7,** 309, 310; **17,** 295
refusal of, **17,** 296
order for, **7,** 315—317
appeal from, **2,** 344; **7,** 322, 323
conditional, **7,** 317
effect of, **2,** 340, 343; **7,** 316; **10,** 68
execution of, **2,** 319, 338, 340, 343, 344; **7,** 318, 319
service of, **7,** 311—314
stay of, **2,** 63; **7,** 320
substituted service of, **7,** 313
origin of, **7,** 307 n.
Parliament, by, **10,** 68; **21,** 790, 791
prison treatment in case of, **7,** 319; **23,** 247 n.
visitation of prisoners, **7,** 325
privilege in relation to, **7,** 320—322
criminal contempt, not applicable to, **7,** 290, 320
officers of the court, of, obsolescent, **7,** 290
rates, for non-payment of, **11,** 215, 217; **23,** 334
receiver, liability of, to, **7,** 295; **24,** 400, 401
receiving or administration order in lieu of, **2,** 344, 345
sequestrator, of, **7,** 295
sheriff, for obstructing, **7,** 290
of a, **7,** 295
solicitor, of, breach of undertaking, for, **7,** 294, 301, 302, 306; **26,** 829, 830
contempt in procedure, for, **26,** 829
criminal contempt, for, **26,** 828
notice of motion for, **7,** 309
stranger to action, of, abetting disobedience to order, for, **7,** 292
Summary Jurisdiction Acts, in default of payments under, **11,** 223, 227; **19,** 602, 604, 610; **23,** 334
costs may be added to order, **11,** 227 n.
undertaking, for breach of, **7,** 299, 305, 306; **17,** 293; **26,** 828—830
warrant. *See* WARRANT OF ARREST.
wife, of, molestation, for, **7,** 306
winding up by the court, in, **5,** 555, 562, 563; **7,** 284
witness, intimidation of, for, **7,** 290
of, **2,** 449; **7,** 283, 303, 304; **8,** 267; **9,** 322

COMMITTEE. *See* COMMITTEE OF CHILD; COMMITTEE OF LUNATIC.
advisory, census of production, for purposes of, **27,** 514

COMMITTEE—*continued.*
advisory—*continued.*
justices of the peace, with a view to selection of, **19,** 539
National Health Insurance, for purpose of, **28,** 933
rules under Land Transfer Act, 1897, on the, **26,** 710
agency of, **1,** 172, 173; **4,** 420—427; **28,** 866
appeal, House of Lords, of the, **21,** 642
London County Council, of, **20,** 421
assessment, appeal from, **24,** 57—65, 122.
appointment and functions of, **20,** 437, 438; **24,** 46, 47, 49—51
clerk of, duties of, **24,** 47, 72
counsel's right of audience at, **2,** 377
meetings of, **24,** 47
metropolis, in, **20,** 434, 437, 438; **24,** 117, 118
offences by, **17,** 31
rate-books, production of, before, **24,** 47
Board of Trade as, of Privy Council, **7,** 102
building society, of, management by, **3,** 332, 341, 342, 347
claims, of, appointment and functions of, **6,** 329, 330
club, of. *See* CLUB.
commoners, of, compensation for compulsory purchase, to settle, **4,** 494, 495; **6,** 140—142
commons, on, in the House of Commons, **21,** 685
company shareholders, of, no franchise qualification, **12,** 147
compensation authority, appointed by, **18,** 51, 69
contracts of, liability for, **1,** 172, 173; **4,** 420—427; **28,** 866
corporation, of, delegation of right of election to, **8,** 352
county association (territorial force), appointment of, **25,** 85, 86
joint, **25,** 86
liability above £50, resolution to incur, **25,** 86
county council, of, **1,** 342; **19,** 348, 349; **26,** 676
education, in respect of, **12,** 19; **19,** 350
directors of company, of, **5,** 224, 225
distress, borough council, of, **20,** 438
district trade, constitution of, **27,** 520
education, consultative, **12,** 8, 9
joint, **12,** 45
entertainment, liability of, **28,** 866
estates, of the Ecclesiastical Commissioners, **11,** 795
finance, borough council, of, **20,** 437
friendly society, of, management by, **15,** 146, 147. *See* management, *infra.*
House of Commons, of, **21,** 665, 682—687, 711, 712. *See* BILL IN PARLIAMENT; HOUSE OF COMMONS.
select, **21,** 682—687, 714, 715
House of Lords, of, **21,** 628, 637—643, 708, 709. *See* BILL IN PARLIAMENT; HOUSE OF LORDS.
industrial society, of, management by, **17,** 14, 15, 19, 24, 25, 31
inspection, of, bankrupt's property, to manage, **2,** 113—117
books, inspection of, by, **2,** 131
dealings with debtor's estate by, **2,** 116, 117
deceased insolvent, in administration of, **2,** 96, 114
expenses of, **2,** 114
meetings of, **2,** 116

COMMITTEE—*continued.*
inspection—*continued.*
official receiver in relation to, **2,** 104, 116
partnership firm, in case of, **2,** 114
profit by, **2,** 116, 117
resignation and removal of, **2,** 116
review of decisions of, **2,** 116
separate, **2,** 114
small bankruptcy, in, **2,** 114
summoning by trustee of, **2,** 125
trustee, appointment of, by, **2,** 108, 109, 111
control over, by, **2,** 114—116, 134
where there is no, **2,** 114
vacancy in, **2,** 116
company winding up, in, appointment of, **5,** 428, 438, 464, 465, 562, 573
advertisement of, **5,** 440
bankruptcy of member of, **5,** 465
Board of Trade as, **2,** 114; **5,** 436, 464
constitution of, **5,** 464, 573
creditors and contributories in relation to, **5,** 443, 444
dealings with company's assets by, **5,** 465, 466
expenses of, **5,** 466
inspection and audit of books by, **5,** 451, 452
liquidator in relation to, **5,** 443, 444, 446—448, 500, 501, 602
remuneration of, fixed by, **5,** 449
meetings of, **5,** 465
powers and duties of, **5,** 265, 266, 443, 444, 451, 452, 464, 465, 500, 501
quorum of, **5,** 465
resignation and removal of members of, **5,** 465
supervision order, **5,** 598
vacancy among, **5,** 465
voluntary winding up, in, **5,** 573
Trustee Savings Banks, of, Law Society represented on, **26,** 710
isolation hospital, of, **23,** 438
joint. *See* JOINT COMMITTEE.
Judicial, Privy Council, of. *See* JUDICIAL COMMITTEE OF PRIVY COUNCIL.
justices, of, licensing, for, **18,** 69
Law Society, of, control over solicitors by, **26,** 849, 852, 854
representation of, on other institutions, **26,** 709, 710
licensing, in borough, **18,** 34, 35
confirming licences, for, **18,** 50, 51
London County Council, of, **20,** 421
management, friendly society, of, duties of, **15,** 146, 147
offences by, **15,** 147 n., 184
liability for, **15,** 185
prosecutions by, **15,** 188
rules as to, **15,** 138, 143
mess, of a, liability of, **28,** 866
metropolitan borough council, of, **20,** 436—438
municipal council, of, **19,** 316, 317
national health insurance, for purposes of, **28,** 932, 933
parish council, of, **3,** 494, 498; **19,** 246
meeting of, **19,** 256
Privy Council, of, Board of Trade as, **7,** 102
education, on, **12,** 8 n.
Judicial. *See* JUDICIAL COMMITTEE OF PRIVY COUNCIL.
quarter sessions, of, compensation authority, as, **18,** 68, 69

COMMITTEE—*continued.*
railway company, of projected, liability of, **28,** 866
rooms at election, *defined*, **12,** 294 n.
illegal payments for, **12,** 301, 346
number allowed of, **12,** 295
premises where intoxicants sold, in, **4,** 434; **12,** 304; **18,** 140
school, in, prohibition of, **12,** 304
unlawful use of, **12,** 304, 348, 349
Rule, of the Supreme Court, **26,** 709, 710. *See* RULE COMMITTEE.
rural district council, of, **19,** 334
sanitary, of metropolitan sanitary authority, **20,** 409
small holdings and allotments, of the county council, **1,** 342; **26,** 676
stage of bill in both Houses of Parliament, **21,** 708—714
standing. *See* STANDING COMMITTEE.
standing joint. *See* STANDING JOINT COMMITTEE.
Stock Exchange, of the **27,** 215, 216
Territorial Force Association, of, **25,** 85, 86
urban district council, of, **19,** 279, 280
visiting, asylum, of, **19,** 467, 479
volunteer corps, of, contractual liability, **28,** 866
Workmen's Compensation Act, under, appeal from, **20,** 211, 238
award of, **20,** 198, 199, 210, 211, 227

COMMITTEE OF CHILD,
Children Act, 1908, under, **17,** 165—167

COMMITTEE OF LUNATIC,
accounts of, **19,** 426, 431, 433—435, 436, 458
actions by and against, **1,** 22; **16,** 504; **19,** 462—466
county court, in, **8,** 455, 456
agent of, appointment of, **19,** 432, 433
allowance for maintenance to, whether assignable, **4,** 402
appointment of, **19,** 423, 424, 439
assurances by, execution of, **10,** 394; **19,** 442—449, 456
bankruptcy, powers in relation to, **2,** 11, 37, 47; **19,** 441
business, power to carry on, **19,** 445, 446
contracts, powers as to, **19,** 400, 447, 448, 450
copyholds, powers as to, **19,** 451, 452
costs of, **19,** 459—461
court, leave of, when required, **19,** 400, 431, 432, 437, 443—449, 462
covenant for title by, **19,** 456; **25,** 427
Crown, as agent of the, **19,** 432
death of lunatic, effect of, **19,** 434, 457, 458
discharge of, **19,** 426, 434, 457
discovery against, **11,** 48, 49, 86 n.; **19,** 434, 466
Divorce Division, action in, by, **16,** 504
documents of title, powers as to, **19,** 434, 435
estate of lunatic, powers as to, **14,** 200; **19,** 432—462
land tax, redemption of, by, **18,** 321
leases, powers as to, **19,** 446, 447
master in lunacy sanctions proceedings by, **19,** 462, 463
mines, in case of, **20,** 528, 529
money, power to borrow etc., **19,** 442
mortgaging powers of, **19,** 442, 454, 455
new, appointment of, death or bankruptcy, on, **19,** 434
occupation of premises by, franchise, as to, **12,** 162 n.

COMMITTEE OF LUNATIC—*continued.*
person of lunatic, powers as to, **19,** 430, 431, 500
personal representative, on lunacy of, **14,** 200
powers and duties of, **2,** 11; **14,** 200; **19,** 415, 416, 430—466; **28,** 155
exercise of, by, **19,** 448, 449
quasi-committee exercising powers of, **19,** 415 n., 428—430. *See* QUASI-COMMITTEE.
remuneration of, **19,** 432
security by, **19,** 431, 433, 434
selling powers of, **6,** 57, 58; **19,** 442—445, 448; **25,** 312, 427
Settled Land Act powers exercisable by, **19,** 444, 446 n.; **25,** 631
small estate, in case of, **19,** 437, 438
stock, powers as to, **19,** 452—454
supersedeas order, effect of, **19,** 426
surety for, **19,** 433
liability of, **15,** 484; **19,** 433, 434
trustee or guardian, where lunatic was, **19,** 455
power to appoint new, **19,** 455; **28,** 72, 111

COMMODATUM. *See also* LOAN.
defined, **1,** 525, 537
borrower, liability of, **1,** 538, 539
use of, restrictions on, **1,** 540
depositum, distinguished from, **1,** 537
lender, liability of, **1,** 539, 540
mandatum, distinguished from, **1,** 537
mutuum, distinguished from, **1,** 540

COMMON
assault. *See* ASSAULT.
assumpsit, classes of, **1,** 36
carrier. *See* COMMON CARRIER.
Council of the City of London. *See* COMMON COUNCIL OF THE CITY OF LONDON.
count, in actions of debt, **1,** 38
danger. *See* COMMON DANGER.
employment, **20,** 132. *See* COMMON EMPLOYMENT.
enemy, self-defence against, **1,** 12.
error. *See* MISTAKE.
contracts not enforceable in case of, **21,** 7—14; **27,** 47
rectification in case of, **21,** 20—24
rescission in case of, **21,** 17
fields, inclosure of, **4,** 535—601. *See* INCLOSURE OF COMMONS.
fund. *See* COMMON FUND.
gaming-house. *See* GAMING-HOUSE.
hall of the City of London. *See* COMMON HALL OF THE CITY OF LONDON.
informer. *See* COMMON INFORMER.
inn, purpose of, **17,** 302
intention, conspiracy cases, in, **9,** 260, 261
mistake in expressing, when relieved, **21,** 11, 12
interest. *See* COMMON INTEREST.
jury. *See* COMMON JURY.
land. *See* COMMON (LAND).
law. *See* COMMON LAW.
lodging-house, **23,** 509, 510. *See* COMMON LODGING-HOUSE.
money bond, *defined,* **3,** 81
amount recoverable on, **3,** 94
peril, defence against, damage caused by, not actionable, **1,** 12; **28,** 383, 456
pipe, water supply by, rate in case of, **28,** 315, 316
pleas. *See* COMMON PLEAS, COURT OF.
poor fund. *See* COMMON FUND.

COMMON—*continued.*
pound, **1,** 382. *See* POUND.
prayer, book of. *See* BOOK OF COMMON PRAYER.
property, conversion by co-tenant, **27,** 898
destruction by co-owner of, action for trespass for, **27,** 866
purpose, criminality in case of offence committed for, **9,** 150, 260, 261, 579
recovery, *See* RECOVERIES.
right. *See* COMMON LAW.
seal. *See* COMMON SEAL.
serjeant, City of London, in the, appointment and functions of, **2,** 383; **9,** 89; **20,** 285
socage. **24,** 148. *See* SOCAGE.
tenant in. *See* TENANT IN COMMON.
vendor, purchases of lots under, effect of scheme, 25, 460

COMMON (LAND).
The Title COMMONS AND RIGHTS OF COMMON *is contained in Vol. IV., pp.* 441 *et seq.*
defined, **4,** 443, 445; **27,** 834 n.
abandonment of right of, **4,** 449, 525, 526, 527
accretion to, right to, **4,** 473, 474
action in respect of, commoner, by, **4,** 516—522, 558, 559
lessees or occupiers of, by, **4,** 520
agistment on, **4,** 451, 456, 476
alienation of right of, **4,** 491, 492
allotments, provision of, out of, **4,** 510, 511, 545, 545 n., 549, 569, 571—573, 591, 603; **21,** 104, 826
alteration, commoner's estate, of, effect of, **4,** 528, 529
tenement, of, **4,** 527
appendant, *defined,* **4,** 446, 447. *See also* APPENDANT.
apportionment of, **4,** 491 n., 524
appurtenant distinguished from, **4,** 446, 466 n., 448, 482
conveyance of, **4,** 491, 524
estovers, of, as, **4,** 466
extinguishment of, effect of, **4,** 524
pasture, of, **4,** 447—452. *See* PASTURE (Common of).
piscary, of, as, **4,** 466 n., 470 n., 525
prescriptive title to, **4,** 447, 448, 482
severance of, **4,** 449, 525
turbary, of, as, **4,** 464, 525
apportionment of, right of, **4,** 449, 491 n., 524
approvement of, **4,** 500, 503—509, 517, 531. *See* APPROVEMENT OF WASTE.
Board of Agriculture and Fisheries in relation to, **4,** 509
appurtenant, *defined,* **4,** 446, 447, 452 *See also* APPURTENANT.
appendant distinguished from, **4,** 446 n., 452, 482
apportionment of, **4,** 449 n., 456, 524
conveyance of, **4,** 491, 492, 524
creation of, **4,** 453, 482
estovers, of, as, **4,** 466, 525
extinguishment of, effect of, **4,** 524
pasture, of, **4,** 452—457. *See* PASTURE, COMMON OF.
piscary, as, **4,** 469, 525
severance of, **4,** 491, 525
turbary, as, **4,** 465, 525.
arable land, in respect of, **4,** 449, 450, 479
balks and driftways, nature of, **4,** 479
beastgate, nature of, **4,** 479

COMMON (LAND)—*continued.*
bill of peace to establish right of **4,** 518; **13,** 59
Board of Agriculture and Fisheries, boundaries, powers as to, **3,** 112, 113; **4,** 550—553
consent of, to approvement of, **4,** 509
inclosure, powers as to, **3,** 112, 113; **4,** 509, 510, 532, 541—614; **6,** 19; **20,** 553. *See* INCLOSURE OF COMMONS.
purchase, powers as to, **4,** 492—499; **6,** 19
regulation of **3,** 113; **4,** 544
borough council, powers of, **4,** 598, 599, 601. *See also* URBAN AUTHORITY.
bote, *defined,* **4,** 447 n.
copyholder may sell surplus timber felled for, **8,** 25
nature of right of, **4,** 447 n., 467, 468 n.
tenant for life's right to, **25,** 600
boundaries of, settlement of, **3,** 112, 113; **4,** 550—553, 602, 603
bracken on, right to, **4,** 468
bridle path on, **4,** 545
building on, pulling down of, **4,** 516
building to which appurtenant, failure to rebuild, **4,** 527
bushes on, right to cut, **4,** 516
byelaws with reference to, **4,** 513, 522, 544—548, 570, 601—614; **21,** 535, 685
cattle, for, **4,** 447—463. *See* PASTURE, COMMON OF.
borrowed, in case of, **4,** 451, 456
depasturing by lord of, **4,** 500
diseased, turning out, **4,** 522
estovers in relation to, **4,** 468
levant and couchant, for, **4,** 450
cattlegate, inclosure of, **4,** 481 n., 541
nature of, **4,** 479—481
Charter of the Forest, provisions of, as to, **4,** 452; **7,** 182 n.
Church Building Act, 1818, grants under, of, **6,** 19
church site, inclosure to provide, **4,** 511, 549
churchwardens, inclosure by, **4,** 510, 511
rights of, as to, **4,** 478 n.
churchyard, inclosure to provide, **4,** 511
classification of rights of, **4,** 446, 447
clergy, inclosure to provide residences for, **4,** 511, 549, 595 n.
commonable
animals, what are, **4,** 447, 453
lands, *defined,* **4,** 472, 473
kinds of, **4,** 477, 482
waste, what are, **4,** 479
rights, purchase of, **4,** 494; **6,** 139—142
commoner, compensation on compulsory purchase, **4,** 494, 495; **6,** 139—142
disability, under, how represented for purposes of inclosure, **4,** 543
inclosure by, **4,** 532, 533
liability for damage, **4,** 520, 521
right of, **1,** 379; **4,** 494, 495, 514—522
judgment in representative action, effect of, **4,** 519
compensation, compulsory acquisition of, on, **4,** 494—499
apportionment and application of, **4,** 495—499
commoners, to, **4,** 494—499; **6,** 139—142
notice of meeting, in case of, **6,** 140
owner of the soil, to, **4,** 494

COMMON (LAND)—*continued.*
compensation—*continued.*
regulation of, on, **4,** 609, 610, 612
surface damage to, for, **4,** 572, 573
compester, *defined,* **4,** 447
compulsory powers, acquisition under, of, **4,** 492—499; **6,** 19, 138—142; **27,** 834. *See* compensation, *supra.*
deed poll, of commonable rights by, **6,** 141, 142
conservators for, appointment of, **4,** 603, 607, 608
powers of, **4,** 607; **21,** 535
copyhold, annexed to, **4,** 451, 453, 490, 508, 509, 523, 524, 528, 529; **8,** 50, 58, 110; **25,** 658. *See* COPYHOLD.
enfranchisement, effect of, on, **8,** 112. *See* ENFRANCHISEMENT.
forfeiture of, effect of, **4,** 523, 524, 529; **8,** 50, 58, 110
copyholder, purchase of freehold by, effect of, **4,** 528
Cornwall, Duchy of, in, inclosure of, notice of, **4,** 554 n.; **7,** 199
prescription for, rights of, **6,** 485; **11,** 345
purchase of rights over, **7,** 246
regulation of, consent to, **4,** 611
corporation as owner of right of, **4,** 457, 611
cottage, annexed to, **4,** 450, 455
county court jurisdiction as to encroachment or nuisance, **8,** 643, 644, 656
court rolls, evidence from, as to, **4,** 491
creation of rights of, custom, by, **4,** 490, 491
deed or statute, by, **4,** 483
prescription, by, **4,** 483—490. *See* PRESCRIPTION.
time and mode of, **4,** 482
custom in reference to, **4,** 446, 482, 483, 490, 491, 500, 503, 520, 530—533
customary freehold, of, **4,** 452, 453, 529—533
damage to, liability for, **4,** 514—517, 521, 585; **21,** 535
deed requisite for grant or conveyance of, **4,** 482, 483, 491, 492
demesne lands, pasturage in respect of, **4,** 451, 452
distress
damage feasant by commoner, **1,** 379; **4,** 517 n., 521, 522
landlord, by, on cattle of tenant or stranger on, **4,** 501; **11,** 132, 156
lord of manor, by, **1,** 379; **4,** 501
seizure by way of, not lawful, **11,** 132
district council, powers of, **4,** 599—601, 613. *See also* URBAN AUTHORITY.
disturbance of, remedies for, commoners, against, **4,** 521
lord, against, **4,** 514—521
nuisance, whether a, **21,** 535
stranger, against, **4,** 522
trespass does not lie for, **27,** 850
dower out of, **24,** 190
drainage of, **4,** 540, 549, 560, 561, 592, 603, 608, 611. *See* DRAINAGE OF LAND.
driving of, **4,** 500, 501
dwelling-house, appurtenant to, **4,** 455
easement distinguished from, **4,** 445, 446
egress, commoner's right of, **4,** 515
encroachment on, allotment to commoners in case of, **4,** 580
county court jurisdiction, **8,** 644. *See* ENCROACHMENT.

COMMON (LAND)—*continued.*
encroachment on—*continued.*
estoppel in case of encroachment on, **4,** 534, 535
extinguishment by, **4,** 522, 533—535
inclosure, dealing with, on, **4,** 556, 579, 580
lapse of time as affecting, **4,** 533
remedies for, **4,** 514—518, 522
sea, by the, **4,** 528
valuer's powers in case of, **4,** 556, 557
enfranchisement, effect of, **4,** 528, 529; **8,** 127
regrant on, **25,** 658
entrance, commoner's right of, **4,** 515
escheat of copyhold tenement, effect of, **4,** 529
estovers, of, **4,** 466—469. *See* ESTOVERS.
evidence as to, **4,** 482—491, 520, 587
approvement, in case of, **4,** 506, 517, 518
exhaustion of product, extinguishment by, **4,** 527, 528
extinguishment of right of, **4,** 523—535; **8,** 50, 58, 110
abandonment, by, **4,** 525—529
alteration of commoner's tenement or estate, by, **4,** 527—529
copyhold, by extinguishment of, **8,** 110
destruction of product, by, **4,** 527, 528
encroachment, by, **4,** 533—535
forfeiture of copyhold, by, **4,** 523, 524; **8,** 50, 58
inclosure, by, **4,** 530—533
non-user, by, **4,** 525, 526
purchase of part of the waste, by, **4,** 456, 457
re-grant, after, **4,** 524, 528, 529; **8,** 110
release, by, **4,** 526, 527
severance, by, **4,** 525
unity of ownership, by, **4,** 523, 524, 528
base fee, effect of, **4,** 523
fences of, right of commoner to pull down, **4,** 515, 516
ferns, right to take, **4,** 468, 516
fishery, of, **4,** 469—471; **14,** 576—580. *See* PISCARY.
fodder, estovers do not extend to, **4,** 468
foldage and fold course, **4,** 463, 464
forest, pruning rights in, **4,** 466—469
royal, in. *See* royal forest, *infra.*
franchises with reference to, **4,** 572; **12,** 147, 153, 154, 159
frank foldage, right of, **4,** 463, 464
free fold, right of, **4,** 463, 464
free warren, right of, **4,** 501, 502; **6,** 491
freehold, purchase by copyholder of, **4,** 528; **8,** 112, 113
tenant of the manor, rights of, **4,** 518
freemen, allotment to, **4,** 581
game on. *See* ground game on; sporting rights on, *infra.*
gated or stinted, **4,** 479—482, 541, 568—570; **11,** 217 n.
gorse on, right to, **4,** 468, 516
grant of right of, **4,** 482, 483
grass, balks or driftways, rights in regard to, **4,** 479
right to cut, **4,** 516
gravel in, right to, **4,** 447, 471, 503, 604, 614; **8,** 24
gross, in, *defined,* **4,** 446, 447
right of, **4,** 446, 457, 458, 524, 525; **21,** 129
ground game on, right to, **4,** 499—502, 515, 516; **15,** 221
heather on, right to, **4,** 468

COMMON (LAND)—*continued.*
highway authority, right to road materials of, **4,** 597, 604, 614; **16,** 106, 109; **20,** 522
House of Commons Committee on, **21,** 685
improvement of, **4,** 497, 540, 549, 603, 605, 606, 611
inclosure of. *See* INCLOSURE OF COMMONS.
wrongful, **4,** 533
incorporeal hereditament, right of, is, **24,** 161
injunction with reference to right of, **4,** 516
kinds of, **4,** 472—482
rights of, **4,** 446—472
labouring population, acquisition for, **4,** 601
lammas lands, **4,** 477, 478
lands, kinds of, **4,** 472—482
Lands Clauses Acts, acquisition under, **4,** 494, 495; **6,** 19, 138—142
lessees or occupiers of, rights of, **4,** 520, 542
levant and couchant cattle on, **4,** 450
levelling etc. of, **4,** 603, 608, 611
light railway, acquisition for purposes of, **4,** 493, 494; **27,** 821, 834
literary and scientific institution, acquisition for purposes of, **4,** 512; **19,** 197, 198
loam in, right to, **8,** 24
local authority, acquisition by, **4,** 598, 599, 601
compulsory purchase, position in case of, **4,** 493, 494
London, Corporation of City of, acquisition by, **4,** 611
London County Council, powers of, **4,** 610
lord of the manor, rights of, **4,** 499—514. *See* LORD OF THE MANOR.
lot meadows, position of, **4,** 478, 479, 542
maintenance and improvement of, **4,** 603, 608, 611, 613
management of, **4,** 584, 585, 603, 613
rate for expenses connected with, **4,** 561, 567, 571, 605, 610
manorial lands, in, **4,** 449—452
manuring etc. of, **4,** 603, 608, 611
marl in, right of lord to, **8,** 24
meadows, lot, **4,** 478, 479, 542
Merton, Statute of, **4,** 503, 504
metropolitan, **4,** 606—611. *See* METROPOLITAN COMMON.
mines and minerals in, rights as to, **4,** 471, 472, 503; **8,** 24; **20,** 551, 553
mistake, user by, **4,** 487
molehills on, right to dig down, **4,** 516
mortgage of allotment on inclosure, **4,** 583; **21,** 104
mortgage of right of, **21,** 128, 129
National Rifle Association in occupation of, not rateable, **24,** 7 n.
National Trust, duty as to, **21,** 598
nature of, **4,** 443, 445, 472—474; **11,** 3 n.; **27,** 834
non-suburban, duties and rights of local authorities, **4,** 597, 598, 600
non-user of, effect of, **4,** 525, 526
nuisance on, abatement of, **4,** 514—516; **21,** 535, 559 n.
bye-laws for prevention of, **4,** 570, 603, 608, 611, 612
occupiers, action by, **4,** 520
office, appurtenant to an, **4,** 456, 457
origin of, **4,** 444
owner of the soil, compensation to, on compulsory purchase of, **4,** 494
distress on cattle unlawfully on common by, **4,** 501
inclosure by, **4,** 503—514

COMMON (LAND)—*continued.*
owner of the soil—*continued.*
licence to strangers to pasture cattle, **4,** 500
prescription or custom, effect on rights of, **4,** 503
rights of, **4,** 499—514, 546, 547, 571, 572, 579, 609; **8,** 24
sporting rights of, **4,** 499—502, 576—578; **8,** 24, 25; **15,** 221
surcharge or damage, liability in case of, **4,** 503
pannage, right of, **4,** 473, 476
parish
council, powers of, **4,** 590—592, 595, 599—601, 613
meeting, powers of, **4,** 601
partition of, rights of, **21,** 826
pasturage, lord of manor's right to, **4,** 500
pasture, of. *See* PASTURE, COMMON OF.
pasture insufficient, right of commoner in case of, **4,** 500, 505—509
pasturegate, nature of, **4,** 479—482
peat, right to dig, **4,** 464, 465
piscary, of, **4,** 469—471; **14,** 576—580. *See* PISCARY.
poor rate, in respect of, **24,** 7 n., 10
population, relation to, of rights of, **4,** 444
prescription in reference to, **4,** 448, 482—490, 503, 520, 553. *See* PRESCRIPTION.
preservation of, **4,** 608
private Bill to acquire, **4,** 493
profit à prendre is a, **4,** 445, 446
pruning, right of, **4,** 466—469
purchase of, compulsory. *See* compulsory powers, acquisition under, *supra.*
freehold of dominant tenement, effect of, **4,** 528, 529
new common lands on compulsory purchase of, **4,** 497, 498
quasi-rights of, **4,** 452
que estate, meaning of, **4,** 483
rabbits, right as to, commoner, of, **4,** 515, 516; **15,** 221
lord, of, **4,** 499—502
railway, acquisition for purposes of, **4,** 492, 493
rating in respect of, **24,** 7 n., 10
real estate, is, **11,** 3 n.
reasonable, custom or prescription must be, **4,** 485, 490
recreation ground on inclosed, **4,** 498, 549, 590—593. *See* RECREATION GROUNDS.
regrant after extinguishment of right of, **4,** 524, 528, 529; **8,** 110
regulated pastures, conversion into, **4,** 482, 568—571, 604, 614
regulation of, **4,** 540 *et seq.*, 601—614
bye-laws for. *See* bye-laws with reference to, *supra.*
Commons Act, 1876, under, **4,** 540, 601
adjustment of rights on, **4,** 602, 603
conservators, appointment and powers, **4,** 603
expenses of, **4,** 605, 606
field gardens and recreation grounds, provision for, **4,** 603
improvement of common, meaning of, **4,** 603
inclosure after, **4,** 604
preliminary steps, **4,** 543, 544, 601
proceedings for giving effect to, **4,** 604
provisional order for, **4,** 544—548, 602
road materials, provision as to, **4,** 604

COMMON (LAND)—*continued.*
regulation of—*continued.*
Commons Act, 1899, under, **4,** 611—614
schemes and confirmation, **4,** 612—614
compensation on, **4,** 609, 610, 612
expenses of, **4,** 605, 606, 610
inquiry with a view to, **4,** 544, 545, 607
map of regulated, **4,** 608
metropolitan, **4,** 606—611. *See* METROPOLITAN COMMON.
objection to, scheme in respect of, **4,** 607, 613
release of right of, **4,** 526, 529
remedies of commoner on wrongful inclosure of, **4,** 515—519
removal of wrongful inclosure of, **4,** 516
reputation, evidence from, **4,** 491, 520
revival of right of, **4,** 523
right of, meaning of, **4,** 489
road materials, provisions as to, **4,** 595—597, 604, 614; **20,** 522
roads and ways on, provisions as to, **4,** 545, 549, 560, 562—564
roadside strip, rights in regard to, **4,** 565, 566, 601
royal forest, in, **4,** 452, 474—476, 513, 514; **7,** 189, 190. *See* ROYAL FOREST.
sale of small, **4,** 559, 560
sand, right to dig for, **4,** 447, 471, 472, 604, 614
sans nombre, nature of, **4,** 454
school site, inclosure to provide, **4,** 512
seaside wastes, rights in regard to, **4,** 473
seigniorial rights, provisions as to, **4,** 529, 572
seizure *quousque* of copyhold tenement, effect of, **8,** 58
severance, extinguishment by, **4,** 525
shack, of, **4,** 478, 479. *See* SHACK, COMMON OF.
sheep heaves, nature of, **4,** 481
shooting, rights of. *See* sporting rights, *infra.*
shrubs, right to take, **4,** 467, 516
soil, in the, rights of, **4,** 447, 471
adjustment of, on regulation, **4,** 602, 603
coal, to dig for, **4,** 471, 472
inclosure by lord against, **4,** 508
sole
pasture, right of, **4,** 461—463
vesture, right of, **4,** 461
sowing, partial, on, effect of, **4,** 521
sporting rights in connection with, **4,** 499—502, 576—578; **8,** 24, 25; **15,** 221
statute, creation of right by, **4,** 483
stealth, user by, **4,** 485, 487, 491
stint, without, nature of, **4,** 454
stinted or gated, **4,** 479—482, 541, 568—570; **11,** 217 n.
stone, rights as to, **4,** 471, 472, 604, 614
subsidence through mining operations, rights in case of, **4,** 462, 573—576
subsoil, right to, **4,** 462, 471, 503
suburban, inclosure and management of, **4,** 597—600
support, right of, **4,** 462, 574, 576
surcharge of, **4,** 456, 503, 516—519, 521, 522
suspension of right of, **4,** 523, 524, 528, 584, 585
swine, right to feed, **4,** 473, 476
tenement, as a, **24,** 158
time to support prescription in case of, **4,** 484, 485
tithes in respect of, **11,** 217 n., 752
tofts, claims in respect of, **4,** 477, 555
town council, powers of, **4,** 598
trees, lopping of, **4,** 467
planting of, **4,** 500
provisional order for planting, **4,** 603

COMMON (LAND)—*continued.*
trench, filling up of, **4,** 516
trespass in respect of, **4,** 522 ; **27,** 850, 856
turbary, of, **4,** 464. *See* TURBARY.
turf, right to dig, **4,** 464, 465, 527, 528, 602
underwood, right to take, **4,** 467, 516
unity of ownership of, effect of, **4,** 523, 524, 528
urban district council, powers of, **4,** 598, 601, 611, 612
user, effect of, **4,** 449, 485, 487
violent, effect of, **4,** 485, 487, 491
vesture, sole, **4,** 461—463
vicinage, by. *See* VICINAGE.
village green, provision of, **4,** 493, 542, 589—591
waste, rights as to, **4,** 456, 473
Westminster, statute of, **4,** 504
wood, right to cut, **4,** 516
woodlands, estovers in respect of, **4,** 473
workhouse, inclosure to provide site for, **4,** 511

COMMON CARRIER. *See* CARRIAGE OF GOODS ; CARRIER OF GOODS.
The title CARRIERS *is contained in Vol. IV., pp.* 1 *et seq.*
defined, **4,** 2—6
accident, inevitable, liability in case of, **21,** 468 n.
act of God, exemption of liability for safety of goods in case of, **4,** 8, 9 ; **21,** 429, 468 n.
bargeman as, **4,** 3
cabman as, **4,** 4
canal company as, **23,** 785
carman as, **4,** 4
Carriers Act, 1830, application of, **4,** 21—27
charges of, prepayment of, **4,** 6, 7
reasonable sum offered, effect of, **4,** 6, 7
common law contract, variations of, by, **4,** 15—17
consignor, liability for acts of, **4,** 8
delay in delivery of goods, liability in case of, **4,** 17—20
excepted risks, liability in case of, **4,** 9
ferryman as, **4,** 3 ; **14,** 559
furniture remover as, **4,** 4
inherent vice in goods, liability in case of, **4,** 10
insurable interest of, in goods, **17,** 524
insurer of goods, as, **4,** 8
King's enemies, exemption of liability for safety of goods in case of interference by, **4,** 8, 9 ; **21,** 429
liability of, for loss or damage, variation of, **4,** 8—14 ; **21,** 429, 430. *See* Loss.
lien of, **4,** 92, 93
general balance of account, in regard to, **4,** 92
payment of freight, for, **4,** 92
price of carriage, for, **4,** 92
lighterman as, **4,** 3
limitation of liability of, by contract, **4,** 14, 16, 17, 26, 30—33 ; **21,** 430
master of ship as, **4,** 3
negligence of, canal company, in case of, **4,** 17, 26, 27—36
liability for, **4,** 15, 22 ; **21,** 430
railway company, in case of, **4,** 17, 26, 27—36
negligence of others causing injury or loss, liability in case of, **4,** 8
passengers, carrier of, is not, **4,** 5
passengers' luggage, facilities for, by, **21,** 428
responsibility for safety of, **21,** 428
railway company as, **4,** 4, 5, 42 ; **21,** 428 ; **23,** 719
robbery, liability in case of, **4,** 8
safety of goods, responsibility for, **4,** 8 ; **21,** 429
shipowner as, **26,** 325, 326

COMMON CARRIER—*continued.*
stage coach proprietor as, **4,** 4
valuables, increased charge for carriage of, **4,** 22, 24
liability for loss or injury to, **4,** 21—24
wharfinger as, **4,** 3 ; **21,** 419 ; **28,** 423 n.

COMMON COUNCIL OF THE CITY OF LONDON,
constitution of, **20,** 422, 424, 426, 427
councilmen of, election of, **12,** 394, 395 ; **20,** 427, 428
deputy judges and officers of Mayor's Court appointed by, **20,** 285
land, acquisition and sale by, **20,** 458, 459, 460
Lord Mayor as president of, **20,** 424, 427
powers and duties of, **15,** 8 ; **20,** 400, 408, 409 n., 427, 428 ; **23,** 373 ; **24,** 131
sittings of, how regulated, **20,** 424, 427
transfer of powers to or from London County Council, **20,** 428

COMMON DANGER,
driving to the, **21,** 413 ; **27,** 277, 278
drunk, when, **18,** 141
liability for negligence in, **21,** 365 n., 412—416
manslaughter, examples of, **9,** 582 n.
misdemeanour, as, **9,** 605, 606
motor car, **27,** 323—326
penalty for, **27,** 277, 278, 282, 283
general average contribution arising from exposure to, **17,** 447 *et seq.* ; **26,** 316

COMMON EMPLOYMENT,
defined, **20,** 132
breach of statutory duty may preclude defence of, **20,** 129 ; **27,** 192 n.
defence, as, action by servant, to, **20,** 132
corporation, by, **8,** 390 n. ; **20,** 133 n.
fellow-servant, to negligence by, **21,** 433 n.
doctrine of, application of, **20,** 132—134, 138 ; **27,** 192 n., 499
servants of contractor, as to, **20,** 133
voluntary assistant, in respect of, **20,** 134
workman, loan of services of, **20,** 133, 134
infants, applies in case of, **17,** 152

COMMON FUND,
Eclesiastical Commissioners, of, application of, **11,** 783, 800
composition of, **11,** 783
creation of, **11,** 799
poor law union, of, *defined,* **22,** 549
burial at the expense of, **3,** 540 *et seq.*
contributions to, **22,** 549, 550 ; **24,** 47
costs to, power of guardians to charge, **22,** 540, 541
metropolis, in, purposes and raising of, **20,** 415 ; **22,** 550
asylums expenses out of, **20,** 412
school district board expenses out of, **12,** 89
payments to be made out of, **22,** 540, 541, 549 ; **24,** 52
rating valuations and lists, expenses of, charged on, **24,** 52

COMMON HALL OF THE CITY OF LONDON,
City Corporation's functions discharged through, **20,** 422
constitution of, **5,** 750 ; **20,** 422, 429

COMMON HALL OF THE CITY OF LONDON—*continued.*
elections in, **12,** 190, 394, 395; **20,** 401, 423, 429
Lord Mayor, of, **20,** 423
sheriffs, of, **20,** 401
Lord Mayor as president of, **20,** 424

COMMON INFORMER,
arrest of, privilege in case of, **25,** 819
Bread Acts, in offences under, **15,** 53
companies, as to offences in relation to, **5,** 318, 729
compounding action by, **9,** 504
corporation cannot be, **8,** 357 n.; **27,** 423 n.
costs in action by, **12,** 537
diseases of animals, may prosecute for offences in respect of, **1,** 433
election offences, in, **12,** 153 n., 537, 539
local authority as, **15,** 53
markets and fairs, in case of unlawful selling at, **20,** 16
reward of, in magistrate's discretion, **19,** 576
Sale of Food and Drugs Acts, prosecution under, by, **15,** 8, 11, 29 n.
Sunday entertainment, in case of, **27,** 423

COMMON INTEREST,
defamation, in cases of, **18,** 686—693
discovery of document in which both parties have a, **11,** 54
litigation, in, privileged communications where, **11,** 82

COMMON JURY. *See also* JURY.
compensation on compulsory purchase, to settle, **6,** 86, 88, 89; **9,** 120
generally, **18,** 229, 238, 244—259. *See* JURY.
liability to serve on, **18,** 229, 238, 265, 266
payment of, **18,** 264, 265
penalties for offences by, **18,** 266—269
record of service of, **18,** 266
special, distinguished from, **18,** 229, 245
juror may serve on, **18,** 263
summoning of, **6,** 88, 89; **18,** 236—240; **25,** 809

COMMON LAW,
defined, **11,** 376
action at, **1,** 3, 7, 31, 45—47; **13,** 4 n., 6, 10; **20,** 288
assurances of real estate at, **24,** 290
deed necessary for, when, **10,** 361; **24,** 293
rule against perpetuities applicable to, **22,** 330
breach of contract, relief in respect of, at, **10,** 302, 313—317; **27,** 13
canon law and, **11,** 374—377
certiorari at, indictments, for removal of, **10,** 158
cheating, what amounts to, at, **9,** 689, 690
chose in action not assignable at, **4,** 365 n.; **24,** 289
Church of Rome, of the, distinguished, **11,** 376, 377
Common Law Procedure Acts, procedure under, **1,** 46; **11,** 37, 38, 333 n.; **18,** 544, 545
company at, **5,** 12
condition subsequent, rule against perpetuities and, **22,** 314, 315
constitutional law partly derived from, **6,** 316
corporation by, **8,** 314
courts. *See* KING'S BENCH DIVISION.
criminal jurisdiction at, **9,** 272
Court of Admiralty, of **1,** 59 *et seq.*
Crown at, position of, **6,** 320; **8,** 314
deed required at, when, **10,** 361—364; **24,** 293

COMMON LAW—*continued.*
descent of land according to, **11,** 3 n.
discovery at, **11,** 37—39
distress at, **11,** 120, 132
ecclesiastical law is part of, **11,** 374
education, in relation to, **12,** 4, 122
equity, compared with, **13,** 6, 7
concurrent jurisdiction of, with, **13,** 10—42
follows the, **10,** 373; **13,** 8, 65, 68
rules of, to prevail over rules of common law, **13,** 64
food and drugs offences at, **15,** 35, 43
forgery, **9,** 711. *See* FORGERY.
fraud at, **1,** 40; **13,** 13; **20,** 724, 732
fraudulent conveyance, in relation to, **15,** 78 n.
gavelkind is, so far as Kent is concerned, **11,** 15; **24,** 148, 151—155
guardian at, rights and duties of, **17,** 131
distress by, **11,** 130
heir according to, **11,** 7—16; **28,** 749, 750
highway repair, as to, **16,** 82—87
judicial notice of, **13,** 484
lien at, **19,** 2—4, 7, 11, 12
solicitor, of, **19,** 7; **26,** 820—823
lunacy, trial of issue as to, at, **19,** 406
maxims, equitable interpretation of, **13,** 8
Mayor's Court, London, with reference to, **20,** 288
mediæval, imperfections of, **13,** 7
misdemeanour at, **9,** 246; **11,** 195; **15,** 35; **21,** 534
barratry, **9,** 499
champerty, **9,** 499
maintenance, **9,** 499
monopoly, validity of, at, **22,** 128
nuisance at, **21,** 511, 534, 535, 574
parish, repair of highways of, **16,** 83
Parliament at, position of, **8,** 314
parson a corporation at, **8,** 314; **11,** 563
pawn at, **22,** 235—247. *See* PAWN
permanent improvements, compensation for, **18,** 567
possession at, **24,** 137
lien given by, **19,** 2
tenant for years, of a, **18,** 337; **24,** 147
poundbreach at, **11,** 192—195
power, *defined,* **23,** 3
rent at, **11,** 119, 124; **18,** 544, 545
replevin at, **11,** 181
rescue at, **11,** 192—195
seisin at, **24,** 147
socage and the, **11,** 130; **24,** 140—142, 148
statute law in relation to, **27,** 114, 150, 151, 166, 167
Sunday at, **11,** 149 n.
tender at, **7,** 417—421. *See* TENDER.
after impounding of distress, **11,** 181 n.
tenure at, **24,** 138, 139, 155, 156

COMMON LODGING-HOUSE,
defined, **23,** 509, 510
Acts in which term used, **23,** 509, 510, 514, 515
bye-laws of local authority as to, **23,** 511
fire, protection in metropolis against, **20,** 476
infectious diseases, report as to, **23,** 512
inspection and approval by local authority of, **23,** 511, 512
keeper of, conviction of, effect of, **23,** 513
death of, widow's rights, **23,** 511
registration of, **23,** 510, 511
residence in, **23,** 514
licensing in London of, **20,** 398; **23,** 513, 514

COMMON LODGING-HOUSE—*contd.*
limewashing of, **23,** 512
lodging-house is not a, **23,** 507
metropolis, in the, **20,** 398, 476; **23,** 513—515
bye-laws of London County Council as to, **20,** 461
inquiry as to, **23,** 513, 514
licensing of, **20,** 398; **23,** 513, 514
London Building Act, exempt from, **20,** 476
powers of London County Council as to, **23,** 513—515
notices to be fixed on, **23,** 511, 515
other than in metropolis, **23,** 509
police powers of entry into, **23,** 515
registration of, **23,** 510, 511
report as to frequenters of, **23,** 512
water supply of, **23,** 511, 512; **28,** 249, 263, 304

COMMON PLEAS, COURT OF,
jurisdiction of, **9,** 53 n.

COMMON PRAYER, BOOK OF. *See* BOOK OF COMMON PRAYER.

COMMON RECOVERY. *See* RECOVERIES.

COMMON RIGHT. *See* COMMON LAW.

COMMON SEAL. *See* CORPORATION; SEAL.
company, of, **5,** 68, 69
falsification of, penalty, **5,** 69
contract of non-trading corporation, requisite in case of, **8,** 380, 383; **28,** 864, 865
corporation, of, **8,** 309—311. *See* SEAL.
necessity for use of, **8,** 309, 380—386
industrial and provident society, of, **17,** 10

COMMON SERJEANT,
City of London, in the, appointment and functions of, **2,** 383; **9,** 89; **20,** 285

COMMON VENDOR,
purchases of lots under, effect of scheme, **25,** 460

COMMONER. *See* COMMON.

COMMONS, HOUSE OF. *See* HOUSE OF COMMONS.

COMMONWEALTH,
gift for benefit of, a charity, **4,** 114

COMMONWEALTH OF AUSTRALIA.
See AUSTRALIA, COMMONWEALTH OF.

COMMONWEALTH PARLIAMENT,
England, of, authority of, **13,** 530 n.

COMMORIENTES,
doctrine of, **14,** 170

COMMOTION. *See* DISTURBANCE; RIOT.

COMMUNICATION,
acceptance of contract, of, **7,** 349
architect certifier, by, **3,** 220
company, service on, of, **5,** 14, 83
confidential. *See* PRIVILEGE OF WITNESS.
disease, of, action of trespass for, **27,** 872 n.
cruelty by husband, as, **16,** 475

COMMUNICATION—*continued.*
distinct portions of, when admissible as evidence, **13,** 458
post, by, legal effect of, **22,** 657, 658
privileged. *See* PRIVILEGE.
railway, with, construction of, **23,** 681, 682
train, with guard on, **23,** 692
severance of lands, in case of, **6,** 75, 153; **23,** 668—670
telegraph or telephone, by, **27,** 395
venereal disease, of, cruelty by husband, **16,** 475
trespass by, **27,** 872 n.
written. *See* DOCUMENT; LETTER.

COMMUNICATION CORD,
on railway train, duty as to, **23,** 692

COMMUNICATION WATER PIPES,
alteration of, **28,** 311
bore of, **28,** 310
construction of, **28,** 309—311
duty of owners and occupiers as to, **28,** 309, 339, 340
provision of, **28,** 307
repair of, **28,** 311 n.

COMMUNION,
defined, **11,** 689
ablution at, **11,** 683
administration of, **11,** 678, 689, 691
offences as to, **11,** 657, 677—683, 692
private houses, in, **11,** 692
sick persons, to, **11,** 710
bread, for, **11,** 472, 677, 678
candles, use of, at, **11,** 681, 682 n.
cathedral and collegiate churches and colleges, in, **11,** 689
celebrant's posture at, **11,** 678, 679
ceremonial acts during, **11,** 681 n.
chalice, provision of, **11,** 736
chasuble, wearing of, illegal at, **11,** 376 n., 672 n.
churches and chapels, in, **11,** 690
churchwarden's functions in connection with, **11,** 472, 690
cloth for table for, **11,** 471, 735
consumption of remains, **11,** 683
Crown, possessor of, to join in, **6,** 325
deacon cannot administer, **11,** 689
depraving, penalties for, **11,** 692
elements, provision etc. of, **11,** 677—679
exclusion from, **11,** 654 n., 691, 692
manual acts at, **11,** 679
mixing the wine with water at, **11,** 678
names, various, of, **11,** 689 n.
north side of holy table, celebrant to stand at, **11,** 678
notice of, **11,** 680, 690
notices during, **11,** 680, 690
number of communicants at, **11,** 680, 692
offertory at, **11,** 472, 691
parishioner must be communicant three times in the year, **11,** 481
penalties with reference to, **11,** 689 n., 692
presence of things unused distinguished from active use, **11,** 681 n.
provision for, **11,** 677, 690
repulsion from, **11,** 652 n., 691, 692
reservation, practice of, at, **11,** 683
ringing of bell during service, **11,** 671 n.
sermon, **11,** 690

COMMUNION—*continued.*
service at, **11,** 677—680, 690—692
order of, **11,** 691
table, altar as distinguished from, **11,** 372 n., 678 n.
restrictions affecting, **11,** 668, 671, 678 n.
universities, in, **11,** 689
vestments to be worn during, **11,** 402 n., 673 n., 674 n., 675 n.
warning of offenders, **11,** 692 n.

COMMUNIS HOSPITATOR,
innkeeper is, **17,** 302 n.

COMMUTATION,
death duties, of, estate duty, **13,** 224, 225
legacy duty, **13,** 258
succession duty, **13,** 295, 302
sewer, of obligation to repair, **25,** 784
tithes, of, **3,** 113, 114; **11,** 745
Crown lands, affecting, **7,** 180
Workmen's Compensation Act, of weekly payments under, **20,** 229, 230

COMPANIES.
The title COMPANIES *is contained in Vol. V., pp.* 1 *et seq.*
defined, **5,** 12, 36; **12,** 549
abroad. *See* FOREIGN COMPANY.
trading, liability of English shareholders in case of, **6,** 304
accounts of. *See* ACCOUNTS.
acquiescence by, as bar to injunction, **17,** 221
ratification of agent's acts in case of, **5,** 296, 297
action against or by, **5,** 318—328
appearance of company, **5,** 326
colonial company, in case of, **5,** 20
companies registering under the Act of 1908, continued against, **5,** 42
control of, **5,** 318
county court, in, residence of company for purpose of, **5,** 21
service in case of, **5,** 21; **8,** 461, 476
debenture holders, by, **5,** 384—388. *See* DEBENTURE HOLDER.
deceit, of, against, **5,** 132; **20,** 736. *See* deceit, *infra.*
domicil in reference to, **5,** 17—21
evidence in, **5,** 323—325; **13,** 449, 461, 478, 555
foreign company, in the case of, **5,** 17, 762, 763
form of, **5,** 322
illegal company, in case of, **5,** 767
injunction to restrain, **17,** 262
joinder of causes in, **5,** 132
parties to, **5,** 318—322
practice in, **5,** 326
quasi corporation, against, **5,** 755, 756
representative, by debenture-holders or shareholders, **5,** 290, 319—321, 385
rescission of contract to take shares, for, **5,** 127—132, 419; **20,** 745
security for costs, **5,** 327, 328
service of process in, **5,** 14, 17—21, 83; **15,** 31
county court, in, **8,** 476
Mayor's Court, in, **20,** 291 n.
shareholders, by, **5,** 289—291, 319—322; **17,** 229
unregistered company, against, **5,** 653

COMPANIES—*continued.*
action against or by—*continued.*
winding up. *See also* WINDING UP BY THE COURT.
commencement, after, **5,** 419, 420, 538; **17,** 262
stay in, **5,** 327, 409, 419, 533—540, 583, 653
transfer to winding up judge, **5,** 540, 541
acts of, agents, through, **1,** 151; **5,** 132, 281, 293, 294, 305, 306, 309, 310, 324, 325
petition and winding up, between, **5,** 486
ultra vires, **5,** 220, 221, 260, 285—288; **15,** 471; **17,** 227—230; **27,** 36. *See* ULTRA VIRES.
advance of capital to, by member of, **5,** 117
advertisements in regard to, *See* ADVERTISEMENT.
affidavit on behalf of, attachment, with a view to, **14,** 95
documents, of, **5,** 324; **11,** 39, 46
interpleader, for purposes of, **17,** 595
agent, company is not, of its members, **5,** 291
contract by, with, **5,** 64, 65, 146, 147
agent of. *See* AGENT.
alien, right of, to join in forming, **1,** 306; **5,** 64
allotment of shares in, **5,** 154, 172—180, 263. *See* ALLOTMENT OF SHARES.
alterations in regard to. *See* ALTERATION.
amalgamation of, **5,** 584, 633—666, 668. *See* AMALGAMATION.
and reduced added to name of, **5,** 108, 110, 115
annual
general meeting of, **5,** 249
list of members, **5,** 149, 263, 264, 355
report of Board of Trade to Parliament concerning, **5,** 437
summary for registrar of, **5,** 74, 264, 265 n.
appeals in company matters. *See* APPEAL.
arbitration proceedings by, **1,** 443, 492; **5,** 601, 726, 727
area of operations, enlargement of, **5,** 328, 329
arrangement by. *See* ARRANGEMENT.
art, company for promotion of, power of, to hold land, **4,** 138
registration etc. of, **5,** 13, 15, 16, 31, 77—79
articles of association of. *See* ARTICLES OF ASSOCIATION.
assignee of
debt, petition by, **5,** 399
securities issued by, position of, **4,** 387
association, meaning of, **5,** 12
assurance, provisions as to, **5,** 620—642. *See* ASSURANCE COMPANY.
attachment, affidavit in regard to, **14,** 95
attorney, execution of deeds by, **5,** 292
Attorney-General, injunction at instance of, against, **17,** 227, 228
audit of accounts of, **5,** 267—270, 613, 624. *See* AUDITOR.
auditor of. *See* AUDITOR.
authentication of instruments etc. by, **5,** 301; **10,** 431
balance sheet of, **5,** 266, 267. *See* BALANCE SHEET.
bank account, liquidator restricted as to, how, **5,** 454, 458, 460, 461
banker may be liable as officer of, **5,** 479
banking, for, **1,** 581; **5,** 28, 35, 612—616. *See* BANK.
bankruptcy, articles requiring sale of shares in case of, **2,** 151
issue of notice in, by company, **2,** 26
proceedings by, **2,** 26, 35; **5,** 322

COMPANIES—*continued.*
bankruptcy—*continued.*
proof in, **2,** 231, 232
release in, as a defence by director, **5,** 135, 136, 482
bill in Parliament promoted by, special procedure, **21,** 738, 739
bill of exchange of, **2,** 492; **5,** 301, 304—306; **15,** 466 n.
liquidator, of, **5,** 446
bill of sale
of, avoidance of, in winding up of, **5,** 513
shares not personal chattels for purpose of, **3,** 21
board of directors of, **5,** 54, 73, 74, 209—242, 706—715; **28,** 60. *See* DIRECTOR.
Board of Trade in relation to. *See* BOARD OF TRADE.
body corporate, is a, **5,** 68
bonus, director, to, validity of, **5,** 336
dividend, *defined,* **5,** 271
books of. *See* BOOKS.
borrowing powers of. *See* BORROWING.
breach of
duty, liability in respect of, **5,** 311, 312
trust by, **5,** 232; **28,** 60
undertaking given in court by, **7,** 306
bribery of directors etc. of, **5,** 54, 228, 336
British ship, ownership of, by, **5,** 758; **26,** 16
brokerage for placing shares payable by, **5,** 95
bubble, winding up of, **5,** 398
building contract with, **3,** 172, 231
building society. *See* BUILDING SOCIETY.
business, carrying on, debenture-holders, in interests of, **5,** 380
meaning of, **5,** 45; **27,** 576
winding up, after, **5,** 506, 507, 577
commencement of, **5,** 262, 263, 298, 395, 396
inclusion of additional, **5,** 329, 330
place of, **5,** 15
calls on shares of. *See* CALLS ON SHARES.
capital of. *See* CAPITAL OF A COMPANY; SHARE CAPITAL.
reduction of. *See* REDUCTION OF CAPITAL OF COMPANY.
capitalisation of profits of, **5,** 279
cash book, duty to keep, **5,** 429, 451, 452
cemetery. *See* CEMETERY.
certificates in relation to. *See* CERTIFICATE; SHARE CERTIFICATE.
certification, copies or extracts, of, by registrar of, **5,** 59, 60
transfer of shares, of, **5,** 193, 194; **13,** 411
chairman at meetings of, election of, **5,** 250, 470
powers of, **5,** 254—257, 260, 471. *See* CHAIRMAN.
Chancery Division, business assigned to, **9,** 61; **13,** 38, 61; **23,** 191
charge, deed of, distinguished from bill of sale, **3,** 20
charges by, after-acquired property, on, **5,** 343, 344
debentures, in, **5,** 346, 367
floating, **5,** 348—352. *See* FLOATING CHARGE.
given before 1909 are valid, **5,** 344
registration of, company's office, at, **5,** 364
Registrar of Companies, with, **5,** 365—372. *See* mortgages, *infra.*
charging orders. *See* CHARGING ORDER.
attendance on proceedings for, **14,** 108

COMPANIES—*continued.*
charitable
purposes, for, **4,** 138, 304; **5,** 15, 31, 71—79
subscriptions by, **15,** 401
charity trustees, power to act as, **4,** 261
chartered, **5,** 646, 744, 745; **17,** 226. *See* CHARTERED COMPANY.
chemist and druggist, carrying on business of, **5,** 312; **20,** 356 n., 382, 383
classification of, **5,** 13, 14
clerk, position of, **5,** 292, 307, 518
preferential claim of, **5,** 516—518
club, for carrying on, **4,** 408, 409; **5,** 394, 650; **7,** 339
collecting society. *See* COLLECTING SOCIETY.
colonial company, action by or against, procedure in, **5,** 763
address for service of process on, **5,** 20, 763
foreign for legal purposes, is, **5,** 756
colonial register of members of English, **5,** 156—158
duplicate of, keeping of, **5,** 157
commerce, to promote, **5,** 15, 31, 77—79
commercial, implied powers of borrowing, **5,** 337
Commission of Sewers, petition for appointment of, **25,** 774 n.
committee of inspection. *See* COMMITTEE.
common informer, reward of, **5,** 318, 729
common law, at, status of, **5,** 12
common seal of. *See* seal, *infra.*
Companies (Consolidation) Act, 1908, general provisions of, **5,** 33—46, 644—646
legislation prior to, **5,** 25—33, 643, 644
Companies Clauses Consolidation Acts, under. *See* COMPANIES CLAUSES ACTS.
Companies Liquidation Account, **5,** 35, 435, 456—460. *See* WINDING UP BY THE COURT
company, the word, as part of name of, **5,** 84
compromise
on behalf of, **5,** 333, 334, 574, 601—609
plaintiff in representative action, by, **5,** 385
construction of works, interest on capital during, **5,** 117, 118
contempt of court, committal for, **5,** 379, 554, 555, 562, 563; **7,** 289, 294, 310
contract of, affirmation of, by conduct, **20,** 749 n.
agent, by, **1,** 151; **5,** 293, 295, 658
bill or note, in case of, **2,** 492; **5,** 301, 305, 306; **15,** 466 n.
assignment of, **5,** 304
assurance company, in case of, **5,** 641
bank shares, for sale of, **5,** 615, 616
bill or note, by, **2,** 492; **5,** 302—306; **15,** 466 n.
building, **3,** 172
capacity of a company, **1,** 151; **2,** 492; **5,** 291, 301, 304
commencement of business, before, **5,** 298
Companies Clauses Acts, under, **1,** 156; **5,** 710—712, 725; **8,** 385 n.; **27,** 32 n.
company formed to adopt, directors' duty as to, **5,** 298
constitution of company, notice of, **5,** 301
cost-book company, in case of, **5,** 658
director, with, **5,** 229
discount, for issue or taking of shares at, **5,** 92, 148
foreign company, in case of, **5,** 761
form of, **3,** 172; **5,** 299—301, 725
incorporation, before, **5,** 123, 297—299, 303

COMPANIES—*continued.*
contract of—*continued.*
irregularity of internal management, notice of, **5,** 308
membership of company, for, **5,** 145—148. *See* SHARE IN COMPANY.
memorandum and articles of association as a, **5,** 80
comply with terms of, must, **5,** 301—303
powers of company in regard to, **5,** 301—306
promoters, by, **5,** 123 n.; **27,** 82, 83. *See* PROMOTER (of companies).
prospectus, statement as to contract, in, **5,** 123, 303
statement in, is not, **5,** 303
receiver, by, **5,** 373, 374, 379
rescission of, **5,** 51, 55; **20,** 752
shares, contract to take, **5,** 127—132, 419; **20,** 745; **25,** 508
sale of land, for, effect of winding up on, **25,** 385
seal, under, **5,** 299
shares, sale of, for, **5,** 184, 615, 616; **27,** 75
with regard to, **5,** 145—148, 172, 179; **25,** 508. *See* SHARE IN COMPANY.
varying, before statutory meeting, **5,** 303
vendor, with, repudiation by company, **5,** 51
written, **5,** 300, 302—306
execution of, **5,** 300; **10,** 431
contributories in case of winding up of. *See* CONTRIBUTORY.
conversion, shares into stock, of, **5,** 69, 71, 99, 100
conveyance by. *See* disposal of property by, *infra.*
execution of, **10,** 392
winding up, in, **5,** 506; **25,** 418
copy, articles of association, of, supplying of, **5,** 69, 261
certificate of incorporation, of, evidence from, **5,** 68
certified, of documents etc., **5,** 59, 60, 68
charge, of instrument creating, duty as to, **5,** 364, 365
debenture trust deed, of, debenture-holders' right to, **5,** 357
expert's report etc., of, as defence to action for false statement, **5,** 138
register, of, right to, **5,** 152, 153, 357
special Act, of, deposit etc. of, in case of compulsory purchase, **6,** 18
statement of affairs, of, **5,** 427
winding-up
order, of, for official receiver, **5,** 418
petition, of, who are entitled to, **5,** 405
corporation, position as a, **5,** 68, 280, 312
cost-book. *See* COST-BOOK COMPANY.
costs, action against company being wound up, of, **5,** 584, 595
company improperly made plaintiff, of, **5,** 320
debenture-holder's action, in case of, **5,** 388
promoter, of, **5,** 57
security for, **5,** 327, 548; **8,** 392; **23,** 153
foreign company, in case of, **5,** 762
liquidation, when in, **5,** 327; **25,** 516
solicitor to company, of, **5,** 246
winding up, in. *See* WINDING UP BY THE COURT.
county court, action in, against, **5,** 21, 22; **8,** 461, 476
bailiff, service of process by, **5,** 561
stannaries jurisdiction of, **5,** 659, 660
winding up in. *See* WINDING UP BY THE COURT.

COMPANIES—*continued.*
coupon, debenture interest payable by, **5,** 346
dividends in case of share warrant, for, **5,** 185
court, amalgamation of assurance companies, sanction of, to, **5,** 634, 635
confirmation by, changes affecting the constitution of company, **5,** 70, 103—116
reduction of capital, of, **5,** 103—116. *See* REDUCTION OF CAPITAL OF COMPANY.
dividends, control over, **5,** 274, 275
enforcement of orders of, **5,** 546, 547
memorandum, consent to changes in, **5,** 70
rectification of register by, **5,** 153, 154
reduction of capital, consent to, **5,** 103—116
scheme of arrangement, sanction of, **5,** 608
stannaries jurisdiction of, **5,** 36, 659—662
winding up by. *See* WINDING UP BY THE COURT.
creditors of, rights etc. of. *See* CREDITOR.
criminal liability of. *See* CRIMINAL LIABILITY.
criminal proceedings against directors or officers, **5,** 563, 564
indemnity against bail illegal, **5,** 564
Crown, charter of, incorporation by, **5,** 13, 14, 744, 745; **17,** 226. *See* CHARTERED COMPANY.
debts due to, priority of, **5,** 513, 516, 535, 579
grant of privileges to unincorporated company by, **5,** 751—754. *See* QUASI-CORPORATION.
property of dissolved company vests in, **5,** 568; **8,** 401; **11,** 25, 28; **22,** 190
custodian trustee, appointed as, **28,** 86
damages, fraud in connection with purchase of shares, for, **5,** 135
winding-up petition in respect of claim for, **5,** 400
death, contributory, of, **5,** 490, 652; **14,** 307
director, of, who has incurred liability, effect of, **5,** 232; **14,** 313, 314
liquidator, of, **5,** 462, 576, 601
promoter, of, **5,** 66
shareholder, of, effect of, **5,** 135, 140, 168, 196, 308, 309, 490, 491; **14,** 307, 308
transfer of shares on, **5,** 190; **14,** 308
debenture, issue of, by. *See* DEBENTURE.
holder. *See* DEBENTURE HOLDER.
stock of. *See* DEBENTURE STOCK.
debts due from, assignment of, **4,** 368, 369, 395
foreign State, in, liability of shareholders in case of, **5,** 17
due to, set off against, **4,** 388; **25,** 493
winding up, in. *See* WINDING UP BY THE COURT.
deceit, action of, against or by, **5,** 52, 132—136
delay in bringing, effect of, **5,** 135
false statement of law as a ground for, **5,** 129, 133
measure of damages in, **5,** 135
declaration, statutory, filing of, **5,** 67, 262
deed, arrangement, of, by, **2,** 329; **5,** 333, 334, 546
attorney to execute, **5,** 292; **10,** 431
books and papers, included in, **5,** 36
execution of, by, **5,** 292; **10,** 392; **13,** 510; **17,** 339
deed, settlement, of, *defined,* **5,** 332 n.
re-registration of company governed by, **5,** 39
substitution of memorandum and articles for, **5,** 43, 332, 333
defamation, action in respect of, by or against, **5,** 309—312; **18,** 612, 617, 663; **27,** 677 n.
report of officials, in respect of, **5,** 430, 437

COMPANIES—*continued.*
defunct, expunging from register of, **5,** 609, 610
property of, vests in Crown, **5,** 568; **8,** 401; **11,** 25, 28; **15,** 566; **22,** 190
demand, poor rate, in case of, **11,** 211
dentist, carrying on business of, **5,** 312; **20,** 358 n.
director of. *See* DIRECTOR OF COMPANY.
disclaimer in bankruptcy, in regard to, **5,** 202, 490, 513
discount, issue of shares at, **5,** 82, 91, 92, 148, 154, 681, 684
discovery, documents, of, **5,** 324, 474, 476; **10,** 83; **11,** 39, 40, 46, 47
property, of, **5,** 458, 474—477; **14,** 127 n.
disposal of property by, **5,** 335—337, 419
between petition and winding up, **5,** 419, 486
dissolution of. *See* DISSOLUTION.
distress, Crown debt, for, **11,** 218
managing director cannot levy, **11,** 162
priority as regards debenture holders, **5,** 350; **11,** 172
winding up, after. *See* WINDING UP BY THE COURT.
distribution of assets of. *See* DISTRIBUTION OF ASSETS.
distringas notice, effect of, **5,** 151, 198; **17,** 265 n.
dividends, payment of. *See* DIVIDEND.
documents, Board of Trade, of, authentication of, **5,** 437
company, of, authentication of, **5,** 59, 60, 301, 678, 679
defined, **5,** 36
charge on, **5,** 344
destruction by officer, wrongful, **5,** 313
discovery in respect of, **5,** 324, 474, 476; **10,** 83; **11,** 39, 40, 46, 47
falsification of, **5,** 313; **9,** 660, 661
inspection of, **5,** 59, 60
sealing of, **5,** 292; **10,** 392; **13,** 510, 511; **17,** 339
deposited by lunatic with company, inspection of, **11,** 49
registrar, to be delivered to, **5,** 61, 62
service of, on, **5,** 83
domicil and residence in case of, **5,** 14—25; **8,** 311, 312
duties of, statutory, **5,** 280, 281; **6,** 18
easements not implied in case of grant by statutory, **11,** 256
economy, alteration of objects for purpose of, **5,** 328
effects of, include goodwill, **5,** 348 n.
equitable title to shares, no notice of, to be entered on register, **5,** 150
rank in order of date, **27,** 236
estoppel in case of. *See* ESTOPPEL; ESTOPPEL BY CONDUCT.
evidence, actions against or by, in, **5,** 323—325; **13,** 449, 461, 478, 555
admission of agents or officers as, **5,** 324; **13,** 461
articles of association, from, **5,** 298
Board of Trade's documents as, **5,** 437
books and papers of company as, **5,** 505, 559; **13,** 478, 555
bye-laws, as to, **5,** 717
certificate, incorporation, of, as, **5,** 65, 67
registration of mortgage, of, as, **5,** 370
shares, of, as, **5,** 68, 182, 691
certified copy of document as, **5,** 60; **13,** 478
commence business, as to right to, **5,** 263

COMPANIES—*continued.*
evidence—*continued.*
contract, of, articles of association as, **5,** 298
examination of officer, in case of, **5,** 433, 476, 477, 484, 485
meeting, as to, **5,** 261, 262
minutes of meetings as, **5,** 239, 261, 262, 713; **13,** 555
misfeasance proceedings, in, **5,** 484, 485
order of court against contributory as, **5,** 504
reduction of capital, in case of, **5,** 109
register as, **5,** 151, 152, 317; **13,** 478, 555
voting upon resolution, as to, **5,** 260
winding up, in, **5,** 559, 560; **13,** 555. *See* WINDING UP BY THE COURT.
execution, deeds etc., of, by company, **5,** 292; **10,** 392; **13,** 510; **17,** 339
execution against, **5,** 325, 396, 535, 583; **14,** 12
avoidance by winding up, **5,** 534, 535
floating charge, when there is, **5,** 352
railway company, in case of, **14,** 13, 14; **23,** 764
shareholders in company for public purposes, leave for, **5,** 695; **8,** 554; **14,** 8, 12
stay in case of winding up of company, **5,** 583; **14,** 12
unregistered company, against, **5,** 651
winding up, after, **2,** 272; **5,** 534, 535
execution creditor, application of bankruptcy rules to rights of, **2,** 272; **5,** 513
executor, officer, of, liability of, **5,** 479
register description of, **5,** 196
shareholder, of. *See* SHAREHOLDER IN COMPANY.
executor *de son tort*, company as, **5,** 196
existing, application of Act of 1908 to, **5,** 36—38
extension of objects of, **5,** 329, 330
extension of time, registration of mortgage, for, **5,** 371, 372
winding up, in. *See* WINDING UP BY THE COURT.
extinguishment of, **5,** 390, 394, 567—569, 592, 593, 610
extract from registered document, power of person to obtain, **5,** 59, 60
extraordinary
meeting of, **5,** 247, 251, 718, 719
resolution of, **5,** 96, 259, 570. *See* RESOLUTION OF COMPANY.
false statement, documents, in, liability for, **5,** 313, 314; **9,** 661
prospectus, in, **5,** 129, 133, 136—141
falsification of books or accounts of, **5,** 313; **9,** 660, 661
felony, liability for, of, **5,** 311
fictitious person, shares taken in name of, **5,** 147, 498
filing, documents relating to issue of shares of, **5,** 179, 180
petition in winding up, of, **5,** 404
prospectus, of, **5,** 126
winding up orders etc., of, **5,** 558
fines, liability to, of, **5,** 311, 314—318
firm, adoption by, of title of, **22,** 16
signature to memorandum by, **5,** 65
fixed capital, *defined*, **5,** 89
floating
a company, *defined*, **5,** 47
capital, *defined*, **5,** 89
charge, operation of, **5,** 348—352. *See* FLOATING CHARGE.
Food and Drugs Act, conviction under, **5,** 312

COMPANIES—*continued.*
foreclosure by debenture-holders, **5,** 383, 384
foreign, **5,** 756—764. *See* FOREIGN COMPANY.
formation of, modes of, **5,** 64
forms, general rules, included in, **5,** 36
various proceedings, in connection with, **5,** 322, 323
winding up, **5,** 322, 553
founders' shares, nature of, **5,** 90 n.
statement in prospectus as to, **5,** 121
fraud, agent, of, liability in case of, **5,** 132, 140, 309, 310, 312, 313
court's powers to restrain, **5,** 290
director, of, **5,** 132, 140, 290, 312
liquidator's release obtained by, **5,** 463
minority, on a, **5,** 290
official receiver's report as to, **5,** 429, 430
promoter, of, **5,** 52, 129, 290. *See* PROMOTER OF COMPANY.
prospectus, in connection with. *See* PROSPECTUS.
Frauds, Statute of, agreements to issue shares, in relation to, **5,** 353
appointment of officers, in relation to, **5,** 243
contracts, in relation to, **5,** 300
minute book entry satisfying, **5,** 239
shares not an interest in land within, **5,** 680
friendly society, registered as. *See* FRIENDLY SOCIETIES.
future property, charge on, **5,** 343
gain, acquisition of, meaning of, **5,** 45
game, dealing in, licence in case of, **15,** 256
garnishee order, priority with reference to, **5,** 325, 351; **14,** 96, 97
gas. *See* GAS UNDERTAKING.
Gazette, advertisements to be inserted in, **5,** 405, 554, 610
defined, **5,** 36
general charge on undertaking of a company, effect of, **5,** 349
general meetings of, **5,** 247—262, 717—721. *See* SHAREHOLDER IN COMPANY.
general rules under Act of 1908, what included in, **5,** 36
gift by, legality of, **5,** 119, 288, 290; **15,** 401
gratuities to employees of, **5,** 119, 290; **15,** 401
guarantee, company, by or to. *See* GUARANTEE.
limited by. *See* GUARANTEE.
half-yearly statement of liquidator of, **5,** 455, 456
highway obstruction by, **5,** 311
ignorance as defence in case of non-compliance with requirements, **5,** 125
illegal, **5,** 764—768. *See* ILLEGAL COMPANY.
implied
borrowing power of, **5,** 337
contract to take shares in, **5,** 146, 148
income tax, assessment of, **5,** 22—24; **16,** 649, 672, 673
directors' fees, deduction from, **5,** 220
dividends, deduction from, **16,** 649, 660; **27,** 172 n.
officer to make return for, **16,** 617
salaries and pensions of employees, in case of, **16,** 668, 669
incorporation of, Act of 1908, under, **5,** 41, 46, 64, 67
banking company, in case of, **5,** 613
certificate of, **5,** 14, 59, 60, 65, 67
contract entered into before, **5,** 56, 297, 298

COMPANIES—*continued.*
incorporation of—*continued.*
effect of, **5,** 12, 41, 46, 68
expenses of, **5,** 60. *See* preliminary expenses, *infra.*
special Act of Parliament, by, **5,** 13, 14, 646; **12,** 628
indemnity, director, to, in respect of expenses etc., **5,** 139, 233
forged certificate, in case of loss through, **5,** 195
receiver or manager, to, in respect of costs etc., **5,** 374, 381; **24,** 431, 432
independent executive, meaning of, **5,** 53, 54
indictment of, **5,** 311, 312; **9,** 335; **18,** 617; **23,** 665
industrial and provident society. *See* INDUSTRIAL AND PROVIDENT SOCIETIES.
industrial assurance, purposes of, **5,** 625, 626
infant as member of, **5,** 147; **17,** 60, 61
informer, common, reward of, **5,** 318, 729
injunction, amalgamation of assurance companies, against, **5,** 634
appeal in case of, **5,** 548
application for, by, **5,** 326; **17,** 221
undertaking in damages in case of, **5,** 326; **17,** 285
breach of trust of director, against, **5,** 227
calls on shares, in regard to, **17,** 230 n.
charter, forfeiture of, to restrain, **17,** 226
company, against, **5,** 251, 326, 350, 548; **17,** 224, 226—230, 234; **27,** 191
agent, by, **5,** 295
reconstruction does not affect, **5,** 327; **17,** 294 n.
successors, not binding on, **5,** 591; **17,** 294 n.
contravention of rights of, in case of, **5,** 222, 252; **17,** 224, 227—230, 234
damage done by, in case of, **17,** 228, 229
deceptive name, against use of, **5,** 85, 86; **17,** 225
director, against, **5,** 227, 251, 289, 290
disputes among directors, in case of, **5,** 251
dividend, against payment of, **5,** 275, 277
forfeiture of shares, to restrain, **5,** 201; **17,** 230 n.
general meeting, pending sanction of, **5,** 326
mortgagees etc., in favour of, **5,** 350
purchase of interest in another company, against, **17,** 227 n.
rival company, application at instigation of, effect of, **17,** 230 n.
sale by company in Stannaries, against, **5,** 668
shareholder, by or against, **5,** 229 n., 230, 290
simple contract creditor, in case of, **17,** 229
transfer of shares or stock, in case of, **17,** 266
ultra vires acts, against, **5,** 222, 252, 289—291; **17,** 226—230, 234
creditor cannot obtain, **5,** 222
voidable act of company, in case of, **5,** 288
winding up petition, against, **5,** 401, 548
inn kept by, manager not the innkeeper, **17,** 319
insolvency of, directors' position in case of, **5,** 230
winding up in case of, **5,** 570, 571
inspection, Board of Trade, documents deposited with, of, **5,** 642
books, accounts etc., of. *See* BOOKS.
documents deposited by lunatic with, **11,** 49
examination notes etc., **5,** 433

COMPANIES—*continued.*
inspection—*continued.*
liquidator's accounts etc., **5,** 434, 435, 445, 451, 452; **11,** 47, 86 n.
register, debenture-holders, of, **5,** 357
mortgages, of, **5,** 365, 370, 560, 561, 735
shareholders, of, **5,** 152, 249, 561, 661, 662, 696
Registrar of Joint Stock Companies' documents, **5,** 59, 60
returns of *quasi*-corporation, **5,** 754
statement of affairs, **5,** 427
winding up proceedings file, **5,** 558
inspectors to investigate affairs of, **5,** 270, 271, 613
instruments, authentication of, **5,** 301; **10,** 431
under hand, execution of, **5,** 300; **10,** 431
insurable interest of shareholder in, **17,** 374
insurance. *See* INSURANCE COMPANY.
intended transactions, misrepresentation by statement as to, **20,** 661 n., 664
interest. *See* INTEREST.
internal management, with regard to, **5,** 289—291, 303, 319
irregularity in effect of notice to person dealing with, **5,** 303
when court will interfere with, **5,** 289—291, 303, 319
internal regulation of, **5,** 85, 204—280
interpleader claim by, **17,** 595
interpretation of terms in 1908 Act, **5,** 35—37
interrogatories addressed to, **5,** 323, 324; **11,** 46, 47, 56, 77, 109
investment of funds of, **5,** 226
Irish, service of legal process on, **5,** 17, 18, 547
issue of shares, debentures, etc., **5,** 175, 353, 354; **20,** 674. *See* DEBENTURE; SHARE IN COMPANY.
representation as to purposes of, **20,** 660 n.
joint ownership by, **5,** 335
joint stock. *See* JOINT STOCK COMPANY.
Joint Stock Companies Acts, meaning of, **5,** 37
judgment, debenture holders' action, in, **5,** 387, 388
judgment against, enforcement of, **5,** 325, 326, 396, 535, 583; **14,** 12, 13
judgment creditor, remedies of, in case of railway company, **14,** 13, 14
winding up petition by, **5,** 398, 399; **14,** 12
knowledge of constitution of, presumed, **5,** 301
land, improvement of, object and powers of company for, **18,** 278, 279, 283, 300, 301
power to hold, **5,** 78, 79, 334, 335; **18,** 342
art, science, charity, etc., companies for promoting, in case of, **4,** 138; **5,** 334
foreign company, in case of, **5,** 757, 758
tax in respect of, **18,** 309
lease to, **18,** 342, 343, 361
effect of company's dissolution on, **5,** 568; **8,** 401; **11,** 25; **15,** 566; **18,** 343 n.
legal proceedings by and against, **5,** 318—328. *See* action, *supra.*
letters patent, grant of privileges by, **5,** 751, 752
liability, agent or servant, for act of, **5,** 293, 294; **18,** 663; **27,** 480
criminal, **5,** 311, 312; **8,** 390; **9,** 235
food and drugs injurious to health, in case of sale of, **15,** 17 n., 19
innkeeper, as, **17,** 319
penalties, for, **3,** 314—317
torts, for, **5,** 294, 309—311; **27,** 480

COMPANIES—*continued.*
libel, action for, against, **5,** 309—312; **18,** 617, 663
by, **18,** 612; **27,** 677 n.
report by officer of Board of Trade, in case of, **5,** 430, 437
lien, enforcement against land taken by, **19,** 16, 27, 28
officer has none on books of, **5,** 243
official receiver, of, **5,** 434, 445
shares, of the company on, **4,** 387; **5,** 168—170, 198
solicitor, of, **5,** 247, 350, 525
life insurance, authority of agent of, **17,** 549, 550
limitation, actions for dividend, of, **5,** 532; **19,** 76
misfeasance proceedings, of, **5,** 482
powers of, **5,** 283—288. *See* ULTRA VIRES.
limited, use as part of title of, word, **5,** 15, 31, 62, 70, 77—79, 84, 86, 760
limited
liability in case of, **5,** 46, 64, 66, 70, 75, 77
partnership, registration of, **5,** 646; **22,** 109,
liquidation of. *See* WINDING UP BY THE COURT.
proviso for re-entry on, effect of, **18,** 534
liquidator in case of. *See* LIQUIDATOR.
list of shareholders, annual return to registrar of, **5,** 263, 264. *See* SHAREHOLDER IN COMPANY.
livery. *See* LIVERY COMPANY.
loan, advance to company, repayment of, **5,** 736
capital, meaning of, **5,** 87
society, registration of, as, **5,** 45, 765; **15,** 127 n.
local authority as shareholder in, **25,** 743 n.
London Gazette, advertisement in, **5,** 36, 405, 554, 610
lottery, conviction for sale of tickets for, **15,** 302 n., 303 n.
maintenance, offence of, by, **5,** 311
majority, powers of. *See* MAJORITY.
malicious prosecution, liability for, **5,** 309, 310; **19,** 674, 675
management of, **5,** 85, 204—280, 289, 303
interference by Court with, **5,** 289, 290, 303, 319
management shares, statement in prospectus as to, **5,** 121
manager of. *See* MANAGER (of company).
managing director, position of, **5,** 227; **11,** 162
mandamus, enforcement of certificate of incorporation by, **5,** 67
observance of Act by public company, with a view to, **10,** 84
production of books and documents, to compel, **10,** 84
registration of stock, to compel, **10,** 84
marine insurance, registration of, **5,** 623; **17,** 339, 340
underwriting of policy of, by company, **17,** 339
market, power of directors to sell to district council, **20,** 11 n.
meetings of. *See* SHAREHOLDER IN COMPANY.
members of. *See* SHAREHOLDER IN COMPANY.
members' club is not a company, **4,** 406
membership, cessation of, **5,** 170
contract for, **5,** 145—148. *See* SHARE IN COMPANY.
disqualification for magisterial functions through, **19,** 552
law generally with reference to, **5,** 142—170
memorandum of association of. *See* MEMORANDUM OF ASSOCIATION.

COMPANIES—*continued.*
minimum subscription in case of, **5,** 72, 74, 122, 177
mining, cost book principle, on, **5,** 654—659. *See* COST BOOK COMPANY.
powers as to, when vested in, **20,** 518
stannaries, in the, **5,** 36, 659—674. *See* STANNARIES.
statutory company's powers as to, **20,** 518
minorities, rights of, **5,** 289, 290, 319, 604—609
misapplication of funds etc. by director of, **5,** 226
misfeasance proceedings, in case of. *See* MISFEASANCE PROCEEDINGS.
misrepresentation. *See* MISFEASANCE PROCEEDINGS.
prospectus, in. *See* PROSPECTUS.
secretary, by, **5,** 244
shares, in regard to, including purchase of, **5,** 127—132, 419; **20,** 660 n., 716 n., 717 n., 719, 745
statement of law in relation to, **20,** 669 n.
third party's credit, as to, liability of company, **5,** 294
misrepresentor, individual, liability of, where company has gone into liquidation, **20,** 720 n.
mistake, articles, in, rectification in case of, **5,** 208; **21,** 12 n.
defence to non-compliance with requirements, as **5,** 125; **21,** 16 n.
rectification of register on ground of, **5,** 153
money lending, position of, **5,** 765, 766; **21,** 47 n.
mortgage by, **5,** 337—390; **15,** 513 n.; **21,** 110, 111
calls, of, **5,** 89, 342, 366
clog on equity of redemption of, **5,** 360
Companies Clauses Act, under. *See* COMPANIES CLAUSES ACTS.
condition, effect of non-compliance with, **5,** 341
copy to be kept at office, **5,** 364
future property, of, **5,** 343
implied power for, **5,** 337
registration of, **5,** 84, 364—372; **15,** 513 n.
accidental omission to register, **5,** 371
certificate of, **5,** 370
indorsement on debentures etc., **5,** 370
commission etc., particulars of, **5,** 367
Companies Clauses Act, 1845, under, **5,** 735
duty of company as to, **5,** 369
foreign property, in case of, **5,** 368
inspection of registers, **5,** 365, 370, 560, 735
registered company, in case of, **5,** 365
registers, keeping of, **5,** 84, 364, 370
satisfaction, entry of, **5,** 371
series of debentures, in case of, **5,** 367
specific mortgage of limited company, in case of, **5,** 364
subsequent dealings with property, effect of, **5,** 369
time for, **5,** 367, 371
terms of power must be complied with, **5,** 342
mortgagee, as, directors' remuneration in case of, **21,** 242
mortmain, how far subject to the law of, **4,** 138; **5,** 334; **8,** 367; **25,** 309. *See* land, power to hold, *supra.*
motion on behalf of, by whom made, **23,** 134 n.
mutual benefit society, registration of, as a company, **15,** 127 n.

COMPANIES—*continued.*
mutual insurance, position of, **5,** 45, 46, 639, 653; **17,** 504
name of. *See* NAME.
nature of, **5,** 12—14
newspaper, as proprietor of, **23,** 220
nominal capital, provisions as to, **5,** 60, 61, 63, 64, 87
non-existent person, shares taken in name of, **5,** 147
non-feasance, liability in case of, **5,** 311, 479
non-trading, position of, **5,** 15, 16, 394
notice, accident to workman, of, to, **20,** 180
allotment, of, **5,** 173, 176
alteration of objects of company, on occasion of, **5,** 331
amalgamation of assurance companies, of, **5,** 635
assignment of chose in action, of, to, **4,** 372, 384, 385; **5,** 619
Board of Trade, to, as to appointment of liquidator, **5,** 435
borrowing powers, as to irregular exercise of, **5,** 341
call, of, **5,** 166, 500, 501
colonial register, as to place of keeping, **5,** 157
consolidation of capital, as to, **5,** 98
constitution of company, as to, **5,** 81, 301
contributories, as to list of, **5,** 495, 496
conversion etc. of shares, of, **5,** 100
creditors, to, before reduction of capital, **5,** 112
debenture holders' action, of judgment in, **5,** 387
directors' unlimited liability, in case of, **5,** 236
distringas, in lieu of, in respect of shares charged, **5,** 151, 198; **14,** 113—115
dividend declared by liquidator, as to, **5,** 527
document, as a, **5,** 36
equitable interests in shares, of, **5,** 151, 197, 198; **14,** 113—115; **27,** 236
filing of, **5,** 558
forfeiture of shares, of, **5,** 202, 702, 703
Gazette advertisement as to, **5,** 405, 554
increase of capital or membership, of, **5,** 97
inviting subscription, disclosure in, of commission for underwriting, **5,** 93
life assurance, with reference to, **5,** 619, 641; **17,** 559, 560
liquidator, appointment etc. of, as to, **5,** 421, 435, 461, 573
by, **5,** 461, 463, 495, 496, 527
to, of application for private examination, **5,** 474
loan, as to repayment of, **5,** 736
meetings, company, of, **5,** 249, 250, 252, 253, 571, 592, 605, 718
creditors and contributories, of, **5,** 428, 468, 572, 573, 605
directors, of, **5,** 237
officer of company, to, effect of, **5,** 308; **13,** 85; **20,** 180
official receiver's duties with reference to, **5,** 421, 423
private examination, of application for, **5,** 474
proof of debt, of time for, **5,** 112, 508
prospectus, as a, **5,** 37
public examination of promoters, officer etc. of, **5,** 431, 432
receiver or manager, as to appointment of, **5,** 378; **24,** 346
rectification of register, of, **5,** 156

COMPANIES—*continued.*
notice—*continued.*
reduction of capital, with a view to, **5,** 110, 112
register, as to striking company off, **5,** 610
registrar, to, on various occasions, **5,** 97, 98, 100, 156, 157, 378, 573, 592
resolution to be proposed at meeting, of, **5,** 249
service of, by or on, **5,** 306—309, 678, 754
shareholders resident abroad, notice to, **5,** 308
transfer of shares in *quasi*-corporation, of, **5,** 755
underwriting commission, as to, **5,** 93
winding up proceedings, as to appeal in, **5,** 549
intended appearance at, **5,** 408
meetings in, **5,** 571, 592
order in, **5,** 418
transfer of, **5,** 541, 542
nuisance by, **5,** 311, 312; **21,** 545, 549, 557
objects of, abandonment of, **5,** 330
alteration of, **5,** 82, 86, 328—333; **17,** 227 n. *See* ALTERATION.
existing company, on registration under Act of 1908, of, **5,** 44
infringement of, **5,** 119; **17,** 227 n.
restriction of, **5,** 329, 330
statement in memorandum as to, **5,** 65, 66, 70, 285
offences, director, by, **5,** 314—317; **9,** 655
share warrants, as to, **5,** 185, 186
statutory, in case of, **5,** 314—317
office of, distress upon goods at, **11,** 145
registered, provisions as to, **5,** 82—84
officer of, accounts of, **5,** 245, 265
appointment of, **5,** 243
arrest of absconding, **5,** 716
auditor as, **5,** 242
banker as, **5,** 242
Board of Trade control over, **5,** 435
breach of duty by, liability in case of, **5,** 479
criminal liability of, **5,** 312, 313, 564, 592
director as, **5,** 242
dismissal of, **5,** 243
distress by, **11,** 162
evidence from admission of, **5,** 324; **13,** 461
examination of, in winding up, **5,** 430—434, 474—477
falsification of books etc. by, **5,** 313; **9,** 660
interrogatories addressed to, **5,** 323; **11,** 46, 47, 109
manager as, **5,** 242, 245, 246
managing director as, **5,** 242
misdemeanour by, **5,** 313
notice to, **5,** 308; **13,** 85; **20,** 180
personal liability of, for suppression of name of company, **2,** 492; **5,** 301
privileged communication by, **11,** 77
removal of, **5,** 435
remuneration of, **5,** 243, 435
secretary as, **5,** 242, 244, 245
solicitor as, **5,** 242, 246, 247
temporary accountant as, **5,** 243
trustee for company as, **5,** 242
who are, **5,** 242—247, 478, 479
winding up of company as dismissal of, **5,** 243
official document, copies etc. of, as evidence, **5,** 59, 60, 68, 138
official receiver. *See* OFFICIAL RECEIVER (Companies).
one man company, grant to, by debtor with intent to defraud, **2,** 17; **5,** 766 n.; **15,** 81
vendor to, may take debentures, **5,** 340

COMPANIES—*continued.*
option to take shares, rights in case of, **5,** 93, 148; **25,** 609 n., 610
order, document as an, **5,** 36
order against, enforcement of, **5,** 325, 326, 546, 547. *See* judgment, *supra.*
ordinary
meeting of, **5,** 247
resolution, effect of, **5,** 259, 282, 472, 570
original site value of land held by, **24,** 549 n.
originating summons, proceedings commenced by, **5,** 322, 323, 371, 376, 383
overdraft at bank by, **5,** 338
paid up capital, meaning of, **5,** 88
paid up shares, conversion into stock of, **5,** 71, 99
position of holder of, **5,** 487
Palatine courts, jurisdiction of, **5,** 392, 550
papers, final disposal of, **5,** 592
parol contract on behalf of, **3,** 231; **5,** 300
partly paid capital, meaning of, **5,** 88
partnership, company title, with, **22,** 16
distinguished from, **5,** 12; **22,** 3, 4
limit as to number of persons forming, **5,** 44, 45
limited, registration of, **5,** 646; **22,** 109
promoters of company as constituting a, **5,** 58
past debt, directors' power to secure, **5,** 339
past members, liability of, **5,** 162, 195, 196, 488, 489, 652
patent, vesting of, on dissolution of company, **22,** 190
pauper, transfer of shares to, **5,** 192
payment, application money for shares, of, **5,** 177
business expenses, of, **5,** 119, 120, 574
Companies Liquidation Account at Bank of England, into and out of, **5,** 456—460
debt, of, between petition and winding up, **5,** 486
dividends, of. *See* DIVIDEND.
liquidator, by, of debts etc., **5,** 574
promoter, to, to be stated in prospectus, **5,** 123
payment off of capital, **5,** 100, 102. *See* CAPITAL OF A COMPANY.
penalties, liability to, of, **5,** 311, 314—318
pensions to directors, employees etc., **5,** 220; **15,** 410
perjury by officer or member of, **5,** 311, 313
person, meaning of, for purposes of, **5,** 64, 65, 312
personal estate, shares are, **5,** 171, 172; **22,** 389
personal property, limitation of holding of, **5,** 335
personal representation of shareholder. *See* SHAREHOLDER IN COMPANY.
personation of owner of share, **5,** 185, 186
petition, bankruptcy, in, by, **2,** 35; **5,** 322
Commissioners of Sewers, for appointment of, by, **25,** 774 n.
legal proceedings commenced by, **5,** 322
reduction of capital, for, **5,** 108—110
restoration to register, for, **5,** 611
sanction of scheme of arrangement, for, **5,** 608
winding up, for. *See* WINDING UP BY THE COURT
place of business, principal, of, **5,** 15
policy of insurance, execution of, by, **17,** 339
notice of assignment of, **5,** 619, 641; **17,** 559, 560.
poll, taking of, **5,** 61, 257, 260
poor rate, liability in respect of, **11,** 211; **24,** 5
payment of, in winding up, **5,** 516, 535, 537 579; **24,** 11, 68

COMPANIES—*continued.*
post, notices, dividends etc. sent by, **5,** 83, 173, 306, 309, 529, 561
powers of, in general, **5,** 68, 69, 280—291, 335, 336. *See* ULTRA VIRES.
limitation of, by object clauses of memorandum, **5,** 283, 284
statement as to, when a representation, **20,** 669 n., 670 n.
preference shares, rights in respect of, **5,** 91, 531, 682
preferential debts, payment of, receiver, by, **5,** 374, 375, 379
winding up, in, **5,** 245, 516—519, 579 *See* WINDING UP BY THE COURT.
preliminary expenses in connection with formation of, **5,** 56, 57, 123
company may pay, **5,** 57, 120
contract that company shall pay promoter not binding, **5,** 56
report of official receiver, **5,** 427, 428
prerogative royal charter, incorporated by, **5,** 13
prescribed, meaning of, in the Act of 1908, **5,** 37
presumption as to acts being properly performed, **5,** 325
principal place of business of, domicil at, **5,** 15
priority. *See* DEBENTURE; FLOATING CHARGE; WINDING UP BY THE COURT.
private. *See* PRIVATE COMPANY.
privilege, meetings, for utterances at, **5,** 310 311
officer, in case of, **11,** 77
official receiver's report, in connection with, **5,** 430
witness at private examination, of, **5,** 475, 476
privileged, meaning of, **5,** 751
profits of. *See* PROFITS.
promissory note of, **2,** 492; **5,** 301, 304—306; **15,** 466 n.
promoter of. *See* PROMOTER (of companies).
promotion of, **5,** 47—58, 686. *See* PROMOTER (of companies).
broker in connection with, **5,** 48, 57, 92—95
proof of debts on liquidation of. *See* PROOF OF DEBTS.
proof of new contract with, in case of building contract, **3,** 232
property of, members' interest in, **5,** 68
ownership and disposition of, **5,** 334—337
prosecution of. *See* criminal liability of, *supra.*
offences in relation to, **5,** 563, 564, 592
prospectus in relation to. *See* PROSPECTUS.
proxy for meeting of. *See* PROXY.
public
company, *defined,* **5,** 71
requirements as to, **5,** 71
duty, breach of, liability for, **5,** 311
examination, procedure in relation to, **5,** 430—434, 436, 484, 485, 554
invitation to the, meaning of, **5,** 121
offer to the, meaning of, **5,** 94
purposes, for, **5,** 674—743
report addressed to shareholders as a representation to, **20,** 717 n.
quantum meruit, officer's right to, **5,** 243
quasi-corporation, position of. *See* QUASI-CORPORATION.
quasi-private, position of, **5,** 72, 73, 178, 179
ratification, contract, of, made before incorporation, **1,** 176; **5,** 56, 297

COMPANIES—*continued.*
ratification—*continued.*
shareholders, by, of acts of directors, **1,** 174; **5,** 221, 285, 296; **15,** 471
torts, in case of, **5,** 297
re-allotment of forfeited shares, **5,** 203
receiver, accounts of, **5,** 374
agent of the company, as, **5,** 373, 374
appointment of, Companies Clauses Acts, under, **5,** 737, 738, 743; **21,** 262 n.; **24,** 343, 344, 389
court, by the, **5,** 342, 375, 376
appeal as to, **5,** 548
notice of, to registrar, **5,** 378
who may be appointed, **5,** 377
dismissal of servants by, **5,** 243, 381, 509
distress for gas charges notwithstanding, **15,** 339 n.
equitable execution, by way of, **5,** 220
floating charge, effect on, **5,** 351
power in the security, under, **5,** 373
notice to registrar, **5,** 374
calls by, **5,** 342, 343, 373, 379
directors' fees, of, **5,** 220
discharge of, **24,** 416, 417
disputes in governing body, in case of, **5,** 251
expenses of, **5,** 381, 382
interference with, **5,** 379
land abroad, of, **5,** 378
liquidator as, **5,** 378; **24,** 363, 364
officer of the court, is, **5,** 379
official receiver as, **5,** 378, 424
payment of preferential debts by, **5,** 374
position and duties of, **5,** 373, 374, 379; **24,** 380
security by, **5,** 377; **24,** 371—375
subrogation of trade creditors in respect of dealings with, **5,** 382; **15,** 509 n.
surety for, liability of, **15,** 484 n.
recognition abroad of English, **5,** 16 n.
reconstruction of. *See* RECONSTRUCTION OF COMPANY.
reconversion of stock into shares, **5,** 69, 99, 100
recorder, commissioner to take evidence, as, **5,** 559
register, companies of, restoration of name of company to, **5,** 611, 612
striking name of company from, **5,** 569, 609, 610; **11,** 25
directors, of, **5,** 212, 280
members, of, **5,** 148—158. *See* REGISTER.
rectification of. *See* RECTIFICATION OF REGISTER.
mortgages and charges of, company's office, at, **5,** 364
registrar of companies, with, **5,** 365—367
rectification of. *See* RECTIFICATION OF REGISTER.
registered office of. *See* REGISTERED OFFICE.
registrar of. *See* REGISTRAR OF JOINT STOCK COMPANIES.
registration, company, of. *See* REGISTRATION OF COMPANY.
members, mortgages, transfer of shares etc. *See* REGISTRATION, company under Act of 1908, in case of.
religion, for promoting, power to hold land, **4,** 138; **5,** 334
registration of, **5,** 15, 16, 31, 77—79
report in regard to. *See* REPORT.

COMPANIES—*continued.*
representation by. *See* misrepresentation, *supra.*
reputed ownership, bankruptcy rules as to, application of, **5,** 513
shares exempt from doctrine of, **5,** 197
re-registration of, **5,** 29, 30, 38, 39, 63
reserve capital, **5,** 64, 89, 162. *See* CAPITAL OF A COMPANY.
cancellation of, **5,** 104
reserve fund, creation of, **5,** 277, 278; **25,** 609
investment of, **5,** 272 n.
resolution of. *See* RESOLUTION OF COMPANY.
respectable and responsible person, whether a, for purposes of assigning a lease, **5,** 280 n.; **18,** 580
restraint by injunction of. *See* injunction, *supra.*
rogue and vagabond, conviction as, of, **5,** 312 n.
royal charter, incorporated by, **5,** 13, 646. *See* CHARTERED COMPANY.
royal included as part of name of company, **5,** 84
sale, company, by, powers as to, **5,** 120, 335, 336
debenture-holders, by, **5,** 383, 384
vendor's lien in respect of, **19,** 16
persons forming the company, by, to company, **25,** 115
property, of, by or to company, effect of winding up, **5,** 486; **25,** 385
shareholder mortgagee, by, to company, **13,** 157 n.
science, for promotion of, **5,** 15, 16, 31, 77—79
power to hold land, **4,** 138; **5,** 334
Scotland, in, jurisdiction in case of, **5,** 17, 18, 394, 547, 560
scrip certificate, issue of, **5,** 354. *See* SCRIP CERTIFICATE.
position of holder of, **5,** 145, 402
seal of, **5,** 69, 299. *See* SEAL.
secret profit, director, of, **5,** 228—230, 241
promoter, of, **5,** 50
secretary, of, **5,** 245
secretary, appointment of, **5,** 243, 244
statutory duties of, **5,** 245
securities issued by, position of assignee of, **4,** 387; **5,** 359, 360
security, debenture as. *See* DEBENTURE.
destruction of, in winding up, offence in regard to, **5,** 313
enforcement of, against company, **5,** 372—388
floating charge as, **5,** 348; **22,** 364. *See* FLOATING CHARGE.
foreign company, in case of, **5,** 762
liquidator, by, **5,** 435, 440, 451, 461, 601
loan, for, **5,** 337, 338, 342—344, 372—390, 734, 735
officer of public company, by, **5,** 715
petitioner for winding up, for costs by, **5,** 404, 409
receiver, by, **5,** 377; **24,** 371—375
special manager, by, **5,** 436
validity of, though defective, **5,** 353; **13,** 74; **22,** 364
sequestration against, **5,** 325, 534, 535; **8,** 396; **14,** 12—14, 79 *et seq.*
property of officers of, **5,** 325; **14,** 81
servants, receiver's appointment, dismissal on, **5,** 243, 381, 509
torts of, liability for, **5,** 293, 294; **27,** 480
winding up, dismissal on, **5,** 420, 509, 577; **20,** 113 n.

COMPANIES—*continued.*
service, bankruptcy notice, of, by, **2,** 26
county court process, of, **5,** 21, 22, 561; **8,** 476
foreign and colonial bodies, in case of, **5,** 19—21
jurisdiction, out of the, **5,** 20
legal process, of. *See* action, *supra.*
misfeasance summons, of, **5,** 483, 484
notices etc., of, **5,** 14, 83, 306, 561, 678, 754
post, by, **5,** 309, 561
solicitor for company, on, **5,** 83
writ of summons upon company, of, **5,** 14, 17
set-off, call, against, **5,** 166, 167, 502, 503; **15,** 526
call, of, **4,** 387, 388; **5,** 276, 277, 358, 411; **13,** 164
misfeasance proceedings, against sum to be paid in, **5,** 482
solicitor's costs, in respect of, **5,** 246
settled shares, dividends in case of, **5,** 278, 279; **25,** 610
seven or more persons necessary to form, **5,** 46
sewer constructed by, for profit of shareholders, vesting of, **25,** 727
share. *See* SHARE IN COMPANY.
capital of. *See* CAPITAL OF A COMPANY.
certificate. *See* SHARE CERTIFICATE.
holders, rights etc. of. *See* SHAREHOLDER IN COMPANY.
warrant. *See* SHARE WARRANT.
sheriff (in Scotland), commissioner to take evidence, as, **5,** 559, 560
ship, British, alien holding shares in company owning, **1,** 306
company for purpose of owning, **5,** 758; **26,** 15, 16
slander, action for, by, **18,** 612
meeting of company, at, **5,** 310, 311
solicitor for, acting after dissolution, **5,** 568
appointment and position of, **5,** 47, 55, 243, 246, 247, 326, 448; **26,** 733—735, 837 n.
attendance at proceedings of company, **5,** 448, 476, 557
costs of, **5,** 246, 575
lien of, **5,** 350, 525
liquidator's employment of, **5,** 447, 448
misfeasance proceedings against, **5,** 478, 479
retainer of, **5,** 448; **26,** 733, 735, 837 n.
service on, **5,** 83
statutory declaration by, **5,** 246 n.
special Act, company's duties as to, **6,** 18
resolution, **5,** 259. *See* RESOLUTION OF COMPANY.
specific
charge on property of, nature of, **5,** 348
mortgage, enforcement of, **5,** 375
performance against, **27,** 40, 41 n.
contract in respect of shares, debentures etc., of, **5,** 127, 172, 184, 352; **27,** 254
stamp duty in regard to. *See* STAMP DUTY.
stamping expenses, payment of, **5,** 120
standing orders of Parliament where Bill promoted by, **21,** 738, 739
Stannaries, in the, **5,** 659—674. *See* STANNARIES.
statement, annual, in case of insurance company, **5,** 618, 619, 631—633; **17,** 512
banking company, in case of, **1,** 583; **5,** 613
commissions on issue of shares, as to, **5,** 93, 95
nominal share capital in case of limited company, as to, **5,** 60, 61
registration, on, for registrar, **5,** 60—62

COMPANIES—*continued.*
Statute of
Frauds. *See* Frauds, Statute of, *supra.*
Limitations. *See* limitation of actions, *supra.*
statutory
arbitration by, **1,** 443, 492 ; **5,** 601, 726, 727
company, public purposes, for. *See* Companies Clauses Acts.
corporation as a, **5,** 68, 280
declaration, filing of, **5,** 62, 67, 262
meeting of, **5,** 248
report to shareholders of, **5,** 248
statement, banking company, by, **5,** 613
insurance company, by, **5,** 618, 619, 631—633 ; **17,** 512
stock, conversion of, into shares, **5,** 69, 99, 100
shares into, **5,** 69, 71
debenture. *See* Debenture Stock.
sub-agent, liability for acts of, **5,** 296
sub-lease to, effect of liquidation on, **11,** 173 n.
subrogation in case of unlawful borrowing, **5,** 337
subscription, minimum, fixing of, **5,** 72, 74, 122, 177
subsidiary, meaning of, **5,** 640 ; **27,** 514
winding up of, **5,** 640
summary, annual, for registrar, **5,** 264
statement of affairs, of, liquidator, by, to Board of Trade, **5,** 452, 453
official receiver, by, to creditors, **5,** 427
summons, application in judges' chambers by, **23,** 189, 191
inspection of register, for, **5,** 322
misfeasance proceedings, in, **5,** 483, 484
sealing of, in winding up proceedings, **5,** 558
service of, upon company, **5,** 14, 83
surety for, director as, **15,** 470, 471, 526
rights and liabilities of, **15,** 482 n., 521 n., 523, 524
liability of, **15,** 499, 500
Table A. *See* Table A.
Table B, registration fees according to, **5,** 60
telegraph, outside the Post Office monopoly, **27,** 356
time, computation of, in case of transactions concerned with, **27,** 449 n.
extension of, in case of proceedings, **5,** 548, 562
filing documents, for, **5,** 180
title, warranty of, in certificate, **5,** 182
tort in relation to. *See* Tort.
trade
libel, action for, by, **27,** 677 n.
mark, effect of change of company's name upon, **5,** 86, 87
name, use of name as, **5,** 86 ; **27,** 749
union, law in case of, **5,** 46, 394, 625 ; **14,** 14 ; **27,** 599
trader forming his business into, effect of, **5,** 340, 766 n.
trading, domicil of, **5,** 15
implied powers to borrow, **5,** 287, 337
local Act regulating, **27,** 115
subsidiary company, by, **5,** 640 ; **27,** 514 n.
tramway. *See* Tramway.
transfer, business, of, **5,** 584—591
assurance company, in case of, **5,** 633—636
debentures, of, **5,** 357, 359. *See* Debenture.
shares, of. *See* Share in Company.
treason by, **5,** 311
Treasury, prosecution of officer etc. by, **5,** 564

COMPANIES—*continued.*
trespass by, injunction in respect of, **17,** 234
trust, entry on register of, **5,** 150
trustee, as, appointment of new trustee in place of, **28,** 80
bankruptcy, in, as member of company, **2,** 191 ; **5,** 160, 161, 170, 190, 197, 202
charity, for, as, **4,** 261
custodian, appointment as, **28,** 86
injunction restraining inclusion of name in list of trustees, **27,** 676 n.
investment by, in debentures, **28,** 136
misfeasance proceedings against, **5,** 479
nominal members, for, **28,** 59
shareholder, as, **5,** 150, 162 ; **28,** 100
ultra vires act of, **5,** 260, 285—288 ; **27,** 36. *See* Ultra Vires.
directors, of, **5,** 220, 221, 285
injunction against, **5,** 289 ; **17,** 227, 228
uncalled capital, charge on, **5,** 342, 343, 348
reserved, **5,** 64, 89, 162. *See* Capital of a Company.
underwriting of shares of, **5,** 72, 92—95. *See* Underwriting.
unincorporated foreign, service on, **5,** 20
position of, **2,** 35 ; **5,** 12, 34, 764
unlawful purposes, for, **5,** 46, 764—766. *See* Illegal Company.
unlimited, **5,** 46, 64
increase of capital of, **5,** 64, 98
liability of members of, **5,** 41, 161
memorandum and articles of, **5,** 79
registration of, as limited, **5,** 63, 80
reserve capital in case of, **5,** 64
return of capital to members by, **5,** 101
surrender of shares to, **5,** 199
unregistered, action against, **5,** 15, 653
limited partnership wound up as, **22,** 112
position of, **5,** 15, 646—674
winding up of, **5,** 394, 647—654. *See* Winding up by the Court.
valuation, mineral land held by, of, **24,** 554
vendor to one man company may take debentures, **5,** 340
verbal
contract of, **5,** 300
notice to, **5,** 307
veterinary surgeons, practising as, **20,** 376
voidable acts of, shareholders' rights in regard to, **5,** 288
voluntary winding up of. *See* Winding up of Company, Voluntary.
warranty of
authority with respect to acts of, **5,** 146, 147, 233, 295
title, certificate as, **5,** 182
winding up of. *See* Winding up by the Court.
witness at private examination, privilege of, **5,** 475, 476
work and labour, contract for, by, **28,** 864—866
done before incorporation, payment for, **5,** 56
workmen's club, conversion of, into company, **4,** 409
workmen's compensation, duties etc. with respect to, **20,** 180, 191, 208
notice of accident to company, **20,** 180
priority with respect to, **5,** 579 ; **20,** 208
works, construction of, interest on capital during, **5,** 118
writ of summons, service of, **5,** 14, 17

COMPANIES CLAUSES ACTS,
accounts, **5,** 721—724; **23,** 641
address book of shareholders, provision of, **5,** 690
advertisement of notices, **5,** 678
appeal to quarter sessions from decision of justices, **5,** 729
arbitration, settlement of disputes by, **5,** 726, 727; **15,** 342 n., 343 n.; **27,** 383 n.
arrest of delinquents by officers of company, **5,** 729
auditors, choice and duties of, **5,** 717, 723, 724; **23,** 641, 645
bankruptcy claim by company within, **5,** 727
bond issued under, assignment of, **4,** 394; **5,** 735
bondholders, rights of, **3,** 97 n.; **4,** 394; **5,** 734, 735
borrowing powers under, **5,** 730—743. *See* BORROWING.
bye-laws under, **5,** 717; **23,** 731
calls under, **5,** 691—697, 733, 734; **17,** 230 n.; **23,** 633 n.
canal company, application of Act of 1845 to, **23,** 786
cancellation of shares, **5,** 101, 102
capital, application of, **5,** 686, 687
increase of, **5,** 680—684
issue of, **15,** 365 n.; **28,** 327 n.
certiorari in regard to proceedings under **5,** 729
change of name of company within, **5,** 679
charging order restraining transfer of shares, **5,** 698, 699
Companies Act, 1844, in relation to, **5,** 674
companies within, **5,** 676
contracts of companies within, **1,** 156; **5,** 710—712, 725; **8,** 385 n.; **27,** 32 n.
crimes by company within, **5,** 726
damages against company within, recovery of, **5,** 728, 729; **23,** 500 n.
debenture holder, under, receiver on behalf of, **5,** 735
rights of, **5,** 734—736
debenture stock of company within, **5,** 739—743; **27,** 228. *See* DEBENTURE STOCK.
definitions of words and expressions in, **5,** 676, 677
directors of companies within, **5,** 706—715. *See* DIRECTOR OF COMPANY.
distress for recovery of money from company, **5,** 728
dividends in case of companies within, **5,** 724, 725
documents, authentication of, **5,** 678
easement not implied in grant of land by company, **11,** 256
enumeration of, **5,** 675 n.
evidence from books etc., **5,** 695, 696; **13,** 478
gas company, application of Acts to, **15,** 318 n., 342 n., 343 n., 365 n., 386 n.
history and object of, **5,** 674, 675
increment value duty, liability of company for, **24,** 567
injunction to restrain company, **17,** 227
inspection, books and balance-sheets, of, **5,** 722, 723; **10,** 83
register of shareholders, of, **5,** 696
special Act, of, **5,** 679
justices, compensation or damages referred to, **5,** 728
limitation of powers of company within, **5,** 286; **20,** 518
management of companies within, **5,** 706—725
manager for debenture-holders, **5,** 738

COMPANIES CLAUSES ACTS—*contd.*
meetings, directors, of, **5,** 712—714
shareholders, of, **5,** 717—721; **23,** 632
chairman at, **5,** 720, 721
convening of, **5,** 718
evidence as to, **5,** 721
ordinary and extraordinary, **5,** 718
poll at, **5,** 721
powers exercisable only at, **5,** 717
proceedings at, **5,** 719—721
quorum at, **5,** 719
voting at, **5,** 720
mortgage, assignment of, **4,** 394
loan on, to company within, **4,** 394; **5,** 731—739; **27,** 228
registration of, **5,** 735
name of company, change of, **5,** 679
notices, service of, **5,** 678; **10,** 425 n.; **13,** 556 n.
office, principal, of company within, **5,** 678
officers, employment of, **5,** 715, 716; **23,** 495 n.
absconding, arrest of, **5,** 716
penalties under, recovery of, **5,** 728, 729; **23,** 500 n.
powers and liabilities of companies within, **5,** 725; **8,** 361, 385 n.
promotion expenses, recovery of, **5,** 686
prospectus of company, responsibility for statements in, **5,** 687
provisional order incorporating, **28,** 417
railways, application of Acts to, **23,** 623, 626, 630, 632, 633, 641, 731
receiver, appointment of, **5,** 737, 738, 743; **21,** 262 n.; **24,** 343, 344, 389
scripholders in company within, **5,** 688
seal of company within, **5,** 710, 711; **8,** 382 n.; **10,** 425 n.
service of process on company within, **5,** 678; **8,** 471 n.
share capital of company within, **5,** 680—687. *See* SHARE CAPITAL.
shareholder, call on, **5,** 691—697, 734
death etc. of, **5,** 701, 702
execution against, for debts of company, **5,** 695; **8,** 397 n.; **14,** 8, 12, 13
executor of, transfer of shares by, **14,** 235
infant, **5,** 693, 694; **17,** 60
lunatic, **5,** 698, 720
persons deemed, **5,** 687, 688
register and address book of, **5,** 689, 690, 695, 696
shares, assignment of, notice of, **21,** 340 n.
cancellation of, **5,** 683, 704—706
certificate of, **5,** 690, 691
conversion of, into stock, **5,** 685; **23,** 630 n.
forfeiture of, **5,** 702—704
issue of, **5,** 680—684, 705
discount, at a, **5,** 681, 684
nature of interest in, **5,** 680
new, issue etc. of, **5,** 681—684, 705
surrender of, **5,** 705
transfer of, **1,** 154, 636 n.; **5,** 697—701; **7,** 360; **10,** 372 n.; **14,** 235; **15,** 411
forged, liability in case of, **5,** 697, 698
registration of, **5,** 699—701
transmission of, **5,** 701, 702
trusts affecting, **5,** 689
special Act, access to, **5,** 679; **19,** 627 n.
borrowing powers by, **23,** 787
certificate of incorporation as, **23,** 626
stockholders, participation in dividends and profits by, **5,** 685, 686
register of, **5,** 685

COMPANIES CLAUSES ACTS—*contd.*
torts of company within, **5,** 726
water companies, application of Acts to, **28,** 327, 417
winding up of company within, **5,** 743
words and expressions in, definition of, **5,** 676, 677

COMPARTMENT,
election polling station, at, **12,** 310, 315, 372
railway carriage, of, **23,** 691

COMPASSES,
provision and adjustment of, **26,** 77, 78 n., 336

COMPASSING,
King, bodily harm to, **6,** 346, 347 ; **9,** 450
death of, **6,** 346 ; **9,** 450
deposition of, **6,** 354
heir apparent of, death of, **6,** 349
heir of, death of, **6,** 349 ; **9,** 450
imprisonment of, **6,** 346, 347 ; **9,** 450
wife of, death of, **6,** 349 ; **9,** 450
overt acts, evidenced by, **6,** 351 ; **9,** 451

COMPELLABLE,
witnesses in criminal law, **9,** 401

COMPENSATION.
The title COMPULSORY PURCHASE OF LAND AND COMPENSATION *is contained in Vol. VI., pp.* **1** *et seq.*
Act of Parliament, private, where persons are injuriously affected by, **21,** 736, 737
Agricultural Holdings Acts, under, **1,** 258—271 ; **8,** 625
agreement between the parties, **1,** 261, 262 ; **18,** 566
avoidance of, **1,** 262
drainage, as to compensation for, valid, **1,** 261
amount in case of, **1,** 260, 262, 265, 266
arbitration to settle, **1,** 263—266, 271, 346 ; **8,** 625—629, 631
claims other than for compensation included, **1,** 266
capital money applicable in case of, **1,** 267
change of tenancy during one occupation, effect of, **1,** 262
charge for, **1,** 266, 267 ; **18,** 288 n.
charity lands, in case of, **1,** 269 ; **4,** 224, 225
common law rights as to, **18,** 566, 567
contracting out of, **1,** 262 ; **15,** 224 n.
county court jurisdiction in case of, **1,** 259, 265, 266, 268, 269 ; **8,** 625—631
Crown, duchy etc. lands, in case of, **1,** 268—270
definitions in case of, **1,** 259
determination of tenancy, meaning for purposes of, **1,** 242, 259, 260
disability, where persons interested are under, **1,** 268, 276 ; **8,** 626, 630
ecclesiastical land, **1,** 269
improvements, for, **1,** 258—271, 276 ; **4,** 224, 225 ; **18,** 566, 567
income, whether payable out of, **28,** 36 n.
incoming tenant's position in case of, **1,** 262
landlord's consent with reference to, **1,** 260—262, 268 ; **18,** 566
manure, for, **1,** 258, 260, 261 n., 262 ; **18,** 566
market gardens, position of, **1,** 269, 270
marling, for, **1,** 258, 261 n.

COMPENSATION—*continued.*
Agricultural Holdings Acts—*continued.*
mortgagees in possession of, where, **1,** 263
notices etc., in case of, **1,** 261, 269
permanent pasture, in case of, **1,** 284
procedure in claiming in respect of, **1,** 260, 263—266, 269 ; **8,** 626 ; **11,** 159
right apart from statute, **18,** 566, 567
set-off against rent in case of, **1,** 256 ; **11,** 159 **18,** 479
special case with reference to, **1,** 265 ; **8,** 625—628
tenant right with reference to, **1,** 294 ; **4,** 224, 225 ; **18,** 566, 567
trustee in bankruptcy of tenant, position of, **1,** 259 n., 276
trustee landlord, in case of, **1,** 268
unreasonable disturbance, for, **1,** 270, 271 ; **18,** 563 n.
agricultural tenant, to, apart from statute, **1,** 258, 260 n., 261, 262 ; **18,** 566, 567
allotments, awarded for, appeals, **8,** 634
recovery of, **8,** 633
compulsory acquisition of land for, on, **6,** 168—171
tenants of, to, **1,** 258, 346, 347, 356—358
animals, cruelty to, in case of, **1,** 414
slaughtered, in respect of, **1,** 428, 429
apprentice's right to, under Workmen's Compensation Act, 1906, **17,** 72 ; **20,** 198
arrest, where person killed in attempting to execute an, **9,** 449
assignment under Judicature Act of, **4,** 369
authority. *See* COMPENSATION AUTHORITY.
brine pumping, for subsidence due to, **8,** 636 ; **20,** 580, 581
building, for, on agricultural holding, **1,** 258, 260 n.
obstructive, on removal of, **6,** 165 ; **23,** 533
building contract, for trivial omission in connection with, **3,** 187, 188
burial ground, compulsory acquisition of land for, on, **3,** 515
converted into open space, where interests injured by, **3,** 536
canal, for injury to, by working of mine, **20,** 580
Cemeteries Clauses Act, for damage in exercise of powers under, **3,** 516 ; **6,** 158
chattel, in case of non-delivery of, **13,** 13
Church Building Acts, under, **6,** 174
civil servant, to, on reduction of office, assignability of, **4,** 401
Commissioners of Sewers, liability of, for, **25,** 780 n., 788 n.
common, compulsory acquisition of, on, **4,** 494—499
apportionment and application of, **4,** 495—499 ; **6,** 141
commoners, to, **4,** 494—499 ; **6,** 139—142
owner of the soil, to, **4,** 494
regulation of, on, **4,** 609, 610, 612
surface damage to, for, **4,** 572, 573
company director, to, for loss on amalgamation of his company, **5,** 588 ; **15,** 401
compulsory acquisition of land, on, **6,** 31—56
access to river, for injury to, **28,** 395
additions, for, **6,** 35
allotments, for, **1,** 347 ; **6,** 168—170
alterations, for, **6,** 35
annoyance, for, **6,** 117

COMPENSATION—*continued.*
compulsory acquisition of land—*continued.*
application of deposited money, **6,** 114—124. *See* COMPULSORY PURCHASE OF LAND.
arbitration to settle, **6,** 69, 70, 78—86, 104, 173; **19,** 271; **26,** 681, 682. *See* ASSESSMENT.
assessment of, **6,** 35—43, 49, 69, 70, 76—96, 104—106; **9,** 120. *See* ASSESSMENT.
assignment under Judicature Act of, **4,** 369
award in case of, **6,** 70, 80—83
delivery up of, **6,** 82
enforcement of, **6,** 76, 83; **19,** 49
setting aside, **6,** 83
taking up of, **6,** 82
time for, **6,** 70, 80
Bank of England, deposit in, of, **6,** 99—101, 107—110. *See* COMPULSORY PURCHASE OF LAND.
burial purposes, for, **3,** 515
cemetery, for, **3,** 516; **6,** 158
church building, for, **6,** 174
commercial undertaking, for, **6,** 153—158
commons, in case of. *See* common, *supra.*
copyholds, in case of, **6,** 137; **8,** 129
educational purposes, for, **6,** 166, 167; **12,** 27
electric lighting works, for, **6,** 157; **12,** 561
gasworks, for, **6,** 156
Government purposes, for, **6,** 158—162
harbours, docks, and piers, for, **6,** 157, 158
housing of working classes, for, **6,** 164, 166
improvements, for, hired land, in case of, **26,** 684
inconvenience, for, **6,** 117
injurious affection of land not taken, for, **6,** 43—49. *See* injurious affection, *infra.*
injury to limited owner, for, **6,** 117
isolation hospital, for, **6,** 171
jury, settlement by, of, **6,** 86—94, 105; **9,** 120; **25,** 802, 807 n., 808. *See* ASSESSMENT.
justices' jurisdiction in case of, **6,** 81, 104; **23,** 733
land drainage, for, **6,** 174, 175
light railways, for, **6,** 154; **27,** 832, 833
limited owner, for injury to, **6,** 117
local government purposes, for, **6,** 163—174
markets and fairs, for, **6,** 157
mines and minerals, in case of, **6,** 49—56. *See* mines, *infra.*
parties absent, disabled etc., procedure in case of, **6,** 95, 96, 109—112
persons entitled to, **6,** 33—35, 43—48
post-office, for, **6,** 162; **22,** 635 n.
principles of compensation in case of, **6,** 31—49
addition for compulsory purchase, **6,** 39
anticipated injury, **6,** 40, 41
betterment, set-off of, **6,** 42, 43
injurious affection, in case of, **6,** 43—49, 104—106. *See* injurious affection, *infra.*
lessors and lessees, in case of, **6,** 33, 34, 36, 37
loss of business, **6,** 36; **27,** 593 n.
matters to be considered, **6,** 35
measure of compensation, **6,** 35
persons entitled where lands taken, **6,** 33—35
potential value considered, **6,** 37, 38
not if due to undertaking, **6,** 38
reinstatement, **6,** 37
reinvestment of, **6,** 120, 127—131, 146

COMPENSATION—*continued.*
compulsory acquisition of land—*continued.*
principles of compensation in case of—*continued.*
severance, injury by, **6,** 39—41
special adaptability of land, **6,** 39
time of ascertainment of value, **6,** 35
user of land taken, damage by, **6,** 41, 42
value of land, mode of estimating, **6,** 36
test to ascertain, **6,** 38, 39
prison purposes, for, **6,** 162; **23,** 242
railway purposes, for, **6,** 153—155; **23,** 668, 677, 678.
High Court inquiry, **6,** 94, 95
recording judgment for, **6,** 92
right to compensation, foundation of, **6,** 31, 32
severance, for, **6,** 35, 37, 39, 40, 91
leaseholds, **6,** 148
mortgaged land, **6,** 144
signal stations and lighthouses, for, **6,** 175
small holdings, for, **6,** 168—171; **26,** 681—686
stamp duty in respect of, **27,** 593 n.
taking land, what constitutes, **6,** 32 n.
telegraph undertakings, for, **27,** 364, 381, 382 n.
tramway promoters, to, **27,** 802
unexpired term, for, **6,** 149
waterworks, for, **6,** 155, 156; **28,** 280—282, 288
convicted felon, order against, for, **9,** 449, 688
copyhold, compulsory purchase of, on, **6,** 137; **8,** 129
enfranchisement of, in case of, **8,** 29, 119—122, 129, 130
sale etc. under Settled Land Act, 1882, in case of, **8,** 130
Cornwall, Duchy of, in, damage from access to mines under foreshore for, **7,** 260
easements and rights for, on grant of conventionary tenements, **7,** 262 n.
mining damage, for, **7,** 364, 375
waste lands, in case of, **7,** 265, 266
coroner's jurisdiction with regard to assessment of, **6,** 87, 88; **8,** 249, 250
cottage gardens, to tenants of, for improvements, **1,** 258
criminal proceedings, for cost etc. of, **9,** 445; **19,** 605; **27,** 302
crops destroyed or lost, in respect of, **1,** 280; **15,** 224, 225, 262; **18,** 566
Crown, as against the, **10,** 27
custom of the country, by, to agricultural tenant, **1,** 258, 260 n., 263; **18,** 566
damage, statutory authority, in execution of, for, **19,** 271, 272; **23,** 312, 313
sustained by landlord through malicious damage, for, **19,** 578
damages as. *See* DAMAGES.
distinguished from, **10,** 306 n.; **25,** 409
deer, for damage to crops done by, **15,** 224, 262
destruction of infected bedding etc., for, **23,** 452
distress, recovery by, of, **11,** 221
drainage works, for, **1,** 261; **4,** 561; **6,** 174, 175; **18,** 302, 303
driver or conductor's right to, where charge withdrawn or dismissed, **27,** 302
ecclesiastical lands, in respect of improvements to, **1,** 269
education
officer, on transfer etc. of, **12,** 16 n.
purposes, in case of compulsory acquisition of land for, **6,** 166, 167; **12,** 27

COMPENSATION—*continued.*
electing beneficiary is in equity entitled to, **13,** 122, 123
electrical undertakers, payable by, compulsory acquisition of land, on, **6,** 157 ; **12,** 604
damage done, for, **12,** 561, 573, 581, 583, 585, 604, 611 n.
Employers' Liability Act, 1880, under, **13,** 192 ; **20,** 146, 153
enfranchisement, on, Copyhold Act, 1894, under, **8,** 119—122
distress for, **8,** 59
rentcharge, by way of, **8,** 119 ; **24,** 478
steward's right to, **8,** 119
valuation, determined by, **8,** 123
Lands Clauses Consolidation Act, 1845, under, **8,** 129
Settled Land Act, 1882, under, **8,** 130
false imprisonment, for loss through, **27,** 884
Fatal Accidents Act, 1846, under, **2,** 433 ; **20,** 146, 147
bastard, in case of, **2,** 433, 438
felony, where person injured by, **9,** 449, 688
food wrongfully seized as unwholesome, in respect of, **15,** 41 43
forfeiture for breach of covenant, by way of relief from, **18,** 541
game, for damage done by, **1,** 277, 278 ; **15,** 224, 225, 262
gas undertakers, payable by, compulsory acquisition of land, on, **6,** 156
damage done by works, for, **15,** 326, 329
government purposes, where land acquired compulsorily for, **6,** 158—162
harbours, docks and piers, where land acquired compulsorily for, **6,** 157, 158
highway, access to, for interference with, **6,** 46, 47 ; **16,** 61
compulsory acquisition of land to widen, on, **6,** 171 ; **16,** 104
materials, in respect of carrying away of, **16,** 109—111
homicide of person apprehending offender, in respect of, **9,** 449
Housing of the Working Classes Acts, under, **6,** 163—166
husbandry, for, in case of agricultural holding, **18,** 566
improvements, agricultural, for. *See* Agricultural Holdings Act, *supra.*
charity lands, to, **4,** 224, 225
voluntary grantee, by, **15,** 101 n.
infant's right to, under Workmen's Compensation Act, 1906 ; **17,** 45, 158, ; **20,** 184, 198, 201
injunction as a remedy compared with, **13,** 49, 50 ; **17,** 213, 214, 219, 236
injurious affection of premises by public undertaking, for, **6,** 43—49 ; **16,** 61
assessment of compensation, **6,** 104—106
distinguished from taking land, **6,** 32 n.
drains from alkali works, in case of, **23,** 408
easements, for loss of, **6,** 47, 165
gasworks, in case of, **15,** 326
highways, in case of, **16,** 61
limited to
actionable damage, **6,** 44, 45
authorised acts, **6,** 44
construction of works and not their use, **6,** 48
injuries to land, **6,** 46

COMPENSATION—*continued.*
injurious affection of premises by public undertaking—*continued.*
local authority, through exercise of powers of, **16,** 241
meaning of injurious affection, **6,** 5
measure of, **6,** 49
public right, for loss of, **6,** 46
railways, in case of, **6,** 48 ; **23,** 723—725, 732 n., 733
accidents, for acts in prevention of, **6,** 155
fire caused by locomotive, by, **23,** 726, 727
remoteness of damage, **6,** 44, 45
restrictive covenants, by, breach of, **6,** 47
river, access to, **6,** 46 n. ; **28,** 395
severed land, in case of, **6,** 41, 42
telegraph
construction, caused by, **27,** 362, 367, 381—383
line, of, by electric light, **12,** 572, 582, 641
abatement of, **12,** 603
town planning scheme, caused by, **23,** 544
waterworks, in case of, **6,** 47 n., 48 ; **28,** 281, 282
Isolation Hospitals Act, under, **6,** 171
judgment for, compulsory purchase, in case of, **6,** 91
jury to assess, compulsory purchase on, **6,** 86, 91
verdict of, **6,** 91
view of premises by, **6,** 90
justices' jurisdiction with reference to, **6,** 81, 104 ; **18,** 37, 46, 67—70 ; **23,** 733
landlord's right to, for breach of covenant, **18,** 510—513, 529, 530, 541, 581
Lands Clauses Act, under. *See* compulsory acquisition of land, *supra.*
lease, provisions in, for, **1,** 258, 261 ; **18,** 541, 566, 567
licensed premises, in respect of, amount of, settlement of, **18,** 75—77 ; **25,** 608
application of, **18,** 76
compensation authority. *See* COMPENSATION AUTHORITY.
compensation fund. *See* COMPENSATION FUND.
county court, reference to, **8,** 662—664 ; **18,** 77
hotel, rate of compensation charge in case of, **18,** 72
income tax in respect of sum paid as compensation charge, **16,** 653
mortgagee's right to, **21,** 120
quarter sessions jurisdiction in case of, **18,** 68, 69 ; **19,** 637
rating with reference to, **24,** 30, 41
receiver appointed in respect of loan on compensation charge, **24,** 344
rent, deduction from, in estimating compensation charge, **18,** 74, 75, 479 ; **24,** 30, 41 n.
Secretary of State, returns to, **18,** 77
settled estate, in case of, treated as capital money, **25,** 608
special case stated by compensation authority with reference to, **18,** 87
limitation of actions in case of award of, **19,** 41
local authority, damage caused by exercise of powers of, for, **6,** 163 ; **19,** 271
officer of, to, **12,** 15 ; **19,** 385
local government purposes, where land acquired compulsorily for, **6,** 163—174

COMPENSATION—*continued.*
London County Council, in case of injury to officer of, **20,** 453
mandamus, compelled by, **6,** 70, 110; **10,** 84, 86, 88; **25,** 788 n.
market gardens, improvements to, for, **1,** 269, 270
Metropolis Management Acts, under, **20,** 464
Military Manœuvres Acts, under, **6,** 160; **16,** 81; **25,** 101, 102
mines, compulsory acquisition of land with reference to, **6,** 49—56; **12,** 585; **20,** 524, 574, 578
injury to, for, **6,** 51
interruption of working, for, **6,** 52
stopping of working, in case of, **6,** 53—55
lessee of mine, to, **20,** 558
mines and minerals, *defined*, **6,** 55
mining communications made by owners, **6,** 52, 53
loss to surface owner by, **6,** 53
notice, intention to work, of, **6,** 51
promoters, by, to stop work, **6,** 52
railway, limit of distance of workings from, **23,** 685
special
clauses, **6,** 49, 50
statutory provisions, **6,** 55, 56
support in working, in respect of duty to leave, **6,** 49—56; **12,** 585; **20,** 574, 578—583
inclosed land, in case of, **4,** 573—576
surface damage caused by, in respect of, **6,** 51, 53; **20,** 573—575
custom to cause, without compensation, bad, **20,** 576
inclosed land, in case of, **4,** 572—576
ventilation in, for wrongful use of neighbour's property for, **20,** 592
waterworks, for loss caused by, **6,** 53; **28,** 288
National Health Insurance benefits, effect on, of payment of, **28,** 928, 929
nuisance authorised by statute, in respect of, **21,** 517, 518
order, landlord of damaged property, in favour of, **19,** 578
parish council officer, of, **23,** 355
partition, on, to secure equality, **21,** 811, 815
rentcharge by way of, **21,** 828, 829
Pawnbrokers Act, in case of prosecutions under, **22,** 258, 259
penalty under Metropolis Management Act, payable over and above, **20,** 464
personal affront, for, **27,** 874
personation, to person falsely charged with, **12,** 527
petition of right, by, **10,** 27
pilotage district, on abolition of, **26,** 597, 605
poor law officer, to, for loss of office, **22,** 548
postal packet, for loss of, **22,** 643
private rights, for statutory infringement of, **27,** 184
Public Health Acts, under, compulsory acquisition of land, on, **6,** 163; **23,** 312
damage by execution of statutory powers, on, **10,** 88; **19,** 271, 272; **23,** 312, 355
public-house, on extinction of. *See* licensed premises, *supra.*

COMPENSATION—*continued.*
public office, abolition of, on, **23,** 352, 353
common law, not due at, **23,** 352
Consolidated Fund, as charge on, **24,** 745
Education Act, under, **12,** 16 n.
Local Government Act, 1894, under, **19,** 333
Poor Law Acts, under, **22,** 548
Public Health Act, under, **23,** 355
railway, abandonment of, on **6,** 154; **23,** 775, 776
accident on, for, **23,** 752, 753
compulsory acquisition of land for, on, **6,** 153—155; **23,** 668, 677, 678, 723
injurious affection by, for, **6,** 48; **23,** 723—725, 732 n., 733
mines and minerals, in respect of, **6,** 49—55; **20,** 577, 578; **23,** 685. *See* mines, *supra.*
repairing materials, in respect of, **20,** 522, 523
roads, private, on use of, **23,** 675
severance of land by, in case of, **6,** 39, 51, 91; **23,** 668
temporary occupation of lands, on, **23,** 677, 678
rescission of transaction, in lieu of, **20,** 747, 748, 757 n.; **25,** 329
reservoir, **28,** 285
riot, for damage by, **8,** 680; **22,** 507, 508
river, injurious affection to right of access to land abutting on, for, **6,** 46 n.; **28,** 395
rural district council officer, to, **19,** 333
sale of land, on, condition as to, **25,** 328, 329, 332; **27,** 103—105
damages for breach of contract in case of, by way of, **25,** 409
minerals, where vendor has no title to, **20,** 545
misdescription, for, **25,** 328, 329, 331, 332; **27,** 103—105
payment to purchaser on, **25,** 327, 330, 331, 394, 406, 407; **27,** 103
recovery after conveyance, **25,** 331
rescission of contract in lieu of, **25,** 329, 330
specific performance of contract with. *See* specific performance, *infra.*
seamen's right to, for various reasons, **26,** 44, 52
setting back buildings, on, **16,** 246, 247, 249
severance, for, compulsory purchase, on, **6,** 35, 39, 40
assessment of, **6,** 40—42
lessee, to, **6,** 148
mortgage, in case of, **6,** 144
yearly tenancy, in case of, **6,** 37, 149
separation of purchase price from, **6,** 91
sewage disposal, for depreciation due to, **25,** 742 n.
works, for support accorded to, **25,** 748
sewer construction, in connection with, **6,** 172, 173; **25,** 731, 734
sheriff's jurisdiction with regard to, on compulsory purchase, **6,** 86—94, 105; **8,** 249, 250; **9,** 120; **25,** 802, 807 n., 808
shipping distress signals, on abuse of, **26,** 479
signal stations and lighthouses, in respect of land acquired for, **6,** 175
slavery, on abolition of, as personal estate, **27,** 533 n., 534 n.
small dwellings, on acquisition of land for, **26,** 699
small holdings, Board of Agriculture's powers as to, **26,** 671, 672, 680—684

COMPENSATION—*continued.*
small holdings—*continued.*
compulsory acquisition of land for, in case of, **6,** 168—171; **26,** 673, 680—686
withdrawal of notice to treat in case of, **26,** 673, 685
compulsory hiring of land for, **26,** 683 n., 685
county council's duties in relation to, **26,** 671, 680
disturbance to tenants, labourers etc. for, **1,** 258; **26,** 671, 692
improvements to, in respect of, **1,** 258; **26,** 680, 684
small holdings account, payment out of, **26,** 671, 673, 685
specific performance with, **13,** 67; **25,** 328—332, 406, 407; **27,** 56, 99—105
condition
allowing compensation, effect of, **25,** 328—331; **27,** 103—105
excluding, effect of, **25,** 332; **27,** 104, 105
vendor may rescind notwithstanding, **25,** 327; **27,** 65 n., 102, 105
correction of misdescription at sale prevents, **1,** 510; **27,** 105
defects
arising after contract, for, **27,** 103
title, of, for, **25,** 330, 331; **27,** 84, 102
knowledge of purchaser of misdescription, effect of, **25,** 408; **27,** 100, 102, 105
open contract, in case of, **25,** 406—408; **27,** 99—103
stolen property, to innocent purchaser of, **9,** 688
stones for highway purposes, for damage done in gathering, **16,** 110, 111
street, breaking of, in respect of, **12,** 578; **15,** 329; **28,** 292
submarine cable, for loss sustained in avoiding injury to, **27,** 377
subsidence, for, **8,** 636; **20,** 580, 581
support, loss of, brine pumping, due to, **8,** 636; **20,** 580, 581
mining operations, due to, **4,** 573; **6,** 49—56; **12,** 585; **20,** 574, 578—583
public undertaking, due to, **6,** 47
surrender of lease, payable on, in case of settled land, **25,** 663
telegraph
operations, for damage sustained through, **27,** 362, 364, 368, 377, 381—383
undertaking, on compulsory acquisition of, **27,** 381—383
tenant, payment by, to landlord for breach of covenant, **18,** 541
right of, to, agricultural holding, in case of. *See* Agricultural Holdings Act; agricultural tenant, *supra.*
set-off by, against rent, **18,** 479
tenant for life, to, compulsory purchase, on, **6,** 117
how calculated, **6,** 123, 124
town planning scheme, for injury caused by, **23,** 543
tramway undertaking, acquisition by Government or local authorities of, on, **27,** 802, 813, 814
loss or damage caused by, for, **27,** 793, 812—814
unhealthy area scheme, in respect of, **23,** 544
vendor and purchaser, as between. *See* sale of land; specific performance with, *supra.*

COMPENSATION—*continued.*
water. *See* COMPENSATION WATER.
diversion or intercepting, for, **28,** 282, 284, 285, 288, 289
pipes, for damage caused in laying, **28,** 292
waterworks, compulsory acquisition of lands or streams for, on, **6,** 155, 156; **28,** 280—282, 288
adaptability for purpose of waterworks to be considered, **28,** 282 n.
witness, professional, for loss of time, **13,** 578, 579
Workmen's Compensation Act, 1906, under. *See* WORKMEN'S COMPENSATION.

COMPENSATION AUTHORITY,
borrowing by, **18,** 73
charges imposed, **18,** 71 *et seq.*
committee, appointment of, by, **18,** 69
county court, reference to, by, **8,** 662—665; **18,** 77
expenses of, **18,** 74
powers and duties of, **18,** 37, 46, 67—71, 73, 77, 87; **19,** 637
quarter sessions as, **18,** 68, 69; **19,** 637
income tax, assessable to, **16,** 676 n.
reference by licensing justices to, **18,** 37, 46, 67, 70
special case stated by, **18,** 87

COMPENSATION FUND,
charges for purpose of forming, **18,** 71—73; **24,** 612
deductions from rent for, **18,** 74, 75
income tax in relation to, **16,** 653, 676 n.
management of, **18,** 73
receiver appointed in respect of loans on, **24,** 344

COMPENSATION ORDER,
in favour of landlord of damaged property, **19,** 578

COMPENSATION RESERVOIR,
construction of, **28,** 285

COMPENSATION WATER,
defined, **28,** 284, 285
regulation etc. of, **28,** 282, 284, 285

COMPESTER,
defined, **4,** 447
common of pasture appendant, in relation to, **4,** 447

COMPETENCY. *See also* CAPACITY; INCOMPETENCE.
alleged lunatic, of, to
demand a jury, judge decides, **19,** 420, 421
exercise volition, traverse of inquisition, in relation to, **19,** 425
contracting parties, of. *See* CAPACITY.
marriage, for, **16,** 278, 281—286
conflict of law as to, **6,** 234
questions as to, to be decided by judge, **13,** 570
servant, of, warranty of his own, **20,** 100
warranty by master, **1,** 551
shipping officers and engineers, of, certificates as to, **26,** 38, 39
testator, of, burden of proof of, **14,** 178
witnesses, of. *See* WITNESS.

COMPETITION,
architect's drawings, value of, **3,** 307
carrying companies, between, rates in case of, **4,** 77, 80

COMPETITION—*continued.*
competitive products, railway charges for carrying, **4,** 77
prize, lottery constituted by, **9,** 547, 550
wager, constituted by, **15,** 267
route, choice of, by carrying company, **4,** 79, 80
seller by, auction, at, **1,** 508; **25,** 280, 319
servant by, with late master, **20,** 126, 127. *See* RESTRAINT OF TRADE.
statutory undertakers, between, **12,** 559, 562 **27,** 373, 824, 826, 827 n.
trade, in, agreement restricting. *See* RESTRAINT OF TRADE.
contract to buy out, validity of, **27,** 529 n.
injury by, **27,** 651 n., 656

COMPILATION,
copyright in case of, **8,** 145

COMPILATIONES ANTIQUAE,
laws incorporated in, **11,** 378 n.

COMPLAINANT. *See* INFORMANT; INFORMATION.

COMPLAINT,
alkali works, as to nuisance arising from, **23,** 414
Bread Acts, under, **15,** 30, 46—53
Conspiracy and Protection of Property Acts, under, **27,** 645 n., 646 n., 648 n.
county council, to, as to failure on part of rural district council, **23,** 537
criminal charge, admissibility of evidence in, **9,** 394; **13,** 446
assault on female, in case of, **9,** 394; **13,** 446, 447
Cruelty to Animals Acts, under, **1,** 415
dentist, against, to Registrar of General Medical Council, **20,** 363
food and drugs offences, in case of, **15,** 8, 29—33, 39, 52, 56, 61—63
highway, as to non-repair of, **16,** 147, 149
horseflesh, as to sale of, **15,** 70
information distinguished from, in summary jurisdiction, **19,** 589, 590
injunction never granted except on a specific, **17,** 279
justices, to, articles of the peace, by, **19,** 634, 635
costs of, **11,** 226, 227; **21,** 573
distress in case of, **11,** 221—227
duty of justices as to, **16,** 147; **19,** 572; **28,** 295, 296
effect of non-appearance of complainant, **19,** 596
how and by whom made, **19,** 590—593
liability for acting on, beyond jurisdiction, **27,** 882 n.
Local Government Board, to, default of local authority, as to, **23,** 537; **28,** 246, 247
Metropolitan Water Board, as to, **28,** 342, 343
nuisance from works, as to, **23,** 414
magistrate, against, for misconduct etc., **19,** 557—559
medical practitioner, in proceedings before General Medical Council against, **20,** 322, 323
nuisance, with respect to, **21,** 570; **23,** 414
poor rate, on account of non-payment of, **11,** 211
Railway and Canal Commissioners, to, **9,** 218; **23,** 755 *et seq.* *See* RAILWAY AND CANAL COMMISSION.

COMPLAINT—*continued.*
railway charges, as to, to Board of Trade, **23,** 747
Railway Commission, to, **9,** 218; **23,** 756
reservoir, as to insecurity of, **28,** 295, 296
seaman or apprentice, by, to justice, consular officer etc., **26,** 46
solicitor's conduct, as to, **26,** 852—855
trade board, to, by worker, **27,** 524
water supply, as to default in provision of, **28,** 246, 247, 342, 343

COMPLETION,
building contract, in case of, **3,** 176, 182—192, 226, 243—245. *See also* BUILDING CONTRACT.
employer of contractor, by, **3,** 204, 257
insanity of contractor before, **3,** 280
payment on, **3,** 226
performance necessary to, **3,** 186—189
relief from stipulations as to, **3,** 238, 243—245
security for, **3,** 226
surety, by, on insanity of contractor, **3,** 280
time for, **3,** 189, 190, 243—245, 257
trustee in bankruptcy, by, **3,** 252, 268, 269, 272
compulsory purchase, in case of, agreement, on acquisition by, **6,** 61
payment of consideration, **6,** 60, 109
conveyance, **6,** 61, 111, 112
costs of conveyance, **6,** 112—114
deed poll of promoters, by, **6,** 108, 111
deposit of purchase money in bank, **6,** 60, 107, 108—111
failure to make good title, on, **6,** 107, 108, 111
gift, imperfect, of, **13,** 98; **15,** 430
court will not aid, **15,** 428, 429, 430
donor not compelled to perfect, **13,** 97; **15,** 428
lease, of, **18,** 394—403
mining lease, of, time for, **20,** 546
railway, of, obligatory, **23,** 627
railway accommodation works, of, enforcement of, **23,** 667, 668
replevin action, of security in, **11,** 201, 202
sale of goods, of contract for, rights and liabilities transferred by, **25,** 187, 206
sale of land, of contract for, **25,** 435—441; **27,** 19—21
act of bankruptcy before, **25,** 382
compulsory purchase, in case of, **6,** 59—61, 106—109. *See* compulsory purchase, *supra.*
conveyance on, **25,** 412—451. *See* CONVEYANCE OF LAND.
date for, **13,** 100; **25,** 332, 333, 335, 367
death before, specific performance, **27,** 81
delay in, damages for, **27,** 106 n.
interest in case of, **25,** 375, 376; **27,** 92
disposition by purchaser before, **25,** 376
enforcement of rights pending, **25,** 364—366
felony, conviction for, effect of, **25,** 388, 389
interest pending, **25,** 333, 373, 374—376; **27,** 92. *See* INTEREST, purchase money, on.
marriage of single woman no bar to, **25,** 388
material dates with regard to, **25,** 367, 368
outgoings in relation to, **25,** 334—336
position of parties
after, **25,** 451—473
pending, **25,** 364—388
remedies under uncompleted contract, **25,** 397—412

COMPLETION—*continued.*
sale of land—*continued.*
rents and profits or possession pending, **25,** 371
Settled Land Acts, under, **25,** 665
stamping of document, effect of insufficient, **20,** 706 n.
stipulations in contract as to, **25,** 332—336
third person's consent in relation to, **25,** 403
small holdings, on sale of, **26,** 687, 688
stock exchange bargain, of, release of intermediaries after, **27,** 239—242
time for, **27,** 238, 239
tenant for life, on sale, exchange etc. by, **25,** 665, 666
theatre engagement, of, meaning of, **27,** 413 n.
tramway construction, of, **27,** 790
trustee in bankruptcy, by, **3,** 252, 268, 269, 272
work and labour, of contract for, duty of employee as to, **28,** 872

COMPLICITY,
in crimes, **9,** 247—258. *See* ACCESSORIES.

COMPOSER,
musical, whether an author, **8,** 137

COMPOSITE,
class, gift by will to, **28,** 732
sugar goods, duty in respect of, **24,** 605, 606

COMPOSITION. *See also* COMPROMISE.
creditors, with. *See* COMPOSITION WITH CREDITORS.
estate duty, for, **13,** 181, 225
harbour rates, for, **26,** 637
legacy duty, for, **13,** 258
musical, copyright in, **8,** 175—188. *See* MUSICAL COMPOSITION.
rate, of, with overseers, effect on franchise rights **12,** 172
real, in ecclesiastical law, **11,** 744
succession duty, for, **13,** 302
surety, by, with creditor, effect of, **15,** 524
tithes or teinds, for, **11,** 744 n., 750
income tax in respect of, **11,** 219
trustee's power to accept, **28,** 140

COMPOSITION WITH CREDITORS,
defined, **2,** 326 ; **7,** 443
accord and satisfaction by reason of, **15,** 567 n
act of bankruptcy by reason of offer of, **2,** 33, 326, 327
adjudication in bankruptcy, as ground for annulment of, **2,** 84, 85
apart from Bankruptcy Acts, **2,** 325—337
arrangement, by, *See* DEED OF ARRANGEMENT.
default in payment under, effect of, **2,** 327
forms of agreement for, **2,** 326, 327
guarantee for payment of, **2,** 326
modes of effecting, **2,** 325, 326
objects of, **2,** 326
verbal, **2,** 326
appropriation of payments under, **7,** 451
assignment as security for, **2,** 327 ; **15,** 464 n.
See ASSIGNMENT FOR BENEFIT OF CREDITORS.
attachment of debts, effect on, **14,** 100 n.

COMPOSITION WITH CREDITORS—*continued.*
Bankruptcy Acts, under, abuse of process of court, scheme rejected as, **2,** 82.
acceptance of proposal for, **2,** 80, 83
accord and satisfaction, when amounting to, **15,** 567 n.
action in respect of, **2,** 84
adjudication, after, **2,** 85
before, **2,** 79—85
rejection of scheme, on, **2,** 86
affiliation order, when operating as discharge from, **2,** 83
after-acquired property, vesting of, **2,** 84
amendment of proposal, **2,** 80, 84, 85
annulment, effect of, **2,** 85
appeal against order, **2,** 82, 83
approval by court, adjudication, after, **2,** 85
application for, **2,** 80
conditions for, **2,** 80
effect of, **2,** 83
form of, **2,** 83
assent to, what constitutes, **2,** 351
bankrupt, when debtor may be adjudged, **2,** 84
bill of sale by debtor, seizure under, **2,** 69
validity of, **3,** 65
conditions may be imposed by court, **2,** 83
consideration for, **7,** 443
contents of scheme, **2,** 81
co-respondent in matrimonial cause, when discharged, **2,** 83
Crown bound by, **2,** 83
debts not released by, **2,** 83
default in payment under, effect of, **2,** 84
enforcement of scheme, **2,** 84
evidence of validity of, **2,** 83
fraud, effect of, **2,** 84, 351 ; **3,** 65
majority of creditors required for, **2,** 80
meeting of creditors to consider, after adjudication, **2,** 85
before adjudication, **2,** 79
official receiver, duties of, **2,** 79, 80, 83, 85
proof of debts under, **2,** 84
proposal for, adjudication order made on, **2,** 82
before adjudication, **2,** 79
proxies for voting on, **2,** 79, 80
reasons for approval or refusal by court, **2,** 81
receiving order rescinded on ground of, **2,** 83, 84
refusal of approval by court, **2,** 80, 81
release of debts under, **2,** 81, 82
secret advantage by creditor, effect of, **2,** 39
secured creditors, reservation of rights of, **2,** 336
security required for, **2,** 82
seduction action, as discharge from judgment in, **2,** 83
summary cases, failure to lodge proposals in, **2,** 86, 87
surety, annulled scheme, under, **2,** 85
effect in releasing, **2,** 83 n., 336
rights and liabilities of, **2,** 84, 85
Statute of Frauds as affecting, **15,** 464 n.
trustee under scheme, powers and duties of, **2,** 84, 85
security to be given by, **2,** 84
unreasonable scheme, **2,** 82
voting letters, circulation of, **2,** 79, 80

COMPOSITION WITH CREDITORS—*continued.*
bill of sale by debtor
after, validity of, **3,** 65
before, effect on, **3,** 69
bills of exchange, by giving, **2,** 326, 327
binding contract, as, **2,** 325; **7,** 443
committal order, effect on, **2,** 343
committee of inspection of company, by member of, **5,** 465
company, in case of, **5,** 333, 334. *See* ARRANGEMENT.
consideration for, **2,** 326; **7,** 443
court's approval of, **2,** 80—85, 310
criminal proceedings, effect on, **2,** 351; **7,** 399
deed of arrangement, by. *See* DEED OF ARRANGEMENT.
default in payment under, effect of, **2,** 84, 327
disqualification for office by, **2,** 89, 90
guarantee. *See* surety, *infra.*
inspectorship, by deed of, **2,** 326
lien of creditor as affected by release in, **2,** 336
non-execution of deed by creditors, when surety discharged by, **15,** 545 n.
offer of, as act of bankruptcy, **2,** 33
railway company, by, **23,** 768—771. *See* ARRANGEMENT.
receiving order rescinded on ground of, **2,** 78
registration of deed of arrangement, **2,** 329—332. *See* DEED OF ARRANGEMENT.
seal, when agreement should be under, **2,** 327
secret advantage obtained by creditor in connection with, effect of, **13,** 20; **15,** 546, 564
security in case of, **2,** 326; **15,** 564—567
surety, discharge of, **15,** 545 n., 546 n., 564—567
indemnity, claim in respect of, **15,** 518, 519
reservation of remedy against, **15,** 570
writing, when made in. *See* DEED OF ARRANGEMENT.

COMPOUND INTEREST,
accumulation of income at, **22,** 373. *See* ACCUMULATION OF INCOME.
mortgage debt, in case of, **21,** 220, 221, 227, 228
overdraft at bank, on, **1,** 631
personal representatives, position as to payment of, **14,** 323, 324
remainderman, when payable by, **25,** 701
tenant for life entitled to, on value of reversion not realised, **28,** 33
trustee, when payable by, **28,** 192
when allowed, **21,** 43

COMPOUND LARCENY. *See also* LARCENY.
defined, **9,** 627

COMPOUND SETTLEMENT,
defined, **13,** 198 n., **25,** 670
appointment etc. of trustees of, **25,** 674, 675
capital money arising under, how applicable, **25,** 674
co-existing settlements in case of, **25,** 671, 672
declaration that trustees of settlement shall be trustees of, validity of, **25,** 674
family arrangement, may be created by, **14,** 553
form of, **25,** 671 n.
mortgage of property under one settlement to pay charge on another, **21,** 100 n.
nature of, **14,** 553; **25,** 670, 671
powers of tenant for life and tenant in tail male of, **25,** 631 n., 670—672

COMPOUND SETTLEMENT—*continued.*
previous limitations, effect of sale by tenant for life under, **25,** 671
trustees of, when necessary to appoint, **25,** 672, 673

COMPOUNDED ARTICLES,
sale of, when an offence, **15,** 22, 23

COMPOUNDER OF SPIRITS,
licence to be taken out by, **18,** 10; **24,** 641, 642
regulations affecting, **24,** 642, 643

COMPOUNDING. *See* COMPOSITION.
felony, in criminal law, **9,** 503
misdemeanour, nature of, **9,** 504
Pawnbrokers Act, of offence under, **22,** 259
penal action, of, **7,** 398, 399; **9,** 504; **23,** 141, 142
personal representative's power to compound debts, **14,** 300
poor rates, with reference to, by owners of small tenements, **24,** 20
surety, by, effect on claim against debtor, **15,** 524
trustee's power to compound debts, **28,** 140

COMPRESSED AIR ILLNESS,
Workmen's Compensation Act, 1906, in relation to, **20,** 165 n.

COMPROMISE,
action, of, bankruptcy proceedings, with reference to, **2,** 57, 123
charities, in relation to, **4,** 313, 322, 323, 326
company, by, **5,** 333, 334
consent judgment, by, **18,** 188—190, 217, 218; **23,** 166, 167
contract, as consideration for, **7,** 387
corporation, in case of, **8,** 384
counsel's authority for, **2,** 394, 398—401; **13,** 392, 393; **17,** 299 n.
county court, in, **8,** 455, 501
court, order of, with reference to, **16,** 333, 540; **17,** 145; **23,** 167, 168
defence, when pleadable as, **23,** 168
delay in questioning, effect of, **23,** 169
discovery in subsequent action of documents relating to, **11,** 77, 78, 87 n.; **13,** 457
enforcement of, **16,** 540; **23,** 167, 168
improperly made, **15,** 485
infant a party, where, **2,** 401; **14,** 177; **17,** 145; **21,** 11 n.; **23,** 167
judgment by virtue of, enforcement of, **23,** 167, 168
liquidator, on behalf of, **5,** 574, 601—609
lunatic, by, **19,** 465; **23,** 167
marine insurance, by assured in, **17,** 493
married woman, involving interests of, **16,** 333, 366
matrimonial suit, in case of, **16,** 333, 540
misrepresentation with reference to, **20,** 743 n., 755 n.; **23,** 168, 169
mistake, entered into under, **2,** 400; **13,** 23, 24; **23,** 169
negotiations without prejudice for, privilege of, **13,** 457
notice, importance of, **14,** 177; **15,** 485; **26,** 823
parties, by the, without solicitor, **23,** 166
penal, **9,** 504; **23,** 141, 142
representative party, by, **5,** 385; **23,** 166
rule of court, when made a, **23,** 167

COMPROMISE—*continued.*
action—*continued.*
setting aside of, **13,** 24, 331 n.; **20,** 743 n., 755 n.; **23,** 168, 169
counsel, when made by, **2,** 399
infant a party, when, **17,** 145
laches, effect of, **23,** 169
solicitor's
authority as to, **26,** 743
costs with reference to, **23,** 166; **26,** 823
lien with reference to, **26,** 823
trust action, in case of, **2,** 123; **8,** 455; **28,** 140
company, with creditors of, **5,** 334, 574, 601—609. *See* ARRANGEMENT.
composition, by way of. *See* COMPOSITION.
court's sanction of, **16,** 333, 540; **23,** 141, 167
criminal proceedings, in case of, **7,** 399; **9,** 504; **16,** 145; **23,** 141, 142
deceased person's real property, by rival claimants to, **13,** 285; **14,** 548; **16,** 333
enforcement of, **16,** 540; **23,** 167—169; **27,** 71 n.
estoppel by reason of, **13,** 327; **23,** 167
executor, powers of, **14,** 300
family arrangement by way of, validity of, **14,** 542—544, 547, 548; **16,** 540; **21,** 10, 11; **27,** 37
highway repair, of prosecution with reference to, **7,** 399 n.; **16,** 145
husband and wife, of differences between, **16,** 366, 540; **27,** 71 n.
misrepresentation with reference to, **20,** 743 n.; **21,** 10, 11; **27,** 37
mistake with reference to, effect of, **2,** 400; **13,** 23; **21,** 10, 11; **23,** 169
personal representative, powers of, **14,** 300, 301
Postmaster-General, by, as to fines and forfeitures, **22,** 668
sheriff's poundage payable irrespective of, **14,** 34
specific performance of agreement for, **27,** 71 n.
trustees, powers of, **28,** 140

COMPTROLLER,
Chancery Court of the County Palatine of Lancaster, of, **9,** 124

COMPTROLLER AND AUDITOR-GENERAL,
accounts furnished to, **24,** 542
appointment of, **24,** 541
appropriation accounts, submission of, **21,** 777
assistant, **24,** 541
parliamentary disqualification of, **21,** 661 n.
audit of public accounts by, **21,** 776, 777; **24,** 542
consideration of reports on, **24,** 539
Consolidated Fund, control of, **21,** 776
disqualifications of, **21,** 661 n.
duties of, **24,** 541—543
Exchequer account, control of, **21,** 767
head of Exchequer and Audit Department, as, **24,** 541
powers of, **24,** 543
public accounts, examination and report on, **24,** 542
staff of department, powers in respect of, **24,** 541
Treasury, requisitions by, **24,** 540

COMPTROLLER OF THE HOUSEHOLD,
change of ministry as affecting, **7,** 107

COMPTROLLER-GENERAL OF PATENTS, DESIGNS AND TRADE MARKS,
appeal from decision of, **22,** 169, 178; **27,** 736
applications for patents, powers with regard to, **22,** 153, 154, 158, 165—174
appointment of, **22,** 153 n.
attendance of applicant before, **22,** 168
Attorney-General's administrative functions with reference to, **7,** 75; **22,** 168
Board of Trade control over, **22,** 153 n.
costs, power to award, **22,** 178 n.
decision of, amendment of specification, with reference to, **22,** 172
appeal from, **22,** 169, 178
notification of, **22,** 168
designs, powers as to rectification of, **27,** 728
registration of, **27,** 735, 736
duties of, **22,** 153 n.
evidence, power to dispense with, **22,** 169
examiner's report, duty and power as to, **22,** 165, 166
extension of term of patent, right to attend application for, **22,** 202
time granted by, **22,** 158, 202; **27,** 736
hearing applicant, duty as to, **22,** 167, 168
law officer, advice of, to, **7,** 75; **22,** 168
appeal to, from, **22,** 178
register, correction of, by, **22,** 180
revocation of patent by, appeal from, **22,** 210
application for, **22,** 206—209
salary of, **22,** 153 n.
specification, amendment of, by, **22,** 170, 172
extension of time for lodging, by, **22,** 158

COMPTROLLER-GENERAL OF THE EXCHEQUER,
Board of Trade, transfer of powers to, **15,** 344 n.
gas standard models, deposit of, with, **15,** 345

COMPULSION. *See* COMPULSORY; DURESS; FORCE.
approved society, levy on members of, **28,** 969
bill of exchange, negotiation etc. of, by, **2,** 499
commercial undertaking etc. with reference to acquisition of. *See* COMPULSORY PURCHASE.
consent obtained by, **27,** 872 n.
criminal responsibility in case of act done under, **9,** 243
distress, payment made to avoid levy of, **11,** 157 n.
Ecclesiastical Court, by subpœna of, **13,** 585 n.
fear, through. *See* DURESS; FEAR.
force, by use of. *See* FORCE.
in terrorem condition, **28,** 588—590
insurance of workers by, **28,** 885—887, 905, 911
joining King's enemies or rebels through, effect of, **6,** 349
legal process, of, limitation of actions with reference to, **19,** 95
recovery of money paid under, **7,** 488; **19,** 95
levy by. *See* COMPULSORY.
partition by, **21,** 825
shop club, membership of, by, **4,** 410
trade union, levy on members of, **27,** 607 n.
trespass, as an element in, **27,** 844 n., 872
vaccination, with respect to, **23,** 475
weights and measures, with reference to use of **28,** 469

COMPULSORY,
church rates, abolition of, **3,** 411 n.; **11,** 785
enfranchisement. *See* ENFRANCHISEMENT.
hiring of land, allotments, for, **1,** 345—347, 349; **6,** 169, 170
customs purposes, for, **6,** 161
small holdings, for, **6,** 169, 170; **26,** 682—686
landlord's power to resume possession of, **26,** 684
order as to, **26,** 682
insurance, National Health Insurance, in case of, **28,** 905—1000. *See* NATIONAL HEALTH INSURANCE.
unemployment insurance, in case of, **28,** 885—905. *See* UNEMPLOYMENT INSURANCE.
levy, approved society, in case of, **28,** 969
trade union, on members of, **27,** 607 n.
licence, patented article, with reference to, **22,** 197, 198
tramway, as to use of, **27,** 809
marks, articles subject to, **27,** 722—725
membership, shop club, of, prohibition of, **4,** 410
partition, order for, **21,** 825. *See* PARTITION.
pilotage. *See* COMPULSORY PILOTAGE.
purchase. *See* COMPULSORY PURCHASE; COMPULSORY PURCHASE OF LAND.
school attendance, law with regard to, **12,** 54—66. *See* ATTENDANCE.
service in Royal Forces, illegal by statute, **25,** 38
subpœna of Ecclesiastical Courts, **13,** 585 n.
vaccination. *See* VACCINATION.
winding up of company. *See* WINDING UP BY THE COURT.
works by commercial undertakers, **12,** 586—588

COMPULSORY PILOTAGE,
action, right of, as affected by, **26,** 500
agent, liability of, in case of, **1,** 214
county court, as a defence in, **1,** 133
criminal liability of master in case of, **26,** 526 n.
defence of, costs in case of, **1,** 104
notice of, **1,** 94
distressed seaman is not passenger for purposes of, **26,** 57, 610 n.
district, *defined*, **26,** 610
exemptions as to, abolished, **26,** 610
seaworthiness of vessel in, **26,** 215 n.
exemptions from, **26,** 610, 611, 660
bye-laws as to, **26,** 611
fog-signals, duty of master and pilot as to sounding, **26,** 413
harbour damaged, liability in case of, **26,** 644
liability of vessel in fault, as affecting, **26,** 413, 519, 520, 529, 530
master's liability in case of, **26,** 371 n., 526, 531, 598
obligation to carry pilot, **26,** 609, 610
order as to, **26,** 597, 598
passenger ship, what is, for the purpose of, **26,** 610 n.
person in charge, pilot is not, **26,** 371 n.
pilot, duties of, **26,** 371 n., 530, 531
proof of, **26,** 530
provision for, **26,** 598
shipowner's liability in case of, **1,** 214; **26,** 519, 525, 529—531, 611, 644
pilotage order made in new district, where, **26,** 598
tow, pilot of, at fault, effect of, **26,** 529, 530

COMPULSORY POWERS. *See* COMPULSORY; COMPULSORY PURCHASE; COMPULSORY PURCHASE OF LAND.

COMPULSORY PURCHASE,
buildings, of, defence of the realm, for, **6,** 448
rehousing of working classes, **6,** 20
settled land, on, provision of new buildings, **18,** 288
electrical undertaking, of, **12,** 637
gas undertaking, of, **15,** 321, 322
land, of. *See* COMPULSORY PURCHASE OF LAND.
tramway, of, **27,** 803 n.
water rights, of, **28,** 255, 256, 278, 279, 281
works, of, **28,** 259

COMPULSORY PURCHASE OF LAND,
The title COMPULSORY PURCHASE OF LAND AND COMPENSATION *is contained in Vol. VI., pp.* 1 *et seq. See also* LANDS CLAUSES ACTS.
abandonment of undertaking, compensation in case of, **6,** 154
effect of notice of, **6,** 68
promoters' deposit, effect on, **6,** 103, 154
animals, provision of wharves and sheds for, **1,** 430; **6,** 171
agreement, otherwise than by, **6,** 62—75. *For acquisition by agreement, see* ACQUISITION OF LAND.
allotments, for, **1,** 344—349; **6,** 10, 168—171
ancient monuments, exemption of, in some cases, **21,** 605
apportionment of rent in case of, **6,** 147, 148
arbitration in case of, **6,** 78—86; **27,** 832
agricultural holdings, with reference to, **1,** 492
amount, in reference to, **6,** 61, 69 n., 70
settled by jury, when, **6,** 70
appointment of arbitrator, **6,** 78
Board of Trade in relation to, **6,** 80; **27,** 832
further sum, payment of, **6,** 96
notice of claim necessary for, **6,** 68, 69
award in case of, **6,** 70, 80—83. *See* AWARD.
Board of Education, powers of, as to, **12,** 27
bond for purchase money and compensation, **6,** 101
military purposes, when land acquired for, **6,** 159
post office purposes, when land acquired for, **6,** 162
building, acquisition of, Commissioners of Works, by, **6,** 161, 162
local authority, by, **18,** 288
part of, Railway Commissioners, by, **27,** 821 n., 829
Treasury, by, **6,** 7
burial
ground, disused, fees of, disposal of, **6,** 116, 117, 119
purposes, for, **3,** 436, 437, 497, 515; **6,** 158. *See* BURIAL GROUND.
Cemetery Clauses Act, 1847, under, **3,** 515; **6,** 158
capital subscription before exercise of power of, **6,** 62, 63
charitable purposes, for, **4,** 353; **21,** 580
charity trustees, from, **4,** 218—220, 240—243, 350—353
churches and chapels, for, **6,** 7, 174; **11,** 723
clerk of the peace, duties of, in respect of, **6,** 18, 19

COMPULSORY PURCHASE OF LAND—*continued.*
common or waste lands, in case of, **4,** 492—499; **6,** 19, 138—142. *See* COMMON.
compensation in case of. *See* COMPENSATION.
assessment of. *See* ASSESSMENT.
completion, **6,** 59—61, 106—114
conditions in regard to, Lands Clauses Acts, under, **6,** 11—19, 62, 63
other acts, under, **6,** 19—21
conversion effected by, when, **6,** 121; **13,** 110
conveyance of the land, **6,** 107—109, 111; **25,** 428
copyhold, in case of, **6,** 112, 113, 130, 136—138; **8,** 129, 130; **25,** 430. *See* COPYHOLD.
costs, apportionment of rent, of, **6,** 76, 126, 127, 138, 147, 148
arbitration, of, **6,** 61, 83—86
assessment by jury, of, **6,** 93, 94
charity land, in case of, **4,** 350—353
conveyance, of, **6,** 112—114; **25,** 435
distress to recover, **6,** 94, 102, 113, 114
money deposited, where, **6,** 124—135. *See* PROMOTERS OF UNDERTAKING.
adverse claim, in case of, **6,** 134, 135
power of court to give, **6,** 124, 125
promoters' liability for, **6,** 126—135, 145. *See* PROMOTERS OF UNDERTAKING.
recovery of, **6,** 94, 102, 113, 114
refusal to give up possession, in case of, **6,** 102
reinvestment, of, **6,** 127—131, 145
single arbitrator's jurisdiction over, **6,** 167, 169
customs purposes, for, **6,** 7, 161
defence of the nation, for purpose of, **6,** 6, 448. *See* DEFENCE OF REALM.
deposit of purchase money or compensation in Bank of England, **6,** 99—101, 107—110
deposited money, application of, **6,** 114—124
person under disability, in case of owner being, **6,** 116—124
application to court, **6,** 114, 116, 117; **23,** 190
interim investment and payment of dividends, **6,** 118, 119
leases or reversions, deposited in respect of, **6,** 123, 124
objects to which money permanently applicable, **6,** 119—122
payment of sum for personal inconvenience or loss, **6,** 117, 118
payment out, person absolutely entitled, to, **6,** 122
tenant in tail, to, **6,** 122; **13,** 114
refusal to convey or make title, in case of, **6,** 114—116
application to court, **6,** 114
parties in possession of land presumed entitled to money, **6,** 115, 116
powers of court, **6,** 115
Settled Land Act purposes, for, **4,** 220; **6,** 121; **25,** 634
tenant in tail, payment out to, **6,** 122; **13,** 114
deposited plans, **6,** 8, 21—23
railway, in case of, **23,** 648—650
deviation, limits of, **6,** 21, 23; **23,** 650—653
educational purposes, for, **6,** 166; **9,** 121; **12,** 24, 26—28, 117
electrical undertakings, for, **6,** 157; **12,** 557, 568, 622 n., 629

COMPULSORY PURCHASE OF LAND—*continued.*
entry on lands by promoters, assessment of compensation after, **6,** 104—106
absent owner, in case of, **6,** 108
bond required in case of, **6,** 101, 159, 162
delivery of possession by sheriff, **6,** 102
deposit of security on entry before purchase, **6,** 97, 99—101
application of deposit, **6,** 103
easements, in relation to, **6,** 99
housing working classes, for purpose of, **6,** 166
Postmaster-General, before purchase by, **6,** 162
preliminary conditions, **6,** 97
Secretary of State for War, before purchase by, **6,** 159
surveying, for purpose of, **6,** 97
time and mode of, **6,** 102
unauthorised, effect of, **6,** 97, 98
exchange, for purposes of, **6,** 25
extraordinary purposes, for, **6,** 25, 26, 61, 62
fire insurance with reference to, **17,** 519
flood, for prevention of, **6,** 173, 174
garden, in case of, **1,** 349; **6,** 71; **21,** 580
gasworks, for, **6,** 156; **15,** 323, 324
glebe land, of, **4,** 220; **6,** 169
harbours, docks etc., for, **6,** 157; **28,** 413
highways, for, **6,** 7, 171; **16,** 94, 104
house or manufactory, restrictions on taking part of, **6,** 70—73
infant, of, **6,** 57; **17,** 82
injunction, against, **6,** 76
default of bond, on, **6,** 101
extension of powers, until, **6,** 63
public body, against, for trespass, **17,** 234
taking part only, against, **6,** 74
unauthorised entry, against, **6,** 97
injury anticipated, provision for, **6,** 40, 41
interest on purchase money in case of, **6,** 108, 118, 119; **21,** 39; **25,** 374, 375
intersected lands, duty to take, **6,** 74, 75; **23,** 668
isolation hospital, for, **6,** 171
land drainage purposes, for, **4,** 561; **6,** 173—175; **18,** 294 n.
Lands Clauses Acts, under, **6,** 12, 151; **25,** 313
leasehold, in case of, **6,** 58, 147—150
light railway, for, **27,** 832—834
common, in case of, **4,** 493; **27,** 834
limitation of action to recover land taken, **19,** 11
Local Government Acts, under, **6,** 167
London, for public purposes in, **6,** 171—174; **20,** 456—459
London County Council, by, **6,** 172, 173; **20,** 457, 458, 459
lunatic, in case of ownership by, **6,** 109, 110; **19,** 444, 445
mandamus in regard to, **6,** 70, 82; **10,** 84
market, for, **6,** 157; **20,** 9
mines and minerals, compensation for, **6,** 49—56; **20,** 524, 577—580. *See* COMPENSATION.
extent to which minerals pass with land, **6,** 50; **20,** 545, 550
purchase of minerals, **6,** 50, 51
mistake, omission by, to purchase part of land or interest therein, **6,** 151, 152
mortgage, in case of land subject to, **6,** 142—146; **21,** 120
mortgage debt exceeds value of land, when **6,** 143, 144

COMPULSORY PURCHASE OF LAND—*continued.*
mortgage—*continued.*
part only of mortgaged land taken when, **6,** 144, 145
payment of mortgagee before time limited in deed, **6,** 145, 146
redemption of mortgage, **6,** 142, 143
reinvestment, promoters liable for, **6,** 145
municipal corporation, of property of, application of purchase-money, **4,** 220
National Gallery, by trustees of, **19,** 214
naval or military purposes, for, **4,** 513; **6,** 6, 7, 10, 158—161; **7,** 89; **25,** 99, 100; **27,** 815
new buildings, provision of, where old taken, **18,** 288
nominal value, where owner's interest is of, **6,** 11
notice, abandonment of undertaking, of, effect of, **6,** 68
application for re-investment of purchase-money in bank, of, **6,** 131, 132
appointment of arbitrator, of, **6,** 78
assessment of compensation by jury, requiring, **6,** 105
claim, of, by owner, in answer to notice to treat, **6,** 68, 69, 73, 74
entry on lands for certain purposes by promoters, of, **6,** 97
intention to summon jury for compensation, of, **6,** 86, 87, 105
meeting of commoners, of, **6,** 140
mortgagee, to, **6,** 66; **21,** 189
private bill, in case of, **6,** 8, 23; **21,** 730, 732
provisional order, in case of, **6,** 9
treat, to, **6,** 62, 64—66; **25,** 313. *See* NOTICE TO TREAT.
open space, in case of, **6,** 171; **21,** 580, 581
owner, *defined*, **6,** 15
absence of, assessment of compensation in, **6,** 95, 96
park, in case of, **6,** 37; **21,** 580
Parliamentary powers for, **6,** 5—8
part of building, of, **6,** 70—73
particular interests, purchase of, **6,** 135
payment and completion in case of, **6,** 60, 61, 69, 70, 96, 106—109
person under disability, from, **6,** 58, 60, 61, 109—111
application of purchase or compensation money, **6,** 116—124. *See* deposited money, *supra.*
conveyance in case of, **6,** 111, 112
pleasure ground, in case of, **21,** 580
possession, taking. *See* entry, *supra.*
Postmaster General, by, **6,** 162; **22,** 634, 635; **27,** 357
powers, exercise of, conditions as to, **6,** 62—64; **25,** 313
prison purposes, for, **6,** 162; **23,** 242
procedure in case of, **6,** 62—75
promoters, rights and liabilities of. *See* PROMOTERS OF UNDERTAKINGS.
provisional order for, **6,** 8—11
public elementary schools, for providing, **12,** 27
Public Health Acts, under, **6,** 163
Public Libraries Act, 1892, under, **23,** 586
purposes for which land may be taken, **6,** 23—26
railway, in temporary occupation of, **23,** 677
railway purposes, for, **6,** 94, 95, 153—155; **23,** 668
rating of owners acquiring land, **24,** 19, 69
receivership where land subject to, **24,** 381

COMPULSORY PURCHASE OF LAND—*continued.*
recording judgment for compensation, **6,** 92
recoupment, for purpose of, **6,** 25
rentcharge, consideration for sale, **6,** 58, 59; **24,** 477, 519
distress for, **6,** 59
land charged with, acquisition of, **6,** 146, 147; **24,** 505
restrictions as to land to be taken, **6,** 21—31, 70—73
Road Board, by, **6,** 171; **16,** 48
school house, for, **6,** 166; **12,** 26
seller's position in case of, **6,** 57—59; **25,** 313, 428, 435
settled land, in case of, **6,** 57, 58, 109—116
does not effect conversion, **13,** 110 n.
severance, damage by, **6,** 35, 39, 41; **23,** 668
small holdings, for, **6,** 168—171; **21,** 580; **26,** 673, 680, 681, 685, 686. *See* SMALL HOLDING.
special Act, access to, **6,** 18, 19
stamp duty, **27,** 593 n.
statutory nature of right of, **6,** 31, 32; **27,** 157, 158
superfluous lands, sale of, **6,** 26—31. *See* SUPERFLUOUS LAND.
telegraph undertakings, for, **27,** 381, 383
time limit in case of, **6,** 8, 59, 63, 64; **28,** 278
computation of, **27,** 450 n.
extension of, **6,** 154
tithes, redemption of, on, **6,** 19
tramway, for, **27,** 785
valuation by surveyor when parties absent, **6,** 95
village green, of, **6,** 19; **21,** 584; **27,** 834
water supply purposes, for, **6,** 155; **28,** 255, 256, 278, 279, 281
whole premises, duty to take, **6,** 70—74
woodlands, exemption of, **21,** 580, 581
working classes, dwellings for, **6,** 163; **21,** 580, 605; **23,** 539, 546
rehousing of, **6,** 20

COMPUTATION OF TIME. *See* TIME.

CONCEALED FRAUD,
laches, defence to plea of, **13,** 171, 175 n.
pleading of, **19,** 187; **22,** 447
running of time for limitation of actions, effect on, **19,** 49, 143, 172; **20,** 543

CONCEALED PROPERTY,
finding of, by purchaser, **1,** 529

CONCEALMENT,
bankruptcy, in, books, property etc., of, by debtor, **2,** 345—348
property by third person, **2,** 350
birth, of,
identification of dead body in case of, **9,** 599
offence of, **9,** 598, 599
verdict of, on trial for murder, **9,** 592, 599
contract, effect on, of, **17,** 404—406, 532; **20,** 98; **27,** 46, 47
contributory in winding up, by, of property, **4,** 505
defect, of. *See* vendor, *infra.*
where agreement to take with faults, **20,** 729, 730
distress, to save from, **11,** 190, 191

CONCEALMENT—*continued.*
estoppel
created by, forged signature, in case of, **1,** 616; **2,** 512; **13,** 585
measure of damages, **13,** 385
representation does not create, when induced by, **13,** 381
fraudulent. *See* CONCEALED FRAUD; FRAUDULENT CONCEALMENT.
ignorance is not, **17,** 298 n.
injunction dissolved for, **17,** 298
insurance, in contracts of, fire, **17,** 532
guarantee policy, **17,** 572
life, **11,** 79; **17,** 513, 550—554
marine, **17,** 404—412, 416, 513
premium recoverable, when policy avoided for, **17,** 513, 514
liquidator's release obtained by, **5,** 463
matrimonial cause, in, intervention of King's Proctor, **16,** 554.
misrepresentation by, **17,** 405, 415, 532; **20,** 682—685, 729, 730
salvage agreement, in case of, **26,** 571 n.
service, effect on contract of, **20,** 98
specific performance, when a bar to remedy of, **20,** 548; **27,** 43, 46
surety discharged by, **3,** 280: **15,** 539—544
title to land, of documents relating to, **9,** 705; **25,** 347 n.
treason, of, misprision of treason by, **6,** 353, 354
treasure trove, of, **9,** 521
vendor of land, by, quality, of defects of, **25,** 297, 298, 299, 405
title, of defects of, **25,** 302

CONCILIATION,
trade disputes, in, **27,** 516—518
Board of Trade powers as to, **27,** 517, 518

CONCILIATION BOARD,
defined, **27,** 516
registration etc. of, **27,** 516—518

CONCLUSION,
old name for estoppel, **13,** 322

CONCORDIA DISCORDANTIUM CANONUM,
canon law published as, **11,** 378 n.

CONCOURSE. *See* ASSEMBLY; CROWD; RIOT; RIOTOUS.
market purposes, for, **20,** 5

CONCRETE,
reinforced, use in London buildings of, **20,** 483, 487, 488

CONCURRENT,
administration action, judgment in, **14,** 343
condition in contract, nature of, **7,** 434; **25,** 116 n., 205
jurisdiction, in equity, **13,** 6, 10—41; **17,** 202
lease, when and how granted, **18,** 404, 405
user of trade mark as ground for objection or defence, **27,** 700, 719 n.
will, probate of, **28,** 508
writ, issue and marking of, **23,** 113, 114
service out of the jurisdiction of, **23,** 114

CONDEMNATION. *See* FORFEITURE; SENTENCE.
food, of, power of justices as to, **15,** 38
wrongful, damages for, **15,** 41, 43
goods seized by customs officers, of, **10,** 12—14
information for, **10,** 13
writ, appraisement, of, **10,** 12
delivery, of, **10,** 13
prize, of, enemy property or ship, in case of, **23,** 277, 278
neutral property or ship, in case of, **23,** 277, 279—282
object and effect of, **23,** 284, 285, 288
ship, of. *See* SHIP, forfeiture of.
slave trade, of vessel seized when engaged in, **27,** 537

CONDENSED MILK,
duty on, **24,** 606 n.
marking of tin or other receptacle for, **15,** 66

CONDITION. *See also* CONTINGENCY; COVENANT; IMPLIED CONDITION; WARRANTY.
accident insurance, in case of, **17,** 539 n., 570 n.
action, precedent to, **1,** 22—26; **10,** 490; **15,** 490
agreement, controlling, extrinsic evidence of, **13,** 567
alienation, against, **15,** 422; **22,** 410; **24,** 170. *See* assignment, *infra.*
allotment of shares on, **5,** 174
assignment, against, chose in action of, **4,** 403
contract, in case of, **4,** 403; **7,** 502
lease, in, **18,** 533, 542
void as repugnant, when, **15,** 422; **22,** 410; **28,** 29, 772
assignment of chose in action subject to, **4,** 370
auction, on sale by. *See* CONDITIONS OF SALE.
bankrupt, to discharge of, **2,** 249—262
bill of exchange, acceptance of, subject to. *See* ACCEPTANCE, bill of exchange, qualified.
delivery of, subject to, **2,** 482, 483
indorsed, subject to, **2,** 505
order to pay in, subject to, **2,** 470, 505
bill of lading, as to delivery under, **25,** 227, 228
bill of sale, incorporation in, of, **3,** 43
unregistered, in, **3,** 54
bond, in, **3,** 80, 84—86, 87, 88
administration, **14,** 207
breach of, **13,** 31; **14,** 209, 210; **15,** 487 n.
alternative, **3,** 84, 93
breach of, **3,** 80, 93—96, 100, 102; **11,** 203; **25,** 490 n. *See* BOND, breach.
controlled by recitals in, **3,** 87
estoppel in respect of, **3,** 91; **13,** 372
impossible, **3,** 84, 85, 92, 93, 97
indorsement, effect of, **3,** 88
performance of, **3,** 92, 93
uncertainty, unlawfulness etc. of, **3,** 85, 86
validity of, **3,** 84
breach of, attached to gift, contract, or assurance, **13,** 152
bond, in case of. *See* BOND, breach.
discharge of contract by, **7,** 520; **26,** 143, 144, 192
forfeiture for. *See* FORFEITURE.
bond, in case of, **3,** 93
building contract, in case of, **3,** 251, 252, 256
charity, in case of, **4,** 172—174
land, in case of, **24,** 168—170, 330, 331
lease, in case of, **18,** 530—546. *See* FORFEITURE.

CONDITION—*continued.*
breach of—*continued.*
forfeiture for—*continued.*
relief against, **4,** 172; **13,** 152—154; **18,** 539—546; **28,** 591—593, 595
will, in case of gift by, **28,** 583 *et seq.*
purchaser's right to waive **25,** 150
repudiation of contract for, **25,** 150
warranty, when treated as breach of, **25,** 151
building contract, in, defects and repairs, as to, **3,** 236
forfeiture, as to, **3,** 251, 252, 255—258
payment, precedent to, architect's approval, as, **3,** 207
award as, **3,** 286
certificate as, **3,** 210—214, 285
waiver of, **3,** 220, 221
creation of, **3,** 206
employer's approval whether implied, **3,** 205
extras, for, **3,** 234
waiver of, **3,** 232, 233, 235, 290
sureties, provision of, whether a, **3,** 280
plans, appointment of architect etc. as to, **3,** 198
precedent. *See* BUILDING CONTRACT.
failure to perform, **3,** 198, 238
site, as to existence of, **3,** 198, 238
subject matter, as to existence of, **3,** 194
tender, in acceptance of, **3,** 167
workmanship, as to, **3,** 189
carriage of
animals, as to, **4,** 36, 37
goods, as to, **4,** 29—31; **26,** 142, 192
charitable gift subject to, **4,** 112, 128, 145, 157, 158, 170—174, 198; **24,** 169 n.
charterparty, in, **26,** 91, 92, 142—144, 192
breach of, **26,** 143, 144, 192, 217
waiver of, **26,** 193
common inclosure, with reference to, **4,** 533; **6,** 19
compulsory acquisition of land, attached to, **6,** 11—31
Lands Clauses Acts, by, **6,** 12—19
restrictions as to land taken, **6,** 21—31
statutes other than Lands Clauses Acts, by, **6,** 19—21
concurrent, in contracts, nature of, **7,** 434; **25,** 116 n., 205
consideration for, as affecting rights to which attached, **28,** 530
construction of,
charterparty, in, **26,** 142
contracts, in, **7,** 435, 518
building, for, **3,** 198
sale of goods, for, **25,** 149—151, 164
real estate, in regard to, **24,** 169 n.
towing contract, in, **26,** 358
will, in, **28,** 530, 585, 593, 596, 792—797
contingency as a. *See* CONTINGENCY.
contingent interest subject to, **28,** 585
contracts subject to, **7,** 432—436, 520
sale of goods, for, classification of, **25,** 116 n.
instances of, **25,** 115 n.
covenant, performance of, as condition precedent to action, **10,** 489, 490
qualified by the words provided that etc., **10,** 478, 482; **24,** 169 n.
Crown, as to tenure of, **6,** 323
cy près doctrine with reference to gift on, **4,** 198
depreciatory, at sale, impeachment on ground of, **11,** 184; **14,** 300; **28,** 150
devise subject to, **28,** 583 *et seq.*

CONDITION—*continued.*
discharge of offender under Probation of Offenders Act, to, **9,** 413
double negative in, is not necessarily an affirmative, **24,** 169 n.
estate in fee simple granted upon, deed necessary for, **10,** 362
position of, **22,** 322, 323; **24,** 168—170, 330, 331
executory devise distinguished from gift on, **22,** 314 n.
expectation and estimate, words of, distinguished from, **7,** 521
failure of, **7,** 432—436; **13,** 149
feoffment on, mortgage by, **24,** 169 n.
fire insurance, precedent to, **17,** 528—530, 538, 539
freehold estate, in defeasance of, when deed necessary to, **10,** 362
furnished house, implied on letting of, **18,** 569 570
gift over, in. *See* will, *infra.*
gift subject to, **15,** 421—426. 434
abandonment of, **4,** 171; **28,** 599—601
acceptance of, liability on, **4,** 171; **28,** 597—599
charitable purposes, for, **4,** 128, 145, 157, 158, 170—174; **24,** 169 n.
evidence as to incidental matters, **28,** 648, 649. 793, 796
option to purchase as, **18,** 391; **28,** 529, 530
religious purposes, for, **4,** 112, 113, 198
validity of, **4,** 157, 198; **15,** 421; **28,** 512, 529, 583—593, 792
will, given by, **28,** 512, 529, 583—599, 648, 649, 792—796. *See* will, *infra.*
guarantee, precedent to, **15,** 469 n., 489—491, 538 n., 573, 574
ignorance of, contained in will, effect of, **13,** 153; **28,** 592
name and arms clause, of, **25,** 699
illegal, gift, to, **15,** 424, 425
patented articles, as to use of, **22,** 193
will, in, **28,** 583, 585, 591
implied. *See* IMPLIED CONDITION.
impossible, effect of, **3,** 84, 85; **4,** 170; **15,** 422; **17,** 77; **25,** 151; **27,** 55, 56; **28,** 590—592
in terrorem, avoidance of, **28,** 588—590
incorporeal hereditament, as an, **24,** 160
infant acquiring property is bound by, **15,** 422; **17,** 77
lease, in, assignment, against, **18,** 533, 534, 542. *See* COVENANT IN LEASE.
forfeiture, as to, **18,** 530, 531; **25,** 655
precedent to renewal, **18,** 462, 463
Settled Estates Act, under, **25,** 677
legacy on. *See* will, *infra.*
licence
for sale of intoxicating liquors, attached to, **18,** 30, 67, 68
to use etc. patented process, attached to, **22,** 193
limitation of actions with reference to promise on, **19,** 64, 65
lunatic, in case of contract on behalf of, **19,** 444
marriage, defeating gift on, **15,** 423, 424; **28,** 586, 591 n., 793 n.
requiring consent to, **28,** 587, 589, 590, 591 n., 593, 596, 597
restraint of, in, **7,** 397 n.; **24,** 490, 491; **28,** 586

CONDITION—*continued.*
married woman, how far bound by, **16,** 320; **28,** 592 n.
separation from husband, as to, **16,** 320; **28,** 527 n.
mortgages, with reference to, **21,** 125, 255; **24,** 169 n.; **25,** 110
mortmain, as to alienation in, **8,** 370
nature of, contract, in, **7,** 432, 433
real estate, in case of, **24,** 168—170
non-performance of, **7,** 434—436; **13,** 152; **27,** 55, 56
damages in case of, **3,** 93, 238
guarantee, in case of, **15,** 489—491, 545, 546
lease, in case of, **18,** 462, 463
settlement, in case of, **25,** 638, 693, 696
will, with reference to, **28,** 591, 594, 595, 598, 599
notice of, gift by will, in case of, **14,** 262; **28,** 592
happening of event, of, whether required, **7,** 434
waiver of, on guarantee, **15,** 491
option to purchase, nature of, **18,** 391; **28,** 529, 530
pardon, on, **6,** 404—406
patent, as to working of, **22,** 193
payment, to. *See* building contract, *supra.*
payment on, architect, to, **3,** 308
negotiable instrument, by, **25,** 234
performance of, contract, in relation to, **7,** 436
specific performance, in relation to, **27,** 52, 55, 56, 58
will, with reference to, **28,** 591—595, 598, 599
perpetual, to charitable gift, **4,** 172
perpetuities, rule against, with reference to, **22,** 303, 314, 315, 322, 323, 338, 339; **24,** 170
pleading, rules as to, **22,** 454 n.
precedent, accident insurance, to, **17,** 539 n., 570 n.
action, to, **1,** 22—26; **10,** 490; **15,** 490
arbitration as, **1,** 22, 445
appeal, to, **8,** 604
building contract, in. *See* BUILDING CONTRACT.
charitable gift subject to, **4,** 170—172
charterparty, in, breach of, **26,** 142—144, 192
construction of, **3,** 198; **7,** 435; **24,** 169 n.; **26,** 142, 143; **28,** 596, 597
contract, to, **7,** 432—436
demand for performance of contract as, **7,** 434
distress, to, **11,** 121, 184
express warranty is, **17,** 417
fidelity guarantee, to, **17,** 538 n.
fire insurance, in relation to, **17,** 528—530, 538, 539
future estate, in limitation of, **24,** 169 n.
gift, to, **4,** 170; **15,** 421. *See* will, *infra.*
guarantee, to, **15,** 469 n., 489—491, 538 n., 573, 574
implied in contract, may be, **27,** 52, 53
independent agreement distinguished from, **7,** 435, 436
industrial and provident society, to registration of, **17,** 9
innkeeper's exercise of rights, to, **17,** 321, 327
interpleader, collusion, absence of, **17,** 593
subject matter, ability to bring into court, **17,** 595
sufficient evidence of fulfilment, what, **17,** 594, 595
to relief in, personal interest, absence of, **17,** 592

CONDITION—*continued.*
precedent—*continued.*
limitation avoided by, rule against perpetuities, under, **22,** 338
nature of, **7,** 432; **15,** 421, 545 n.; **24,** 169 n.; **28,** 585, 802
non-performance of, **7,** 434—436; **13,** 152
building contract, in case of, **3,** 198, 238
charterparty, in case of, **26,** 143, 193
guarantee, in case of, **15,** 489, 545, 546
option to purchase, in case of, **18,** 391
settlement, in case of, **25,** 693, 696
specific performance, in relation to, **27,** 52—56, 58
will, with reference to, **28,** 595, 598, 599
option of purchase, to, **18,** 391
part performance of, **7,** 436; **27,** 908
pleading, particulars in, of, **22,** 454 n.
policy of insurance, to, **17,** 423, 528—530, 538, 539, 573, 534
presumption as to performance of, **22,** 426
proof of title on sale of land as, **27,** 53
sale of goods, with reference to, **25,** 116
seaworthiness is, marine policy, in, **17,** 423
specific performance with reference to, **27,** 52—56
statute, in, performance of, **27,** 148
subsequent events as affecting, **26,** 143, 144; **27,** 55
vesting of estate subject to, **22,** 338, 339; **28,** 801
waiver of, **27,** 53; **28,** 595
will, in, **28,** 589—591, 595, 598, 797, 798, 801, 802
promise on, when sufficient acknowledgment to prevent limitation of actions, **19,** 64, 65
promoters of a private Bill making agreement subject to, **27,** 188
public policy, contrary to, **7,** 397 n.; **24,** 491; **27,** 188; **28,** 583—585
re-entry, of, in lease, **18,** 530, 531; **25,** 655, 656
release from, **15,** 491; **26,** 359; **27,** 53; **28,** 591, 594, 595
relief against, power of court to grant, **4,** 172; **13,** 152, 154; **26,** 571; **28,** 591—593, 595
replevin bond, to, **11,** 201
representation in course of negotiations as, **7,** 521
repugnant, effect of, **7,** 517; **15,** 422; **22,** 410; **24,** 170; **28,** 584, 772
revocation, power of, as, **4,** 172; **15,** 434; **28,** 510, 546, 563, 565
will, of, subject to, **28,** 572, 573
right of way on, **11,** 295
sale of goods, in case of, auction, sale by, **1,** 509; **25,** 280, 281
breach of, buyer's election on, **25,** 150, 151
right of stoppage, **27,** 908
construction of, **25,** 149—151, 164, 165
description, as to **25,** 154—156, 159—162
enforcement against ultimate buyer, **7,** 343
implied on part of seller, **25,** 153
merchantable quality, as to, **25,** 159
precedent, operation of, **25,** 116 n.
quality or fitness, as to, **25,** 157—165
resale, subject to, **25,** 110
subsequent, *defined,* **25,** 116 n.
time, as to, **25,** 152
title, as to, **25,** 153, 154
waiver of, **25,** 150
sale of land, in case of. *See* CONDITIONS OF SALE.

CONDITION—*continued.*
seaworthiness of ship, of, **26,** 186—189, 211—224
breach of, discharges policy, **17,** 423
continuance during voyage, whether implied as to, **17,** 425
temporary defect not a breach of, **17,** 424
settled estate, in lease of, **25,** 655, 656, 676, 677
settled land, in case of sale of, **25,** 653
Settled Land Acts, exercise of powers under, preliminary to, **25,** 638—642
restricting, **25,** 637, 638
settlement, in a, failure to comply with, **25,** 693, 696, 698
shares, allotment of, on, **5,** 174
offer to take, on, **5,** 145, 173
specific performance, in reference to, **27,** 11, 12, 52—56, 58
statutory, performance of, **6,** 323 ; **27,** 148, 172
subsequent, charitable gift, to, **4,** 170—172
gift, to, **4,** 170 ; **15,** 421 ; **28,** 589
nature of, **7,** 432 ; **15,** 421 ; **24,** 169 n. ; **25,** 116 ; **27,** 172 ; **28,** 585
restraint of marriage, in, **24,** 490, 491
rule against perpetuities as affecting, **22,** 303, 314, 315
sale of goods, with reference to, **25,** 116
void on ground of public policy, **15,** 424
will, in, **28,** 585, 589, 592, 594, 798
surety, to liability of, **15,** 469 n., 489—491, 538 n., 573, 574
surrender on, mortgage of copyholds by, **21,** 125
tenant for life, to exercise of powers of, **25,** 637, 638
tender, acceptance of, on, **3,** 167
subject to, **7,** 420 ; **11,** 154
term created on, determination of, **18,** 531, 532
tithes, where land is compulsorily acquired charged with, **6,** 19
title to
goods, as to, **25,** 153, 154
land, as to, **25,** 321, 324, 331 ; **27,** 53
trust constituted by, **4,** 171 ; **28,** 16, 584, 792
undersheriff, in restraint of exercise of powers of, **25,** 800
unreasonable or inequitable, **4,** 30, 31 ; **26,** 571 ; **28,** 586
validity of, **3,** 84 ; **7,** 517 ; **15,** 422
restraint of alienation, when in, **15,** 422 ; **22,** 410 ; **24,** 170. *See* assignment, *supra.*
will, in relation to, **28,** 511, 583—585, 591, 631
vesting of estate, to, **22,** 338, 339 ; **24,** 168—170 ; **28,** 585, 799, 801
void, public policy, as against, **15,** 423, 424 ; **24,** 491 ; **28,** 585, 586, 588
voidable, **28,** 588
waiver of, **15,** 491 ; **26,** 359 ; **27,** 53 ; **28,** 594
warranty, distinguished from, **7,** 520, 521 ; **25,** 150, 163 ; **26,** 91, 92
will, to gift by, **28,** 511, 583, 584
alteration by court of, **28,** 796
avoidance of, **28,** 583—585, 588, 590
breach of, **13,** 152 ; **28,** 591—595
construction of, **28,** 584, 596, 597, 797, 798
death, in case of, **28,** 828—833
with other contingencies, on, **28,** 829
divesting of gift subject to, **28,** 822—828
donee
applying to strike out, **28,** 588
excused, when, **28,** 592
forfeiture on alienation, **28,** 840, 841
gift over, alienation, on, **28,** 772
alternative events, in case of, **28,** 805

CONDITION—*continued.*
will—*continued.*
gift over—*continued.*
condition precedent to vesting of, **28,** 606
particular event, on, **28,** 803, 804
series, in case of, **28,** 793
hotchpot of advances, as to, **28,** 842—845
ignorance of, effect of, **13,** 153 ; **28,** 592
in terrorem, **28,** 588—590
invalid, **28,** 583—585, 588—591
jurisdiction of court as to, **28,** 595, 796
limitations on failure of issue, **28,** 833—840
litigation, against, **28,** 631
marriage, as to, **28,** 589, 591 n., 596, 597, 793 n.
name and arms, as to taking, **21,** 352 ; **28,** 593 n.
notice need not be given of, executor, by, **14,** 262 ; **28,** 592 n.
nullified or dispensed with by testator, **28,** 591
outside will, evidence as to, **28,** 648, 649
particular, in, **28,** 828—842
performance of, **28,** 591—595, 598, 599
postponement of rights due to, **28,** 718, 719, 799
precedent, **28,** 585, 589, 797, 798, 801, 802
non-performance of, **28,** 589—591
public policy, contrary to, **28,** 585
release from performance of, **28,** 592 n., 594
relief against, power of the court as to, **28,** 591—593, 595
residence, as to, **28,** 584 n.
restraint of marriage, **28,** 586—588
revocation of, subject to, **28,** 572, 573
subsequent, **28,** 585, 589, 592, 594, 798
time of performance, **28,** 594
trust, amounting to, **28,** 584
vesting of gift subject to, **28,** 797—821
words of, **10,** 482 ; **24,** 169 n.
work to be done to satisfaction of someone, construction of, **7,** 431, 434
working classes, as to rehousing of, **6,** 20, 21

CONDITION (STATE),
harbour or port, of, as affecting discharge of ship, **26,** 275—278
mind, of. *See* MIND, STATE OF.
premises, of, rateable value as affected by, **24,** 27

CONDITIONAL BOND.
See BOND ; CONDITION, bond, in.

CONDITIONAL FEE,
annuity, creation by limitation of, **24,** 470, 471
copyholds and customary freeholds, in, **8,** 68, 70
nature of, **24,** 168, 172 ; **28,** 583 n.
powers of owner of, **24,** 173
simple, **24,** 241
copyholds, in, **11,** 12 n.
creation of estate of, **24,** 168, 170
Statute *De Donis* in relation to, **8,** 70 ; **24,** 172, 470, 471

CONDITIONAL LIMITATION,
executory limitation, by way of, **24,** 231—237. *See* EXECUTORY LIMITATION.
real estate, of, **24,** 168—173
shifting
devise, by way of, **24,** 234, 235. *See* SHIFTING DEVISE.
use, by way of, **24,** 279—282. *See* SHIFTING CLAUSE ; SHIFTING USE.

CONDITIONAL LIMITATION—*contd.*
springing
devise, by way of, **24,** 233, 234
use, by way of, **24,** 279. *See* SPRINGING USE.

CONDITIONS OF SALE,
abstract of title, as to, **25,** 322
acceptance of vendor's title stipulated by, **25,** 322; **27,** 53
ambiguous, **25,** 318, 319
auctioneer, settled by, **1,** 509
bidding at auction, as to, **1,** 508, 510; **25,** 319, 320
commencement of title, as to, **25,** 321, 322
compensation in case of errors of description, as to, **25,** 328, 329, 332
specific performance action, effect in, **27,** 103—105. *See* COMPENSATION.
completion, as to date of, **13,** 100; **25,** 332, 333, 367
construction of, **25,** 318, 319
conveyance, as to, **25,** 336, 348
cannot control, **10,** 445 n.
court, in case of sale by, **25,** 316, 317
covenants for title, as to, **25,** 338, 339
deposit, as to forfeiture of, **25,** 340, 341
depreciatory, impeachment of sale for, **11,** 184; **14,** 300; **28,** 150
easements, as to, **25,** 339, 436
errors of description, as to, does not apply to title, **25,** 331
extrinsic evidence to vary, **10,** 445 n.; **13,** 566
fixtures, as to, **25,** 320, 321
goods, in case of sale of, **1,** 509; **25,** 116 n., 280, 281
implied. *See* IMPLIED CONDITION.
goodwill, on sale by court of, **22,** 106
identity, as to, **25,** 328
insurance, as to, **25,** 339
lands of different tenures, as to, **25,** 328
leaseholds, in case of, **25,** 340
leases, as to, **25,** 339
local authorities' expenses, as to, **25,** 335, 336
misdescription, as to, compensation allowed, **20,** 747; **27,** 328—331; **28,** 103—105
condition for rescission as well, **20,** 748; **25,** 327
defects of title, effect as regards, **25,** 331
compensation not allowed, **25,** 332; **27,** 105
patent defects, not applicable where, **25,** 332
fraud not covered by provisions for, **20,** 748; **25,** 328
property materially different, do not apply when, **20,** 748; **25,** 329, 332
misleading, **20,** 682 n.; **25,** 302, 318
mortgaged property, in case of, **21,** 255
objections to title, as to, **25,** 324, 325, 355, 356
outgoings, as to liability for, **25,** 335
possession, as to giving, **25,** 334, 368
requisitions on title, as to, **25,** 323, 324
small holdings, on sale by county council of, **26,** 687—689
special, **25,** 317, 318
timber, as to, **25,** 320, 321
title, as to, **25,** 321—325, 338, 339; **27,** 53, 86
exclusion of statutory restrictions, **25,** 344
title deeds, as to, **25,** 337

CONDONATION,
breach of trust, of, **28,** 199, 200
fraud, of, **13,** 171
irregularity in legal proceedings, of, **17,** 295

CONDONATION—*continued.*
matrimonial offence, of, *defined,* **16,** 489, 490
connivance, contrasted with, **16,** 487
damages, as affecting, **16,** 543
effect of, **16,** 490
husband's liability after, **16,** 423, 431, 599
implied, **16,** 491
judicial separation, effect on, **16,** 490
notice by court even if not pleaded, **16,** 491
rescission of decree, when no ground for, **16,** 554
revival of offence after, **16,** 490
sexual intercourse as evidence of, **16,** 491
subsequent adultery does not cancel, **16,** 490
subsequent revival of, **16,** 554
patent, of infringement of, **13,** 68
rape, in, **9,** 613
servant's misconduct, of, **20,** 102

CONDUCT (BEHAVIOUR),
acceptance of gift inferred from, **15,** 418; **28,** 599
acquiescence by, **11,** 266; **13,** 323, 375, 388—398, 424, 446; **15,** 418; **20,** 246
admission by, as evidence, **1,** 160; **13,** 424, 446
agent's authority implied from, **1,** 147 n., 160, 173; **13,** 390
bankrupt, of, effect of. *See* BANKRUPT.
candidate at election, of, false statement as to, **12,** 298—300, 540
club, injurious to, expulsion for, **4,** 416
conducing to adultery, **16,** 487, 488 n., 493, 496, 497, 599
contract, implication of, from, **7,** 463, 464; **25,** 126
influence on, of, **10,** 451; **25,** 124; **27,** 12, 66
damages, effect as regards, **18,** 723, 724
defamation, action for, in respect of alleged immoral, **18,** 620
defendant sued for damages for, of, **18,** 722—724
plaintiff in action for, of, **18,** 721
divorce, of petitioner for, conducing to adultery, **16,** 493, 494
estoppel by. *See* ESTOPPEL BY CONDUCT.
evidence as to, **2,** 430; **10,** 451; **13,** 424, 446, 448, 450, 451
habitual criminal, evidence in case of charge of being an, **13,** 451 **n.**
hiring and service inferred from, **20,** 75
husband's, as justification for wife leaving him, **16,** 426
legitimacy of child, as evidence of, **2,** 430
immoral, statement imputing, **18,** 620
infant's settlement confirmed by, **17,** 102; **25,** 560
injunction, with reference to the granting of, **17,** 219, 247; **27,** 772 n.
intention, as proof of, **7,** 414; **10,** 451; **13,** 450
interpretation of instrument by reference to, **10,** 451
invitation implied from, **21,** 386
joint tenancy severed by, **24,** 206
legitimacy, inference as to, from, **2,** 430
lien, effect as regards, **19,** 8
lunacy, in case of allegation of, evidence as to, **19,** 408
master's, implication of authority from, **20,** 246
medical man, of, when punishable, **20,** 320—322
parents, of, rebuttal of presumption of legitimacy by, **2,** 430
partner, of, estoppel by reason of **22,** 15, 68, 95

CONDUCT (BEHAVIOUR)—*continued.*
partnership, dissolution of, on ground of, **22,** 92, 95
implied from, **22,** 15
passing off of goods, with reference to, **27,** 772 n.
professional distinguished from private, in case of medical man, **20,** 322
public, in, bye-laws as to, **27,** 279
indecent exposure, **9,** 537
ratification of agent's authority by, **1,** 160
representation
implied from, **20,** 672—676; **22,** 15
inducing, effect of, **27,** 20
sale of goods inferred from, **25,** 124
servant's, as good cause for dismissal, **20,** 99—101
right to indemnity, effect on, **20,** 125
silence, acquiescence from, **13,** 395
solicitor's retainer by, **26,** 729, 730
specific performance, effect on, **27,** 6, 12, 20, 66
tort, action for, waived by, **27,** 500, 501
trover, with reference to action of, **27,** 914
trustee in bankruptcy, of, questioning, **2,** 126
waiver by, **11,** 177; **13,** 165 n., 166; **27,** 12 500, 501
water pollution, as affecting action for, **28,** 435, 436
wife's, conducive to adultery, effect of, **16** 493, 494
legitimacy of child, as evidence of, **2,** 430

CONDUCT (MANAGEMENT),
action, of, administration, for, **14,** 342, 343, 344
counsel's implied authority as to, **2,** 398
solicitor, authority of, as to, **26,** 741, 744
retainer of, for, **26,** 737
arbitration, of, **1,** 460—462
references under order of court, of, **1,** 485, 489
auction, of sale by, **1,** 506—512. *See* AUCTION.
criminal proceedings, of, by person bound to prosecute, **9,** 321
election, of, distinguished from, commencement of, **12,** 264
expenses of, **12,** 297, 298
matrimonial cause, of, **16,** 532, 533
pawnbroker, of business of, offences relating to, **22,** 255
post office business, of, Treasury regulations as to, **22,** 636, 637

CONDUCT MONEY,
defined, **13,** 578
amount of, **13,** 583; **26,** 801 n.
recovery of, **13,** 579, 584
taxation of costs with reference to, **26,** 801
witness, right of, to, **13,** 578, 579, 585; **26,** 801
served with notice of motion for attachment, not entitled to, **16,** 586

CONDUCTOR,
electric, distress on, **11,** 141
omnibus, badge etc. of, **27,** 298
compensation of, where charge dismissed, etc., **27,** 302
licence for, **27,** 296—298, 300, 303
price of, **27,** 297
suspension or indorsement of, **27,** 302
noisy touting by, **27,** 298
offences by, **27,** 297, 300—302
privilege of report of, **11,** 79

CONDUIT,
electrical, laying down of, **12,** 573, 574
water, property in, **28,** 264

CONEY. *See* RABBIT.

CONFECTIONER,
when a victualling-house keeper, **17,** 305

CONFECTIONERY,
excise duty in respect of, **20,** 379
licence to sell, **20,** 379

CONFERENCE,
local education authorities, between, **12,** 46
local government, **19,** 337
poor law, **22,** 548
expenses of attending, **12,** 46; **19,** 337; **22,** 548

CONFESSION,
adultery, of, as affecting proof of, **16,** 478
avoidance, and. *See* CONFESSION AND AVOIDANCE.
civil proceedings, in, **13,** 456—462
conversion, in case of, **27,** 913
criminal proceedings, in, accomplice or co-defendant, by, **9,** 397
admissibility of, **9,** 394, 395, 396 n., 397, 398
conviction of defendant on own, **9,** 397
counsel not entitled to open to jury, **2,** 415, 416
defendant, by, **9,** 394—400
evidence of, **9,** 394—400; **13,** 456 n.
facts found from inadmissible confession, admissibility of, **9,** 398
statement, justices, made before, **9,** 399
presence of defendant, made in, **9,** 398
prisoner's authority, made with, admissibility of, **9,** 397
threats of person in authority, induced by, **9,** 394, 395
voluntary nature of, proof of, **9,** 394
whole of, must be given in evidence, **9,** 398
writing, in, proof of, **9,** 399
Crown, judgment against, upon, **10,** 38
debt, of, in county court, **8,** 500—503
defence, of, effect of, **13,** 358
information, of, **10,** 11
judgment upon, Crown practice as to, **10,** 38
justification of libel, as, **18,** 670
Latin information, in, **10,** 11
pleading of, **18,** 670; **22,** 450, 451
title, of, in ejectment or recovery of possession, **8,** 502
trover, as a defence to, **27,** 913

CONFESSION AND AVOIDANCE,
defined, **22,** 432 n.
justification in libel action is, **18,** 670
practice in regard to, **22,** 432 n.

CONFIDENCE,
breach of. *See also* CONFIDENTIAL.
agent or servant, by, **17,** 254, 255; **20,** 126; **27,** 558
artistic work, in use of, **8,** 190
bailee, by, **1,** 534
barrister, by, **2,** 394—396; **15,** 109
consular officers, by, **6,** 435
equitable jurisdiction to restrain, grounds of, **17,** 255 n., 257

CONFIDENCE—*continued.*
breach of—*continued.*
fiduciary position, by person in, **15,** 103—111. *See also* FIDUCIARY POSITION; UNDUE INFLUENCE.
injunction to restrain, **17,** 254, 255, 257
private hearing of motion, **17,** 255
interrogatory, objection to, on ground of, **11,** 110
medical practitioner, by, **20,** 337
official secrets, by disclosure of, **7,** 30; **23,** 351
privilege of witness as to. *See* PRIVILEGE OF WITNESS.
public documents, by disclosure of, **7,** 31—33; **13,** 573 n.
solicitor, by, **26,** 726, 735
specific delivery of chattel obtained by, order for, **27,** 917, 918
trade secret, contract not to divulge, **27,** 557, 558
trust, in relation to. *See* BREACH OF TRUST.

CONFIDENTIAL
communication, privilege of, **2,** 395, 396; **11,** 73
public officer, by, **23,** 318. *See* PRIVILEGE OF WITNESS.
document of company liquidator, right to inspect, **5,** 451
employment, rights of master in case of, **17,** 255; **20,** 126; **27,** 558
information, counsel or solicitor, imparted to, privilege for, **2,** 395, 396; **11,** 73; **26,** 726
injunction to restrain disclosure of, **2,** 394; **17,** 254, 255; **25,** 735
letter marked, effect of, **8,** 138; **13,** 557
relationship. *See* FIDUCIARY POSITION.

CONFINEMENT,
medical attendance, during, by panel doctor, **28,** 945 n.
National Insurance Act, 1911, benefits under, **28,** 919, 921, 922
place of. *See* DETENTION; IMPRISONMENT; PRISON.

CONFIRMATION,
bye-law, of, **8,** 336; **17,** 150 n.; **20,** 24; **23,** 391, 392, 399, 400; **26,** 600, 646
common, of draft scheme for regulation of, **4,** 607
valuer's final report on inclosure of, **4,** 586, 587
company matters, by court of, **5,** 70, 103—116
contract, of. *See* RATIFICATION.
acts and conduct constituting, **20,** 740, 749, 757
effect of, **20,** 747, 749, 750, 752
fraud, effect of presence of, **20,** 740
infant, by, **17,** 63—65
laches as evidence of, **20,** 740, 752
misrepresentation, induced by, **20,** 740
void contract, of, by statute, **7,** 407
electric lighting orders, of, by Act of Parliament, **12,** 638
executors, of, in Scotland, **14,** 172, 173
infant, by, of settlement, **17,** 102; **25,** 560
invalid transaction, of, knowledge required in case of, **13,** 166
licence for selling intoxicating liquors, of, application for, **18,** 52
authority for purposes of, **18,** 50—52
generally, **18,** 50—52

CONFIRMATION—*continued.*
licence for selling intoxicating liquors—*contd.*
notice required on application for, **18,** 41
opposition to, **18,** 43
procedure, **18,** 52
variation of conditions of licence by, **18,** 51, 52
provisional grant, on, **18,** 30, 31, 41
Local Government Board, by, of scheme for housing of the working classes, **23,** 520, 521
persons, of. *See* CONFIRMATION (Ecclesiastical).
provisional order, of, by Act of Parliament, **6,** 9; **12,** 559; **15,** 316; **21,** 765; **23,** 377; **27,** 786; **28,** 273, 415. *See* PROVISIONAL ORDER CONFIRMATION BILL.
voidable transaction, of, duress, induced by, **7,** 357
terror, procured by, **13,** 19
undue influence, in case of, **7,** 359; **15,** 111
will, of, by codicil, **28,** 575, 576, 580, 581. *See* CODICIL.
working-class dwellings, of scheme for, **23,** 520, 521

CONFIRMATION (ECCLESIASTICAL),
bishop, of, **11,** 397, 398
Church of England, in, alteration of christian name at, **11,** 689; **21,** 349, 350
bishop's duty as to, **11,** 689 n.
god-parent's duty with regard to, **11,** 688
minister's duty with regard to, **11,** 688
nature of, **11,** 688

CONFIRMATORY FACULTY,
Ecclesiastical Law, in, **11,** 543

CONFISCATION. *See also* FORFEITURE.
property, of, outlawry, in case of, **9,** 432
punishment by, abolished, **9,** 409 n.

CONFLICT,
boundary descriptions, between, **3,** 140
claims, of, equitable jurisdiction as to, **13,** 42
interpleader in case of, **13,** 57, 58 n.; **17,** 580—643. *See* INTERPLEADER; SHERIFF'S INTERPLEADER.
duty, of. *See* DUTY.
as affecting commission of tortious act, **27,** 469, 470
evidence, of, jury's duty in case of, **13,** 429
laws, of. *See* CONFLICT OF LAWS.

CONFLICT OF LAWS.
The title CONFLICT OF LAWS *is contained in Vol. VI., pp.* 177 *et seq.*
defined, **6,** 180
accumulations, application of rule as to, **6,** 209, 220; **22,** 312
act of State, tort arising from foreign, **6,** 249, 250; **27,** 464 n.
action, appearance in foreign, voluntary or under protest, **6,** 285
foreign judgment, on, **6,** 281—283, 289, 290, 295—298; **13,** 66
sovereign, ambassador etc., by or against, **6,** 182, 232, 233
administration of intestate estate, foreign judgment with reference to, **6,** 282
Admiralty action restrained where *lis alibi pendens,* **6,** 301
affreightment, with reference to contract of, **6,** 238, 241

CONFLICT OF LAWS—*continued.*
agency, with reference to law of, **6,** 242
alien, as to status of, **1,** 302; **27,** 155
alienation, involuntary, as to, **22,** 407
alimony, jurisdiction with respect to, **6,** 266
ambassador, in relation to. *See* AMBASSADOR.
Anglo-French Convention Act, 1909, provisions of, **20,** 160 n.
appeal, *lex fori* decides time of, **6,** 307
appearance, voluntary, in legal proceedings, effect of, **6,** 285
appointment by will over movables, power of, **6,** 228, 229
arbitration, with reference to, **6,** 238
arrest, foreign warrant, under, **14,** 411
assignee of foreign immovable, enforcement of mortgage against, **6,** 205
assignment, debt, of, by judicial process, **6,** 246
chose in action, of, **4,** 366
contract, of, **6,** 245
immovable, of, **6,** 205, 207—211, 273, 274, 277
life policy, in case of, **17,** 560
marriage, on, **6,** 273—280
movables, of, **6,** 213—216
reversionary interest, of, **6,** 246
attaché, foreign, action by or against, **6,** 232, 233
attachment, as to, **17,** 264 n.
average adjustment, with reference to, **6,** 241; **17,** 452, 453
bankruptcy, with reference to, **6,** 247, 278, 304. *See* BANKRUPTCY; FOREIGN BANKRUPTCY.
barbarous country, with reference to, **6,** 186, 201
beyond the seas, limitation of actions where defendant, **19,** 56, 58, 79, 82, 133 n.
bill of exchange, with reference to, **2,** 561—564; **6,** 240; **15,** 508 n.
consideration, as to, **2,** 563
date, as to, **2,** 563; **6,** 247
discharge of, as to, **2,** 563, 564
bill of sale, with reference to, **6,** 215
birth abroad or at sea, registration of, **24,** 454—460. *See* BIRTH.
bond. *See* FOREIGN BOND.
bottomry bond, with reference to, **6,** 241
capacity, contractual, with reference to, **6,** 207, 233—236
carriage of
goods, with reference to contract for, **6,** 238, 239, 241
passengers, with reference to contract for, **26,** 329
certificate of judgment, registration of, **6,** 291, 292, 294
prohibition against, **6,** 295
setting aside, **6,** 292
charterparty, with reference to construction of, **6,** 238, 239, 241; **26,** 141
chattel interests in land, succession to, **6,** 218, 219, 273
cheque, foreign, payable in England, **2,** 562 n.; **6,** 240
child, domicil of, **6,** 190
legitimacy of, **6,** 231, 272—275
parents' authority over, **6,** 265, 280
chose in action, assignment of, **4,** 366; **6,** 217, 218, 245
intestacy, in case of, **6,** 224
Christendom and Christian ideas, inconsistency with, **6,** 253

CONFLICT OF LAWS—*continued.*
civil status as distinguished from political status, **6,** 183
codicil to invalid will, effect of, **6,** 227
colonial
land, position of, **6,** 201; **13,** 66
marriage, validity of, **6,** 261, 262; **16,** 307, 308
comity, theory of, **6,** 181 n., 259, 288
commission to take evidence abroad, **13,** 42, 66, 609—618; **16,** 535, 536; **19,** 418. *See* COMMISSION.
company, foreign, position of, **5,** 756—764; **16,** 645, 646. *See* FOREIGN COMPANY.
construction of
contract, law governing, **6,** 238, 279, 280; **7,** 523
power of attorney, **6,** 238, 239
will, law governing, **6,** 230—232; **28,** 661
consul, in relation to. *See* CONSUL.
contract, assignment of, **6,** 245, 246
breach of, damages in case of, **6,** 248
capacity to make, **6,** 233—236, 279
construction of, **6,** 238, 279, 280; **7,** 523
discharge of, **6,** 246, 247
duress, obtained by, **6,** 244, 245
enforcement of, **6,** 181 n., 232, 233
foreign immovable, relating to, **6,** 205, 206
form of, **6,** 236, 237, 241
illegal abroad, effect of, **6,** 243, 244, 254, 255
interest and damages in case of, **6,** 247, 248, 305
law governing, **5,** 761; **6,** 238—242, 305
legality of, **6,** 242—245
marriage, with reference to, **6,** 238, 240; 279, 280
place of performance of, presumption from, **6,** 240
presumption as to law governing, **6,** 239—242
proper law of, meaning of, **6,** 238
remedy, loss of, on subsisting contract, **6,** 246
severable contract, law governing, **6,** 242
specific performance of contract relating to foreign immovable, **6,** 205, 206
copyright, as to. *See* BERNE CONVENTION; COPYRIGHT.
corporations, in case of. *See* FOREIGN CORPORATION.
costs, foreign order for payment of, **6,** 282, 283
counterclaim, costs and damages, security for, from foreign government, **26,** 408 n.
court, English, jurisdiction of, **6,** 181, 182, 222, 232, 233; **13,** 66
foreign. *See* FOREIGN COURT.
creditors, priorities between, decision as to, **6,** 304
curtesy, law regulating right of, **6,** 277
damages, breach of contract made abroad, in case of, **6,** 248, 305
tort abroad, in case of, **6,** 200, 250, 305
debt, assignment of, **6,** 217, 218, 245, 246
deed, execution of, with regard to, **10,** 397, 398
diplomatic representative, jurisdiction in case of, **6,** 182
discovery of documents relating to foreign matter, **6,** 200; **11,** 39, 48, 89 n.
divorce, in relation to, **6,** 262—272. *See* DIVORCE; FOREIGN DECREE.
document of title, assignment of, **6,** 217
domicil, in relation to, **6,** 182—196. *See* DOMICIL.
dower, law regulating rights of, **6,** 277

CONFLICT OF LAWS—*continued.*
English jurisdiction over foreign rights, **6,** 181, 182, 232, 233
proceedings, restraint of, **6,** 298
equitable jurisdiction in respect of foreign immovable, **6,** 202—207; **13,** 65, 66
evidence, admissibility of, **6,** 229, 236, 307, 308
commission to take, abroad, **13,** 42, 66, 609—618; **16,** 535, 536; **19,** 418. *See* COMMISSION.
construction of foreign contract, for, **13,** 489, 490
documentary, **6,** 307
exercise of power, as to, **6,** 229
Foreign Tribunals Evidence Act, 1856, under, **6,** 308
marriage, as to, **6,** 307 n.
unstamped document as, **6,** 236, 307, 308
execution, foreign judgment, on, **6,** 281, 292, 294 with reference to, **6,** 292—294, 304
exterritoriality, principle of, **6,** 182, 257 n., 258—261, 428—433; **16,** 280 *See* AMBASSADOR; DIPLOMATIC PRIVILEGE; EXTERRITORIALITY.
fixtures, with reference to, **6,** 197
foreclosure action in respect of foreign immovable, **6,** 205; **13,** 65
foreign
act of state, in case of tort arising from, **6,** 249, 250; **27,** 464 n.
bankruptcy. *See* FOREIGN BANKRUPTCY.
bond. *See* FOREIGN BOND.
company, position of, **5,** 756—764; **16,** 645, 646. *See* FOREIGN COMPANY.
contractual incapacity, effect of, **6,** 236
corporation. *See* FOREIGN CORPORATION.
country. *See* FOREIGN COUNTRY.
court. *See* FOREIGN COURT.
decree in matrimonial cause, **6,** 266—272, 296, 297. *See* FOREIGN DECREE.
Government. *See* FOREIGN GOVERNMENT.
immovables. *See* FOREIGN IMMOVABLES.
judgment, as to, **6,** 281—301. *See* FOREIGN JUDGMENT.
land. *See* FOREIGN LAND.
law. *See* FOREIGN LAW.
domicil, as to, **6,** 193, 194.
partnership, jurisdiction in case of, **6,** 286; **16,** 645. *See* FOREIGN PARTNERSHIP.
power of attorney, construction of, **6,** 238, 239
prize court, condemnation by, **6,** 290, 297
proceedings. *See* FOREIGN COURT.
property. *See* FOREIGN PROPERTY.
revenue law, action to enforce, **6,** 182, 243, 244, 284
contract violating, **6,** 243, 244
ship. *See* FOREIGN SHIP.
sovereign in England. *See* FOREIGN SOVEREIGN.
tort, **6,** 200, 249, 250; **27,** 464 n., 491
will. *See* FOREIGN WILL.
gaming contract, with reference to, **6,** 305
general average adjustment, with reference to, **6,** 241; **17,** 452
Government, foreign, jurisdiction in respect of torts of, **6,** 249, 250; **27,** 464 n.
guardian, foreign, rights of, **6,** 281
heirship, legitimacy required for, **6,** 273; **11,** 10
high seas, torts committed on, **6,** 251, 252; **27,** 491 n

CONFLICT OF LAWS—*continued.*
husband and wife, with reference to relationship of, **6,** 252—281. *See* marriage, *infra*; DIVORCE; FOREIGN MARRIAGE; FOREIGN DECREE.
immovables, with reference to, **6,** 182, 196, 197, 199—213, 233, 237, 242, 275—277; **13,** 66. *See* IMMOVABLES.
in personam, equitable jurisdiction, **6,** 202—207; **13,** 65
judgment, **6,** 281—283, 291
in rem, Admiralty action, stay of, **6,** 301
judgment, **6,** 268, 295—298; **26,** 76
movable, in respect of, **6,** 215, 216
income tax in respect of foreign securities, **16,** 641, 643, 645
infant, legacy to, **6,** 235
letters of administration to, **6,** 235
marriage contract by, in case of, **6,** 234, 279
injunction, foreign proceedings, restraining, **6,** 300, 301; **17,** 263—265
registration of certificate of judgment, against, **6,** 295
inspection of documents in foreign country, **11,** 89 n.
insurance policy, assignment of, **6,** 217; **17,** 560
law governing, **6,** 241; **17,** 430, 452, 453
interest, law as to payment of, **6,** 212, 213, 232, 247; **21,** 43
interlocutory order, foreign, action on, **6,** 282, 283
international law, public. *See* INTERNATIONAL LAW.
intestate succession. *See* succession, *infra.*
invention, International Convention for protection of, **22,** 229, 230
Ireland as a foreign country, **6,** 291, 292; **13,** 66 n.
judgment, extension of, **6,** 291—295, 306, 307. *See* EXTENSION OF JUDGMENTS.
foreign. *See* FOREIGN JUDGMENT.
in personam, **6,** 281—283, 291
in rem, **6,** 268, 295—298; **26,** 76
judicial
process, assignment of debt by, **6,** 246
separation, with reference to, **6,** 264, 265
jurisdiction, general principles governing, **6,** 181, 182, 232, 233
ouster of, **6,** 249; **27,** 491
land, foreign company's ownership of, **5,** 757, 758
immovable as, **6,** 196
money
charged etc. on, position of, **6,** 197
representing, position of, **6,** 198, 200, 201
possession of, decree for, **6,** 199; **13,** 66
tort in respect of, **6,** 250, 251
language used, presumption from, **6,** 241
leasehold, position of, **6,** 196, 219, 220
legacy, currency in which payable, **6,** 212, 213, 231, 232
legitimacy, declaration of, **6,** 275
with reference to, **6,** 231, 272—275; **11,** 10, 120 n.
legitimation by marriage, effect of, **6,** 231, 273
letters of administration, with reference to, **6,** 235
lex domicilii. *See* LEX DOMICILII.
lex fori. *See* LEX FORI.
lex loci actus. See LEX LOCI ACTUS.
lex loci celebrationis. See LEX LOCI CELEBRATIONIS.
lex loci contractus. See LEX LOCI CONTRACTUS.
lex loci rei sitæ. See LEX LOCI REI SITÆ.

CONFLICT OF LAWS—*continued.*
lex loci solutionis. *See* LEX LOCI SOLUTIONIS.
lien, with reference to creation of, **5,** 761 ; **6,** 307
limitation of actions, contract, in case of action on, **6,** 246, 247, 307 ; **19,** 56, 58, 79, 82
foreign bond, in case of, **3,** 101
foreign judgment, in case of, **6,** 281, 307
immovables, in case of, **6,** 211, 306
movables, in case of, **6,** 306
lis alibi pendens, **6,** 298—301 ; **13,** 66
malicious prosecution abroad, action in respect of, **19,** 677, 678
maritime
law, application of, **6,** 251, 252 ; **26,** 12, 13, 375, 408, 533
lien, sale to satisfy, **6,** 296 ; **26,** 617
marriage. *See also* FOREIGN MARRIAGE.
abroad, British subject, of, **6,** 257—260 ; **16,** 306—308 ; **24,** 454—456
army, in, **6,** 261 ; **25,** 98
illegal, effect of, **6,** 253—255 ; **16,** 306
recognition of, **16,** 306
registration of, **6,** 260
royal, **6,** 259
assignment of property on, **6,** 275—280
capacity for, **6,** 234
Christendom, inconsistent with ideas prevalent in, **6,** 253
colonial, position of, **6,** 261, 262
consents to, effect of want of, **6,** 256—259
contracts, construction of, **6,** 238, 240, 279, 280
dissolution of. *See* DIVORCE ; FOREIGN DECREE.
domicil, as affecting or affected by, **6,** 191, 277 ; **16,** 285, 286
evidence as to, **6,** 307 n. ; **24,** 454—456
forms and ceremonies of, **6,** 236, 256, 257 ; **24,** 454—456
Indian, position of, **16,** 307, 308
international law, inconsistent with, **6,** 259
jactitation of, jurisdiction with reference to, **6,** 266
notice of, in case of marriage abroad or on ship, **6,** 258, 260
nullity of, English jurisdiction in case of, **6,** 265, 266
foreign decree of, **6,** 271, 272
officer, appeal from, **6,** 259
British governor as, **6,** 259
marriage before, **6,** 258, 259 ; **16,** 280, 306, 313, 314 ; **24,** 454—456. *See* MARRIAGE OFFICER.
re-marriage, effect of foreign restriction on, **6,** 270
settlement, in case of, **6,** 234, 237, 238, 240, 241, 277—280
interpretation of, **6,** 238, 279, 280
property rights where no, **6,** 275—277
variation of, **6,** 280
ship, on board, **6,** 260, 261 ; **24,** 455
validity of, **6,** 252—262
will, as affecting validity of, **6,** 227
married woman, acquisition or disposal of property by, **6,** 234, 235
domicil of, **6,** 191, 192, 263
marshalling between heir and executor, **6,** 212
matrimonial
causes, as to, **6,** 182, 244, 245, 262—272, 296, 297. *See* DIVORCE ; FOREIGN DECREE.
residence, with reference to, **6,** 264—267

CONFLICT OF LAWS—*continued.*
minister, foreign, action by or against, **6,** 182, 232, 233
money
charged on or payable out of land, nature of, **6,** 197
court, in, payment out of, **6,** 229
currency for payment, legacy, of, **6,** 231, 232
mortgage debt, of, **6,** 212, 213
immovable abroad, representing, **6,** 198, 200, 201
lending contract to be performed abroad, position of, **21,** 53 n.
morality, contract contrary to, **6,** 244, 245
mortgage, enforcement of, **6,** 205, 212 ; **13,** 66
mortmain, application of rule as to, **4,** 140, 141 ; **5,** 757 ; **6,** 209—211
movables, with reference to. *See* MOVABLES.
nationality, materiality of, **6,** 181 n., 183, 190, 240
nearest of kin, construction of phrase, **6,** 231
negotiable instrument, assignment of, **6,** 217
ouster of jurisdiction, **6,** 249 ; **27,** 491
parent, authority of, **6,** 280
parties to action, law governing, **6,** 302, 303
partition of foreign lands, action for, **6,** 199 ; **13,** 66
partnership, foreign. *See* FOREIGN PARTNERSHIP.
patent, foreigner as grantee of, **22,** 133
international convention for protection of, **22,** 230 n.
payment of
costs, foreign order for, **6,** 282, 283
legacy, currency for, **6,** 212, 213, 231
penal laws, enforcement of, **6,** 182, 283
perpetuities, application of rules as to, **6,** 209, 220 ; **22,** 312
pledge, with regard to, **6,** 214
policy of insurance, assignment of, **6,** 217 ; **17,** 560
law governing, **6,** 241 ; **17,** 430, 452, 453
political and civil status distinguished, **6,** 183
possession of foreign land, action for, **6,** 199 ; **13,** 66
power of
appointment, exercise of, **6,** 228, 229 ; **23,** 20
attorney, foreign, construction of, **6,** 238, 239
prescription in case of immovable, **6,** 211
priorities in bankruptcy, with reference to, **6,** 304
private international law as a title of this subject, **6,** 180
prize court. *See* PRIZE COURT.
sale by order of, **6,** 295, 296 ; **23,** 289
probate, payment out of money in court before, will, of, in regard to, **6,** 220 ; **14,** 103—165 ; **28,** 558 n.
procedure, Foreign Tribunals Evidence Act, 1856, under, **6,** 308
irregularity in, effect of, **6,** 288
lex fori governs, **5,** 762 ; **6,** 237, 302—307
professional services, law governing contract for, **6,** 242
promissory note, assignability of, **6,** 245
property, nature of, as to, **6,** 196—199
public
international law, breach of, **6,** 249, 250
policy, contract contrary to, **6,** 244, 245
foreign judgment contrary to, **6,** 283, 284
rates under foreign revenue law, recovery of, **6,** 182

CONFLICT OF LAWS—*continued.*
real, chattels, succession to, **6,** 273
estate, succession to, **6,** 218—220, 273 ; **11,** 10
religion, with reference to, **6,** 184, 190
rentcharge out of foreign land, action for, **6,** 199 ; **13,** 66
restitution of conjugal rights, with reference to, **6,** 265
restraint, English proceedings, of, **6,** 298
foreign proceedings, of, **6,** 300, 301 ; **17,** 263—265
trade, of, with reference to contract in, **6,** 244, 245 ; **27,** 574 n., 583
retrospective validating law, effect of, **6,** 249
revenue laws, enforcement of, **6,** 182, 243, 244, 284
reversionary interest, assignment of, **6,** 246
sale, goods, of, in case of, **25,** 111
immovable abroad, of, **6,** 198, 200, 201
prize court, by order of, **6,** 295, 296 ; **23,** 289
ship, of, to satisfy maritime lien, **6,** 295, 296
satisfaction of obligation by gift in will, **6,** 230, 231
Scotland, arising with reference to, **2,** 563 ; **6,** 181 n., 197, 291, 292
seas, tort committed on, position of, **6,** 251, 252 ; **27,** 491
secretary, embassy, to, as marriage officer, **6,** 259
foreign, action by or against, **6,** 232, 233
security for costs in case of proceedings, **5,** 762 ; **23,** 154
separation, judicial, with reference to, **6,** 264, 265
servant of ambassador. *See* AMBASSADOR.
service of writ out of jurisdiction, **6,** 181, 182, 232, 291 ; **23,** 117, 120, 122. *See* SERVICE OUT OF THE JURISDICTION.
set-off, with reference to, **6,** 306 ; **15,** 508 n.
settlement, marriage. *See* marriage settlement, *supra.*
shareholder of
English company trading abroad, liability of, **6,** 304
foreign company, foreign judgment against, **5,** 763 ; **6,** 285—287
shares, transfer of, **5,** 761
ship, ownership of, by foreign company, **5,** 758 ; **26,** 16
sale of, to satisfy maritime lien, **6,** 295, 296 ; **26,** 617
stay of proceedings against, **6,** 301
tort committed on, **6,** 251 ; **27,** 491
sovereign, foreign, jurisdiction in case of, **6,** 182, 232, 233
stamp duty, in respect of, **2,** 561, 562 ; **6,** 236, 307, 308 ; **24,** 718
bills of exchange, on, **2,** 561
contract, on, **6,** 236
instruments first executed abroad, **24,** 718
negotiable instruments, on, **2,** 561, 562
promissory note, on, **2,** 561, 562
unstamped documents, admissibility in evidence, **6,** 307, 308
status, civil and political, distinguished, **6,** 183
foreign judgment as to, **6,** 296
Statute of Frauds, requirements of, **6,** 237
Statutes of Limitation. *See* limitation of actions, *supra.*
stoppage *in transitu,* with reference to, **6,** 215
strangers to blood, meaning of, **6,** 274
subject-matter of, **6,** 180, 181
submission to jurisdiction, effect of, **6,** 182, 232, 251, 262, 285, 286

CONFLICT OF LAWS—*continued.*
succession, immovables, to, **6,** 218, 219, 273 ; **11,** 10
movables, to, **6,** 220—225, 274, 275. *See* MOVABLES.
title, foreign land, to, jurisdiction as to, **6,** 250 ; **13,** 66 ; **27,** 491
tort
arising from act of state, in case of, **6,** 249, 250 ; **27,** 464 n.
committed
abroad, jurisdiction in respect of, **6,** 200, 249, 250 ; **27,** 464 n., 491, 872
high seas, on, **6,** 251, 252 ; **27,** 491
trade, restraint of. *See* restraint of trade, *supra.*
translation of document, evidence from, **5,** 759 ; **6,** 230 ; **7,** 511 n.
treaty, violation by foreign Government of, **6,** 249, 250
trespass committed abroad, action in respect of, **6,** 200, 250, 251 ; **27,** 872
trial, law governing method of, **6,** 304
trust, foreign immovable, relating to, **6,** 198, 204
property, assignment of interest in, **6,** 246
unstamped document, admissibility of, **6,** 236, 307, 308
usage of nations, act contrary to, **6,** 216
vexatious proceedings, restraint of, **6,** 298, 299
wagering contract, action on, **6,** 305
war, residence for trading purposes during, effect of, **6,** 195
will, abroad, made, **28,** 558. *See* FOREIGN WILL.
bequest to foreigner in, **6,** 274, 275
change of domicil as affecting, **6,** 226, 227
construction of, **6,** 230—232, 274, 275 ; **28,** 661
correction of translation of, **6,** 230
immovables, of, **6,** 199, 219, 220 ; **13,** 66 ; **28,** 558
movables, of, **6,** 225—227 ; **28,** 558, 559
powers exercised by, **6,** 228, 229 ; **23,** 20
revocation on marriage of, **6,** 227
winding up of foreign company. *See* FOREIGN COMPANY.
witness, commission to take evidence of, **13,** 42, 609, 618 ; **16,** 535, 536. *See* COMMISSION.
foreign suit, in, examination of, **6,** 308
Workmen's Compensation Act, 1906, convention with reference to, **20,** 160
writ, jurisdiction by service of, **6,** 232
service out of jurisdiction of, **6,** 181, 182, 232, 291 ; **23,** 117, 120, 122. *See* SERVICE OUT OF THE JURISDICTION.

CONFORMITY,
Church of England, with, **11,** 367 n.

CONFUSION,
acquisition of ownership of goods by, **22,** 401
boundaries, of, jurisdiction of court in case of, **3,** 116, 117 ; **13,** 39
trade name, through use of, **27,** 747, 748

CONGÉ D'ÉLIRE,
appointment of bishop by, **11,** 396
election of dean by, **11,** 418

CONGLETON,
local court of, **9,** 155

CONGREGATION,
market purposes, for, **20,** 5
parish church, duty to attend, **11,** 481

CONJUGAL RIGHTS,
refusal of, effect of, **16,** 473
restitution of. *See* RESTITUTION OF CONJUGAL RIGHTS.

CONJUNCTIVE,
gift by will in the, alternative, may be also, **28,** 729
and read as or in, **28,** 676, 826, 827

CONNECTION, CARNAL. *See* CARNAL KNOWLEDGE.

CONNIVANCE,
candidate, of, in case of corrupt practices at election, **12,** 398, 399, 407
creditor, of, to defeat debtor, **15,** 487
divorce, in, adultery with one person, as to, effect as regards adultery with another, **16,** 488
condonation, contrasted with, **16,** 487
conduct amounting to, **16,** 488, 599
conduct conducing, contrasted with, **16,** 487
effect of, **16,** 487, 488

CONQUEST,
British nationality, acquisition by, **1,** 313
loss by, **1,** 316
conquered or ceded colonies, enforcement of law in, **6,** 404; **10,** 566; **23,** 311 n.
succession to state rights and liabilities, **23,** 311, 312

CONSANGUINITY. *See also* RELATIONS.
lineal or collateral, with reference to descent, **11,** 10, 11, 20—23
marriage of persons within degrees of, **16,** 283
conflict of law as to, **6,** 253, 273 n.
table of degrees to be provided by churchwardens, **11,** 472

CONSCIENCE,
equitable jurisdiction, conscience as the guiding principle of, **13,** 6
hard, judgment obtained by, effect of, **13,** 7 n.
liberty of, **11,** 367, 805, 806

CONSCIENCE CLAUSE,
day and evening schools, in, **12,** 23
endowed schools, in case of, **12,** 116, 117
scheme for, in, **12,** 106—108

CONSCIENTIOUS
intentions as affecting nature of tortious act, **27,** 468
objection, defence in criminal law, as a, **9,** 236
oath, to taking, **7,** 24, 25; **11,** 823 n., 824 n.; **13,** 591, 592 n.
vaccination, to, **23,** 475, 481

CONSECRATION,
act of, **11,** 728
bishop, of. *See* BISHOP.
building, of, alteration by faculty in case of, **11,** 540, 731
protection of consecrated, **11,** 513

CONSECRATION—*continued.*
burial purposes, for, **3,** 412, 413, 438, 466, 467, 509, 517, 521, 539, 543, 544; **11,** 728 *et seq.*
application for, **3,** 466, 467
conversion to secular purposes of consecrated ground, **3,** 462; **11,** 540, 731
faculty for alteration etc. of consecrated ground, **11,** 540
guardians, land belonging to, **3,** 543, 544
new or additional ground, of, **3,** 438, 528; **11,** 540
private cemetery, of, **3,** 512
refusal by bishop in respect of, **3,** 467
removal of tombstone from consecrated ground, **3,** 535, 536
sale and disposal of consecrated ground, **3,** 462, 508, 515
Secretary of State, inquiry by, as to, **3,** 539
use of ground before, **3,** 467
cemetery, of, Cemeteries Clauses Act, under, **3,** 517
private, **3,** 512
Public Health (Interments) Act, under, **3,** 509
ceremony of, **11,** 729
chancel, extension of, **11,** 729 n.
church, of, **11,** 728—732. *See* CHURCH.
churchyard, of, **3,** 408, 412, 413, 438, 441, 442, 466, 528; **11,** 719, 730—732. *See* CHURCHYARD.
decree of, **11,** 728, 730, 731
effect of, **11,** 730—732
fees on, **11,** 729 n.
form of, **11,** 728—730
ordinary's jurisdiction in case of, **11,** 731
ornaments and fittings, effect on, of, **11,** 732
petition to bishop for, **11,** 729
preliminaries to, **11,** 729
property, of, **11,** 718, 728
sentence of, **11,** 728, 729 n.
vesting of freehold in case of, **11,** 730

CONSENSUS AD IDEM,
contract, for formation of, **7,** 354; **27,** 49 n.

CONSENT. *See also* ACQUIESCENCE; ASSENT; SANCTION.
action, before, when a condition precedent, **1,** 22, 23. *See* ACTION.
settled by consent, payment out of security for costs of discovery in case of, **11,** 55
advancement of infant, to, when necessary, **17,** 93; **25,** 685
assault, in case of charge of, **9,** 239, 607, 619; **27,** 874
assessor, to act in county court as, **8,** 523
asylum, on alteration of, **19,** 482
Attorney-General, of, proceedings, to. *See* ATTORNEY-GENERAL.
bill of sale, doctrine of consent of true owner in case of grantee of, **3,** 60, 61
Board of Trade, of. *See* BOARD OF TRADE.
breach of duty, consent as a defence to action for, **21,** 476
building society, dissolution of, to, **3,** 392
buyer's possession of goods, to, **25,** 202
company, creditors of, to reduction of capital, **5,** 110—113
director of, to act, **5,** 71, 73, 74, 138, 209
compromise of action, to, **23,** 166, 167. *See* COMPROMISE.
conditional gift by will, to, **28,** 597

CONSENT—*continued.*
contract, with reference to, **7,** 354—360; **27,** 49 n.
assignment of liability, consent to, **7,** 495
consensus ad idem, in formation of, **7,** 354; **27,** 49 n.
duress, effect of, **7,** 356, 357
mistake, effect of, **7,** 354, 355; **21,** 2—29; **27,** 49 n. *See* MISTAKE.
mutuality of, **7,** 354; **27,** 49 n.
negligence, effect of, **7,** 355, 356
new, in case of, **7,** 506
undue influence, effect of, **7,** 357—360
voidable contract, in case of, **7,** 356
contributory negligence distinguished from, **21,** 476
county court, jurisdiction of, by, **8,** 434, 435
criminal law, as a defence in, **9,** 239, 607, 612, 617, 619
Crown, of, to certain royal marriages, **6,** 370, 371
defence, where no, right of parties to obtain master's order to stay proceedings, **18,** 189
defendant, of, to injunction, **17,** 298
disproof of, **13,** 446
distress, consent to sale under warrant of, **11,** 225
Ecclesiastical Commissioners, of. *See* ECCLESIASTICAL COMMISSIONERS.
entry on lands compulsorily acquired, to, effect of, **6,** 97, 98
equitable interference in case of absence of, **13,** 15
fraud, force or fear, consent obtained by, effect on trespass, **13,** 15—17; **27,** 872 n. *See* DURESS; FEAR; FRAUD.
friendly society's dispute, to settlement of, **15,** 181
guardian or committee of lunatic, by, **8,** 455; **19,** 465
harbour authority, to works of, **28,** 414
highway, to stopping or diverting of, **16,** 73, 74
impounding distress *in situ*, to, **11,** 169
incest, in case of, **9,** 617
indecent assault, in case of, **9,** 619
infant party to legal proceedings, in case of, **8,** 455; **17,** 137, 146, 153
injury, to risk of, defence to action of negligence, **21,** 476—478
interrogatories, to extension of time for considering, **11,** 111
judgment by. *See* JUDGMENT BY CONSENT.
jurisdiction, to exercise of, **9,** 13, 14
county court, in, **8,** 434, 435, 539, 580
English courts, of, **6,** 182; **27,** 851 n.
summary, to, in case of indictable offences, **9,** 81; **19,** 581—583
jury, as to number of, **18,** 226
landlord, of. *See* LANDLORD.
lapse of time, inferred from, **13,** 169
lease, agreement for, to, when necessary, **18,** 383
assignment of, to, **18,** 579
refusal of, **18,** 579, 580
copyholds, of, on grant of, **18,** 383
light railway, to amending order relating to, **27,** 836
local authority, of, effect of not obtaining consent where necessary, **3,** 196
London County Council, where land is compulsorily taken by, **20,** 457, 458
lunatic, capacity of, to, **19,** 396
guardian or committee, by, **8,** 455; **19,** 465

CONSENT—*continued.*
market, to establishment of, **20,** 11, 12
marriage, to, age at which person capable of giving, **16,** 281
bastard, in case of, **16,** 296
conflict of laws as to, **6,** 256, 258, 259
construction of condition in will as to, **28,** 596, 597
deaf and dumb person, in case of, **16,** 283, 296
foreigners, in case of, **6,** 256, 257; **16,** 281
gift by will depending on, **28,** 593, 596, 597
guardian, by, **17,** 130
minors, in case of, **6,** 256—259; **11,** 693 n.; **16,** 281 n., 296, 297; **17,** 57, 58, 117, 130; **25,** 576; **28,** 596, 597
trust for children subject to, **25,** 576
misrepresentation, with reference to, **20,** 704
negligence, as a defence in cases of, **21,** 476—478
nomination of candidate without, **12,** 265
notice to quit, to waiver or withdrawal of, **18,** 454
order. *See* CONSENT ORDER; JUDGMENT BY CONSENT.
Postmaster-General, to act of, **27,** 357, 363
power, to exercise of, **23,** 20
presumption of,
dealing with property, to, **13,** 392—394
entry on land compulsorily acquired, to, **6,** 98
silence, from, **13,** 395, 459
prisoner, of, to examination, **9,** 607
protector of settlement, of, rules relating to, **24,** 257, 258
provisional order, prior to making of, **12,** 558; **28,** 272
rape, in case of, **9,** 612
royal marriage, in case of, **6,** 370, 371
schools, to transfer of, **12,** 28
security for costs, to dispensation with, **11,** 54 n.
servant, of, to risk of injury, **20,** 121; **27,** 872 n.
Settled Land Act, under, of court or trustees, **25,** 641, 642
silence or inaction, inferred from, **13,** 395, 459
street, to breaking up of, **27,** 360, 364, 365
surgical operation performed without, assault by reason of, **27,** 874
surprise, obtained by, equitable interference in case of, **13,** 15
telegraph, to laying or placing, **27,** 359—365, 377, 379, 381
tramway, to construction of, **27,** 782, 783
trespass, with reference to, **27,** 872 n.
trustees of settlement under Settled Land Act, by, how given, **25,** 642
underlease, when necessary to grant of, **18,** 383
water pollution, to proceedings in respect of, **28,** 440, 441
writing, when necessary, **10,** 426

CONSENT ORDER. *See also* JUDGMENT BY CONSENT.
alteration of, **18,** 200 n., 201
appeal from, **2,** 305; **18,** 190; **23,** 132, 193
Debtors Act, 1869, under, **14,** 7; **18,** 189
dispute as to terms of, **18,** 200 201
final judgment, as a, **2,** 26, 27; **18,** 178 n.
setting aside of, **13,** 24 n.; **18,** 200, 201, 217, 218

CONSEQUENCES,
natural and probable, intention presumed from, **13,** 499; **21,** 378, 379

CONSERVANCY AUTHORITY,
defined, **26,** 554 n., 612 n.; **28,** 390 n.
Crown prerogative as, **28,** 387—390, 405
deposit of light railway plans etc. with, **27,** 822
dispute with general lighthouse authority, reference of, **26,** 554
limitation of liability of. **26,** 612—617
port or harbour, for, Crown prerogative as to, **28,** 387—390
powers of, **28,** 387—391, 408
rivers and inland waters, in case of, **27,** 822; **28,** 408
statute, by, **28,** 387
Thames, in case of the, **20,** 413, 414; **28,** 405, 408—412. *See* THAMES CONSERVANCY.
wreck, removal of, by, **26,** 554

CONSERVATIVE
principles etc., gift to promulgate, as charitable purpose, **4,** 116

CONSERVATOR OF THE PEACE,
duty of the high sheriff as, **25,** 811

CONSERVATORS,
board of, for fishery district, abolition of, **14,** 594
alteration of fishery district, powers as to, **14,** 596, 597
appointment of, **14,** 594, 600, 601, 607
bailiffs, appointment of, by, **14,** 603
bye-laws, power to make, **14,** 597, 604
close season, powers to make regulations as to, **14,** 597, 604, 614
coarse fish, for, **14,** 594, 606
election of members of, **14,** 601, 602
fish passes, powers as to, **14,** 595, 596
funds of, **14,** 602
gratings, powers to regulate placing of, **14,** 596, 620, 621
legal proceedings by, **14,** 606
licences, powers as to issue of, **14,** 597, 603, 605, 613, 614
nets, powers to regulate use of, **14,** 604, 615
obstructions, powers as to, **14,** 603
powers of, **14,** 595—597, 601—606
salmon fishery district, for, **14,** 594, 598, 606, 607. *See* SALMON.
sea fisheries committee, exercising powers of, **14,** 606
trout and char fisheries, for, **14,** 594, 598, 606
common, for management of, **4,** 603, 607, 608
poor rate, demand of, from, **11,** 211
rivers, ports and harbours of. *See* CONSERVANCY AUTHORITY.

CONSIDERATION,
defined, **2,** 496, 497; **7,** 383, 384
accommodation bill, in case of, **2,** 502
act of no legal effect, promise to do, as, **7,** 385
action, discontinuance of, as, **15,** 452 n.
adequacy of. *See* inadequacy of, *infra.*
court will not enquire into, contract, in case of, **7,** 384
restraint of trade, agreement in, **27,** 566
settlement, in case of, **25,** 563
guarantee, in relation to contract of, **15,** 452
allotment of shares, other than cash for, **5,** 179
alteration, material, with reference to, **17,** 501
antecedent debt as, **1,** 639; **2,** 497; **3,** 61; **7,** 385; **15,** 454. *See* ANTECEDENT.
bad, effect of statement in contract of, **15,** 468

CONSIDERATION—*continued.*
bill of exchange, in case of. *See* BILL OF EXCHANGE.
bill of lading, for transfer of, **26,** 163
bill of sale, for, **3,** 30—34, 53, 54
agreement to repay part on demand, effect of, **3,** 31
deductions, **3,** 33
expenses of transaction as portion of, **3,** 33, 34
mis-statement of, **3,** 31, 53, 54
now paid etc., meaning of, **3,** 32, 33
past debt as, **3,** 61
promissory note included in, **3,** 31
repayment to grantee of, **3,** 31—33
statement in bill of sale of, **3,** 31, 37
time of payment of, **3,** 32
bond, in, **3,** 83, 85, 86; **13,** 73 n.
building contract, for, **3,** 170, 223
failure of, **3,** 188, 225
burden of proof as to, **7,** 528; **13,** 435
charitable assurance, effect on, of, **4,** 128, 130
chose in action, for assignment of, **4,** 371, 374, 376
compromise of disputed claim as, **7,** 387
conflict of laws as to, **2,** 563
contract, for, **7,** 374, 383—389
corrupt, agreement to withdraw election petition for, **12,** 434
debt, antecedent, as, **1,** 639; **2,** 497; **3,** 61; **7,** 385; **15,** 454
for, inquiry into, in bankruptcy, **2,** 200
deed, for, **10,** 357—359, 446
divisible, guarantee, for, **15,** 453
duress in relation to, **2,** 499, 500
equitable
assignment, in support of, **13,** 103
relief in case of imperfect, **13,** 16, 54; **21,** 10
evidence as to. *See* proof of, *infra.*
failure etc. of, **2,** 467, 483
ex post facto, giving good title, **7,** 388; **15,** 101, 271
marriage as, **25,** 563 n.
exclusive employment, in contract for, **27,** 588 n.
executed, *defined*, **7,** 384
effect of, **7,** 366, 384—389; **15,** 453
executory, *defined*, **7,** 384
existing obligation, promise to perform, as, **7,** 385
failure or absence of, bill of exchange, in case of, **2,** 467, 497, 501
building contract, in case of, **3,** 188, 225
carriage of goods, in relation to, **26,** 163
evidence as to, **2,** 467, 483
guarantee, in case of, **1,** 639; **15,** 451, 453, 454, 545
infant may recover back money in case of, **17,** 80
marine insurance policy, in case of, **17,** 498—501
partial, **2,** 497; **7,** 407; **17,** 500; **25,** 278
recovery of money in case of, **3,** 188, 225; **7,** 481; **17,** 80, 498—501
sale of goods, in relation to, **25,** 277—279
service, contract of, not binding in absence of, **20,** 81
set-off, for agreement as to, **25,** 487
subsequent failure will not avoid conveyance as against creditors, **15,** 97
warranty, breach of, whether a failure, **7,** 481
family arrangement, for, **14,** 547, 548
fire insurance, for, **17,** 516
forbearance as, **1,** 639; **7,** 386, 397; **15,** 451, 452, 481

CONSIDERATION—*continued.*
fraud, presumption of, from inadequacy of, **2,** 498; **13,** 16, 17; **15,** 98, 112; **27,** 41, 42
future, guarantee for, **15,** 453
gaming, **13,** 54; **15,** 271, 279—282; **17,** 502
good, conveyance for, protected against subsequent purchasers, **15,** 92
without, fraudulent against creditors, **15,** 81—92
creditors, available against, **15,** 81, 82, 92
valuable, equivalent to, **15,** 81 n. *See* valuable, *infra.*
gratuitous
bailment, in case of, **7,** 389, 400
undertaking, in case of, **7,** 389, 400
guarantee, for, **1,** 639; **15,** 442 n., 450—454, 457, 468
creditor, moving from, **15,** 451
failure of, **1,** 639; **15,** 451, 453, 454, 545
forbearance as, **15,** 451, 452, 481
necessity for, **15,** 450, 451
Scotland, not required in, **15,** 442 n., 468 n.
writing, whether required to be in, **15,** 453, 457, 468
illegal. *See also* ILLEGAL CONSIDERATION.
bill of exchange, in case of, **2,** 467, 500, 501
bond, in, **3,** 85, 86; **13,** 73 n.
contract made abroad, in case of, **15,** 282
deed, for, **10,** 360
delivery up of deed founded on, **13,** 73 n.
effect of, **7,** 407, 408; **15,** 453; **17,** 501, 502; **20,** 81, 82 n.
equitable relief in case of, **13,** 54
evidence of, **2,** 467
gaming, by way of, **13,** 54; **15,** 271, 279, 280; **17,** 502
guarantee, in case of, **15,** 453
marine insurance, in, **17,** 502
mortgage for, **15,** 270 n.; **21,** 347
partly, effect of, **7,** 407, 408; **17,** 500; **21,** 347
security given for, **3,** 86; **15,** 269 n.
service, in contract of, **20,** 81, 82 n.
illusory, effect of, **25,** 563
immoral, **3,** 85; **6,** 244; **7,** 400; **10,** 360; **20,** 81
impossible act, promise to perform, as, **7,** 385
inadequacy of. *See* adequacy of, *supra.*
bill or note, for, materiality of, **2,** 497
equitable relief in case of, **13,** 16; **27,** 42
presumption of fraud from. *See* fraud, *supra.*
reversion, not ground for setting aside dealing with, **13,** 21; **15,** 112
specific performance not refused because of, **27,** 41
unconscionable bargain, ground for setting aside, **13,** 22; **15,** 112
increased obligation, in case of, **3,** 223
indemnity is a valuable, **15,** 445
inequitable, in salvage agreement, **26,** 571
infant's payment, in case of, **17,** 80
lease, for a, **18,** 386, 399
stamp duty on, **18,** 398, 399
lien, abandonment of, as, **15,** 462 n., 463 n., 464 n.
lunatic's property, on sale of, **19,** 443
marine insurance, for contract of, **17,** 336, 498—502
marriage as, **7,** 388; **15,** 82; **25,** 563—565; **27,** 35
marriage settlement, for. *See* MARRIAGE SETTLEMENT.
master and servant, for relationship of, **20,** 81—88

CONSIDERATION—*continued.*
medical practitioner's services, in case of, **20,** 331 n.
mining lease, in, **20,** 559—561
mistake as to, effect of, **3,** 31, 53, 54; **21,** 10
money
had and received, action for, on failure of, **7,** 481
held at direction of another for a third party, in case of, **7,** 389
paid for another's benefit, as, **7,** 465—470
receipt for, as authority to receive, **26,** 744, 745
estoppel, operating as, **13,** 371, 372
moral obligation as, **7,** 386, 388 n.; **15,** 453
voluntary conveyance, in case of, **15,** 95
motive *per se* as, **7,** 386
necessity for, **7,** 383; **10,** 357—359, 417, 418; **15,** 450—454, 457. *See* unnecessary, *infra.*
nominal, bill of exchange, for, **2,** 498
sufficiency as against creditors of, **15,** 81, 82
open space, on conveyance or lease of, **21,** 586
parish of settlement, in case of liability incurred by, **7,** 388
parol evidence to prove, **7,** 374, 528; **10,** 446; **15,** 97, 469
past, whether sufficient, **7,** 387, 388; **15,** 453; **26,** 163; **27,** 7, 8. *See* antecedent debt, *supra.*
patent, for grant of, **22,** 131
payment to third party as, when fraudulent, **15,** 80
postnuptial settlement, in case of, **25,** 567, 568
premium in marine insurance, for, **17,** 498—502
presumption of, bill of exchange, in case of, **2,** 461, 496; **13,** 435
deed, in case of, **10,** 358 n.
pretended, presumption of gift in case of, **15,** 427
promisee, moves from, **7,** 384; **15,** 451
agent of, unless supplied by, **15,** 451 n.
proof of, guarantee, in case of, **15,** 468, 469
parol evidence, by, **7,** 374, 528; **10,** 446; **15,** 97, 469
voluntary conveyance, in case of, **15,** 97
prosecution, stifling of, as, **15,** 453 n.
receipt in deed as authority to receive, **26,** 744, 745
release of debt as, **15,** 459
resettlement, for, **25,** 566
restraint of trade, for covenant in, **10,** 358; **20,** 88; **27,** 564—566, 589 n.
resulting
trust in case of conveyance without, **28,** 57
use in case of deed without, **10,** 359; **15,** 417; **24,** 280 n.
reversionary interest, in case of dealing with, **13,** 21; **15,** 112
sale of
goods, in case of, **25,** 201, 203, 277—279. *See* PURCHASE-MONEY.
land, in case of, **6,** 59; **25,** 422, 428, 439, 440. *See* PURCHASE-MONEY.
public purpose, for, under agreement, **6,** 59, 60
salvage agreement, in case of, **26,** 571
Scots Law, not recognised in, **15,** 468 n.
security void for want of, **3,** 86; **15,** 269 n., 280, 281
separation deed, for, **16,** 443, 444; **25,** 566
service, for contract of, **20,** 81, 82 n., 86—88, 331 n.; **27,** 588 n.
services rendered, as, **7,** 388

CONSIDERATION—*continued.*
set-off, for, **25,** 487
settlement, for a, **25,** 563—569. *See* SETTLEMENT OF PROPERTY.
specific performance, in case of claim for, **27,** 7, 8, 41, 42
Stamp Act, 1891, decisions under, as to, **24,** 560, 561, 704 n.
statement of, in instrument, **3,** 31, 53, 54; **7,** 374; **24,** 704 n.; **25,** 422
Statute of Frauds, memorandum to satisfy, when must show, **7,** 374; **15,** 468; **18,** 375; **25,** 291
subsequently given, voluntary grantor, by, **15,** 101
wagering contract, in case of, **15,** 271
sufficient, what is, creditors, against, **15,** 81
subsequent purchasers, against, **15,** 95—97
surety's promise, for, **15,** 442 n., 450—453
surrender of lease, for, **25,** 608
third party, determined by, **15,** 80; **27,** 42
trust, for enforcement of, **28,** 44
undervalue as showing want of, **27,** 42 n. *See* inadequacy, *supra.*
unnecessary, bond, in case of, **3,** 83
deed, in case of, **10,** 357—359
medical man's liability for negligence, to give rise to, **20,** 331 n.
trust enforceable, to render, **28,** 44
unpaid, in case of sale of land, **25,** 428
valuable, *defined,* **2,** 496; **7,** 383; **15,** 81—83, 95—97; **24,** 732 n.; **25,** 563 n.
purchaser for, without notice. *See* PURCHASER FOR VALUE WITHOUT NOTICE.
settlement made for, **25,** 563, 567—569
voluntary conveyance set aside for want of **2,** 496 n.; **15,** 95—97
void, gaming or wagering, by reason of, **2,** 501; **15,** 271, 279 n., 281
voluntary
conveyance, setting aside of, for want of, **2,** 496 n.; **15,** 95—97
grantee may obtain good title by subsequent, **15,** 101
warranty, breach of, whether failure of, **7,** 481
for, **15,** 26
withdrawal of petition for winding up company as, **15,** 452 n.
work or labour, in contract for, **28,** 860
writing, when required for. *See* Statute of Frauds, *supra.*
written instrument, in, parol evidence of. *See* parol evidence, *supra.*

CONSIGNEE,
action by, against carrier, **4,** 94, 95
advances by, lien in respect of, **19,** 22
arrival of ship, duty to inquire as to, **26,** 263
duty to unload on, **26,** 254, 263 n., 265—269, 272, 278, 279
berth of discharge, right to select, **26,** 262
bill of lading
inconsistent with charterparty, rights in case of, **26,** 172
liability on, of, **26,** 165, 166, 264, 295
transfer of, to, effect of, **26,** 165—167, 172, 173
cargo, discharge of, duty as to, **26,** 254, 265—267, 271—275, 278
consignor as agent for, **4,** 91, 94, 95; **17,** 355
contract of carriage with, **4,** 91, 94, 95; **17,** 373, 386; **26,** 166, 263 n., 271, 295

CONSIGNEE—*continued.*
damages, right to, for delay on voyage, **26,** 289
delay by reason of acts of third parties, risk of, **26,** 263 n., 272, 289
delivery of cargo, duty as to taking, **26,** 264, 269, 271, 278, 281
failure to take, liability in case of, **26,** 271—274, 278—281
demurrage on ship, liability for, **26,** 164, 165, 271
discharge at consignee's risk and expense, effect of contract to, **26,** 268
food, right to sample of, **15,** 13
freight, liability for, **26,** 164, 295, 296, 298
general average contribution, when liable to, **26,** 322, 323
indemnification for loss, right to, **26,** 291
insurable interest in commission of, **17,** 373
insurance by, **17,** 355, 371—373, 386
lien, as affecting, **26,** 283—288
of, for advances, **19,** 22
light dues, recovery of, from shipowner, **26,** 631
mate's receipt, delivery of goods under, to, **26,** 153
refusal of goods by, **4,** 12
risk of, goods carried at, **4,** 94, 95; **7,** 345; **17,** 386 n.
sorting consignments where consignees different, **26,** 270, 271, 281
trust arising in case of property received by, **28,** 59
underwriter's liability where goods conveyed on lighters of, **17,** 386
unloading of ship, duty as to, **26,** 254, 263, 265—269, 271—279
warehousing of cargo upon failure of, to take delivery, **26,** 279, 280

CONSIGNMENT
note, false, penalty for, **4,** 86, 87
shipowner's duty as to sorting goods, **26,** 270, 271

CONSIGNOR. *See also* SHIPPER.
action by, against carrier, **4,** 94, 95
agent for consignee, as, **4,** 91, 94, 95; **17,** 355
carriage, contract of, when with, **4,** 91, 94, 95; **7,** 345 n.
common carrier not liable for act of, **4,** 8
dangerous goods, duty in regard to, **21,** 371; **26,** 79, 101
deception by, carrier not liable for, **4,** 8
disregard of instructions of, regarding route, whether undue preference, **4,** 79
food and drugs, of, liability of, for refusing to allow sample to be taken, **15,** 13
insurance by, authority for, **17,** 355

CONSISTORY COURT,
appeal from, **9,** 29; **11,** 506, 508, 519
assessors to, **11,** 507, 525
bishop's relation to, **11,** 413, 506
chancellor, powers of, in, **11,** 412, 413, 505, 506, 525
commissary court in the diocese of Canterbury as, **11,** 505
concurrent jurisdiction with archdeacon's court, **11,** 501
constitution of, **11,** 505, 506 n.
injunction against person obtaining faculty in, **17,** 227
judge of, **11,** 412, 413, 505, 506
London, of, **11,** 507, 508, 519, 520

CONSISTORY COURT—*continued.*
peculiar usages of, **11,** 520 n.
place of meeting of, **11,** 505 n., 506 n.
procedure before, **11,** 506, 520, 524
prosecution of clergy in, **11,** 506, 524

CONSOLIDATED CHAPELRY,
Church Building Act, 1819, under, **11,** 444, 446

CONSOLIDATED FUND,
accounts in regard to, **24,** 542
Acts, **24,** 538
Treasury Bills, issue of, authorised by, **24,** 547, 548
Bills, nature of, **21,** 767, 775
charges upon, Bill creating must be introduced by minister, **6,** 390
Civil List, for, **7,** 272; **24,** 744
Exchequer Bills, **2,** 566
fixed, **21,** 768; **24,** 538 n., 744—748
Lord Chancellor's salary, **7,** 39, 56 n.; **24,** 745
parliamentary control, when free from, **21,** 768
payment of, **24,** 542, 747, 748
political pensions, **7,** 30; **24,** 744—747
supply services, **21,** 768; **24,** 538 n., 748
Treasury Bills, **2,** 566; **21,** 768; **24,** 548
claims payable out of, **24,** 757
constitution of, **21,** 767; **24,** 541
credits granted out of, Auditor-General, by, **24,** 748
Development Fund, grants to, **24,** 747, 762
educational grants made out of, **12,** 48, 49
Exchequer
account, control of, **21,** 767; **24,** 541
Bills charged on, **2,** 566; **21,** 768; **24,** 548
grants out of, how made, **6,** 478
Lord Chancellor's salary paid from, **7,** 39, 56 n.; **24,** 745
National Debt, annual charge for, **24,** 744
payment of revenue into, **21,** 767
pensions, political, chargeable on, **7,** 30; **24,** 744—747
Public Trustee, liabilities of, dischargeable out of, **28,** 219
Road Improvement Fund, grants to, **24,** 747, 763
services, nature of, **24,** 538 n., 744—748
Treasury bills charged on, **2,** 566; **21,** 768; **24,** 548

CONSOLIDATED LOANS FUND
for Metropolis, **20,** 446

CONSOLIDATED STOCK,
Consols. *See* CONSOLS.
London County Council, of, **20,** 445, 446

CONSOLIDATING ACT,
construction of, **27,** 142, 143, 199, 200
functions of, **27,** 207

CONSOLIDATION,
actions, of, administration actions, **14,** 342—344
Admiralty suits, in case of, **1,** 92, 93, 108, 134
assessment of damages, in case of, **18,** 730
county court, in, **1,** 134; **8,** 481, 482
Divorce Division, in, **16,** 530
libel actions by same plaintiff, in case of, **18,** 729, 730
marine insurance claims, in case of, **17,** 503

CONSOLIDATION—*continued.*
actions—*continued.*
procedure on application for, **1,** 93, 108; **18,** 729; **23,** 142
salvage, for, **1,** 92, 93
appeals from revising barrister, of, **12,** 251—253
bankruptcy proceedings, of, **2,** 54
Bill, drafting of, **27,** 207
capital of company, of, **5,** 98, 116
mortgages, of, assignee of mortgagee, by, **21,** 214
bill of sale, with reference to, **3,** 72
doctrine of, **13,** 71; **21,** 208—214
marshalling defeated by, **21,** 214
mortgagor, against, **21,** 211
outstanding equities in, effect of, **21,** 214
pawning, does not apply to, **22,** 242
right of, **21,** 208—211, 214
sale or notice to pay off, after, **21,** 211
securities
must be in existence at time of, **21,** 210, 211
of different nature, in case of, **21,** 210
severance of equities of redemption, with reference to, **21,** 212, 213
statutory exclusion of, **21,** 75, 76, 209
surety, against, **15,** 514, 515; **21,** 210
trustee, against, **21,** 210
by, **21,** 214
police, of county and borough, **22,** 490, 491, 518
securities, of, **22,** 242. *See* mortgages, of, *supra.*
sees, of, **11,** 426
shares of company, of, **5,** 69—71

CONSOLS,
constitution of, **24,** 754 n., 755
dividends on, **24,** 758
portions invested in, **25,** 591
redemption of, time for, **24,** 755
re-transfer from National Debt Commissioners, **24,** 759
settled
estate, as, **25,** 623
land, proceeds of sale of, invested in, **25,** 634
settlement on stock exchange, time for, **27,** 216
transfer of, how effected, **1,** 570; **15,** 411; **24,** 757, 758

CONSORT,
King, not within provisions of Acts as to treason, **6,** 346
Queen, status and privileges of, **6,** 365—367

CONSORTIUM,
action for loss of, **16,** 319; **18,** 731
defamation, special damage in case of, by reason of loss of, **18,** 731
husband's right of entry on wife's property for, **16,** 460
liability of third party in case of husband's loss of, **16,** 317
right of, **16,** 318—320

CONSPIRACY,
defined, **9,** 260; **27,** 489, 640 n.
action for, **1,** 41; **27,** 489, 655
affidavit of documents in, **27,** 668
particulars in, **22,** 454, 455
architect and employer, between, **3,** 201
auction, mock, by taking part in, **1,** 509
building contract, with reference to, **3,** 170, 201
cheat and defraud, to, **9,** 263, 708—710

CONSPIRACY—*continued.*
civil and criminal, distinguished, **27,** 655 n.
Conspiracy and Protection of Property Act, 1875,
posting up of notice of, **15,** 357
provisions of, **9,** 564, 565 ; **27,** 640 n., 643, 644
conviction or acquittal of both, where two persons tried, **9,** 264
copyright, to infringe, **8,** 166
crime, to commit a, **9,** 260—264, 595
criminal, **9,** 260—264
trade, in relation to, **9,** 562—564 ; **27,** 656 n.
trade unions, in case of, **9,** 564 ; **27,** 638—644, 655—659
dead bodies, as to disposal of, **20,** 342 n.
defraud, to, **9,** 263, 708—710
directors, by, **5,** 141, 312
discontent in the King's subjects, to stir up, **9,** 262
discovery in action for, **11,** 40
essentials of, **9,** 260, 261
false news, to spread, **9,** 562 ; **23,** 224
Government secret, with a view to disclosure of, **7,** 32
hissing at entertainment, as amounting to a, **27,** 410
husband and wife, by, **9,** 264 ; **16,** 436
indict a person for felony, to, **1,** 41
indictment for, **9,** 338 n., 343, 348 n.
intent to injure as ground of liability in, **9,** 261 ; **27,** 650 n.
justice, to obstruct the course of, **9,** 262, 500
kinds of, **9,** 262—264 ; **27,** 640 n.
market, to control a, **9,** 562 ; **27,** 263, 264
mock auction, by taking part in, **1,** 509
murder, to, **9,** 595
official trust, with a view to breach of, **7,** 32
person, to injure a, **9,** 263
public morals, to act contrary to, **9,** 263
seditious, **9,** 460, 461
seduction of woman, for, **9,** 543
stocks, to enhance or decry, **9,** 562 ; **27,** 263, 264
tender for building contract, agreement not to, whether, **3,** 170
theatre, to decry actor in a, **27,** 410
tort, as a, **27,** 489, 655—659
trade
dispute, with reference to, **9,** 563 ; **27,** 639, 659, 665
restraint of, in, **9,** 563 ; **27,** 638—644, 655—659
to injure man in his, **27,** 656 n.
union, by, **27,** 613, 614, 655—659, 665—667
treason, as, **6,** 347, 354, 355
to commit, **9,** 457
venue in, **9,** 283
workmen, by combination of, **27,** 638, 639
writ of malicious prosecution, as a mode of redress for, **19,** 675, 676

CONSTABLE. *See* POLICE.
defined, **23,** 320 n. ; **25,** 54 n.
action against, for breach of duty, **22,** 499 ; **27,** 881
animals, cruelty to, powers in case of, **1,** 414, 415
infected, powers and duties as to, **1,** 422, 431 n.
injured, power to destroy, **1,** 419
appointment of, presumption as to, **13,** 443
arrest by, **9,** 298, 303 n. ; **12,** 526 ; **22,** 497, 498 ; **27,** 880. *See* ARREST.
assault on, **9,** 505 ; **15,** 237 n. ; **22,** 494, 499, 500

CONSTABLE—*continued.*
bankrupt, as, **22,** 512, 513
billeting, duty as to, **25,** 54, 55
billiard table, powers with regard to public, **27,** 426
bribery of, **18,** 134 ; **22,** 502
canal, for protection of, **22,** 495 ; **23,** 793
cinematograph exhibition, entry into building used for, **27,** 420
City of London, powers as to destitute persons in, **22,** 568
clothing and accoutrements, delivery up of, **22,** 501
club, power to enter, **4,** 434, 436, 437 ; **22,** 503
Commissioners of Sewers, under orders of, **25,** 778
different classes of, **9,** 298 n.
dismissal of, **22,** 513
distress, assisting to seize, **11,** 192, 219, 220
warrant, execution of, by, **11,** 214, 215 n., 223—226
dogs, powers and duties as to, **1,** 398—400, 402
production of licence for, to, **1,** 403 ; **15,** 254
drowned person, notice as to discovery of, to, **3,** 548
duties of, **22,** 497—507
early use of term, **22,** 463
election, duty during progress of, **12,** 489, 526, 527, 539
embezzlement by, **9,** 654
false imprisonment, action for, against, **22,** 498 n., 499 ; **27,** 880, 881
fire, powers in case of, **20,** 418 ; **23,** 550 ; **27,** 270
food and drugs offences, duty in case of, **15,** 34, 58
friendly society secret meeting, right with regard to, **15,** 160
gaming house, searching, **15,** 288, 291
gun licence, exemption from, of, **15,** 253 n.
handcuffs, use of, by, **22,** 498
harbouring of, by licensed person, **18,** 134, 135 ; **22,** 502
hundred, of, appointment and duties of, **22,** 463
jury service, exempted from, **18,** 231 ; **22,** 500
justices' warrants, protection while acting under, **22,** 499 ; **23,** 320, 321 ; **27,** 881
knacker's yard, powers with regard to, **23,** 560
licensed premises, duty with regard to, **18,** 120, 132—134, 143 ; **22,** 508
refusal of admission to, **18,** 132
liquor, supply of, to, **18,** 134 ; **22,** 502
Lord High, jurisdiction of, **9,** 116 n.
lunatic not under proper care or control, duty with regard to, **19,** 505, 506
metal dealers, powers with regard to, **27,** 542, 543
metropolis, in, canvassing at election by, **12,** 539
powers and duties of, **22,** 473, 474, 567, 568
military, impressment, offences as to, by, **25,** 52
transport, duty to provide, **25,** 49
motor car driver, power to arrest, **27,** 324, 325
obstructing, Cruelty to Animals Act, 1849, under **1,** 415
execution of duty in, **9,** 505—507 ; **15,** 291 ; **22,** 499
presumption from, **15,** 288
occasional excise licence, production of, to, **18,** 98, 99
offences
against, **22,** 499, 500
by, **22,** 501, 502

CONSTABLE—*continued.*
parish, **9,** 487; **22,** 463—466. *See* PARISH CONSTABLE.
penalty paid to, duty as to, **15,** 34; **22,** 499
pension
of, **22,** 509—516. *See* PENSION.
widow, of, **22,** 511
petty, **22,** 463
pledge of clothing of, **22,** 237
poaching offences, powers in case of, **15,** 236—238, 244
post office, duty to remove obstructor from, **22,** 667
powers and duties of, generally, **22,** 497—507
private persons, right to call for aid from, **22,** 499
privileges and exemptions of, **22,** 500
protection of, in discharge of duty, **22,** 499; **23,** 320 n.; **27,** 881
railway, duty of, to convey, **23,** 699
protection of, for, **22,** 494; **23,** 737
rateable occupation by, **24,** 14, 15
re-capture by, escaped prisoner, of, **9,** 509; **22,** 497 n.
refreshment house, right to enter, **18,** 133, 142
resistance to, when justifiable, **9,** 506
retirement of, **22,** 509—511, 515
rewards, receipt of, by, **22,** 500
search
warrant executed by, **19,** 688 n.; **22,** 498
without warrant, power of, **22,** 498, 499
Small Tenements Recovery Act, 1838, powers under, **18,** 560
special, **22,** 491—496. *See* SPECIAL CONSTABLE.
statutory powers of, as to various matters, **22,** 502—504
tenant or servant, occupation of premises as, **20,** 69 n.
tolls, exemption from, of, **16,** 65; **22,** 500
traffic regulation by, **27,** 270, 799
trespasser, called in to expel, **27,** 875 n.
unlicensed place of entertainment, power to enter, **27,** 423
voting at election, **12,** 311, 315
warrant, demand for inspection of, **1,** 26
protection in case of execution of, **22,** 499; **23,** 320, 321; **27,** 881
Small Tenements Recovery Act, 1838, under, **18,** 560
weekly rest day for, **22,** 501
Workmen's Compensation Act, 1906, not within, **20,** 156

CONSTABLEWICK,
defined, **22,** 497 n.

CONSTANTINE,
Milan decree of, **11,** 357

CONSTITUTION,
Australia, of colonies and states in, **10,** 508—510
bank, of, England, of, **1,** 570
foreign or colonial, **1,** 583
Ireland, of, **1,** 575, 576
joint stock, **1,** 581—583; **5,** 612—616
post office savings banks, of, **1,** 579, 580
Scottish, **1,** 575
trustee savings bank, of, **1,** 576—579
Canadian provinces, of, **10,** 517, 518
Cape Colony, of, **10,** 511
Church of England, of, **11,** 370—374. *See* CHURCH OF ENGLAND.

CONSTITUTION—*continued.*
club, of, **4,** 411—420
colonies, in case of the, **10,** 518—565
Commonwealth of Australia, of, **10,** 506—510, 519. *See* AUSTRALIA, COMMONWEALTH OF.
company, of, **5,** 12, 39, 64, 220
Dominion of Canada, of, **10,** 517. *See* CANADA.
Great Britain, of, **6,** 316—320
Crown in relation to Parliament, **6,** 317, 388—391
Crown in relation to the Executive, **6,** 318, 386—388; **7,** 5—106. *See* EXECUTIVE.
Executive, the. *See* EXECUTIVE.
Ministry and Cabinet, **7,** 34—51. *See* CABINET; MINISTRY.
Parliament, **21,** 616—619. *See* PARLIAMENT.
Royal Prerogative, **6,** 371, 372. *See* PREROGATIVE.
law affecting the. *See* CONSTITUTIONAL LAW.
libel on the, **9,** 463
Natal, of, **10,** 511
New South Wales, of, **10,** 508
New Zealand, of, **10,** 510
Newfoundland, of, **10,** 518
Orange Free State, of, **10,** 512
Parliament, of, **21,** 616
Queensland, of, **10,** 509
South Australia, of, **10,** 509
Tasmania, of, **10,** 510
Transvaal, of, **10,** 511
Union of South Africa, of, **10,** 513—517
Victoria, of, **10,** 509
Western Australia, of, **10,** 510

CONSTITUTIONAL LAW.
The title CONSTITUTIONAL LAW *is contained in Vol. VI., pp.* 309 *et seq., and Vol. VII., pp.* 1 *et seq.*
defined, **6,** 316
aliens in relation to. *See* ALIEN.
allegiance, nature of, **1,** 303; **6,** 323, 339—342
Crown, of, persons born within, as to, **1,** 303
oath of, **6,** 342, 343. *See* ALLEGIANCE.
annexation, effect of, **1,** 313; **23,** 311, 312
Cabinet, position of. *See* CABINET.
census, **10,** 343—345
Church of England in, **6,** 324, 325, 339, 391, 392; **11,** 371, 380—383
common law, in relation to, **6,** 316, 317 n.
conquest, acquisition of foreign territory by, **6,** 421, 422
conventional usage with reference to, **6,** 317; **7,** 41, 42
criminal acts of ministers, **6,** 386, 387, 415
Crown, rights, etc., of. *See* CROWN.
dignities, creation of, **6,** 455
executive, authority of. *See* EXECUTIVE.
exterritoriality, principle of, **6,** 429. *See* AMBASSADOR; DIPLOMATIC PRIVILEGE; EXTERRITORIALITY.
extradition of criminal. *See* EXTRADITION.
freedom of speech, Parliament, in, **6,** 381
subject, of the, **6,** 319 n.; **9,** 469—471
Habeas Corpus Acts, **6,** 319; **10,** 39—77. *See* HABEAS CORPUS.
impeachment of ministers, **7,** 48
imprisonment of the subject, arbitrary, **6,** 319, 377, 378
judicial authority, with reference to, **6,** 317—319, 378, 416; **7,** 6
King, position of. *See* KING; SOVEREIGN.

CONSTITUTIONAL LAW—*continued.*
law affecting the constitution, power to enact, **6,** 318
letters patent under the Great Seal, **7,** 17. *See* LETTERS PATENT.
libel on the constitution, punishment for, **9,** 463
ministers, responsibility of, **6,** 382; **7,** 41
ministry, executive government by. *See* CABINET; MINISTRY.
offences against the Government, **9,** 450—530
Parliament, legislative power of. *See* PARLIAMENT.
petition of right, remedy by, **6,** 413, 414; **10,** 26—35. *See* PETITION OF RIGHT.
Prime Minister, functions of. *See* PRIME MINISTER.
proclamations, issue of, **7,** 14—16. *See* PROCLAMATION.
revenues of, **7,** 108 *et seq.* *See* CROWN REVENUE.
Royal
Family, position of. *See* KING; ROYAL FAMILY.
prerogative. *See* CROWN; PREROGATIVE; SOVEREIGN.
sedition. *See* SEDITIOUS.
sources of, **6,** 316
sovereign, rights of. *See* CROWN; PREROGATIVE; SOVEREIGN.
subject, Crown's duty towards, **6,** 338, 339
duty to Crown of, **6,** 339—359
liberty of the, **6,** 319
treason. *See* TREASON.
usage, influence of, **6,** 317; **7,** 41, 42
war, with reference to. *See* WAR.

CONSTITUTIONS,
legatine and provincial, of Church of England, **11,** 377 n.

CONSTITUTIONS OF CLARENDON,
provisions of, **11,** 500, 501 n., 504 n.

CONSTRUCTION,
interpretation, in sense of, act of State, of, by court, **6,** 442
bye-laws of corporation, of, **8,** 337; **23,** 397, 398. *See* BYE-LAW.
charity trustees, of power to appoint, **4,** 261
conflict of laws as to, **7,** 523; **28,** 661
contracts, of. *See* CONSTRUCTION OF CONTRACTS.
corporation, powers of, **8,** 317, 360
court, functions of, **7,** 509
covenant, of. *See* COVENANT.
deed, of, **10,** 433—498. *See* CONSTRUCTION OF DOCUMENTS.
dictionary, court may consult, **10,** 449; **17,** 344 n.; **28,** 634, 635, 658
documents, of. *See* CONSTRUCTION OF DOCUMENTS.
general rule and exceptions as to, **7,** 510—512; **10,** 456
insurance contract or policy, of. *See* CONSTRUCTION OF DOCUMENTS.
jury, functions of, **7,** 509
manorial custom, of, **8,** 9
perpetuities, effect of rule against, **22,** 306, 339, 340
powers of appointment, of, **23,** 7—14. *See* POWER OF APPOINTMENT.
representation, in regard to the falsity of a, **20,** 679—686, 698

CONSTRUCTION—*continued.*
interpretation—*continued.*
royal grant, of, **6,** 479—483; **10,** 442
Sea Regulations, of, **26,** 360—362, 471, 472
statutes, of. *See* CONSTRUCTION OF STATUTES.
technical words, of. *See* INTERPRETATION OF WORDS.
wills, of. *See* CONSTRUCTION OF WILLS.
words, of. *See* INTERPRETATION OF WORDS; WORDS AND PHRASES.
making, in the sense of, accommodation works, of, **23,** 666—672, 781. *See* ACCOMMODATION WORKS.
building, of. *See* BUILDING; BUILDING (structure); BUILDING CONTRACT; ERECTION.
canal, of, **23,** 780—784. *See* CANAL.
light railway, of. *See* LIGHT RAILWAY.
London Building Acts, under. *See* LONDON BUILDING ACTS.
railway works, of, **23,** 630, 647—689. *See* RAILWAY.
reservoir, of, **28,** 257, 258
sewers and drains, of. *See* DRAIN; SEWERS.
tramway works, of, **27,** 788—795. *See* TRAMWAY.
vault, of, **3,** 415, 419, 430, 473. *See* VAULT.
waterworks, of, **28,** 255, 256, 278
time limit for, **28,** 278
way, of, **11,** 294. *See* HIGHWAY; ROAD.
works, of. *See* WORKS.

CONSTRUCTION OF CONTRACTS,
accident insurance, in case of, **17,** 567—569
admissibility of evidence with regard to, **7,** 523; **26,** 140
alternative, option in case of, **7,** 520
ambiguity in, in case of, **7,** 518, 520, 526; **13,** 23, 428, 568; **21,** 25—27. *See also* AMBIGUITY.
no *consensus ad idem*, **10,** 453; **27,** 49 n.
bailment, in case of, **1,** 544, 552
building contract, in case of, **3,** 173—178
conditions and warranties, in case of, **7,** 517, 520, 521
custom, effect of, **7,** 511, 516; **10,** 251, 260—266. *See* USAGE.
divisible as distinguished from entire, **7,** 522
exceptions, in case of, **7,** 517; **26,** 139
false representation, with a view to decide questions of, **20,** 679—687
fire insurance, in case of, **17,** 527—532
implication of terms by court in, **7,** 512
in futuro, creating right, **22,** 320
joint, joint and several, and several, **3,** 88, 89; **7,** 522
lex loci contractus, according to, **6,** 279; **7,** 523. *See* LEX LOCI CONTRACTUS.
lien, of contract for, **1,** 547, 548
life insurance, in case of, **17,** 552, 553
limitation of liability by party to contract of suretyship, **15,** 481
marine insurance, of, contract of, **17,** 342—347, 416, 418, 458—462, 503, 504, 508. *See* MARINE POLICY.
marriage articles, in case of, **25,** 538—541
mercantile, **7,** 516; **10,** 260—266, 450. *See* USAGE.
mistake, specific performance with reference to, **27,** 49
negotiations, effect of representation made in course of, **7,** 521

CONSTRUCTION OF CONTRACTS—*continued.*
parol evidence to assist, **7,** 523; **26,** 140
penalty, clause in case of, **27,** 16, 17
presumptions in, **6,** 239—242
promise or representation, whether, **20,** 662, 663
representation, to determine falsity of, **20,** 679—687, 698
repugnant condition, in case of, **7,** 517, 519
sale of land, for, **25,** 307, 308. *See also* CONDITIONS OF SALE.
time for performance, with reference to, **3,** 88; **7,** 522
towage contract, in case of, **26,** 359
usage, effect of, **7,** 511, 516; **10,** 251, 260—266, 446. *See* USAGE.
policy, in case of, **17,** 344, 412, 527
whole to be regarded, **7,** 512, 519, 522
will, distinguished from case of, **28,** 641 n.
words used, interpretation of. *See* INTERPRETATION OF WORDS.
writing, in, **7,** 510—528; **10,** 435

CONSTRUCTION OF DOCUMENTS,
abbreviation, in case of, **10,** 456
accident insurance policy, of, **17,** 567—569
accruer clause in a settlement, of, **25,** 575 n.
acknowledgment by mortgagee, of, **19,** 151
admission of evidence for purpose of, **3,** 173; **7,** 523—528; **10,** 444—448, 451—454; **13,** 568. *See* EVIDENCE; EXTRINSIC EVIDENCE.
wills, in case of, **28,** 632—651. *See* EXTRINSIC EVIDENCE.
after-acquired property, of covenant for settlement of, **25,** 548, 549, 556
agent's written authority, of, **1,** 163
agreement, words importing, effect of, **7,** 514, 515
all estate clause in conveyance, of, **10,** 472
alteration, addition etc. in case of, **10,** 411—416; **26,** 142
ambiguity, in case of, **9,** 724 **10,** 440, 453, 457, 458. *See* AMBIGUITY.
ancient, extrinsic evidence as to, **4,** 154, 155; **6,** 481; **8,** 318; **10,** 451, 452
annuity, of instrument creating, **24,** 465, 492
bill of exchange, of, **2,** 462; **7,** 520, 528. *See* BILL OF EXCHANGE, evidence.
bill of lading, of, **26,** 175—177
bill of sale, of, **3,** 4, 7, 8
blank, in case of, **3,** 83, 173; **10,** 411 *et seq.*, 431; **28,** 635 n., 675 n.
bond, of, **3,** 86—89; **19,** 226
boundaries, of description of, **3,** 110; **10,** 468, 469
bye-laws of corporation, of, **8,** 337; **23,** 397, 398
charitable trust, creating, **4,** 154, 155
charity trustees, of power to appoint, **4,** 261
charter of corporation, of, **8,** 317, 318, 360
charterparty, of, **26,** 138—142, 177, 285, 286
children, of, limitation to, **25,** 575 n.
clerical error, in case of, **3,** 173, 181; **7,** 517; **10,** 454; **21,** 14; **28,** 630, 635 n., 636 n., 675, 676
computation of time, in regard to, **10,** 382; **27,** 446—458
conditions of sale, of, **25,** 318, 319
conduct etc. considered with reference to, **10,** 451
contemporaneous
parol agreement, with reference to, **10,** 447
usage, **10,** 452
context, by reference to, **7,** 512; **10,** 454—456; **25,** 578; **28,** 653, 656, 795, 798

CONSTRUCTION OF DOCUMENTS—*continued.*
contingent remainder, limitation taking effect as, **13,** 94 n., **24,** 225, 232; **28,** 663, 807
contra proferentem, **10,** 441; **15,** 476; **17,** 347; **26,** 139
correction of errors by intrinsic evidence, **10,** 454—457. *See* context, *supra.*
court and jury, respective functions of, **7,** 509; **13,** 429, 430; **15,** 478; **25,** 141
covenant in, of, **10,** 475—481, 484, 489, 495, 496. *See* COVENANT.
Crown grant, of, **6,** 479—483, **10,** 442
custom, evidence of, **3,** 173; **7,** 511; **10,** 446. *See* CUSTOM; USAGE.
deed, of, **10,** 433—498; **25,** 535 n., 596 n.
ejusdem generis rule, **7,** 516; **10,** 469 **26,** 139. *See* EJUSDEM GENERIS.
equity and law, in, **10,** 434
erasure, in case of. *See* ERASURE.
exceptions, of, **7,** 517; **10,** 470—472; **26,** 139. *See* EXCEPTION.
executor or administrator, of limitation to, **25,** 584
executory trust, of, **22,** 317; **25,** 538; **28,** 22, 723
expressio eorum quæ tacite insunt nihil operatur, **10,** 443
expressio unius est exclusio alterius, **10,** 442; **17,** 399, 400; **27,** 152, 181
expressum facit cessare tacitum, **10,** 442; **15,** 447; **25,** 163, 542
extrinsic evidence, by, **10,** 444, 448, 454; **13,** 568. *See* EXTRINSIC EVIDENCE.
falsa demonstratio non nocet, **3,** 140; **7,** 518; **10,** 465—469; **21,** 6, 7, 15; **28,** 685, 696
figures, where difference between words and, **2,** 468; **7,** 519
foreign, **6,** 238—242; **7,** 523; **10,** 498; **13,** 430, 489
forgery case, of document for purposes of, **9,** 723, 724
form and substance both to be regarded, **9,** 724
general
description of property, of, **7,** 515; **10,** 469
words, of, in relation to recitals and subject-matter, **7,** 515, 516; **10,** 470. *See* GENERAL WORDS.
grammatical, not always followed, **7,** 517; **10,** 435, 454; **25,** 590
grant, in case of, **7,** 517
Greenwich time in, **27,** 441
guarantee, of, **15,** 474—478, 481, 482 n., 491 n., 492, 495
habendum, of, **10,** 473—475
husband and wife, of gift to, **16,** 354, 355
inaccurate reference, in case of, **25,** 708
indorsed memorandum on bond, of, **3,** 88
insurance, in case of, **7,** 516
accident policy, of, **17,** 567—569
fire policy, of, **17,** 527—532
life policy, under, **17,** 552, 553
marine, **17,** 342—347, 416, 418, 458—462, 503, 504, 508. *See* MARINE POLICY.
mutual insurance policy, of, **17,** 508
intention to be regarded, **3,** 86, 87; **10,** 434, 453; **26,** 138
intrinsic evidence, by, **10,** 454—457. *See* INTRINSIC EVIDENCE.
agreement or qualification, whether, **7,** 515
lease, of. *See* LEASE.

CONSTRUCTION OF DOCUMENTS—*continued.*
limitation in instrument, of, **24,** 268; **25,** 571—573
habendum, effect of, **10,** 475
local meaning, effect of, **10,** 436
lost, **13,** 430
map, in case of, **10,** 467; **13,** 564; **25,** 423 n.
marriage
articles, of, **25,** 538—541
settlement, of, **25,** 563
domicil as affecting, **6,** 238, 279, 280
mining
lease, of, **20,** 557—561
licence, of, **20,** 569
rights, of conveyance excepting, **20,** 550 n., 551
misdescription in, of, **7,** 518; **10,** 465—469; **28,** 685, 695
mistake rectified by, **10,** 454—457; **21,** 14, 15
mortgage, of, **3,** 365, 366; **21,** 15
notice to quit, of, where incorrect, **18,** 450
parcels, of, **10,** 465—467
parol evidence to assist, **3,** 87; **7,** 523—528; **10,** 444—447, 451, 452, 464; **13,** 568; **26,** 140; **28,** 640. *See* EXTRINSIC EVIDENCE.
party who offers for execution, against, **10,** 441; **15,** 476; **17,** 347, 528; **26,** 139
patent, of specification for, **22,** 163—165
portion, of direction to raise, **23,** 87; **25,** 590—593
power, of, **22,** 361; **23,** 7—14, 26, 29, 32. *See* POWER OF APPOINTMENT.
premises in deed, of, **10,** 473
printed clauses deferred to written ones, **7,** 519; **17,** 342, 528; **26,** 142, 156
promissory note, of, **2,** 462; **7,** 520
receipt clause, of, **10,** 464; **13,** 371; **21,** 178; **25,** 437
recitals, of, **7,** 515; **10,** 459—464.
control of operative part by, **3,** 87, 88; **10,** 459—464; **15,** 475, 476; **25,** 528, 529
reconcilement of two contemporaneous documents, **7,** 519; **10,** 439
release, of, when controlled by recitals, **10,** 462
rentcharge, of instrument creating, **24,** 465, 466
repugnant clauses, in case of, **7,** 517; **10,** 456, 473
reservations, in case of, **10,** 470—472; **11,** 249, 343; **18,** 427
restraint of trade, of covenant in, **27,** 554, 555, 569—572, 577, 578
rules of, **10,** 433—444; **15,** 474—478
schedule to, in case of, **10,** 468
Sea Regulations, in case of, **26,** 360—362, 471, 472
settlement, of, **25,** 528, 532, 533, 549, 651 n.
limitations in, **25,** 571—573
shifting clauses in, of, **25,** 694 n., 696
surrounding circumstances to be regarded, **7,** 524; **10,** 448; **17,** 433; **26,** 139. *See* SURROUNDING CIRCUMSTANCES.
technical words, **7,** 511; **10,** 449. *See* INTERPRETATION OF WORDS.
time of taking effect, in relation to, **10,** 382
toll, of grant of, **20,** 36
trade union rules, of, **27,** 604—606, 629—631
statutory powers, of, **27,** 606 n.
transposal of words in, **10,** 455, 456; **28,** 675
treaties, in case of, **6,** 442
trust, of, **4,** 272; **28,** 40, 41
uncertainty, effect of, **6,** 481; **7,** 518; **10,** 457, 458

CONSTRUCTION OF DOCUMENTS—*continued.*
usage, by reference to, **3,** 173; **7,** 511; **10,** 446. *See* USAGE.
contemporaneous, **10,** 452
ut res magis valeat quam pereat, **10,** 439; **15,** 474
variation, with a view to, **10,** 444
verba chartarum fortius accipiuntur contra proferentem, **10,** 440, 441; **15,** 476; **17,** 347, 528; **26,** 139
vested, meaning of, **22,** 339, 340
warranty, of, **17,** 418; **25,** 149—151
whole must be regarded, **7,** 512; **10,** 438; **20,** 697; **22,** 164
will, in case of. *See* CONSTRUCTION OF WILLS.
words, interpretation of. *See* INTERPRETATION

CONSTRUCTION OF STATUTES. *See also* STATUTE.
affecting rights of individuals, **21,** 517
ambiguity, in case of, **27,** 132
amending, **27,** 140, 143
ancient and remedial, **27,** 116 n., 141
appointment of charity trustees, in case of, **4,** 261
benevolent, **27,** 153
Bill of Exchange Act, 1882, of, **2,** 461
canon of, **17,** 335; **27,** 133
codifying Act, in case of, **27,** 199
marine insurance, in relation to, **17,** 335, 431
collocation of words, consideration of, **27,** 135
colonial legislation, of, **10,** 540
common law rules as to, **27,** 131—155
Companies (Consolidation) Act, of expressions in, **5,** 35—37
condition precedent, effect of, **27,** 148
consequence of decision, no regard to, **27,** 148
consolidating, **27,** 199, 200 n.
contemporanea expositio, **27,** 141, 143, 144
criminal and penal, **27,** 116 n., 177—180
Crown, for benefit of or restraining, **27,** 166
differences in application of same Act to different countries, **27,** 152, 162
difficulty no ground for rejection, **27,** 133 n.
directory, **27,** 173
earlier explained by reference to later Acts, **27,** 126 n., 140, 143
ejusdem generis rule, use of, **15,** 125 n.; **27,** 145, 276 n., 283 n.
enacting sections, in case of, **27,** 135
equality is equity in case of, **13,** 69 n.
equitable, **11,** 181 n.; **13,** 69 n.; **27,** 153
erroneous, correction of practice founded on, **18,** 211, 212
exceptions in, of, **27,** 137, 138
existing rights, affecting, **27,** 160, 161
foreign legislation, in case of, **27,** 155
friendly society, in relation to, **15,** 163
general words, in case of, **27,** 145, 146, 151, 152
High Court, function of, as to, **27,** 127
in pari materiâ, **27,** 138—140, 142
inclusio unius est exclusio alterius, **26,** 520 n.; **27,** 152
inconsistent sections, in case of, **27,** 136
incorporation of previous Acts, in case of, **27,** 140
intention of enactment, consideration of, **27,** 145
interpretation clauses, effect of, **27,** 131, 135 n.
Ireland, differences in application of Act to, **27,** 152
judicial interpretation of, **27,** 129, 130
jurisdiction in respect of, **27,** 126

CONSTRUCTION OF STATUTES—*continued.*
Lands Clauses Acts, in case of, **6,** 14—16
purpose of acquisition, of, **6,** 23, 24
local, personal or private, of, **27,** 182—188
London Building Act, 1894, of, with reference to railway works, **23,** 681
long acceptance of certain, effect of, **27,** 143
matters to be considered in, **27,** 133, 134
mistake, no presumption of, **27,** 146
natural meaning, adoption of, **27,** 147
nothing hereinbefore contained, how limited, **27,** 152 n.
penal, of, **27,** 116 n., 134, 177
policy of enactment; consideration of, **27,** 142
popular sense, words construed in, **27,** 134
powers implied to effect object, **27,** 149
preamble, reference to, **27,** 141 n., 204. *See* PREAMBLE.
presumptions, **27,** 148, 149
comity of nations, of conformity with, **27,** 154
previous interpretation, consideration of, **27,** 142—144
private Act, in case of, **27,** 184—186
proceedings in Parliament, by, **27,** 141
prohibitive Acts, in case of, **27,** 152
provisoes in, of, **27,** 137
public policy and, **27,** 142
recitals, reference to, **27,** 141, 204
remedial, of, **27,** 116 n., 141
repealed statute, of provisions in, **5,** 34 n.
repugnant clauses, effect of, **27,** 138
restrictions on literal interpretation, **27,** 149
rights, addition or substitution of, **27,** 154
rules for, generally, **15,** 474 n ; **27,** 131, 132
application of, **27,** 133
saving clauses in, of, **27,** 138
schedules in, of, **27,** 122
scope of Act, consideration of, **27,** 147—151
Scotland, difference in application of Acts to, **27,** 152
Scottish decisions, consideration of, **27,** 144, 145
several acts regarded as one, in case of, **15,** 318 ; **27,** 138—140
stamp duties, imposing, **24,** 711, 712
sections of, **27,** 121, 135, 136
taxing, **27,** 180—182
technical words, use of, **27,** 134
usage, consideration of, **27,** 144
use of words in different senses, **27,** 135
vendor and purchaser summons, decided on, **25,** 393
Waterworks Clauses Act, in case of, **28,** 275 n.
whole statute must be considered, **27,** 136
words used in, interpretation of. *See* INTERPRETATION OF WORDS.

CONSTRUCTION OF WILLS. *See also* BEQUEST ; DEVISE ; GIFT BY WILL ; LEGACY.
acceleration of subsequent interests, **28,** 605, 606
accessories follow the principal gift, **28,** 693, 694
accrued shares are not passed by word share, **28,** 795 n.
accruer clause, construction of, **25,** 575 n. ; **28,** 795, 796
additional words, assumption of court as to, **28,** 659
ademption of gifts, **28,** 602—605. *See* ADEMPTION.
alterations in words, **28,** 674—676
alternative gift. *See* ALTERNATIVE.

CONSTRUCTION OF WILLS—*contd.*
ambiguity, alternative amounts, **28,** 680
charitable gift, as to, **4,** 160
context, in relation to, **28,** 653
latent, parol evidence admissible as to, **28,** 639, 645
patent, parol evidence inadmissible as to, **4,** 155
presumption, benefiting testator's family, as to, **28,** 670
capriciousness, against, **28,** 669
legal meaning, as to, **28,** 668
prior to date of will, arising by events, **28,** 639
scope of will to be considered, **28,** 653, 654
ambiguous words, clear words not affected by subsequent, **28,** 674
amount of interest given, **28,** 762—792. *See* quantity, *infra.*
ancient will, usage of persons acting under, effect of, **28,** 647
and, read as, or and *vice versâ*, **28,** 676, 826, 827
annuity, chargeable to capital, whether, **24,** 491—494, 505, 521 ; **28,** 34
charged on land construed as rentcharge, **24,** 470
apt words used by testator, effect of, **28,** 668, 669
arbitration, direction of testator as to, effect of, **28,** 630
arm chair rule, limits of, **28,** 641
asterisks, effect of, **28,** 561
authentication, what is, **28,** 628
bankruptcy, forfeiture on, effect of, **2,** 148, 149 ; **28,** 840
begotten, meaning of in, **28,** 744
benevolent, **28,** 652
bequest, construction of. *See* BEQUEST ; LEGACY.
canons of, **28,** 660—680
application of, **28,** 660, 662
departure from, if contrary intention shown, **28,** 662
every word utilised, **28,** 659
general and particular intention, as to, **28,** 672
inconsistencies, as to, **28,** 674
presumption, capriciousness, against, **28,** 669
intestacy, against, **28,** 665
legality, of, **28,** 667
relatives, favouring, **28,** 670
real estate, in relation to gifts of, **28,** 663
scope of will considered, **28,** 653
uncertainty, as to, **28,** 678
usual meaning, words given their, **28,** 655
whole will, intention collected from, **28,** 651
capricious language, in case of, **28,** 669, 670
cardinal rule in, **28,** 626
change, name, of, after will but before testator's death, effect of, **28,** 690
words, of, in accordance with context, **28,** 675, 676
charge of debts and legacies on real estate, effect of, **14,** 286—291
charitable gift, of, **4,** 153, 154
exclusion of conversations with solicitor who prepared will, **28,** 643 n.
charitable intention, ascertainment of, in, **4,** 145, 147, 153 ; **28,** 618, 643 n.
general, **4,** 155—158, 190—199 ; **28,** 618. *See* CY-PRÈS DOCTRINE
child predeceasing testator, in case of gift to, **28,** 611, 612
children, devise to person and his, **28,** 787, 788
gifts to, **28,** 670, 671

CONSTRUCTION OF WILLS—*contd.*
children—*continued.*
named person, of, *primâ facie* meaning of, **28,** 744
then living, effect of gift to, **28,** 714
class, ascertainment of, **28,** 715. *See* CLASS.
class gifts, **25,** 576, 582 n.; **28,** 615, 616. *See* CLASS GIFT.
clear words, no departure from, to escape invalidity, **28,** 667, 668
not controlled by subsequent ambiguous words, **28,** 674
clerical error, correction by court of, **28,** 630, 635 n., 636 n., 675, 676
codicil, construction of, **28,** 579. *See* CODICIL.
common terms, interpretation of, **28,** 710
conditional
gifts, of, **28,** 792—845. *See* CONDITION, gift subject to; will, to gift by.
will, when effective, **28,** 511
conditions contained in other documents, failure of, **28,** 583 n.
conflict of laws, where, **28,** 661, 662
immovables, in case of will of, **6,** 220
movables, in case of will of, **6,** 226, 227, 230—232
conflicting language, in case of, **28,** 654
context, by reference to, **28,** 653, 654, 656, 657, 795, 796—801
different meaning to same word by reason of, **28,** 681
divesting provision, limitation of time of operation of, by, **28,** 828
issue confined to children by, **28,** 753
rule as to usual sense, excluded by, **28,** 637, 653, 656
contingency, gifts dependent on. *See* CONDITION; CONTINGENCY.
question arising on, discretion as to deciding, **28,** 631, 632
contingent remainders. *See* CONTINGENT REMAINDER.
contrary intention as to exercise of power since Wills Act, 1837, **23,** 29, 43
Conveyancing Act, 1881, effect on general devise, **11,** 5 n.
costs of action for, **4,** 348; **6,** 135; **28,** 632
court, duty of, as to, **28,** 631
jurisdiction of, as to, **28,** 627, 630—632, 660, 664 n.
previous decisions of, effect of, **28,** 663, 664
court of construction and court of probate, distinction between, **28,** 508
cumulative gifts, in case of, **28,** 784—786
cy-près doctrine in relation to, **28,** 635 n., 672, 673, 787
charitable gift in case of. *See* CY-PRÈS DOCTRINE.
date from which will speaks for purposes of, **28,** 680, 681
date of making, as to description of donee, **28,** 714
death as to property comprised therein, **28,** 691—693
without issue, limitation on, **28,** 833—840
decided cases, effect of, **28,** 663, 664
declaration of deceased testator, when admissible, **13,** 471, 472; **28,** 643 n., 644—646
descriptions, in relation to. *See* DESCRIPTION, will, in.
devise, construction of. *See* DEVISE.

CONSTRUCTION OF WILLS—*contd.*
dictionary, aid of, **28,** 635, 658
will itself as, **28,** 653
different meanings placed on same word in one instrument, **28,** 681, 682
direction to pay, construction of, **28,** 811, 812
disposal, effect of gift of power of, **28,** 771, 772
disposition. restriction in will on donee's rights of, when void, **28,** 772, 773
disputed will, duty of court to construe, **28,** 631
distributive, **28,** 854
divesting of gifts, as to, **28,** 822—833. *See* DIVESTING.
document not admitted to probate referred to in a will, inspection by court of, **28,** 634
domicil in relation to. *See* conflict of laws, *supra.*
change of, after execution of will, effect of, **6,** 230
donee. *See* DONEE.
ambiguity construed in favour of, **28,** 763
ascertainment of. *See* ASCERTAINMENT.
children, and his, gift to, **28,** 732, 734. 764, 787, 791
description of, **28,** 713—762. *See* DESCRIPTION.
interest of. *See* quantity of interest, *infra.*
named together with others, presumption as to interest of, **28,** 732, 734, 764, 786, 791
option to, time of the essence of, **28,** 530
verbal expression by testator of wishes as to, **28,** 636
double meanings, **28,** 653, 654
doubtful, purchaser's rights in case of, **28,** 632
eccentric provisions, how dealt with, **28,** 669
effect given to every word, **28,** 659
ejusdem generis rule, **28,** 682, 683
context in relation to, **28,** 695
investment clauses, in, **28,** 682 n.
objects of vertu and taste, application to, **28,** 682 n.
presumption against intestacy, overridden by, **28,** 683
en ventre sa mere, child, treated as born, **28,** 740—742
equivocation, *defined*, **28,** 644. *See* EQUIVOCATION.
estate tail, gifts construed as, **28,** 764, 765, 850—852
every word to have effect in, **28,** 659
evidence in aid of, **28,** 632—651. *See* EXTRINSIC EVIDENCE.
executor taking beneficially, as to, **11,** 29
executory devise. *See* EXECUTORY DEVISE.
explanatory words, **28,** 660
expressed intention, what is, **28,** 627 n.
family, gifts in favour of, **28,** 747, 748, 767
fee simple, gifts which pass, **28,** 764, 775, 776, 777
foreign
language, where will in, **28,** 630
rules of construction applicable, effect where, **28,** 630
will, English canons of construction applicable to, **28,** 662
immovables, of, *lex loci rei sitæ* applicable, **6,** 220
intelligibility considered, not form and execution, **28,** 633
movables, of, **6,** 226, 227, 230—232
foreigner, bequest to, **6,** 274, 275

CONSTRUCTION OF WILLS—*contd.*
forfeiture clause, alienation, on, **28,** 840, 841
bankruptcy, on, effect of, **2,** 148, 149; **28,** 840
power of attorney is not within, **28,** 842
litigation, in case of, when inoperative, **28,** 630
form of expression not important for purposes of, **28,** 652
future
gift, death of legatee, effect of, **28,** 612
illegitimate child, gift to, **28,** 542, 738
interests, creation by will of, **28,** 526
power, testator cannot create, **28,** 636, 637
futurity, words of, speak from date of will, **28,** 681
general
charitable intention, where, **4,** 155—158, 190—199; **28,** 618. *See* CY-PRÈS DOCTRINE.
intention and particular intention, where there is both, **28,** 672, 673
words, construction of, **13,** 121; **28,** 682, 683
generic property, increase or diminution of, **28,** 692
gift, construction of. *See* BEQUEST; DEVISE; GIFT BY WILL; LEGACY.
gifts over. *See* GIFT OVER.
grammatical
error, immaterial, **28,** 652
sense, when adhered to, **15,** 474 n.; **28,** 655
groups of individuals, gifts to, who take, **28,** 724
heir, reference to, in will. *See* HEIR.
construction of, favourable to heir, **28,** 671, 672
hotchpot clause in, effect of, **25,** 575; **28,** 842—844
id certum est quod certum reddi potest principle, **28,** 679
identification, evidence for purpose of, **28,** 637—646. *See* EXTRINSIC EVIDENCE; IDENTIFICATION.
illegal according to one construction, where gift is, **28,** 666—668
illegitimate persons, when will construed to include, **28,** 735—740. *See* ILLEGITIMATE CHILD; ILLEGITIMATE RELATIVES.
immovables, of will of, **6,** 220. *See also* real estate, *infra.*
implied gifts, **28,** 845—854. *See* IMPLIED GIFT.
in testamentis benignior interpretatio facienda est, **28,** 652
inaccuracy of description, in case of, **28,** 641, 684, 686 n. *See* DESCRIPTION.
income, gifts of. *See* INCOME.
unlimited gifts of, **28,** 697—699
incomplete will, evidence in case of, **28,** 635
inconsistent clauses, in case of, **28,** 674, 675, 677, 678
incumbered estate, effect of devise of, **28,** 122
inferences to be drawn, **28,** 654
inheritable estate in personalty, gift of, effect of, **28,** 768
insensible words, evidence admitted as to, **28,** 639
instructions for a will, when admissible, **28,** 650, 651
intention of testator. *See also* TESTATOR.
ascertained from the words, to be, **28,** 627
declaration of, when admissible, **13,** 471, 472; **28,** 643 n., 644—646

CONSTRUCTION OF WILLS—*contd.*
intention of testator—*continued.*
governing principle of construction, as, **23,** 29—32; **25,** 577 n.; **28,** 627, 647, 672
rules as to real estate operating contrary to, **28,** 663
mode of expression of, immaterial, **28,** 652
whole will, to be ascertained from, **28,** 651—653
intestacy, presumption against, **28,** 665
intimacy with testator, effect of, **28,** 671
irreconcilable gifts, rule as to, **28,** 677
issue, gifts to. *See* GIFT BY WILL; ISSUE.
joint tenants, words not fatal to tenancy in common, **28,** 780 n.
jurisdiction of court over, attempts to oust, **28,** 630
foreign language of will does not oust, **28,** 630
lapse. *See* LAPSE.
lawyer, drafting by, considered, **28,** 652
leading principle of, **28,** 651 *et seq.*
legacy. *See* LEGACY.
currency in which payable, **6,** 231, 232
legatee. *See* LEGATEE.
legatees before named, may mean before described, **28,** 689 n.
life interest, in relation to. *See* LIFE INTEREST.
limitation, words of, construction of, **28,** 730, 764—770
gifts without, **28,** 775—777
limitations in will. *See* LIMITATION OF ESTATE.
marriage, conditions in restraint of, **28,** 586—589. *See* CONDITION; RESTRAINT.
married woman disposing of separate property, will of, **16,** 380
mistake, construction, as to, not a mistake of law, **28,** 647 n.
description, as to, **28,** 641, 642, 684—691
jurisdiction to correct, **28,** 630
mixed fund, in relation to. *See* MIXED FUND.
movables, of will of, **6,** 226, 227, 230—232
name, possession of specified, as condition of the gift, **28,** 690
obligations of donee to testator, when proved, **28,** 649
original will, when looked at for, **13,** 559; **14,** 211; **28,** 633
ouster of court's jurisdiction, attempts at, **28,** 630
paramount intention, where will contains a subordinate and, **28,** 672
parol evidence. *See* EXTRINSIC EVIDENCE.
particular property, fund given for, in case of, **28,** 779
pecuniary legacies, annuities included in, **24,** 470
plain words, effect of, **28,** 667
possible events considered, in, **28,** 647
power of appointment exercised, language construed as residuary gift, effect of, **28,** 619 n.
presumption, apt words, from use of, **28,** 668
capriciousness, against, **28,** 669
children of testator, in favour of, **28,** 670
donee, in favour of, **28,** 763, 764
double portions, against, **13,** 131; **28,** 649, 784
force of, **28,** 665
heir of testator, in favour of, as to, **28,** 671
intestacy, against, **28,** 665, 666, 683
knowledge of effect of words, of, **28,** 667—669
legality, of, **28,** 666, 668
limits of application of, **28,** 666
rebuttal, evidence in, **28,** 649
relatives, in favour of, **28,** 670—672

CONSTRUCTION OF WILLS—*contd*
presumption—*continued.*
same word in different parts of will, **28,** 681
successive interests, as to, **28,** 786
testator's own property, gift confined to, **13,** 121
vesting, in favour of early, **28,** 798
previous decisions, consideration by the court of, **28,** 663
probate, admitted as evidence, when, **28,** 633
effect of, **28,** 629
proceedings to obtain, **28,** 632
public policy in relation to, **28,** 538, 542, 583—586
punctuation marks, materiality of, **28,** 652
questions as to, how settled, **28,** 633
purpose of testator's gift, trust or pious expression of a hope, **28,** 778
quantity of interest given, **28,** 762—792
absolute gift followed by gift over, effect of, **28,** 771, 772
alternative, stated in the, **28,** 680. *See* ALTERNATIVE.
clear gift not cut down, **28,** 762, 763
concurrent gifts, **28,** 780—783
cumulative or substituted gifts, **28,** 784—786
definition of, **28,** 770—775
want of specific, effect of, **28,** 775—777
disposition, words referring to rights of, may define, **28,** 770—772
duration of interest defined, **28,** 774, 775
fundamental rules, **28,** 762, 763
limitation, words of, **28,** 764—770
absence of, **28,** 775—777
no presumption as to, **28,** 762
particular gifts, **28,** 787—792
per capita or *per stirpes*, **28,** 781—784. *See* PER CAPITA; PER STIRPES.
person and his issue, gift to, **28,** 791
possession only referred to, not disposition, **28,** 773
presumption favouring donee, **28,** 763
purpose, depending on, **28,** 777—779
successive interests, **28,** 786, 787
quasi inheritable gifts of personal estate, **28,** 768
real estate, in case of will of, **6,** 220; **28,** 516—524, 663. *See* REAL ESTATE.
gift for life, with remainder to children, effect of, **28,** 789
gift of, on death without issue, effect of, **28,** 833—840
words of limitation, gift without, **28,** 775, 776
recital, effect of, **28,** 683
election not raised by, **13,** 122 n.
reconciliation of parts of will, practice of the court as to, **28,** 654
rejected words, **28,** 660, 675
remainder, in relation to, estate tail, after, **28,** 807
future estate, creation of, by, **28,** 526
life interest with gift to children in, by way of, **28,** 789
real estate in, rule as to, **28,** 807
void bequest in, may be valid on lapse of prior gift, **28,** 613
remaining, gift over to those, how construed, **28,** 728
remoter issue, reference to, effect of, **28,** 754
repeated words, presumption as to, **28,** 645 n., 681
residuary gift. *See* RESIDUARY BEQUEST; RESIDUARY DEVISE.

CONSTRUCTION OF WILLS—*contd.*
revoked wills, when admissible in evidence in, **28,** 651
rights of disposition, inference from, **28,** 770
rule, law, of, and rule of construction differentiated, **28,** 628
perpetuities, against. *See* PERPETUITIES.
rule in
Andrews v. *Partington*, **28,** 718, 719
Shelley's Case, **28,** 752, 769
Sibley v. *Perry*, **28,** 753
Wild's Case, **28,** 752 n.
rules as to. *See* canons of, *supra.*
rules of administration, application of, by court, **28,** 628 n.
satisfaction. *See* SATISFACTION.
servant, gift to, **28,** 759—761
settlement of legacy, direction for, effect of, **25,** 541
stirpital gift, determination of stocks, as to, **28,** 783
subject-matter, reference to, **28,** 682
substitutional gifts, **28,** 729—733, 785—787. *See* SUBSTITUTIONAL GIFT.
supplied words, **28,** 675, 676
survivors, gift to. *See* SURVIVOR.
ascertainment of beneficiaries under, **28,** 724—728
others, read as, **28,** 726
technical words, **6,** 230; **28,** 634, 657, 764
testamentary nature of document in probate, for purpose of ascertaining, **28,** 511
testator, declarations by, **13,** 471, 472; **28,** 643 n., 644—646
drafting of will by, considered, **28,** 652 n.
habits of, evidence of, **28,** 642
knowledge of, evidence of, **28,** 640
relatives, when in favour of, **28,** 670, 671
intention of. *See* intention, *supra.*
unreasonable, right to be, **28,** 669
three questions involved in the, **28,** 627
time referred to by will, **28,** 680, 691, 692, 714
translation of foreign will, three kinds of evidence admitted as to, **28,** 635
transposed words, **28,** 675
true way to construe a will, **28,** 663 n.
trustees, direction of testator for settlement of disputes by, effect of, **28,** 630
uncertainty, effect of, **28,** 536, 537, 671, 672, 678—680
usual sense of words, application of, **28,** 655, 658, 660, 662, 667, 682 n.
when not adhered to, **28,** 656
utilisation of every word in, **28,** 659
veritas nominis tollit errorem demonstrationis, **28,** 689
vest, meaning of, **28,** 799
vesting, as to, **28,** 797—822. *See* VESTING.
voidable conveyance confirmed, where, **15,** 114
whole will to be considered, **28,** 659
widow, devise to, for maintenance of herself and children, **25,** 628 n.
Wills Act, 1837, construction imposed by, when adopted, **23,** 32
effect on powers, **23,** 29, 43
words used in. *See* INTERPRETATION OF WORDS.
change of, **28,** 676
effect must be given to all, **28,** 659
etymological meaning of, when considered in, **28,** 658

CONSTRUCTION OF WILLS—*contd.*
words used in—*continued.*
facts necessary to ascertain meaning of, **28,** 637
futurity, of, construction of, **25,** 571 n. ; **28,** 680, 681
general construction of, **28,** 682, 683
include only testator's own property, **13,** 121
insensible, evidence regarding, **28,** 639
judicial interpretation of certain, **28,** 658, 659
legal, interpretation of, **28,** 655
use of, by testator, **28,** 668
limitation, used as words of, examples of, **28,** 766 n.
ordinary meaning of, application of, **28,** 655, 662
determination of, **28,** 657
evidence of, where permitted, **28,** 634, 635
illegality, not departed from, to escape, **28,** 667
judicial decision necessary as to, when, **28,** 658
partly descriptive, partly of limitation, effect of, **28,** 767
same words in different passages, **28,** 681, 682
sense in which used in will itself, **28,** 653
unusual sense, burden of proof of use of words in, **28,** 656

CONSTRUCTIVE
contract, **7,** 463—494. *See* IMPLIED CONTRACT.
cruelty, acts sometimes termed, **16,** 475
delivery, methods of, **22,** 405 ; **25,** 206, 210, 225—227
desertion, what is, **16,** 482
fraud, examples of, **13,** 15
notice. *See* CONSTRUCTIVE NOTICE.
ownership in bankruptcy. *See* REPUTED OWNERSHIP.
possession, *defined*, **22,** 393 ; **27,** 853
agent, by means of, **27,** 853 n.
of, **1,** 225 ; **27,** 854
bailee, by, **22,** 394
Bills of Sale Acts, may take transaction out of, **3,** 7
chattels, of, examples of, **22,** 393
continual claim or entry, not obtained by, **19,** 129
criminal law, in, **9,** 678
distress, for purposes of, **11,** 187, 220 n.
document conferring, not within Bills of Sale Acts, 11, 7
entry, by, **27,** 853
executor, of, **22,** 393
joint occupancy of husband and wife, in case of, **3,** 17
land, of, **19,** 113, 125 ; **27,** 851, 853
servant, by means of, **27,** 853 n.
ship, of, **26,** 25
stolen goods, of, **9,** 678
removal of goods seized in execution, **11,** 176
seizure, distress, by way of, **11,** 166
total loss, in marine insurance, **17,** 476, 478, 480—486 ; **26,** 539. *See* TOTAL LOSS.
treason, nature of, **6,** 348
trust and trustee. *See* CONSTRUCTIVE TRUST ; CONSTRUCTIVE TRUSTEE.

CONSTRUCTIVE NOTICE,
act of bankruptcy, of, **2,** 290, 291
actual notice, when amounting to, **13,** 84 n.
agent with actual notice, to principal of, **1,** 215 ; **13,** 84—88

CONSTRUCTIVE NOTICE—*continued.*
assignee of chose in action, to, **4,** 373, 374, 380
claim to rent, of, **11,** 177, 178
commercial transactions, does not apply to, **13,** 88 n.
debentures, of issue of, not notice of contents, **5,** 350 ; **13,** 88 n.
doctrine not to be extended, **13,** 86 n.
mortgage, of prior, **5,** 350 ; **21,** 80, 342
negotiable securities taken in ordinary course of business, in case of, **13,** 88 n.
policy of assurance, applies to mortgage of, **13,** 88 n. ; **17,** 559
purchaser of land, to, of defect in title, **13,** 86—88
agreement not to inquire, no protection by, **13,** 87 n.
Conveyancing Act, 1882, effect of, **13,** 85 n., 87 ; **25,** 355 n.
non-investigation of title, effect of, **13,** 87 n.
tenant's rights, of, **13,** 87 n.
registration as preventing, **13,** 86 n.
shares in trust funds, applies to, **13,** 88 n.
trust, of, effect of, **28,** 88
truth, of, in case of misrepresentation, **20,** 726 ; **21,** 80

CONSTRUCTIVE TRUST. *See also* IMPLIED TRUST.
defined, **28,** 7, 47.
claim to establish, acquiescence in laches as bar to, **13,** 173, 174 ; **19,** 174
contractual relationship raising, **28,** 58
creation of, **13,** 155 ; **28,** 7, 47
enforcement of, **27,** 4
evidence to rebut, **28,** 650
fiduciary position, arising from, **28,** 47—49
limitation of actions in relation to, **19,** 142, 161 n., 164 ; **28,** 201 n., 202
renewable leaseholds, in respect of, **28,** 47, 48
resulting trust as, **28,** 8, 49, 50
subdivision of, **28,** 8

CONSTRUCTIVE TRUSTEE. *See* CONSTRUCTIVE TRUST.
defined, **28,** 47 n.
agent as, liability of, **28,** 206
breach of trust by, liability for, **28,** 185, 202, 206
how constituted, **28,** 66, 87, 88
intermeddling with trust, by reason of, **28,** 9, 206
legal representative as, **28,** 87, 88
limitation of actions against, **19,** 142, 161, 164 ; **28,** 201 n., 202
mortgagee as, for surplus proceeds, **21,** 260, 261 ; **28,** 63
possession of trust property may constitute, **28,** 88—90
remuneration of, **28,** 165
solicitor, no right as against partner to constitute himself a, **26,** 760
stranger may be, **28,** 8 n., 88
trust property, by possession of, **28,** 88—90
trustee *de son tort* as, **28,** 91
vesting of property on failure of original trustees in, **28,** 88, 89
who is a, **28,** 47, 87, 206

CONSUL. *See also* CONSULAR, officer.
defined, **6,** 259 n.
acting, consular officer, within definition of, **6,** 438 n.
action by or against, **1, 19 ; 6,** 232, 233, 438 n.

CONSUL—*continued.*
agent and consul-general, rank of, **6,** 434
British, administration of oaths by, **6,** 438; **21,** 497; **26,** 858
affidavit, swearing of, before, **2,** 317 n.; **5,** 559; **6,** 438; **13,** 496, 628; **21,** 497
appointment etc. of, **6,** 427, 434—436
British subjects, duty to assist, **6,** 436, 437, 438 n.
consular officer, within definition of, **6,** 435. *See* CONSULAR.
criminal proceedings by, **6,** 437
intelligence, collection of, by, **6,** 436
marriage officer, as, **6,** 259, 260, 437; **24,** 455
notarial powers of, **21,** 497
privileges of, **6,** 438, 439
registration by, births and deaths, of, **6,** 437; **24,** 458, 460; **26,** 658
British subjects, of, **6,** 437
marriages, of, **24,** 436, 455
salary and fees of, **6,** 434, 438
shipping, duties in connection with, **6,** 436; **26,** 593
church in connection with consulate, provision for, **11,** 483 n.
deceased countryman's estate, powers in respect of, **6,** 194
domicil of, **6,** 188
foreign, jurisdiction of English court in regard to contract of, **6,** 233
general, position and privileges of, **6,** 432, 434, 438; **26,** 858
notice to, before action against foreign ship, **1,** 130
privilege of, **1,** 20; **6,** 233, 439 n.
property of deceased countrymen, powers with respect to, **6,** 194
rateability of, **24,** 17 n.
wreck, claim to, by, **26,** 552

CONSULAR,
agent, appointment of, **6,** 435
consular officer, within definition of, **6,** 438
rank of, **6,** 434
court, judges of, **6,** 436
jurisdiction of, **26,** 593
officer, *defined,* **6,** 434 n.
acting, **6,** 434 n., 438 n.
appointment of, **6,** 434, 435
arrest of criminal by, **6,** 437, 438
diplomatic privilege, not entitled to, **1,** 20; **6,** 233, 438
domicil of, **6,** 188, 195, 438
exequatur, recognition by, **6,** 435
judicial powers and duties of, **6,** 436
mercantile marine, duties in respect of, **6,** 436
naval matters, duties in, **6,** 436
notary, power to act as, **21,** 497
persons included in term, **6,** 438 n.
privilege of, **6,** 233, 439 n.
pro-consul as, **6,** 438
recognition of, **6,** 435
returns to be made by, **6,** 435 n.
vice-consul as, **6,** 438 n. *See* VICE-CONSUL.
service, classification of, **6,** 434
powers and duties of officers in, **6,** 435—438; **21,** 497
privileges of officers in, **6,** 438, 439

CONSULTATION,
counsel, with, taxation of costs of, **26,** 804
medical, rules of conduct in connection with, **20,** 310 n., 321
parties interested in litigation, between, privilege in connection with, **11,** 82

CONSULTATIVE COMMITTEE,
Board of Education, to, **7,** 105; **12,** 8, 9

CONSUMABLES,
absolute interest by bequest of, **28,** 774 n.
bequest etc. of, incidents of, **15,** 408; **22,** 414; **28,** 24 n., 528, 774 n.
covenant to settle after-acquired property, as exception to, **25,** 554 n.
limited interest in, **15,** 408; **22,** 414; **25,** 526 n.; **28,** 528
quæ usu consumuntur, absolute interest by gift of, **15,** 408
life-tenant entitled to, **13,** 96 n.
remainders cannot be created in, **28,** 24 n., 528, 529, 695
settlement of, **25,** 526 n.

CONSUMER,
electricity, of, *defined,* **12,** 550
charge, methods of, **12,** 593
control of supply by, **12,** 589, 591
entry on premises of, **12,** 614
improper use of energy by, **12,** 591
notice of removal by, **12,** 598
supply to, in arrear, **12,** 590, 598
terminals of, *defined,* **12,** 550, 551
gas, of, connecting meter without notice, **15,** 335, 336
duty as to meter, of, **15,** 335, 336
register of meter, how far evidence against, **15,** 336
Metropolitan Water Board, under, *defined,* **28,** 335 n.
audit, right to attend, **28,** 335
change of tenancy, liability for arrears on, **28,** 349
local authority, right to aid by, **28,** 343
water, of, alteration of apparatus by, **28,** 323
meter, supply by, **28,** 317

CONSUMMATION,
marriage, of, divorce may be obtained although there has been no, **16,** 477
inability as to, as ground for avoidance, **16,** 470, 471
not necessary to constitute desertion, **16,** 483
rape, in cases of, **9,** 611

CONSUMPTION,
electricity, gas, or water, of. *See* CONSUMER.
notifiable disease, **23,** 446 n., 465 n.
smoke, of, furnaces etc., by, **21,** 542—545
locomotives, by, **21,** 546; **23,** 690

CONTAGIOUS DISEASE,
animals, in case of, **1,** 419—434. *See* DISEASE OF ANIMALS.
persons, in case of. *See* INFECTED HOUSE; INFECTED PERSON; INFECTED SHIP; INFECTION; INFECTIOUS DISEASE.

CONTAMINATION. *See* POLLUTION.
water supply, of, remedies in case of, **21,** 546; **28,** 321—323

CONTANGO,
defined, **27,** 217
custom of stockbroker to charge, **27,** 231, 232
day on Stock Exchange, **27,** 216

CONTEMNOR,
defined, **14,** 81
sequestration of property of, **14,** 81—89

CONTEMPLATION. *See* INTENTION.

CONTEMPORANEA EXPOSITIO,
instruments construed by, **4,** 154; **10,** 451—453
meaning of, **10,** 451, 452; **27,** 144
statutes construed by, **27,** 141, 143, 144

CONTEMPT,
beneficed clerk, of, how purged, **11,** 532 n.
Christian religion, bringing into, at burial service, **3,** 426, 427
colonial legislature, protection of, against, **10,** 536
court, of. *See* CONTEMPT OF COURT.
defamation by statement exposing person to, **18,** 619, 620, 623
ecclesiastical law, in, **11,** 532, 533
House of Parliament, of either, **9,** 21
bail in case of, **10,** 52
King, against the, **9,** 459, 460

CONTEMPT OF COURT.
The Title CONTEMPT OF COURT, ATTACHMENT, AND COMMITTAL *is contained in Vol. VII., pp.* 279 *et seq.*
defined, **7,** 280; **9,** 501
abuse of process as, **7,** 293, 294; **26,** 829
administrator failing to pay into court, in case of, **7,** 300; **14,** 340
advertisement amounting to, **7,** 288; **23,** 223, 224
affidavit on application to commit for, **7,** 310
appeal from order for committal or attachment, **7,** 322, 323; **16,** 559
arbitration, failure to comply with award, **1,** 474; **7,** 303
revocation of authority in, when amounting to, **1,** 448
attachment for, **7,** 307—325. *See* ATTACHMENT OF PERSONS.
audience of counsel on behalf of party committing, **2,** 377
bailiff, by, **7,** 295; **25,** 831
interference with, by, **8,** 615
bankrupt, by, application to commit in case of, **2,** 310; **7,** 310
discharge, after, **2,** 267
receiving order, after, **2,** 71, 74, 75, 84, 140, 189
bankruptcy proceedings, in, **2,** 74, 75, 189; **7,** 304, 305, 321 *See also* BANKRUPTCY.
defaulting trustee not relieved by, **7,** 300
interference with official receiver in possession, **2,** 61
refusal of banker or other agent to deliver up property, **2,** 189
wrongful claim as creditor, **7,** 294
barrister, by. *See* counsel, *infra.*

CONTEMPT OF COURT—*continued.*
breach of undertaking given to court, by, **7,** 297, 298, 305, 306; **26,** 829
chambers, at, **7,** 283, 284; **17,** 295
Chancery Division, procedure in, **7,** 309; **17,** 294
Charity Commissioners, failure to answer inquiries of, by, **4,** 273, 303, 309; **7,** 305
colonial court, jurisdiction of, in case of, **10,** 561
comment upon pending proceedings, by, **7,** 285—287; **16,** 558, 559
committal for, **5,** 562, 563; **7,** 507 *et seq. See also* COMMITTAL TO PRISON.
application in company winding up, **5,** 554, 555
colony, in, **10,** 561
coroner's power of, **8,** 259
costs of, payment of, **7,** 317, 318
criminal contempt, in case of, **7,** 280—282; **9,** 501, 502
order for, appeal from, **7,** 281, 322, 323
jurisdiction to make, **7,** 315
privilege from, **7,** 320—322; **9,** 502
sentence, form of, **7,** 316
summary proceedings, by, **9,** 501, 502
company, by, **5,** 325, 326, 416 n., 554, 555; **7,** 303
condonation of, **17,** 295
coroner's inquest, at, **8,** 259, 267, 289
power of committal for, **8,** 259
publication of proceedings at, no contempt by, **7,** 288
corporation, by, **5,** 325; **7,** 303; **8,** 396. *See* company, *supra.*
sequestration for, **5,** 325; **8,** 396; **14,** 81
costs, punishment by payment of, **17,** 295, 296
counsel, by, **2,** 385, 386; **7,** 295; **19,** 641, 642
instances of punishment, **2,** 385, 386; **7,** 295
insult to, as, **7,** 291
county court, in, **8,** 433, 577, 578, 615—617
court, disobedience to order of, by, **7,** 297—305
in face of, **7,** 283, 284, 315; **8,** 615; **9,** 501; **11,** 532; **26,** 828
out of, **7,** 284—288; **8,** 616; **26,** 828
court martial, by civilian at, **25,** 46
creditor in bankruptcy etc., by false claim as, **7,** 294
criminal, *defined,* **7,** 280
abuse of process of court, by, **7,** 293 n.; **9,** 501
acts punishable as, **7,** 283—297; **9,** 501
distinguishing characteristics of, **7,** 281, 282; **9,** 501
inferior courts, in case of, **7,** 296, 297
jurisdiction to punish, **7,** 280, 281, 284
officer of court, by, **7,** 294—296
obstruction of, **7,** 288—291
proceedings in respect of, **7,** 281
punishments for, **7,** 307
Crown side, procedure for attachment on, **7,** 316
discharge from custody in case of, **7,** 323, 324
application for, **8,** 578
mistake, by, **7,** 320
discovery, by failure to give, **7,** 302; **11,** 56
disobedience to order of court, by, **7,** 297—305
bankruptcy, orders made in, **7,** 304, 305
Charity Commissioners, in proceedings before, **7,** 305
county court, in, **8,** 433, 577
criminal matters, in, **9,** 501, 502
default not amounting to, **7,** 300

CONTEMPT OF COURT—*continued.*
disobedience to order of court—*continued.*
discovery, in case of, **7,** 502
Divorce Court, in, **7,** 300, 301
executor, by, **7,** 300, 301
fiduciary position, by person in, **7,** 299
habeas corpus, on writ of, **7,** 304
improperly obtained, when, **7,** 303
jurisdiction, in case of absence of, **9,** 502
married woman, by, **7,** 300
matrimonial cause, maintenance order in, **7,** 301
money payments, not directing, **7,** 302—305
party, by person who is not, **7,** 303
payment of money, for **7,** 298—302; **14,** 340
recovery of chattels, for, **7,** 303
revoked grant of administration, by administrator under, **7,** 300
solicitor, by, **7,** 301, 302
specific performance, in action for, **27,** 3
subpœna, in case of, **7,** 303, 304
unintentional, when, **7,** 297
wilful, what amounts to, **7,** 302 n.
witness, by, **7,** 304
distress on replevied cattle, by, **11,** 210
divorce proceedings, in course of, **16,** 558, 559
ecclesiastical court, of, **11,** 532, 533
election petition trial, at, **12,** 440, 468, 488, 514
embracery as, **7,** 291, 296
erroneous committal for, remedy in case of, **24,** 381
evidence, advertisement for, **7,** 288
as to, **8,** 616; **9,** 502
publication of, by, **7,** 287
examiner, by failure to obey order of, **13,** 615
executrix, by, **7,** 300; **14,** 340
failure to pay into court when ordered, by, **7,** 299, 300; **14,** 340
fiduciary capacity, by person in, **7,** 299; **17,** 254, 255
fine and imprisonment for, **7,** 280, 281, 283; **8,** 616; **9,** 501; **13,** 588
forging process of court, by, **7,** 293
friendly society trustee, by, **15,** 145
gaoler, by, **7,** 296
habeas corpus, by disobedience to writ of, **7,** 304
husband failing to pay security for wife's costs, by, **7,** 300
ignorance no excuse to publisher for, **23,** 223
indemnity against consequences of committing, **7,** 292
indictment for, **7,** 281; **9,** 501, 502
inferior courts, in case of, **7,** 296, 297; **8,** 577, 615—617; **13,** 590; **26,** 828 n.
information in respect of, **7,** 281
injunction
against repetition of, **7,** 308; **17,** 270
by breach of, **15,** 145; **17,** 294—296. *See* BREACH OF INJUNCTION.
insult to judge, by reason of, **7,** 283; **9,** 502
interference with witness, by, **7,** 290, 291; **8,** 615; **9,** 498, 501
interpleader order, with reference to, **17,** 616
interrogatories, by failure to answer, **7,** 302; **11,** 56
Irish court, enforcement in England of order of, **7,** 313

CONTEMPT OF COURT—*continued.*
judge, attack on, by, **7,** 284, 285; **8,** 615; **9,** 502; **26,** 828
inferior court, of, by, **7,** 296
private communication to, by, **7,** 285
juries, in respect of, **7,** 291; **8,** 615; **9,** 501; **18,** 267
juror, by, **7,** 296; **18,** 267
King's Bench Division, procedure in, **7,** 310; **17,** 295
liquidator, by interference with, **5,** 445 n.; **7,** 289, 290
lunatic, failure to produce, as, **7,** 289, 292; **19,** 415
marriage with, as, **7,** 292
mandamus, by failure to comply with, **7,** 303; **10,** 123
mandatory order, by disobedience to, **7,** 302
married woman failing to pay into court, by, **7,** 300; **14,** 340
marshal of Admiralty Division, by obstruction of, **7,** 290
ministerial officer, by, **9,** 502
misdemeanour, as a, **7,** 280; **9,** 501
molestation of husband by wife as, **7,** 306
motion, committal, for, after previous motion, **7,** 310
discharge of prisoner, for, **17,** 324
newspaper matter, by publication of, **7,** 286, 287; **23,** 223, 224
notice of application for attachment or committal in case of, **7,** 314, 315
obstruction, by, administration of justice, of, **7,** 280
officer of court, of, **7,** 288—291; **8,** 615; **9,** 501
parties to proceedings, of, **7,** 291—293
process server, of, **7,** 288, 289
officer of the court, by, **7,** 294—296
order for attachment or committal in case of, **7,** 315—318; **8,** 577
partner, default by, in case of, **7,** 301; **22,** 76 n.
party in contempt, position of, **7,** 282
payment of money, by disobedience to order for, **7,** 298—302
pleadings in action, by publication of, **7,** 287
printer, by, **23,** 224
prison treatment after committal, **7,** 319; **8,** 616; **23,** 247
prisoners for, report to Lord Chancellor on, **7,** 325
visitation of, **7,** 325
private communication to judge, by, **7,** 285
privilege from arrest in case of, **7,** 290, 320, 321
procedure, in, **7,** 280, 297—306
process server, by interference with, **7,** 288
prohibitory order, by assisting at breach of, **7,** 292
proof of default in complying with order, **7,** 314
publication of matter amounting to, **7,** 286, 287; **23,** 223—225
punishment for, **2,** 385; **7,** 280, 281, 283; **8,** 616; **9,** 501; **11,** 533; **13,** 588; **17,** 295, 296
quarter sessions, power of, as to, **19,** 641, 642
receiver, default by, **7,** 295, 299—301; **24,** 401, 412—414
failure to pay to, **7,** 301; **24,** 379
interference with, by, **5,** 379; **6,** 207; **7,** 289; **22,** 79; **24,** 381, 387—389
foreign immovables, in case of, **5,** 378; **6,** 206, 207; **24,** 389
remedies for, **22,** 79; **24,** 387, 388

References in thick type are to volumes; small type to pages.

CONTEMPT OF COURT—*continued.*
receiver—*continued.*
rent due to, non-payment of, **24,** 377, 388
wrongful committal at instance of, remedy for, **24,** 381
recovery of chattels, by failure to comply with order for, **7,** 303; **14,** 75
reflections on parties to action, by, **7,** 287, 288
registrar, by interference with, **8,** 615
report of private proceedings, by, **7,** 287; **23,** 225 n.
revising barrister's powers in case of, **12,** 222; 532, 533
sentence in case of, **7,** 316, 317
sequestration for, corporation, against, **5,** 325; **8,** 396; **14,** 81
criminal contempt, not applicable to, **7,** 309
ecclesiastical court, in, **11,** 533
leave required after attachment, **7,** 309
sequestrator, by, **7,** 295
interference with, by, **7,** 289, 290
sermon, by delivery of, **7,** 286
servant, by dismissal of, for giving evidence, **7,** 291
service of order disobeyed, requirements as to, **7,** 311—313; **9,** 502
sheriff, by, **7,** 295; **25,** 830, 831, 842
interference with, by, **7,** 290
sheriff's officer, by, **25,** 831
ship in custody of Admiralty Division, by moving, **7,** 290
solicitor, assault on, as, **7,** 289
by, **7,** 294, 301, 302, 306; **26,** 828, 829
specific performance, by disobedience to order for, **27,** 3
speech tending to defeat the ends of justice, by, **7,** 284—288
stay of execution where order obeyed, **7,** 320
stranger to action, by, **7,** 292; **16,** 558, 559
in respect of, **7,** 303
subpœna, by disobedience to, **7,** 303, 304; **12,** 468; **13,** 588
summary process, punishment by, **7,** 287
Sunday, attachment executed on, **25,** 813
tenant interfering with receiver, by, **24,** 381
theatrical exhibition of alleged murder etc., by, **7,** 287
tipstaff's duties in case of, **7,** 318
trustee, by, **4,** 273; **7,** 299, 300; **15,** 145; **17,** 254; **28,** 58 n.
unintentional disobedience to process, by, **7,** 297
vexatious proceedings, by, **7,** 294
visitation of prisoner in case of, **7,** 325
waiver of, whether allowed, **17,** 296
ward of court, by interference with, **7,** 292; **17,** 147, 148; **25,** 562 n.
warrant in case of, **8,** 577, 615
winding-up, in, circular, by issuing, **5,** 416 n.; **7,** 287; **27,** 676 n.
liquidator, interfering with, **5,** 445 n.; **7,** 289, 290
wrongfully claiming as creditor in, by, **7,** 294
witness, by, **7,** 283
arrest for, **13,** 588
coroner, by refusal to enter into recognisances before, **8,** 289
deposition, by refusal to sign, **8,** 267
election commissioners, powers of, **12,** 468
examiner, by refusal to give evidence before, **13,** 615
excuse for, **13,** 589

CONTEMPT OF COURT—*continued.*
witness—*continued.*
non-attendance, by, **13,** 588, 589
order to leave court, by refusal to obey, **7,** 283; **13,** 593
penalties for, **13,** 588—590
subpœna, by failure to attend on, **7,** 303, 304; **12,** 468; **13,** 588
writing tending to defeat the ends of justice, by, **7,** 284—288
writ, by forging, **7,** 293

CONTEMPTUOUS DAMAGES,
meaning of, **10,** 305

CONTENTIOUS BUSINESS,
costs in, **26,** 767—769, 797, 798
interest on, **26,** 809, 810
special agreement as to, **26,** 770—773
statutory provision for, **26,** 770
counsel, usage as to instructions to, **2,** 389
House of Lords, costs in, **26,** 767
negligence of solicitor in regard to, **26,** 755, 756
Privy Council, costs in, **26,** 767
Probate Court, in, *defined*, **14,** 153
appeal from order in, **14,** 157, 158
citation in, **14,** 155
discontinuance, summons for, **14,** 156, 157
rules and orders for, **14,** 154
summons in, **14,** 156
security for costs, solicitor's power to require, **26,** 811
solicitor, authority of, **26,** 741—744
death or lunacy of client as affecting, **26,** 742
remuneration of, rules regulating, **26,** 760
Supreme Court, costs in, **26,** 767, 768
taxation of costs in, **26,** 797
order for, **26,** 781
solicitor and client, as between, **26,** 797

CONTEXT. *See also* INTRINSIC EVIDENCE.
accruer clauses in will, as affecting, **28,** 795
ambiguous, effect in construction of will, **28,** 653
conditions in will, as affecting, **28,** 796
construction by reference to, abbreviation, in case of, **10,** 456 n.
contract, in case of, **7,** 512
deeds, in case of, **10,** 454—456
contingent gift in will, as affecting, **28,** 801
different parts of will, word used in different senses in, **28,** 681, 682
divesting provision in will, restriction on operation of, **28,** 828
issue limited to children by, settlement, in, **25,** 578
will, in, **28,** 752, 753
scope of will, as affecting, **28,** 653, 655 n.
testamentary gift over in case of death, as affecting, **28,** 828
usual sense of words, as reason for departing from, **28,** 653, 656, 657
vesting of gifts by will, as affecting, **28,** 797—799

CONTINGENCY. *See also* CONDITION.
agreement dependent upon, enforcement of, **25,** 546
alternative gift, in case of, **28,** 729
bill of exchange payable on, **2,** 477
cesser of gift on non-happening of, **25,** 546, 552, 629 n., 684; **28,** 585, 810 n.
children, gift to, dependent on, **25,** 627 n.

CONTINGENCY—*continued.*
class taking upon the happening of rights in case of, **25,** 576, 578, 582, 684; **28,** 715
condition precedent to vesting, as, **15,** 421; **23,** 22; **28,** 585
contract to do act, when cause of action arises, **19,** 43
conversion in equity, where depending on, **13,** 108
covenant to settle after-acquired property, effect on, of, **25,** 550, 552, 553
creditor whose rights depend upon, position of, **2,** 198, 199; **5,** 471, 508, 513, 514; **14,** 255, 256
death regarded as, in will, **28,** 828
debt dependent upon, avoidance of settlement by reason of, **2,** 276, 277
creditor's right to vote in respect of, **2,** 67; **5,** 471
proof in bankruptcy or winding-up for, **2,** 198, 199; **5,** 508, 513, 514
description of donor, in, **28,** 800, 801
duration of, **28,** 801
event, happening of, as, **22,** 305; **25,** 578, 582, 593, 629 n.; **28,** 606, 729, 796, 799, 802, 809
gift dependent upon, age, on attaining a certain, **25,** 576, 593, 627 n., 630 n., 684; **28,** 801, 807, 810
appointment, in case of, **25,** 578
cesser of, **25,** 546, 552, 629 n., 684; **28,** 585, 810 n.
charitable purposes, for, **4,** 127, 128
death, effect of, **25,** 578, 593; **28,** 726, 729
event, upon happening of, **25,** 578, 582, 593; **28,** 799, 802, 809
qualification, dependent upon, **28,** 800—802, 807
severance, effect of direction as to, **28,** 819
subject of gift, in regard to, **28,** 801
subject to previous gifts, contingency equivalent to, **28,** 802, 803
survivor, to, **28,** 726
vesting independent of contingency of, **28,** 816
words of contingency constituting, **28,** 799, 807, 819
gift over on happening of, **25,** 629 n.; **28,** 606, 607, 726, 729, 796, 803—806, 808, 828—833. *See* GIFT OVER.
husband's rights in wife's estate depending on, **16,** 324, 325
infant entitled to estate on happening of, position of, **17,** 83; **25,** 629 n., 630 n., 675 n.
insurable interest in respect of estate depending on, **17,** 369
interest depending on, alienation of, **10,** 369; **13,** 9; **17,** 83; **24,** 289; **27,** 70, 71; **28,** 520
insurable interest in respect of, **17,** 369
married woman's position in relation to, **16,** 324, 325, 379
release or disposal by order of court of, **17,** 83
vesting of, **15,** 421; **28,** 797 *et seq.* *See* VESTING.
legacy dependent upon, duty on, how chargeable, **13,** 247, 253
executor's duty as to, **14,** 263, 272, 303
interest on, **14,** 272, 274
legatee's rights in case of, limitation of, **14,** 263
maintenance out of, **14,** 272; **25,** 684
vesting in case of, **28,** 811—822
liability depending upon, creditor's right to vote in respect of, **2,** 67; **5,** 471

CONTINGENCY—*continued.*
liability depending upon—*continued.*
personal representative's duty with regard to, **14,** 255
proof in bankruptcy etc. for, **2,** 198, 199; **5,** 508, 513, 514
voluntary settlement, how affected by, **2,** 276; **15,** 85
loan for betting upon recovery of, **15,** 278, 280
married woman entitled to interest on, position of, **16,** 379
non-happening of, effect of, **25,** 546, 552, 629 n.
notice to quit given on, validity of, **18,** 450, 451
personal representative's duty to provide against, **14,** 255
portion dependent upon happening of, **25,** 591, 593
power exercisable on, **22,** 354; **23,** 21, 22; **24,** 222
rule against perpetuities in case of, **22,** 354—356
sale of settled land, **25,** 632
remainder in. *See* CONTINGENT REMAINDER.
right dependent on, release or disposal by order of court, **17,** 83
rule against perpetuities in relation to happening of, **22,** 305, 354, 355
sale of goods with reference to, **25,** 144
settlement taking effect on, position of, **13,** 229; **25,** 552, 693, 696
specific performance of contract to convey interest depending on, **27,** 70, 71
succession duty, deductions not allowed in assessment of, **13,** 291
testator's lifetime, happening in, effect of, **28,** 796, 797
vesting, as a condition precedent to, **23,** 22; **28,** 585, 797 *et seq.* *See* VESTING.
independent of, **15,** 421; **28,** 816

CONTINGENT GIFT. *See* CONDITION; CONTINGENCY.

CONTINGENT REMAINDER,
defined, **24,** 220
alternate limitation of, **24,** 219
assignment of, **24,** 289
class, in favour of a, **24,** 225
classification of, **24,** 220—222
construction of limitation taking effect as, **13,** 94 n.; **24,** 225, 232; **28,** 663, 807
copyhold, in, **8,** 77, 107; **24,** 224 n.
admittance of remainderman in case of, **8,** 99
destruction of, **24,** 224, 225
equitable, position of, **13,** 94 n.; **24,** 225, 226 n. **28,** 40
rule as to estate in, **13,** 94 n.; **28,** 40, 41
examples of, **24,** 220—223
execution of use when a, **24,** 282
executory devise, contingent remainder may take effect as, **22,** 332; **24,** 225, 226
distinguished from contingent remainder, **24,** 232, 233; **28,** 663
limitation not to be construed as, if it can operate as a remainder, **24,** 232; **28,** 663, 807
failure of, **24,** 217 n., 222, 223, 224; **28,** 40
prevention of, **24,** 225, 226
gap between particular estate and, effect of, **24,** 217 n., 225

CONTINGENT REMAINDER—*continued.*
gift over, single in expression, may take effect as a, **22,** 350
Land Transfer Act, 1897, effect of, **22,** 314
mortgagee's legal estate, preserved by, **13,** 94 n.; **24,** 225 n.
nature of, **24,** 220
particular estate, defeated by intervening gap between, and, **24,** 217 n., 222, 223
not defeated by determination of, **24,** 225, 226
posthumous child entitled under, position of, **24,** 223
preceding estate, determination of, with reference to, **24,** 220—226
protection of, **13,** 94 n.; **24,** 225, 226; **28,** 96
remainder expectant on, **24,** 219; **25,** 680 n.
rule against perpetuities with reference to, **22,** 313, 314, 332, 350
settled estate, rights of remainderman in regard to, **25,** 680 n.
springing or shifting use, taking effect as a, **24,** 226
tenancy in common held joint tenancy to save, **24,** 223 n.
title deeds, recovery from remainderman of, **25,** 598
trust to preserve, **13,** 94 n.; **24,** 218 n., 225; **25,** 694; **28,** 96 n.
copyholds, in case of, **8,** 77
unascertained person, to, **24,** 222
vested remainder distinguished from, **24,** 218
vesting of, **24,** 223
years, for, requires no support, **24,** 222, 223

CONTINUATION,
fact, of, presumption as to, **13,** 440
partnership, of, implied agreement for, **22,** 23
possession, of, necessary to possessory lien, **19,** 6
Stock Exchange, on, nature of, **27,** 216, 231
trespass, of, fresh trespass by, **27,** 847

CONTINUATION CLAUSE,
marine insurance, in time policy of, **17,** 382

CONTINUING,
act, criminal law, in, **9,** 281
evidence in case of, **13,** 438 n.
authority, stockbroker, of, to carry over, **27,** 223
breach of contract, cause of action in respect of, **19,** 78
effect of, in case of building contract, **3,** 256, 257
waiver of, **3,** 258
breach of covenant, arising of cause of action in respect of, **19,** 78
breach of covenant to insure is, effect of receipt of rent, **18,** 522
breach of covenant to repair is, **18,** 511
waiver of forfeiture for, effect of, **18,** 522, 538, 539
cause of action, damages in respect of, **10,** 310; **11,** 325; **27,** 847
meaning of, **10,** 310; **23,** 347 n.
nuisance, in case of, **21,** 560
when time begins to run in respect of, **19,** 51, 52, 78, 178; **23,** 346, 347
certificate, explosives store, for, **14,** 370, 371, 374
existing gunpowder store, for, **14,** 372 n. 374
damage, meaning of, **10,** 310. *See* injury, *infra.*

CONTINUING—*continued.*
existence, Church of England, of, **11,** 359 n.
necessary to existence of corporation, **8,** 302
guarantee, *defined,* **15,** 440
bank, in case of, appropriation, surety cannot control, **1,** 639
death of guarantor, effect of, **1,** 641
revocation of, **1,** 640, 641
running account, for, when banker's right of action arises, **1,** 642
examples of, **15,** 493 n. 494
extent of, **15,** 440, 491, 492
giving time, effect of, **15,** 555, 556
master retaining dishonest servant, effect of, **17,** 572
nature of, **15,** 440, 491, 492
principal retaining dishonest agent, effect of, **17,** 572
revocation of, banker's liability in case of, **1,** 640, 641
change of parties, by, **15,** 498, 499
injury, when time begins to run in respect of, **19,** 78, 178; **21,** 560; **23,** 346, 347
nuisance, liability in case of, **21,** 555, 560
offence, bye-laws, against, **23,** 390, 425
Children Act, 1908, under, **17,** 171
possession necessary for possessory lien, **19,** 6, 7
trespass, effect of, **27,** 847
trustee, appointment of new trustee by, **28,** 71, 74
user for securing easement, **11,** 241, 264

CONTINUOUS,
easement, meaning of, **11,** 241
employment, women and young persons in factories and workshops, of, limitation as to, **14,** 490, 492
possession, possessory lien, necessary for, **19,** 6, 7
trespassers by, necessary to oust rights of owner, **19,** 157, 158

CONTRA PROFERENTEM,
charterparty construed, **26,** 139
instruments construed, **10,** 441
statements construed, when, **20,** 668

CONTRABAND,
defined, **17,** 422; **23,** 281
absolute, *defined,* **23,** 281
Declaration of London as to, **23,** 281 n.
conditional, *defined,* **23,** 281
destination as test of, **23,** 281
insurance, in respect of, **17,** 422, 430
mortgagee of ship not bound by charterparty for carriage of, **21,** 134
neutral
contract, by, for exportation of, validity of, **1,** 311
ship, capture for carrying, **23,** 281
Postmaster-General's power to detain packet containing, **22,** 644
warranty against, effect of breach of, on insurance policy, **17,** 422

CONTRACT.
The title CONTRACT *is contained in Vol. VII, pp.* 327 *et seq. See also* AGREEMENT.
defined, generally, **7,** 331, 332; **27,** 19
factories, as affecting, **14,** 516
acceptance of, **7,** 348—352. *See* ACCEPTANCE.

CONTRACT—*continued.*
accord and satisfaction, **7,** 441—444. *See* ACCORD AND SATISFACTION.
account stated, **7,** 489—493. *See* ACCOUNT STATED.
act of God, impossibility of performance caused by, **3,** 93; **7,** 427, 428; **27,** 494
action on, defendant to, who is the proper, **23,** 100 n., 102, 106
assignee, by, **7,** 496; **25,** 378
distinguished from action of tort, **1,** 48—50; **27,** 466
plaintiff to, who is the proper, **23,** 99, 100
remission of, county court, to, **8,** 438,—441; **23,** 151
actor, by, not to perform other than at particular theatre, **17,** 242, 246 n.; **27,** 412
administrator, by, formalities for, **7,** 361; **14,** 315
advertisement, acceptance of offer in, by, **7,** 347
insertion of, in papers, for, **23,** 222, 223
affirmation of. *See* CONFIRMATION; RATIFICATION; VOIDABLE CONTRACT.
defence in action for misrepresentation, as a, **20,** 748—750, 757
misrepresentation, in, evidence of, **20,** 752
irrevocable, **20,** 740
agency, in relation to, **7,** 377, 478, 525. *See* AGENCY; AGENT.
agent, by, **1,** 184, 210; **7,** 377, 525. *See* AGENT.
agistment, of, **1,** 386—388. *See* AGISTMENT.
alien enemy, with. *See* ALIEN.
alteration of, **7,** 422—426; **27,** 64, 65. *See* ALTERATION.
alternative, impossibility of performance, effect of, **27,** 63, 64
performance of, **7,** 411, 412; **27,** 17
ambassador, foreign, contract by, jurisdiction of English court as to, **6,** 232, 233
ambiguities in, **7,** 518; **10,** 453; **27,** 49 n. *See* AMBIGUITY; CONSTRUCTION OF CONTRACTS.
anticipatory breach of, **7,** 438
apportionment of, **13,** 28
apprenticeship, of, *defined,* **20,** 71—72. *See* APPRENTICE.
articles, marriage, as a, **25,** 538
of association of company as constituting, **5,** 80, 298; **7,** 343
assignment of, **7,** 494—509. *See* ASSIGNMENT.
auctioneer, position of, as to. *See* AUCTIONEER.
avoidance of. *See* AVOIDANCE.
bail, to indemnify surety for, illegality of, **7,** 398
bailment, of, **1,** 524. *See* BAILMENT.
banker and customer, implied between, as to honouring of cheques, **2,** 465
bankruptcy, effect of, on. *See* BANKRUPT; BANKRUPTCY.
barristers, by, fees, as to, **2,** 392, 393
bastard, by father to support, effect of, **2,** 441
Baths and Washhouses Act, under, **23,** 494, 495
bought and sold notes as a, **7,** 351; **25,** 140, 141
breach of, **7,** 438—441. *See* BREACH OF CONTRACT.
damages for. *See* DAMAGES; MEASURE OF DAMAGES.
broker, by. *See* BROKER; STOCK EXCHANGE; STOCKBROKER.
entries in books of, as evidence of, **7,** 351
building, as to, **3,** 158 *et seq.*; **28,** 860 *et seq.* *See* BUILDING CONTRACT.
society, by, **7,** 340. *See* BUILDING SOCIETIES.

CONTRACT—*continued.*
burdensome, extent of equitable relief as to, **13,** 27
burial boards, of, requisites of, **3,** 459, 460
cancellation of written, mode of, **7,** 424, 425; **13,** 52
capacity of parties, **7,** 339—345. *See main words denoting particular persons or bodies.*
conflict of laws as to, **6,** 233—236, 279. *See* CONFLICT OF LAWS.
carriage, of, goods, of. *See* CARRIAGE OF GOODS; CARRIER OF GOODS.
passengers, of, **4,** 53—58; **26,** 328. *See* CARRIAGE OF PASSENGERS.
carrier, of, **4,** 6—30, 53. *See* CARRIER OF GOODS.
champerty, in nature of, **1,** 51—55; **7,** 501. *See* CHAMPERTY.
charitable institutions, with, **7,** 340; **27,** 62 n.
charterparty, of. *See* CHARTERPARTY.
chose in action, right of action under contract as, **4,** 364
churchwarden, by, **11,** 467, 734
classification of, **7,** 332—334
clergyman's capacity to, **11,** 557, 558
club, entered into on behalf of, liabilities on, **4,** 408, 423—425; **7,** 339
commodatum, **1,** 537. *See* COMMODATUM; LOAN.
company, by and with, **5,** 297—306. *See* COMPANIES.
prospectus, to be stated in, **5,** 123
composition with creditors, is a, **2,** 325; **7,** 443
compromise of. *See* COMPROMISE.
concluded, factors determining a, **27,** 19, 20
condition in, **7,** 429
construction of, **7,** 435, 436
failure of, **7,** 432—436
implied, in, **7,** 430
precedent in, **7,** 432, 436
repugnant, in, **7,** 517, 518
subsequent in, **7,** 432
conditional, distinguished from wager, **15,** 269 n.
conduct, implied from, **7,** 348 *et seq.*, 463, 464; **25,** 126. *See* IMPLIED CONTRACT.
confirmation of. *See* CONFIRMATION; RATIFICATION; VOIDABLE CONTRACT.
conflict of laws as to, **6,** 232—248. *See* CONFLICT OF LAWS.
consent to, **7,** 354—360. *See* CONSENT.
consideration, for, **7,** 383—389. *See* CONSIDERATION.
constructive, **7,** 463—494. *See* CONSTRUCTIVE.
contingent, when cause of action arises in respect of, **19,** 43
contracting out of statute, **7,** 404. *See* CONTRACTING OUT.
contribution, as to, **7,** 471—473. *See* CONTRIBUTION.
convict, with, **7,** 342; **9,** 429; **25,** 308, 559.
corporation, by, **8,** 379—386 *See* CORPORATION.
sole, with, **8,** 309, 380
correspondence, by, **7,** 351, 352—354, 368; **25,** 536 n. *See* LETTER.
counterclaim, effect on action for breach of, **7,** 461
county
council, with, **16,** 197; **19,** 340 n.
court jurisdiction in remitted actions of, **8,** 428, 429, 438, 439
covenant, as a, **7,** 332, 334
criminal acts, benefits resulting from, not enforceable as a, **7,** 394

CONTRACT—*continued.*
Crown, by, remedy in case of, **1,** 221 n.; **6,** 413; **23,** 308; **28,** 865
servant, liability of, **1,** 18; **6,** 413—415; **23,** 314; **27,** 166 n.
currency, payments under contract must be in legal, **6,** 461; **7,** 406
death of party to, effect of, **7,** 461, 502; **14,** 239, 305—310; **25,** 378, 537, 546
debt, default or miscarriage of another, to answer for, **7,** 362
deed, by, corporation, with, **1,** 154, 155; **8,** 309, 380, 381; **10,** 364; **20,** 77, 78
when required to be by, **1,** 154; **5,** 299; **7,** 360; **8,** 380—385; **10,** 361, 372
del credere agent, with. *See* DEL CREDERE AGENT.
delivery up of, equitable jurisdiction as to, **13,** 52—54; **20,** 744
deposit, of, **1,** 526—534. *See* DEPOSIT.
determination of, by subsequent events, **7,** 366; **27,** 55, 56
differences on stocks and shares, in respect of, not enforceable, **15,** 283, 284
discharge of, **7,** 410—463. *See* DISCHARGE.
disclaimer of, power of trustee in bankruptcy as to, **2,** 124, 162, 191, 194; **7,** 437
distress, right of, arising from, **11,** 117, 118, 210
divisible, distinguished from entire contract, **7,** 522
Statute of Frauds, as affecting, **7,** 383
domicil, capacity to contract governed by law of, **6,** 233—236
donatio mortis causa, requisites to, **7,** 499; **15,** 431
draft of, Statute of Frauds, sufficient for, **7,** 367; **15,** 465 n.
drainage board, of, provisions as to, **25,** 789 n.
drunken person, with, effect of, **7,** 342
duress, effect of, on, **7,** 357. *See* DURESS.
editor's power to make, with contributor, **23,** 216
education, in respect of, **12,** 122, 123
electric lighting, local authorities, by, **12,** 561
employment, of. *See* EMPLOYMENT.
enforcement of. *See* SPECIFIC PERFORMANCE.
entire, *defined*, **3,** 182; **7,** 522
non-completion of, effect of, **3,** 183
payment in respect of, **3,** 308; **28,** 869, 870
performance of, **3,** 186—189; **28,** 869, 870
remuneration for, **3,** 308
retainer of solicitor by, **26,** 738, 739
Statute of Frauds affecting, **7,** 382, 383
equitable
assignment, operating as, **13,** 102
interests under, doctrine as to, **13,** 96, 97
equity looks on that as done which ought to be done, application to, **13,** 74
essentials of written, **7,** 367—375
evidence
parol, as to, **7,** 523—528. *See* EXTRINSIC EVIDENCE.
production of contract as, when necessary, **13,** 422
recital in a deed may be, **27,** 19 n.
writing, when should be in, **10,** 419
exceptions in, construction of, **7,** 517
executed, *defined*, **7,** 332 n.
executory contract distinguished from, **27,** 4
Statute of Frauds, effect of, on, **7,** 366, 381, 382

CONTRACT—*continued.*
executor, by, formalities for, **7,** 361; **14,** 315
executory. *See* EXECUTORY CONTRACT.
express terms, in, no implication from conduct after, **7,** 334
expressum facit tacitum cessare, application of maxim, **7,** 334
fire insurance, of, **17,** 532. *See* FIRE INSURANCE.
forbearance to sue, as consideration for, **7,** 386
foreign, law as to. *See* CONFLICT OF LAWS.
form of, **7,** 360—382
formation of, **7,** 345—389
offer and acceptance necessary to, **7,** 345, 348. *See* ACCEPTANCE; OFFER.
fraud, induced by. *See* FRAUD.
freedom of, rights as to, **27,** 475, 476
friendly society, committee of, power to, **15,** 137
gaming, **6,** 305; **7,** 397, 403; **15,** 266—284; **27,** 258—262. *See* GAMING.
gas supply, as to, **9,** 564; **15,** 333, 385
general words in, construction of, **7,** 516
gift, as distinguished from, **15,** 412 n.
donatio mortis causa, in respect of, **7,** 499; **15,** 431
Government, by, remedy in case of, **23,** 308
guarantee, of, **15,** 439, 539. *See* GUARANTEE.
guardians, by, provisions relating to, **22,** 535, 536
public vaccinator, with, **23,** 472
highway authority, with. *See* HIGHWAY AUTHORITY.
hire of
chattels, for, **1,** 550. *See* HIRE OF CHATTELS.
custody, for, **1,** 543. *See* HIRE OF CUSTODY.
work and labour, for, **1,** 556. *See* HIRE OF WORK AND LABOUR.
hire-purchase, **1,** 554. *See* HIRE-PURCHASE AGREEMENT.
house, sale of, for, implied terms of, **27,** 27, 28
husband, liability of, for wife's, **16,** 408—435. *See* HUSBAND AND WIFE.
husband and wife, as between, **16,** 432—434
separation, for, validity of, **7,** 396; **16,** 439, 452
illegal, **7,** 390—410; **13,** 73 n. *See* ILLEGAL CONTRACT.
immoral, **7,** 400, 401. *See* IMMORAL.
implied, **7,** 463. *See* IMPLIED CONTRACT.
impossibility of performance of, **7,** 426—432
income tax, as to, **16,** 633; **24,** 502
indemnity, of. *See* INDEMNITY.
infant, by. *See* CHILD; INFANT.
injunction, protection of contractual rights by, **13,** 49, 50; **17,** 235—250. *See* INJUNCTION.
innkeeper, by, **17,** 313, 314, 316; **21,** 431, 432. *See* INNKEEPER.
instrument under hand, by, effect of, **10,** 417—419
when necessary, **10,** 419
insurance, of. *See* INSURANCE.
interference with contractual relations, as a tort, **27,** 476
interpleader, by applicant with claimant in, does not bar relief, **17,** 583
interpretation of, rules for, **7,** 509—528. *See* CONSTRUCTION OF CONTRACTS.
jobber, with, **27,** 225. *See* JOBBER.
joint. *See* JOINT CONTRACT; JOINT CONTRACTOR.
joint and several. *See* JOINT AND SEVERAL CONTRACT; JOINT AND SEVERAL CONTRACTOR.

CONTRACT—*continued.*
justice, tending to pervert cause of, **7,** 398—400
land, for sale of. *See* SALE OF LAND.
landlord and tenant, relation of, is one of, **18,** 385, 387
law applicable to, **6,** 233 *et seq.* *See* CONFLICT OF LAWS.
lease, for, **18,** 366—383. *See* AGREEMENT, lease, for.
letters, formation by, **7,** 351—354; **18,** 371; **25,** 290, 536 n. *See* LETTER.
lien, general, by, **19,** 9
superseded by, **19,** 2
life insurance, of, **17,** 548. *See* LIFE INSURANCE.
locatio custodiæ, of. *See* HIRE OF CUSTODY.
London County Council, of, when to be under seal, **20,** 420
lost, secondary evidence in case of, **7,** 426; **13,** 518, 519; **25,** 350, 536 n.
stamping of, evidence as to, **13,** 516
lottery, illegality of, **7,** 401; **15,** 299—304. *See* LOTTERY.
lunatic, by, **19,** 396—402. *See* LUNATIC.
maintenance, for, no bar to affiliation order, **2,** 441
mandate, of, **1,** 535. *See* MANDATE.
marine insurance, of, nature of, **17,** 335. *See* MARINE INSURANCE.
market-rigging, of, **7,** 394
marriage, for, **7,** 364. *See* MARRIAGE.
in consideration of, **25,** 533. *See* MARRIAGE.
marriage brokage, of, **7,** 397
married women, by. *See* MARRIED WOMAN; WIFE.
master of ship, by, **26,** 65. *See* MASTER OF SHIP.
member of parliament, to procure return of, void, **12,** 333
memorandum of, **7,** 367—379; **25,** 134—141. *See* MEMORANDUM.
mercantile. *See* MERCANTILE CONTRACT.
merger, effect of, on, **7,** 457—460
metropolitan borough councils, of, provisions in respect of, **20,** 420 n., 436, 464
mines, for sale of, **20,** 544—549. *See* MINES.
misrepresentation, effect of, on. *See* MISREPRESENTATION.
mistake as to. *See* MISTAKE.
money
had and received, in case of, **7,** 473—489. *See* MONEY HAD AND RECEIVED.
paid to another's use, in case of, **7,** 465—470
money-lender, with, **7,** 409. *See* MONEY-LENDER.
monopoly, tending to create, **27,** 528
month, meaning of, in, **27,** 437, 438
municipal council, with, law relating to, **19,** 313
councillor, disqualification of, by interest in, **19,** 304, 306
mutual promises, consisting of, **7,** 434
mutuality, an essential to a, **7,** 354
necessaries, for. *See* NECESSARIES.
negotiable instrument, discharged by, **7,** 447, 449
on a, incomplete till delivery, **2,** 481
new, variation or rescission by, **7,** 373, 421—423, 442, 505—509. *See* NOVATION.
non est factum, plea of, effect of, **7,** 355; **10,** 407. *See* NON EST FACTUM.
non-performance of, excuses for, **7,** 417—434
alteration, **7,** 424—426
bankruptcy, **7,** 437
cancellation, **7,** 424—426
failure of condition, **7,** 432—436
impossibility of performance, **7,** 426—432. *See* IMPOSSIBILITY OF PERFORMANCE.

CONTRACT—*continued.*
non-performance of—*continued.*
rescission by new agreement, **7,** 421—423
tender, **7,** 417—421. *See* TENDER.
waiver, **7,** 423, 424
not to be performed within a year, **7,** 365, 366; **13,** 425
note. *See* CONTRACT NOTE.
notice, happening of condition, of, **7,** 434
novation of, **7,** 443, 505—509; **27,** 65, 80 n. *See* NOVATION.
nudum pactum, meaning of, **7,** 383. *See* NUDUM PACTUM.
offer in, **7,** 345—354. *See* OFFER.
omission of material terms from, effect of, **27,** 27, 28
oppressiveness of, effect on specific performance, **27,** 37—42. *See* SPECIFIC PERFORMANCE.
parol, by. *See* PAROL CONTRACT.
evidence as to, **7,** 523—528. *See* EXTRINSIC EVIDENCE.
part performance of, **7,** 378—382. *See* PART PERFORMANCE.
parties to, capacity and liability of, **7,** 335—345; **27,** 24, 25; **28,** 862, 863. *See* PARTIES TO CONTRACT; PARTIES TO INSTRUMENT.
partnership, of. *See* PARTNERSHIP.
patent, relating to, time of the essence, **27,** 68 n.
pawn, of, **1,** 562; **22,** 234—259. *See* PAWN; PLEDGE.
payment in respect of, **7,** 444—454. *See* PAYMENT.
penalty under, **7,** 402. *See* PENALTY.
pencil, signed in, validity of, **7,** 519
performance of, **7,** 410—417. *See* PERFORMANCE.
perpetuity rule applied to, **22,** 319—322, 331
personal, assignment of, **4,** 370, 403; **5,** 304; **7,** 502; **27,** 81, 82
perpetuity rule, not within, **22,** 331
service, for. *See* CONTRACT OF SERVICE; PERSONAL SERVICE.
skill, involving, performance of, **7,** 410
personal representative, by, liability in case of, **14,** 314. *See* PERSONAL REPRESENTATIVE.
petition of right, remedy of, in case of contract by Crown or Government, **23,** 308
pleading in respect of, **22,** 427, 455
effect of bare denial, **22,** 431, 432
reference in, to, **22,** 427
pledge, of, **1,** 562. *See* PAWN; PLEDGE.
post, made through, **7,** 352; **13,** 556. *See* LETTER.
delay of post office, effect of, **7,** 353
prison
committee, disqualification of, in respect of, **23,** 233
made in, to secure release, validity of, **13,** 19 n.
private statute, operation of, as, **27,** 185
privity of. *See* PRIVITY.
professional and trade, statutory regulations of, **7,** 405
promise as element of, **7,** 331, 336—339, 432. *See* PROMISE.
Public Health Acts, under, requirements of, **10,** 372; **19,** 268—270
public
office, for sale or resignation of, **7,** 395
policy, against, **6,** 244, 245; **7,** 394—398; **13,** 54, 73; **20,** 762. *See* PUBLIC POLICY.
publisher and author, between, nature of, **8,** 148, 162; **23,** 215, 217
purchase-money under. *See* PURCHASE-MONEY.

CONTRACT—*continued.*
quantum meruit, application of, to, **7,** 381. *See* QUANTUM MERUIT.
Queen Consort, of, **6,** 365
ratification of. *See* CONFIRMATION; RATIFICATION; VOIDABLE CONTRACT.
receipt for money paid under, **7,** 446, 452, 453. *See* RECEIPT.
receiver, by, **24,** 402, 403. *See* RECEIVER.
record, of, nature of, **7,** 332
rectification of, **13,** 22; **21,** 21, 26; **27,** 50. *See* RECTIFICATION OF INSTRUMENT.
release of, **7,** 454—457. *See* RELEASE.
repudiation of, **7,** 438; **27,** 12 n., 59, 66. *See* REPUDIATION.
rescission of. *See* RESCISSION.
restraint of trade, in, **27,** 548—589. *See* RESTRAINT OF TRADE.
revenue statutes, violation of, as affecting, **24,** 612
rural district council, of, provision relating to, **19,** 332
sale of goods, for. *See* SALE OF GOODS.
satisfaction of, **7,** 442; **13,** 131. *See* SATISFACTION.
school managers, resolutions of, when a, **7,** 341
schoolmaster, with, **12,** 122, 123
seal, under, **7,** 332—334, 425. *See* SEAL.
Secretary of State, liability on, **7,** 67
servant, by, liability of master for, **20,** 244—248. *See* MASTER.
service, of, *defined*, **20,** 71. *See* CONTRACT OF SERVICE.
settlement, for, **25,** 533—558. *See* SETTLEMENT OF PROPERTY.
shares, for sale of. *See* SHARE IN COMPANY.
signature of, **7,** 375—379. *See* SIGNATURE.
simoniacal, illegality of, **7,** 401; **11,** 593. *See* SIMONY.
simple, *defined*, **7,** 334. *See* SIMPLE CONTRACT.
solicitor and client, arising between, **7,** 405, 492; **26,** 728, 729
special. *See* SPECIAL CONTRACT.
specialty, by, **7,** 332. *See* BOND; COVENANT; SPECIALTY.
specific performance of. *See* SPECIFIC PERFORMANCE.
stamping of, **7,** 529—541; **28,** 867. *See* STAMP DUTY, agreement.
statute
altering, exclusion of operation of, **27,** 160
confirmation by, of void, **7,** 407
made void by, **7,** 401—405. *See* ILLEGAL CONTRACT.
must be clear and unambiguous, **27,** 150
regulations by, in case of certain businesses, **7,** 405
Statute of Frauds as affecting, **7,** 361—383. *See* STATUTE OF FRAUDS.
stifle prosecution, to, **7,** 399
Stock Exchange transactions, in. *See* STOCK EXCHANGE.
stockbrokers, by, **27,** 220, 228, 229. *See* STOCKBROKER.
stocks and shares, for sale or transfer of, provisions as to, **27,** 262, 263
stranger to, liability of, **7,** 342—345; **27,** 79, 80
sub-contract, special notice of, as affecting damages, **10,** 315
sub-contractor, position of. *See* SUB-CONTRACTOR.

CONTRACT—*continued.*
subrogation. *See* SUBROGATION.
Sunday, made on, **7,** 402, 403; **27,** 443. *See* SUNDAY.
telegram, by, **7,** 354, 368; **27,** 395 n.
tenancy, for, **18,** 335
agreement for lease, under, **18,** 366—377. *See* AGREEMENT, lease, for.
three years or under, for, **18,** 383
year to year, from, **18,** 439
tenant for life, by, **25,** 664—667. *See* TENANT FOR LIFE.
tender, in, **7,** 417—421. *See* TENDER.
theatrical, construction of, **27,** 410, 411. *See* THEATRICAL CONTRACT.
third party, in. *See* THIRD PARTY.
ticket, by, **4,** 53. *See* TICKET.
time
as the essence of, **7,** 412—415, 522; **13,** 154; **25,** 152, 323; **27,** 67. *See* TIME.
computation of, in, **27,** 450, 453
tippling, provisions as to, **7,** 404
tort, action of, as distinguished from action of, **1,** 48—50; **7,** 484; **25,** 483 n., 507; **27,** 466
interference with contractual relation as, **27,** 476
waiver of, **7,** 484
towage, of, **26,** 357—359. *See* TOWAGE.
trade, in restraint of, **27,** 548—589. *See* RESTRAINT OF TRADE.
trustee, by, rights of *cestui que trust* under, **7,** 344; **10,** 380
trustee and *cestui que trust*, between, **13,** 156—158; **15,** 109, 110; **27,** 12; **28,** 166. *See* FIDUCIARY POSITION.
ultra vires, of companies and corporations. *See* ULTRA VIRES.
uncertainty of, effect of, **7,** 518; **27,** 19, 21—28. *See* UNCERTAINTY.
unconscionable bargain. *See* UNCONSCIONABLE BARGAIN.
undue influence, in regard to, effect of, **7,** 357—360. *See* UNDUE INFLUENCE.
unincorporated association, with, **7,** 339—341
urban authorities, with. *See* URBAN SANITARY AUTHORITY.
usage, effect of, on, **10,** 260—266. *See* USAGE.
variation of. *See* ALTERATION; VARIATION, contract.
verbal. *See* VERBAL CONTRACT.
vis major, meaning of, **7,** 428
void, **7,** 390—410. *See* VOID CONTRACT.
voidable, *defined*, **7,** 331, 332. *See* VOIDABLE CONTRACT.
wagering, law as to, **7,** 397, 403; **15,** 266—284. *See* WAGERING CONTRACT.
wages, for payment of, otherwise than in money, **7,** 401; **14,** 515. *See* WAGES.
for payment of, other than in coin, illegality of, **7,** 401; **14,** 515. *See* TRUCK ACTS.
waiver of. *See* WAIVER.
war, by prisoner of, enforcement of, **6,** 444
effect of, on, **1,** 311; **7,** 432. *See* WAR.
warranty in relation to, **7,** 435, 520, 521. *See* WARRANTY.
wife, of, husband's liability for, **16,** 408—435. *See* HUSBAND AND WIFE.
will, relating to, **28,** 514, 515
work and labour, for, **28,** 860—874. *See* WORKMAN.

CONTRACT—*continued.*
writing, when necessary to, **7,** 361—366. *See* STATUTE OF FRAUDS; WRITING.
written. *See* WRITTEN CONTRACT.
wrongful act, to commit, void, **7,** 392
year, meaning of, in, **27,** 435

CONTRACT NOTE,
defined, **7,** 533 n.; **27,** 228
broker, name of, in, **27,** 230
brokerage in respect of, **27,** 229, 230
extrinsic evidence in case of, **7,** 526 n., 527 n.
necessary, how far, to transaction, **27,** 228
principals, contract between, when not a, **27,** 229
rectification of, **21,** 14; **27,** 230
several stocks, for, **27,** 229
stamping of, **7,** 533 n.; **27,** 229, 230
carrying over note, in case of, **27,** 229
options, in case of, **27,** 230
penalty for failure in, **24,** 705 n.; **27,** 230
several stocks, where there are, **27,** 229
stockbroker's name, liability when in, **27,** 230

CONTRACT OF SERVICE. *See also* WORK AND LABOUR.
defined, **20,** 154; **28,** 862
apprenticeship. *See* APPRENTICE, apprenticeship, contract of.
arbitration under, **1,** 451; **20,** 110 n., 115 n.
bankruptcy, master, of, effect of, **17,** 71; **20,** 95
servant, of, effect of, **20,** 95
breach of, criminal offence, as a, **9,** 564—566; **15,** 357; **20,** 127; **28,** 325
damages for, **20,** 95, 107—113
encouraging, liability for, **20,** 267—270
gas supply employees, by, **9,** 564—566; **15,** 357; **20,** 127
master, by, **20,** 109—113
penal, when, **9,** 564, 565; **15,** 357; **20,** 127; **26,** 60, 61; **28,** 325
procuring, liability for, **20,** 267—270
remedies for, **20,** 107—117, 270
servant, by, **20,** 107—109
justifiable, when, **20,** 102, 106
water supply employees, by, **9,** 564—566; **20,** 127; **28,** 325
British colonies, for services in, concluded in United Kingdom, exempt from stamp duty, **20,** 79
capacity of parties to enter into, **20,** 72—75
common employment in. *See* SERVANT, common employment doctrine.
company, with, winding-up order terminates, **5,** 243, 420, 509; **20,** 95
concurrent contracts, Workmen's Compensation Act, under, **20,** 204—205
consideration in, **20,** 81—88; **27,** 586 n.
corporation, with, **8,** 381, 382; **20,** 78
county court, jurisdiction of, in case of, **8,** 646, 647; **20,** 102—103
covenants, restrictive, in. *See* restraint of trade; restrictive covenants, *infra.*
custom implied in terms of, **10,** 288, 289; **13,** 444; **20,** 81
discharge of. *See* termination, *infra.*
dismissal. *See* notice terminating, *infra*; DISMISSAL.
usage as to, **13,** 444 n.; **20,** 96, 97
without notice, **20,** 98—102
domestic servant, with. *See* DOMESTIC SERVANT.

CONTRACT OF SERVICE—*continued.*
duration of, **20,** 92—94
year, for. *See* year, *infra.*
entire, remuneration under, **20,** 84
evidence of, **20,** 75, 81
form of, **20,** 75—79
illegal consideration in, **20,** 81, 82 n.
illness, effect of, on, **20,** 84, 100, 101
immoral consideration in, **20,** 81
implied, when, **20,** 75, 77, 82, 268
implied term in, capability of person employed, **28,** 874
custom as, **20,** 81. *See* usage, *infra.*
good faith as, **20,** 126
illness, as to, **20,** 106
risks of servant, as to, **20,** 119, 120
infant, by, binding, when, **17,** 69; **20,** 72, 73, 74
construction of, **17,** 72, 73
continuation after reaching full age, **17,** 73
restrictive covenants in case of, **27,** 567—569
unenforceable, when, **20,** 73, 74
injunction in case of, **20,** 113, 114
interference between master and servant, when justifiable, **20,** 269. *See* TRADE UNION.
lunatic, by, **20,** 75
married woman, by, **20,** 74
compulsory health insurance, in case of, **28,** 907
master of ship, with. *See* sea service; sea-fishing service, *infra.*
misrepresentation affecting, **20,** 98
mutuality in, **20,** 81; **27,** 586 n.
notice terminating, **20,** 96, 97
dispensed with, in what cases, **20,** 98—102
domestic service, in case of, **20,** 97
general hiring, in, **20,** 96, 97
Government servant, with, not necessary, **20,** 98
hiring for a year, in, **20,** 96, 97
reasonable, must be, in absence of usage, **20,** 97
usages as to, **10,** 289; **20,** 96, 97
novation, principle of, applied to, **7,** 509
oral, when may be, **7,** 365, 366; **20,** 76
parol evidence varying, admissibility of written, **7,** 524 n.; **10,** 262 n.; **20,** 81
part performance of, Statute of Frauds, does not affect application of, **13,** 65
parties, capacity of, to enter into, **20,** 72—75
partnership firm, with, **20,** 94, 95
pilot service, **20,** 80
relations between, presumption of, open to rebuttal, **20,** 75, 76 n.
remuneration under, other than wages, **20,** 86. *See* wages, *infra.*
restraint of trade in relation to, **20,** 88—90. *See* RESTRAINT OF TRADE.
restrictions on freedom of, **20,** 88—91
restrictive covenant in, enforcement of, **17,** 243; **20,** 88—90; **27,** 556, 557. *See* RESTRAINT OF TRADE.
wrongful dismissal, not enforced in case of, **27,** 59, 581 n.
sea fishing service, **14,** 630, 631; **20,** 80
casualties during, **14,** 633
discharge of seaman, **14,** 632
offences committed during, **14,** 632, 633
stamp duty on agreement for, **20,** 81
term of, **14,** 631
wages, payment of, **14,** 631, 632

CONTRACT OF SERVICE—*continued.*
sea service, apprenticeship to, **20,** 80; **26,** 41
stamp duty on, **20,** 81
crew, with, certificates and delivery in case of, **26,** 43
deposit of agreement for, **26,** 658, 659
duties of seamen, **26,** 60
form of, **26,** 41, 42
implied obligation of owner, **26,** 40
licence of Board of Trade for, **26,** 43, 44
offences by seamen, **26,** 60—63
rescission by court, **26,** 43
lascars, engagement of, **26,** 43
master, appointment of, **26,** 40
seal, when must be under, **14,** 630; **20,** 76, 77, 79, 80; **26,** 41
servile incidents in, invalidity through, **27,** 556
specific performance inapplicable in, **20,** 113, 114, **27,** 9, 10, 33
stamp duty, exemption from, **20,** 78, 79; **24,** 722
Statute of Frauds, when within, **7,** 365, 366; **13,** 65; **20,** 76, 77
Sunday, made on, validity of, **20,** 90
termination of, **20,** 94—103
death of either party, by, **14,** 225, 305; **20,** 94
dissolution of partnership, on, **20,** 94, 95, 113 n.
notice, by. *See* notice terminating, *supra.*
without, **20,** 98—102
order of county court, by, **8,** 647; **20,** 102, 103
performance, by, **20,** 94
restrictive covenants enforced after, **27,** 557
servant, by, circumstances justifying, **20,** 102
winding-up order, by, **20,** 95
wrongful dismissal by, **20,** 95, 96
third party, in relation to, **20,** 65
trade union in relation to. *See* TRADE UNION.
Truck Acts, when within, **9,** 566 n.; **14,** 516, 517
usage in, implication of, **10,** 288, 289; **13,** 444; **20,** 81
wages under, **20,** 82—86. *See also* WAGES.
additional remuneration, recovery of, **20,** 83, 84
computation of, piece workers, in case of, **20,** 86
deduction from, **20,** 91
entire contract, in case of, **20,** 84
forfeiture of, **20,** 91, 107, 108
gratuities in lieu of, **20,** 86
mode of payment of. *See* Truck Acts, *supra.*
place of payment of, **20,** 90, 91
recovery of, **20,** 82, 83
temporary absence through illness, in case of, **20,** 84, 85
voluntary absence without notice, in case of, **20,** 85, 86
work, master's duty to provide, **20,** 86—88
work and labour, contract for, distinguished from, **28,** 862. *See* WORK AND LABOUR.
writing, necessity for, when, **7,** 365. 366; **20,** 76, 77; **26,** 41
year, for, evidence of, **20,** 92, 93
presumption of, **20,** 75 n., 92, 93
rebuttable, **20,** 92, 93, 94
writing necessary, in what case, **20,** 76, 77
writing unnecessary, in what case, **20,** 76

CONTRACT TICKET,
collision, personal injuries through, as affecting right of recovery for, **26,** 543, 544
ship's passenger, production by, **26,** 337
when necessary to issue to, **26,** 336, 337

CONTRACTING OUT,
affiliation order, from, **2,** 451
Agricultural Holdings Act, from compensation under, **1,** 262
distress, statutory provision as to expenses of, from, **11,** 187
Employers' Liability Act, from, **20,** 149, 150
forfeiture in lease, from right to relief from, void, **18,** 539, 540
friendly society, by, from powers of dissolution, **15,** 197 n.
ground game, with reference to, **15,** 221, 222, 224
landlord's property tax, with reference to, **11,** 158; **16,** 633; **18,** 476
National Health Insurance, from, prohibition of, **28,** 915
statute, when precluded by, **7,** 404
tenant for life, by, from exercise of powers, void, **25,** 637, 638
tithe rentcharge, from payment of, **11,** 158, 748; **18,** 476 n.
Workmen's Compensation Act, from, by substitution of approved scheme, **20,** 198, 214—216

CONTRACTOR,
defined, **20,** 67, 68
agent, and, distinction between, **1,** 147; **27,** 486
building contract, under, *defined,* **3,** 159, 160
abandonment of work by, **3,** 239
agency of, where sub-contractor employed, **3,** 276
assignment of
liability by, **3,** 270, 271
rights by, **3,** 266—270
bankruptcy of, **3,** 272, 298
assignments, effect on, **3,** 268
completion of contract on, **3,** 254, 255, 268, 269, 272
forfeiture on, **3,** 251, 252, 254, 255
lien of employer, effect on, **3,** 265
materials, effect as regards, **3,** 262, 263, 265
sub-contractor, effect as regards, **3,** 275
breach by, special damages in case of, **3,** 240, 241
death of, **3,** 273
default of, damages for, **3,** 239—242
dismissal by architect of, **3,** 290
duty of, **3,** 207, 208, 290
executor of, rights etc. of, **3,** 273, 274
forfeiture as against, **3,** 252, 253
fraud of, certificate of work obtained by, surety not discharged by, **15,** 548
retention money paid through, surety not discharged by, **15,** 548
insanity of, **3,** 280
insurer against fire, as, **3,** 191
interest of, charge on, **3,** 281
joint, assignment of liabilities by, **3,** 271
death of, **3,** 273
liability of, assignment of, **3,** 270
building owner, for acts of, **3,** 317; **27,** 477 n.
damages for default, for, **3,** 239—242, 248
illegal acts, for, **3,** 195, 200
injury to person or property, for, **3,** 315, 316
maintenance and defect clauses, under, **3,** 236, 237
negligence, for, **3,** 315, 317; **21,** 368
penalty clauses, under, **3,** 242—248
quantity surveyor, to, **3,** 313, 314
soil, defective, for using, **3,** 194, 195

CONTRACTOR—*continued.*
building contract—*continued.*
lien of, **3,** 165, 264
materials, proper, obligation to use, **3,** 189
property in, when vested in, **3,** 260, 262, 263
removal of, by, **3,** 253
user of, by, **3,** 262
obstruction by employer of, **3,** 197, 200
payment to architect by, **3,** 308
quantity surveyor, liability to, **3,** 313, 314
reasonable diligence required of, **3,** 190
remedy of, on breach of contract by employer, **3,** 197, 238, 239
rights of, **3,** 188, 238, 239
site, right to occupy, **3,** 188, 201
solvency of, architect's liability for, **3,** 298
sub-contractor, right to employ, **3,** 276
sureties guaranteeing
financial liabilities of contractor, **3,** 281
payment of contractor, **3,** 281
performance, **3,** 279—281
whole work, right to do, **3,** 188
workmanship, liability for, **3,** 189
co-contractor. *See* CO-CONTRACTOR.
control or interference as affecting the liability of, **21,** 472
Crown, with, obligations as to minimum rates of wages, in case of, **27,** 523
dangerous work, in, principal not freed by employment of, **21,** 474, 475
employer, Employers' Liability Act, under, as, **20,** 149
liability of, for acts of, **20,** 264, 265; **21,** 471—475, 557; **27,** 486, 846 n.
Employers' Liability Act, whether within, **20,** 148
Government, communication of information by, criminal liability for, **9,** 481
disqualification of, as member of Parliament, **21,** 658, 659
highway authority's liability in respect of negligence of, **16,** 136, 137
home work, restrictions regulating, liability for breach of, **14,** 461, 462
independent, *defined,* **27,** 485, 486
agent, not an, **1,** 147; **27,** 486
effect of employing an, **20,** 149, 264
negligence, liability for, **20,** 264; **20,** 471, 472
nuisance caused by, when principal liable for, **21,** 557
trespass by, liability for, **27,** 846 n.
who is, **20,** 148 n.; **21,** 471 n.
joint, **7,** 411, 471. *See* JOINT CONTRACTOR.
liability of, with principals for withdrawal of support, **20,** 582
misrepresentation, non-disclosure of facts to contractor as, **20,** 685 n.
negligence of, contractor's liability for, **20,** 264—267; **21,** 471—475
employer's liability for, **20,** 264, 265; **21,** 471—475
Employers' Liability Act, as defence under, **20,** 142
servants of, **20,** 265—267
wreck, employed to mark or raise, owner's liability for, **26,** 534
nuisance, liability for, of, **16,** 136
Public Authorities Protection Act not applicable to, **19,** 176 n., 180 n.; **20,** 262 n.

CONTRACTOR—*continued.*
public authority, to, damage to highway by, **16,** 179
special statutory protection, when entitled to, **19,** 180; **23,** 342
railway, for construction of extension of, rights of, **23,** 765
servant, distinguished from, **20,** 67, 148, 264 n.; **27,** 486
liability for acts of, **20,** 133, 265, 266
sub-contractor. *See* SUB-CONTRACTOR.
tort, liability for, when attaching, **27,** 485, 486
unlawful act, employed to perform, liability where, **20,** 265; **21,** 375 n.
Workmen's Compensation Act, liability of principal and contractor under, **20,** 192—195
sub-contractor, in case of, **20,** 193
not within, **20,** 157
wreck, employed to mark or raise, owner's liability for negligence of, **26,** 534

CONTRIBUTION,
annuity, for payment of, as between tenant for life and remainderman, **24,** 505, 506
average. *See* GENERAL AVERAGE.
bill of exchange, accommodating parties to, between, **2,** 523
club, members of, between, liability on contract, for, **4,** 423
committee of, between, as joint contractors, **4,** 420 n.
to, property purchased by, exemption from duty of, **4,** 428
collecting societies, penalty for falsification of books of, **15,** 187
collision, damages for loss of life or injuries by, by owners of vessels for, **26,** 523, 524
common fund, to, poor rate, in case of, **22,** 549, 550; **24,** 47
company, directors of, as between, **5,** 139, 234
promoters of, as between, **5,** 58
constructive contract, as a, **7,** 471—473
co-sureties, as between, **15,** 526—534. *See* surety, *infra.*
county court, practice in, where defendant claims, **8,** 491—493
defendant, claim by, for, procedure as to, **23,** 162—165. *See* THIRD PARTY PROCEDURE.
county court, in, **8,** 491—493
costs, no claim against co-defendant in respect of, **15,** 528
devisees of residuary estate entitled to, when, **19,** 88
education expenses of defective child, for, guardians, by poor law, **12,** 82
parent, by, **12,** 44
equitable jurisdiction as to, **13,** 10, 30, 70
friendly society, by, other societies, to, **15,** 171
to, **15,** 139, 151, 165
military service, by members in, **15,** 150
general average. *See* GENERAL AVERAGE.
highway, in respect of, county council, by, **16,** 127—129
road board, by, **16,** 129
insurance, fire, in respect of, **17,** 536—538
conditions in policy as to, **17,** 536—538
same property by different persons, on, **17,** 537
several policies in different forms, in case of, **17,** 538

CONTRIBUTION—*continued.*
insurance—*continued.*
guarantee, in case of, **17,** 573
marine, in respect of, between insurers, **17,** 381, 501
joint
contractors, between, **7,** 471; **20,** 713
personal representatives of, **7,** 471; **14,** 309
tenants, as between, for repairs, **24,** 204
tortfeasors. *See* tortfeasors, *infra.*
London Building Act, among owners for expenses under, **20,** 479
lunatic, county asylum for, local authority, by, for, **19,** 484—486
pauper, for maintenance of, order on union for, **19,** 490
main road, by county council for maintenance of, **16,** 27, 127—129
maintenance of
family, to, soldier, by, **22,** 572
pauper wife, to, husband, by, **22,** 574
mortgagors, between several, **21,** 302, 303, 306, 307
national health insurance, for, **28,** 911—919
Admiralty and Army Council, of, **28,** 980
alien, in respect of, **28,** 988, 989
amount payable by employer and employed, **28,** 911
arrears of, **28,** 926, 927
bankruptcy or winding up, priority in, of, **28,** 918
casual and intermittent employment, in case of, **28,** 994
ceasing of, **28,** 913
certified teachers, in respect of, **28,** 993, 994
charitable institution, in case of inmates of, **28,** 995
collection of, regulations for, **28,** 918 n.
contracting out not permissible, **28,** 915
deductions from wages allocated to, **28,** 915
employee, recovery from, of, **28,** 913
employer, payment by, of, rules for, **28,** 913—915
exempted
institution, in case of, **28,** 995
persons, in case of, **28,** 916
manager, persons working under, in case of, **28,** 914
married woman, of, **28,** 975—979
mercantile marine, in respect of members of, **28,** 985—988
outworkers, in case of, **28,** 915
rate of, **28,** 911
remuneration, in special cases of, **28,** 912
royal forces, in case of members of, **28,** 980—985
sanatorium benefit by insurance committee for, **28,** 952
seasonal trades, in case of persons employed in, **28,** 995
several employers, in case of, **28,** 913
voluntary. *See* voluntary, *infra.*
weekly payment of, **28,** 913
parent, by, education expenses of defective child, for, **12,** 44
maintenance of child, for, under Children Act, 1908, **17,** 166
public elementary school, for children's meals and medical attendance in, **12,** 32, 33
reformatory and industrial school, for maintenance of child in, **12,** 78, 81
partners, as between, **22,** 35, 60, 61

CONTRIBUTION—*continued.*
salvage, in respect of, **26,** 586—589. *See* SALVAGE.
school
district board, expenses of, by parishes towards, **12,** 87
public elementary, by guardians for expenses of, **12,** 82
children's meals and medical attendance in, by parent for, **12,** 33
reformatory and industrial, maintenance of child in, guardians, by, **12,** 83
parent, by, **12,** 78, 81
sewers, cost of, for, by owners of houses, **25,** 740
sureties, among, action for, **15,** 529, 530, 532—534
defences available in, **15,** 534
parties to, **15,** 533
third party notice in, **15,** 533; **23,** 162—165
amount recoverable by way of, **15,** 531, 532
assignment of creditor's securities to enforce, **15,** 534, 535
costs recoverable by way of, **15,** 532
counter-security, right extends to, **25,** 535
creditor's interference with, effect of, **15,** 570
defences to action for, **15,** 534
enforcement of, **15,** 532—534
giving time, effect of, on, **15,** 534
instalments, in respect of payment of, **15,** 530
interest recoverable by way of, **15,** 532
payment which entitles surety to, **15,** 530, 531
persons liable to, **15,** 526—529
receiver, of, **24,** 422, 423
release of co-surety, effect on, **15,** 534
relief after payment, **15,** 530
relief before payment, **15,** 529
form of order for, **15,** 529
right of, **15,** 526—534
basis of, **13,** 30; **15,** 527
cases where there is no, **15,** 528
enforcement of, **15,** 532, 533
exceptions to, **15,** 528
fraudulent concealment, effect on, **15,** 529
loss of, **15,** 534
third party proceedings to enforce, **15,** 533
when arising, **15,** 529, 530
separate deeds, where sureties bound by, **15,** 532
third party procedure on claim for, **15,** 533; **23,** 162—165; **25,** 508. *See* THIRD PARTY PROCEDURE.
tithes, where owner or occupier of part of premises pays whole amount of, **7,** 472
tortfeasors, amongst, no right of, **5,** 234; **7,** 473; **15,** 512; **20,** 714; **23,** 162 n.; **27,** 488, 489
trustees, as between, **28,** 203, 204, 234
unemployment insurance, actual and immediate employer, provisions in case of, **28,** 891
amount of, **28,** 889
Board of Trade regulations as to, **28,** 890
collection of, regulations for, **28,** 890
conditions for refund to employer, **28,** 895
deductions between substantial and actual employers, as to, **28,** 891
further contributions, **28,** 896
repayment of, **28,** 896
payment of, **28,** 889
mistake, in, return of, **28,** 896
penalty for failure to pay, **28,** 904
preferential debt in bankruptcy or winding-up matter, is, **28,** 891

CONTRIBUTION—*continued.*
unemployment insurance—*continued.*
rates of, **28,** 889
revision of, **28,** 900
refunds and repayments of, **28,** 895—897
reserve forces, in case of members of, **28,** 889
short-time, exemption in case of working, **28,** 896
workmen's associations, treatment by, of, **28,** 898
union, to common fund of, by parishes, **22,** 549, 550
voluntary, *defined,* Scientific Societies Act, 1843, within, **15,** 124; **19,** 206
education, for, **12,** 6
institution maintained by, Charity Commissioners' jurisdiction, exempt from, **4,** 143, 305, 306, 308
exemption from rates, of, **19,** 206
National Health Insurance Act, under, **28,** 911. *See* VOLUNTARY CONTRIBUTOR.
employer by, **28,** 917, 918
rate of, **28,** 916, 917
table of rates of, **28,** 1000
water supply, district council's expenses of, for, limited owner may charge land with, **18,** 282; **28,** 262
joint board's expenses of, for, by contributory districts, **28,** 262
Workmen's Compensation Act, compensation under, for, by employers in case of disease contracted by workman, **20,** 167

CONTRIBUTOR,
editor, as distinguished from, **23,** 215
power of, to make contracts with, **23,** 216
manuscript and letters of, property in, **23,** 216
National Insurance Act, under, deposit. *See* DEPOSIT CONTRIBUTOR.
employed. *See* EMPLOYED CONTRIBUTOR.
voluntary. *See* VOLUNTARY CONTRIBUTOR.

CONTRIBUTORY. *See* CONTRIBUTORY NEGLIGENCE; CONTRIBUTORY PLACE.
defined, **5,** 487
adjustment of rights of, **5,** 529—533
arrest of, **5,** 432, 505, 562, 563
balance order against, not final judgment, **2,** 26; **5,** 504
meaning and effect of, **5,** 504
bankruptcy of, **5,** 446, 490. *See* BANKRUPTCY.
books and papers of company, evidence between contributories, **5,** 505
inspection of, by, after winding-up order, **5,** 442
calls on, **5,** 500—502
voluntary winding-up, in, **5,** 581
concealment of property of, **5,** 505
contractual liability of, **5,** 493
counterclaim for rescission of contract to take shares, right to, **25,** 508
death of, effect of, **5,** 490—492
devisee as, **5,** 490, 491
director as, liabilities of, **5,** 493
distribution of assets among, **5,** 529—533
executor as, **5,** 491, 492
first meeting of, **5,** 428, 438, 466
heir as, **5,** 490, 491
industrial society, on winding up, **17,** 35
infant as, **17,** 60, 61

CONTRIBUTORY—*continued.*
liability of, appeal from decision determining, **23,** 193 n.
contractual, **5,** 493
director, when, **5,** 493
duration of, **5,** 492
extent of, **5,** 488
limited company, in case of, **5,** 492
nature of, **5,** 493
sums due to member as such, in case of, **5,** 494
limited partnership, to, **22,** 118—120
calls upon, **22,** 120
insolvent, proof against, **22,** 119
liquidator's rights against estates of deceased, **22,** 119
list of, **22,** 120
settlement of, **22,** 119, 120
rectification of register on, **22,** 120
partners as, **22,** 119
list of, A and B, **5,** 495
cost-book company, in case of, **20,** 635 n.
misrepresentation as ground for removal from, **5,** 497—500; **20,** 755 n.
provisional, **5,** 494, 495
rectification of, **5,** 496—500; **20,** 745
settlement of, **5,** 494—496
appointment, notice of, for, **5,** 495
certificate of, **5,** 496
final, **5,** 495, 496
limited partnership, in, **22,** 119, 120
liquidator, by, **5,** 494
official receiver, by, **5,** 494
voluntary winding up, in, **5,** 580
married women as, **5,** 489; **16,** 407, 413
meetings of, **5,** 466—472
adjournment of, **5,** 470
arrangements sanctioned by, validity of, **5,** 604—607
chairman of, **5,** 470
minutes of, **5,** 472
notice of, **5,** 468
ordered by the court, **5,** 466, 467
place of, **5,** 470
quorum at, **5,** 470
resolutions at, **5,** 472
summoning of, mode of, **5,** 467, 468
time of, **5,** 470
validity of, **5,** 468
members, past and present as, **5,** 488
orders against, **5,** 504, 505
rights of, against company, **5,** 502, 503
seizure by court of books and goods of, **5,** 505
set-off, right of, **5,** 502—504
trustee as, **5,** 492
unregistered companies, in case of, **5,** 651, 652
winding up, adjustment of rights in, of, **5,** 529—533
ascertainment of wishes on, of, **5,** 413, 414
liabilities in, **5,** 487—505. *See* liability, *supra.*
petition by, **5,** 401—403
voluntary, in, calls on, **5,** 581
rights in, **5,** 417
settlement of list of, **5,** 514, 580, 581; **20,** 755 n.

CONTRIBUTORY NEGLIGENCE,
defined, **21,** 445
children, as applied to, **21,** 373, 453, 454
collision at sea, in case of, **26,** 507, 527
criminal charge, no defence to, **9,** 586; **21,** 426

CONTRIBUTORY NEGLIGENCE—*continued.*
danger, imminence of, as excusing, **21,** 448, 452
knowledge of, as affecting, **21,** 449, 450
defence, as, **21,** 445—454
Employers' Liability Act, under, **20,** 138
extraordinary traffic, not available in action for, **16,** 177
Factory and Workshop Act, not available under, **14,** 532
servant's claim against master, to, **14,** 532; **20,** 121, 131, 177, 178; **21,** 451
third party, by, not available, **21,** 451, 452
tort, in action for, **27,** 501
Workmen's Compensation Act, under, **20,** 177
degree of negligence, amounting to, **21,** 446, 447
driver of train, by, passengers' rights, effect on, **4,** 46 n.
effective cause of injury, as contributing to, **21,** 378—382
emergency, in case of, **21,** 452
highway authority, as affecting liability of, for misfeasance, **16,** 133
illustrations of what is and what is not, **16,** 133 n.; **21,** 450
judge and jury, functions of, in case of, **21,** 442—444
manslaughter, in, **9,** 586; **23,** 426 n.
pleading, particulars of, **22,** 455 n.
special, necessary, **22,** 447 n.
proof of, **21,** 446, 447
railway passenger, of, **4,** 46—53; **21,** 450
registration of title to land, indemnity for loss on rectification of, as affecting, **24,** 324
servant, breach of duty by, of person injured by, effect on master's liability of, **20,** 252
defence to claim by, against master, **14,** 532; **20,** 121, 131, 177, 178; **21,** 451
evidence of, **21,** 451
plaintiff, of, by, **21,** 448
test of, **21,** 447, 448
volenti non fit injuria distinguished from, **21,** 476
young persons, of, as affecting employer's liability, **17,** 157, 158

CONTRIBUTORY PLACE,
defined, **19,** 335
rural district council, expenses of, charged on, **19,** 335, 336; **23,** 381; **24,** 94, 95
water supply, in respect of, **28,** 261—263
special expenses rate levied on, **24,** 94—96

CONVALESCENT HOMES,
National Insurance Act, provision under, of, **28,** 925

CONVENIENCES,
provision of sanitary, **23,** 602. *See* SANITARY CONVENIENCE.

CONVENIENT PORT,
defined, prize law, for purpose of, **23,** 283, 284
duty of commander of belligerent ship to despatch prize to, for adjudication, **23,** 283, 284

CONVENT,
gift for use of, void as contrary to public policy, **4,** 122

CONVENTION,
Berne, copyright, for protection of, **8,** 138, 139, 140—142. *See* BERNE CONVENTION.
international, copyright, for protection of, **8,** 138, 139, 140—142. *See* BERNE CONVENTION.
design, application for registration of, under, **27,** 736, 741 n.
duty as to marking article with, under, **27,** 741 n.
domicil, in respect of, **6,** 194
industrial property, for protection of, countries parties to, **22,** 230 n.
invention, for protection of, **22,** 229, 230
countries, parties to, **22,** 230 n.
trade marks, registration of, under, **27,** 708
Parliament, *defined,* **6,** 389

CONVENTIONAL DAY,
charterparty, provision in, that term day shall mean, **26,** 124

CONVENTIONARY TENEMENT,
Duchy of Cornwall (Quieting of Titles in Assessionable Manors) Act, 1844, under, *defined,* **7,** 261 n.

CONVERSION,
banker, by, **1,** 225; **27,** 894 n.
bankruptcy, assignees in, by, **27,** 898 n.
building, of, London Building Act, regulations under, as to, **20,** 491
Public Health Act, regulations under, as to, **23,** 415, 416
charity, of non-educational, to educational purpose, **12,** 115, 116
company, of, into industrial and provident society, **17,** 7, 8
corn rent and rentcharge, of, into tithe rentcharge, **11,** 752
co-tenant, by, of common property, **27,** 898
equitable doctrine of. *See* CONVERSION IN EQUITY.
friendly society, of, branch, into, **15,** 195, 196
limited company, into, **15,** 193—195, 203 n.
goods, of. *See* CONVERSION OF GOODS.
liquor, of, by mixing with water, **27,** 892 n.
shares, of, into stock, and re-conversion, **5,** 69, 71, 99, 100
authority of articles for, **5,** 71
court, no application need be made to, for, **5,** 203
trust property, of. *See* CONVERSION OF TRUST PROPERTY.

CONVERSION IN EQUITY,
at home, when money said to be, **13,** 115, 116
cestui que trust, as affecting, **13,** 106, 107
compulsory purchase of land, in case of, **6,** 121; **13,** 110
contingency, where depending on, **13,** 108
court, under order of, **13,** 111, 112
curtesy, tenancy by the, as affecting, **13,** 107
date of, deed, direction under, in case of, **13,** 107, 108
power, under, **13,** 111; **23,** 72
will, direction under, in case of, **13,** 105 n., 107
deed, under, **13,** 107, 110
date of, **13,** 107
failure of purposes, effect of, **13,** 110
direction for, deed, by, failure of purpose of, **13,** 110
effectual, must be, **13,** 105

CONVERSION IN EQUITY—*continued.*
direction for—*continued.*
express, need not be, **13,** 105
imperative, must be, **13,** 105
settlement, in, **13,** 105
will, in, **13,** 105
failure of purpose of, **13,** 109, 110
disentailing deed necessary, when, **13,** 114
doctrine of, principles underlying, **13,** 104
rule giving rise to, **13,** 104
dower, as affecting, **13,** 107
effect of, **13,** 106, 107
election in regard to. *See* reconversion, *infra.*
escheat to Crown, as affected by, **11,** 24 n.; **13,** 107 n.
failure of purpose of, **13,** 108—111
character in which property results on, **13,** 109
deed, in, **13,** 110
partial, **13,** 109
power under, **13,** 111
total, **13,** 109
will, under, **13,** 109, 110
infant
cannot elect to take money or land subject to, **13,** 114; **17,** 85
compulsory sale of land of, conversion not effected in case of, **13,** 111 n.; **17,** 85 n.
property of, in case of, **13,** 112; **17,** 84, 85
jointress, where person interested as, **13,** 113 n.
jurisdiction of equity as to, **13,** 10, 104
lunatic, compulsory sale of land of, does not effect, **13,** 111 n.
personalty of, when moneys deemed, **19,** 450
power of court to authorise, **19,** 449, 450
property of, acts in ordinary course of management effecting, **19,** 451
extent of, when authorised, **19,** 449, 450
purposes for which court authorises, **19,** 449, 450
realty, where money deemed, **19,** 450
surplus money unapplied by court, effect on, **13,** 112; **19,** 449, 450
married woman, election in case of, **13,** 114
mortgagee, sale by, surplus money on, effect on, **13,** 112
option of purchase, under, **13,** 111; **18,** 392
partition action, order for sale in, as effecting, **13,** 112; **21,** 867
partnership land, in case of, **13,** 39; **22,** 56
perpetuities, trust for sale void under rule against, does not effect, **13,** 104 n.; **22,** 351
power, under a, **13,** 105, 111; **23,** 31, 32, 72
reconversion, actual conversion does not effect doctrine of, **13,** 108
court, on sale by, of surplus, **13,** 111, 112
election to effect, **13,** 112
express, must be, **13,** 115
implied, land, to retain, **13,** 115
limitations, from nature of, **13,** 116
personalty, to retain, **13,** 115
infant, in case of, **13,** 114; **17,** 84, 85
jointress, in case of, **13,** 113 n.
lunatic, in case of, **13,** 114
married woman, in case of, **13,** 114
parol, may be, **13,** 115
persons under disability, by, **13,** 114
portioners, where there are, **13,** 113
several owners, in case of, **13,** 113
sui juris, must be by person, **13,** 114
tenant in tail, in case of, **13,** 113

CONVERSION IN EQUITY—*continued.*
reconversion—*continued.*
failure of purpose of conversion, in case of, **13,** 108; **28,** 52
mixed fund, where debts and legacies payable out of, **13,** 109 n.
real and personal estate have become reconverted, in case of, **13,** 108
power of sale, reconversion of surplus on exercise of, **13,** 111, 112
testator, direction by, to avoid, **13,** 109
rents and profits during postponement of, to whom payable, **13,** 108; **14,** 283, 284; **28,** 33 n.
request, at, **13,** 106
sale by the court, on, **13,** 111, 112
date of, **13,** 112
surplus proceeds on, effect on, **13,** 112
sale of land, by contract for, **13,** 98—100, 110; **14,** 239; **25,** 364
option for purchase, in case of, **13,** 111; **18,** 392
settled land, compulsory sale of, does not effect, **13,** 110 n.
timber on, in case of, **13,** 112 n.
settlement, under a, **13,** 105, 115, 116; **25,** 527, 530
capital money, at home, when said to be, **13,** 115, 116
covenant to lay out money in purchase of land, effect where money at home, **13,** 116
trust for, absolute owner, property vested in, in case of, **13,** 112
discharged by receipt of capital money by beneficiary, **13,** 115
failure of purposes, effect of, on, **13,** 109; **28,** 52
implied, when, **13,** 106; **28,** 31
joint request of two persons, on, effect of, **13,** 106
request of specified person, at, **13,** 106
specified consent required, where, **13,** 106
trust for creditors, arising from, **28,** 40
trust for sale, in case of, **13,** 104 n.; **25,** 530
will, under, date of, **13,** 107
effect of, **13,** 106
failure of purpose of, **13,** 108—110
power, under, **13,** 111
reconversion, election as to, **13,** 115
when it arises, **13,** 105

CONVERSION OF GOODS,
defined, **27,** 889
acceptance of part of proceeds of, may amount to waiver of tort, **27,** 912
action for. *See* DETINUE; TROVER.
acts amounting to, **27,** 889—893
administrator, by, as breach of condition in administration bond, **15,** 487 n.
wrongfully intermeddling by, as, **27,** 890 n.
agent, by, **1,** 225, 226; **27,** 897
auctioneer, action by, for, **1,** 520
by, **1,** 520, 521; **27,** 893, 899 n.
bailment, in cases of, **1,** 528—530, 556, 563; **13,** 406; **19,** 50; **27,** 866, 899, 914
bill of lading, under, **26,** 166
broker, liability of, for, **27,** 893
buyer and seller, rights as between, for, **25,** 123, 257; **27,** 898, 899, 907, 908
carrier, by, **4,** 13, 14, 23, 99; **25,** 256; **27,** 892
cestui que trust, in possession of, trustee's rights on, **27,** 905

CONVERSION OF GOODS—*continued.*
copyright, non-delivery of pirated copies of, as, **8,** 167
corporation, by, **8,** 386; **27,** 897 n.
co-tenants, by, **27,** 898, 904, 905
damages for, **10,** 344; **27,** 908—912. *See* DAMAGES; MEASURE OF DAMAGES.
deeds, of, **27,** 892 n., 896 n., 898 n., 904
demand and refusal, when sufficient evidence of, **27,** 894—897
denial of, as defence to action for, **27,** 913
deposit, accidental, of chattel, **1,** 528
involuntary, of chattel, **1,** 528
note, of, damages for, **27,** 910 n.
destruction of goods as, **27,** 892
disposition of goods as, **27,** 890
distress, arising from levying, **11,** 149, 154, 182 n., 186 n., 206; **27,** 891
dividend warrant, of, measure of damages, **1,** 601
essential features of, **27,** 889—900
estoppel, as affecting action for, **27,** 914, 915
evidence of, demand and refusal as, **27,** 894—897
execution creditor, liability of, for, **14,** 20; **27,** 897 n.
finder of chattel, by, **1,** 529
when entitled to sue for, **1,** 530; **27,** 905
fixtures, of, damages for, **27,** 909
fraudulent, criminal liability for, **9,** 658, 659
property in goods on, **27,** 891, 901
gift, of, donee's rights in respect of, **27,** 905
high bailiff, by, **17,** 634, 638 n.; **25,** 812 n.
hire-purchase, in case of, **1,** 556; **27,** 906
infant, by, **17,** 75; **27,** 891
instrument, negotiable and non-negotiable, of, **2,** 523; **27,** 892 n., 893
joint tortfeasors, by, **27,** 898
jus tertii as a defence to, **27,** 896, 914
knowledge immaterial to constitute, **27,** 889, 890
lien, as defence to action for, **27,** 913, 914
disposal of goods by person having, **27,** 899
market overt, on sale in, **20,** 55; **27,** 890, 903
mortgaged goods, of, rights attaching on, **21,** 188; **27,** 899, 906, 907
negotiable instruments, of, **2,** 523; **27,** 893
pawnbroker, refusal to deliver goods by, **27,** 895
pawnee, by, **22,** 242, 243; **27,** 906, 907
pledged goods, in case of, **27,** 906, 907
ratification as defence to action for, **27,** 915
refusal on demand of delivery, as essential to, **27,** 894—897
remedies for, **27,** 908—913
servant, by, **20,** 256, 277; **27,** 896, 897
shipowner, by, **26,** 152
stoppage *in transitu*, arising by delivery after notice of, **4,** 99; **25,** 256, 257
trespass distinguished from, **27,** 865
trustee's right in respect of goods in possession of *cestui que trust*, **27,** 905
waiver, as defence to action for, **27,** 501 n., 908, 912, 915
wharfinger, by, **27,** 892
wife, by, husband's liability for, **16,** 436 n.; **27,** 897 n.
wrongful
destruction of goods as, **27,** 892
disposition of goods amounting to, **27,** 890
sale as amounting to, **27,** 890

CONVERSION OF TRUST PROPERTY,
abstention from, instrument requiring, **28,** 129
income of property in case of, **28,** 30
real estate, in case of, **14,** 283, 284
trust for sale of, effect of, **28,** 40
residuary personal estate, in case of, **14,** 282, 283
reversionary property, in case of, **14,** 284; **28,** 30—32, 129
right to call for, general devise, in case of, **23,** 31, 32
time usually allowed for, **28,** 128 n.
trustees'
discretion as to, **28,** 19, 20, 31, 32, 129
duties as to, **14,** 282—284; **28,** 31, 32, 128, 129
wasting property, in case of, **14,** 282, 283; **28,** 31, 129

CONVEY,
use as an operative word, **24,** 294; **25,** 423

CONVEYANCE,
animals, of. *See* CARRIAGE OF ANIMALS.
body, of, to place of burial, **3,** 483
children, of, to school or college, **12,** 21, 61, 64
electors, of, illegal hiring for, **12,** 303, 348
payment for, **12,** 293, 294, 345, 346
equitable estate, of. *See* EQUITABLE ESTATES AND INTERESTS.
explosives, of, **14,** 383—387. *See* EXPLOSIVES.
fugitive offender, of, practice relating to, **14,** 423
goods, of. *See* CARRIAGE OF GOODS; CARRIER OF GOODS.
land, of. *See* CONVEYANCE OF LAND.
mails, of, statutory provision for, **22,** 651—657; **26,** 354—356. *See* MAILS.
prison, to, liability of prisoner for expenses of, **23,** 243
prisoner, of, local authority, liability of, for expenses of, **19,** 354, 355; **23,** 243
police, responsibility of, for, **23,** 243, 244
public. *See* CAB; OMNIBUS; VEHICLE.
troops, of, by rail, provision for, **23,** 699, 700; **25,** 52

CONVEYANCE OF LAND. *See* ASSURANCE; GRANT OF LAND.
defined, **25,** 426 n., 441 n.
absolute, when treated as a mortgage, **13,** 75, 152; **17,** 372 n.; **21,** 72
all estate clause in, **10,** 472; **25,** 424
appurtenances, in case of, **28,** 699 n.
appurtenant rights, in regard to, **10,** 470; **25,** 424
area, statement as to, discrepancy in, **3,** 138. *See* PARCELS IN DEED.
asylum, for, **19,** 481, 482
enrolment in case of, **4,** 132 n.
barrister, to, in lieu of fees, invalidity of, **2,** 392
beneficial owner, implied covenants by, **10,** 484; **25,** 426
boundaries, description of, in, **3,** 110; **18,** 414
conflict as to, **3,** 140, 150; **20,** 540
inaccuracy as to, in, rectification on, **3,** 111
canal, adjoining, on compulsory purchase, does not pass minerals, **20,** 550
change of name of party to, necessity to insert in conveyance both old and new name, **21,** 350 n.
charity, to. *See* CHARITY.
church, site for, **4,** 139; **11,** 722—726
Church of England, to, **11,** 773, 774

CONVEYANCE OF LAND—*continued.*
churchyard, for, **3,** 434, 439, 443 ; **4,** 139
Crown, by, **3,** 437, 438 ; **7,** 151
Commissioners of Woods, by, **7,** 154, 157, 158
company, amalgamation of, having effect of conveyance for purposes of stamp duty, **25,** 446
by, in liquidation, **5,** 506 ; **25,** 418
compulsory purchase, in case of, **6,** 106—114
costs of, **6,** 112, 113
taxation and recovery of, **6,** 113, 114
default of, statutory remedy on, **6,** 107
minerals excepted on, **6,** 50, 51 ; **20,** 550
owner's and promoter's rights as to, after notice to treat, **6,** 107
conditions of sale as to, **25,** 336
consideration, gaming, by way of, illegal, **15,** 279, 280
must be stated in, **25,** 422
pretended, for, as a gift, **15,** 427
receipt for, in, **10,** 464 ; **13,** 371 ; **25,** 437—439
unpaid, covenant as to, in, **25,** 428
effect of, **10,** 359 ; **15,** 417 ; **28,** 57
copyholds, in case of, **8,** 89 *et seq.*, 107 ; **24,** 166 n. ; **25,** 429, 430
school sites, for, mode of, **25,** 430
corporation, to, **8,** 305, 306, 367—371
costs of, by whom payable, **25,** 336, 433, 434
conditions of sale as to, **25,** 336
county council, by, **16,** 197 ; **19,** 340 n.
covenant in, evidence as to benefit of, **13,** 567 n.
covenants for title in, **10,** 370 ; **25,** 426, 427. *See* COVENANT ; COVENANTS FOR TITLE.
registered land, in case of, **25,** 432
deed, by, **10,** 367 ; **24,** 294
easements, of, **11,** 250, 274, 275. *See also* EASEMENT ; GRANT OF EASEMENT.
equitable
interests, stamp duty on, **25,** 450
what passes by, **13,** 79
mortgage with memorandum of deposit is a, for land registry purposes, **1,** 633 ; **21,** 79
exceptions and reservations in, **10,** 470 ; **11,** 249 n., 343 n. ; **18,** 428 ; **25,** 425
minerals, of, in, **10,** 471 ; **20,** 549, 550
profits à prendre not subject-matter of, **11,** 343
execution of, **25,** 435—437
court's nominee, by, **25,** 437
power of attorney, under, **25,** 435, 436
purchaser, by, when necessary, **25,** 436, 437
family arrangement, when supported as a, **14,** 541, 542
fee simple, words of limitation of, **24,** 165—167 ; **25,** 425
feoffment, by means of, **15,** 410 ; **24,** 293
ferry with land, in case of, **10,** 361 ; **14,** 557
foreclosure order, on, is conveyance on sale for stamp duty purposes, **21,** 291 ; **25,** 446
form of, **10,** 381, 382 ; **24,** 301 ; **25,** 421—433
church, site for, **11,** 722—726, 729
company in liquidation, **5,** 506 ; **25,** 418
gift, of, **15,** 426
immovables, of, conflict of laws as to, **6,** 207—209
literary and scientific institution, for site of, **19,** 198
mines under registered title, in case of, **20,** 555
purchaser settles, **25,** 412, 413, 421
statutory, **25,** 414, 415
vendor and purchaser summons to settle, **25,** 394

CONVEYANCE OF LAND—*continued.*
fraudulent, **15,** 78—116. *See* FRAUDULENT CONVEYANCE.
freeholds, assurance of, forms of, **24,** 290—301 ; **25,** 421—429
gaming consideration for, **15,** 279, 280
general words in, **10,** 470, 472 ; **11,** 274 ; **25,** 424
gift, of, form of, **15,** 426
grant, by, no estoppel by operative words in, **13,** 367. *See* GRANT OF LAND.
habendum in, **10,** 473 ; **25,** 425
highway, adjoining, presumption of inclusion of part of highway, **16,** 52, 53
husband, by, dower barred by, **24,** 192 ; **25,** 417
husband and wife, between, **15,** 399, 400 ; **16,** 391, 392
to, effect of, **16,** 355 ; **25,** 420
identification of property in, proof of, **25,** 424
immovables, conflict of laws as to, **6,** 207—209
indemnity, by way of, validity of, **15,** 445 n.
Inland Revenue Commissioners, to, in lieu of estate duty, **13,** 212, 213
judgment for, specific performance, in action for, **27,** 96
vesting order made on, **28,** 107
King's Remembrancer, by, under extent, **10,** 16
leaseholds, of, **25,** 430—432
literary or scientific institution, of site for, **19,** 197—200
lunatic, by committee on behalf of, execution and effect of, **19,** 456 ; **25,** 427
manor, of, what included in, **8,** 19 ; **20,** 550
market, in case of, **20,** 13
married woman, by, acknowledged deed, by, **16,** 323, 381 *et seq.*
separate estate of, **25,** 417
execution by attorney of, **16,** 365 ; **25,** 436
minerals, exception of, on, **20,** 550, 551
inclusion of, **20,** 549, 550
mines under registered title, of, form of, **20,** 555
mistake in, rectification of, **21,** 9, 10, 13, 22, 28, 29 ; **25,** 470, 471. *See also* MISTAKE.
mortgage made by, mortgagee's estate on, **21,** 168, 169
when treated as absolute, **13,** 75 ; **21,** 72
mortgagee, by, implied covenant under, **21,** 123 ; **25,** 427
open space, of, private owner, by, **21,** 586
statutory trustees, by, **21,** 585
operative words in, **25,** 423
create no estoppel, **13,** 367
order of court, under, **25,** 314, 437
covenant implied, **25,** 427
parcels in, **10,** 465—473 ; **25,** 423, 424. *See* PARCELS IN DEEDS.
mistake in, rectification of, **21,** 9, 10, 13
parties to, **25,** 415—421. *See* PARTIES TO INSTRUMENT.
partition, on, **21,** 814, 823, 860, 861
appointment of person to make, **21,** 854
tenant for life, execution by, of, **21,** 820 ; **25,** 657, 658
vesting order, has effect of, **21,** 853
partners, to and by, **25,** 420
personal representatives, covenants implied on, execution by, **14,** 296 ; **25,** 427
plan, use of, in, **25,** 423
preparation of, **25,** 412—415
instructions for, not part performance of contract, **27,** 35

CONVEYANCE OF LAND—*continued.*
prison, made in, validity of, **13,** 19 n.
provisoes in, **10,** 457; **25,** 427
purchaser. *See also* PURCHASER.
conditions of sale, rights under, of, **25,** 336
costs of preparing conveyance usually borne by, **25,** 336, 433
covenants by, on, **25,** 425
execution by, of, **25,** 436
for value without notice, equitable jurisdiction in respect of, in case of, **13,** 78, 79. *See* PURCHASER FOR VALUE WITHOUT NOTICE.
misdescription of, effect of, **21,** 6
settles form of, **10,** 381; **25,** 421
sub-purchaser, conveyance to, **25,** 419
railway, adjoining, on compulsory purchase, does not pass minerals, **20,** 550. *See* RAILWAY.
receipt for consideration in, **10,** 464; **13,** 371; **25,** 437—439
recitals in. *See* RECITALS.
reconveyance. *See* RECONVEYANCE.
Recreation Grounds Act, 1859, under, **21,** 591
registered land, of, **24,** 318—320; **25,** 432, 433
registration of, Bedford Level, in, **24,** 307; **25,** 443
Middlesex, in, **24,** 301—304; **25,** 442
Yorkshire, in, **24,** 304—307; **25,** 443
requisitions as to, **25,** 325, 356
rescission of, misrepresentation, for, **20,** 741 n., 742 n., 743 n., 744; **25,** 471—473. *See also* RESCISSION.
mistake, for, **21,** 17—20; **25,** 471. *See also* MISTAKE; RESCISSION.
sale, on, what included in term for stamp duty purposes, **25,** 445, 446
sale of land, completion of conveyance in case of, **25,** 412—451
separate deeds by, when made, **25,** 413
Settled Estates Act, under, **25,** 679
Settled Land Acts, in case of, **25,** 665—667
stamp duty on, **25,** 444—451. *See* STAMP DUTY.
statutory form of, **25,** 414, 415
sub-purchaser, to, **25,** 419
subsequent purchasers, when void against, under 27 Eliz. c. 4, **15,** 92. *See* VOLUNTARY CONVEYANCE.
tenant for life, covenant by, in, **25,** 427
tenants in common, covenants by, in, **25,** 427
testamentary document may be a, **28,** 509
title, under defective, effect of subsequent acquisition of good title, **13,** 104 n.
trustee, by, **25,** 416, 427, 431; **28,** 140, 141
uncertainty, when void for, **10,** 457; **25,** 424
vendor, costs payable by, **25,** 336, 434
covenants by, on, **25,** 425, 426
execution by, of, **25,** 435
under disability, when, **25,** 416
vesting order, by, **25,** 433; **27,** 96; **28,** 107, 108
voidable. *See* FRAUDULENT CONVEYANCE; VOIDABLE CONVEYANCE; VOLUNTARY CONVEYANCE.
voluntary. *See* VOLUNTARY CONVEYANCE.

CONVEYANCING,
business, unqualified person, liability of, for acting in, **26,** 856.
certificated conveyancer, exemption from juries of, **18,** 231
counsel. *See* CONVEYANCING COUNSEL.

CONVEYANCING—*continued.*
proof of title, **25,** 349—355
remuneration for. *See* SOLICITORS' REMUNERATION.

CONVEYANCING COUNSEL,
appointment of, **2,** 382; **13,** 6 n.
costs of, payable by promoters on compulsory purchase of land, **6,** 113
duty of, where sale under order of court, **25,** 316, 317
eligibility for office of, **2,** 382
professional privilege of, **11,** 73 n.

CONVICT. *See* PRISONER.
defined, **9,** 429; **23,** 260
account of estate of, who may apply for, **23,** 262
action, inability to bring, **1,** 29, 30; **9,** 429; **23,** 252; **27,** 491
administrator of property of, appointment of, **9,** 429; **23,** 261, 262; **25,** 309
powers of, **9,** 429, 430; **21,** 94; **23,** 261; **25,** 195, 388
alienation by, when valid, **9,** 429; **15,** 403; **25,** 559
arrest of, police supervision, under, **9,** 303 n.; **22,** 472
assault, penalties for, **23,** 232
bankrupt, liable to be made, **1,** 30; **2,** 12
books and papers, privileges as to, **23,** 264
classification of ordinary, **23,** 260
clothing, private, of, powers as to disposal and supply, **23,** 264
communications to, **23,** 264, 265
contract, inability to, **7,** 342; **9,** 429; **25,** 308, 559
control of, Prison Commissioners, by, **23,** 232
conviction, disqualifications following on, **9,** 428—432¼
effect of, on property of, **23,** 261—263
corporal punishment of, when awarded, **23,** 265, 266. *See* CORPORAL PUNISHMENT.
death of, inquest on, **8,** 227, 241
under sentence, when, **23,** 251, 252
dieting of, **23,** 251, 263
disabilities of, **1,** 149; **7,** 342; **9,** 429; **12,** 141; **15,** 403; **23,** 252; **25,** 308, 309, 559
disentailment by, **8,** 73; **23,** 262 n.; **24,** 256; **25,** 309 n.
disqualifications following conviction of, **9,** 428—431
employment of, regulations as to, **23,** 264
escape, aiding, offence of, **9,** 510 n.
killing of, in attempt to, lawful, **9,** 586; **23,** 266
punishment for, **9,** 508 n.
execution, issue of, against property of, **14,** 15; **23,** 253
execution of, justifiable homicide, as, **9,** 575, 586. *See* EXECUTION OF CRIMINAL.
provisions as to, **23,** 252
food, rights as to weighing and measuring of, **23,** 263
Forfeiture Act, 1870, as applicable to, **1,** 29, 30; **9,** 428, 429; **15,** 403; **23,** 262—264
franchise, forfeits right of, **12,** 141
gift by, validity of, **15,** 403
gratuity earned by, **23,** 261
imbecile, special treatment of, **23,** 270
intercourse between, when allowed, **23,** 265

CONVICT—*continued.*
interim curator, appointment of, as to property of, **9,** 430; **23,** 261, 262. *See* INTERIM CURATOR.
juror, as, disqualification of, **18,** 230
killing to prevent escape of, liability for, **9,** 586; **23,** 266
leases by and to, **9,** 429; **18,** 341 n.
legal adviser, interviews with, **23,** 265
letters, rules as to, **23,** 256, 264, 265
licence, at large under, capacity in case of, **15,** 403; **23,** 266; **25,** 559
powers of Secretary of State to grant release on, **23,** 266, 267
life sentence, undergoing, **23,** 258
long sentence division, treatment in, **23,** 260, 261
lunatic, **9,** 510; **23,** 270—272. *See* CRIMINAL LUNATIC.
medical examination of, **23,** 255
mortgage, inability to
grant or accept, **9,** 429; **21,** 94
redeem, **9,** 429; **21,** 141
pardon of, contractual capacity restored by, **25,** 559
franchise restored by, **12,** 141
prerogative of Crown as to, **6,** 404—407. *See* PARDON.
partner, Forfeiture Act as affecting rights of, **9,** 429; **22,** 19
penal servitude, incidents of undergoing, **23,** 263—266. *See* PENAL SERVITUDE.
photographing, provision for, **23,** 255
police supervision, under, **9,** 414, 415
principal, cannot act as, **1,** 149
prison, discipline in, rules for maintaining, **23,** 253—257. *See* PRISON.
progressive stages of imprisonment of, **23,** 257
property of, action in regard to, **23,** 253 n., 261
administration of, **9,** 429; **23,** 261; **25,** 195, 309, 388
alienation, no power of, **25,** 559
charge on, cannot create, **25,** 559
effect of conviction on, **23,** 261—263
execution against procedure, **14,** 15; **23,** 253
mortgage of, powers of administrator as to, **9,** 429; **21,** 94, 141
revesting of, in, **9,** 430; **15,** 403
Public Trustee, appointment of, to administer the estate of a, **9,** 429; **28,** 213
punishment for minor and serious offences, mode of, **23,** 265, 266
record of industry of, **23,** 264
release on licence of, **23,** 258, 266, 267
religious ministrations to, **23,** 264
rescue of, liability for, **9,** 512
retainer, cannot make contract of, with solicitor, **26,** 732
searching of, **23,** 255
separate confinement, periods of, **23,** 260
settlement, inability to make valid, **25,** 559
solicitor's right to interview, **23,** 265; **26,** 732 n.
special communications, circumstances under which allowed, **23,** 265
Statute of Limitations, effect of, where cause of action accrues to, **19,** 53
testamentary capacity of, **28,** 535, 536
tort, liability to sue for, **1,** 29, 30; **27,** 491
trust and mortgage estates vested in, devolution of, **9,** 429; **14,** 235; **28,** 103
trustee becoming a, effect of, **9,** 429; **14,** 235; **28,** 103
CONVICT—*continued.*
visits to, **23,** 256, 264, 265
young, provisions relating to, **9,** 419, 420; **23,** 261. *See* BORSTAL INSTITUTION.

CONVICTION,
adulteration, for, appeal from, **1,** 291
alderman, of, disqualification by, **20,** 424
alteration of, when irregular, **19,** 601 n.
appeal from. *See* APPEAL.
certificate of, duty of justices as to, **19,** 601
certiorari to quash, **10,** 192—199, 207—211. *See* CERTIORARI.
return of record of, **10,** 210
children, person in charge of, powers on case of, **17,** 165
Children Act, 1908, for offence under, appeals from, **17,** 171
chose in action, of person fraudulently obtaining, rights of owner against person in possession, **27,** 902 n.
churchwarden, of, effect of, **11,** 473
civil proceedings, not evidence of guilt in, **13,** 344 n.
clergyman, of, certificate of, **11,** 524
clerk of the peace, of, of corrupt practice, **19,** 627
corrupt practice, election, at, **12,** 536
defendant, of, on own confession, as evidence, **9,** 394—400
disabilities and disqualification attaching to prisoner after. *See* CONVICT.
distress warrant, custody of defendant pending return to, on, **11,** 222
mode and powers for levying under, on, **11,** 221
postponement of, on, **11,** 222
drunkenness, for permitting, of licensed victualler, **18,** 117—119
evidence, as, non-repair of highway, for, **16,** 145
testator was killed by donee, that, **28,** 539
evidence of, **13,** 550; **19,** 683
previous, admissibility of, **9,** 381 n., 382, 383
count charging previous conviction, to support, **9,** 374
mode of, **13,** 550
night poaching, **15,** 234
excise licence, for selling liquor without proof of, **18,** 114
Factories and Shops Acts, under, proof of, **14,** 536
felony, of, deed avoided on ground of, **7,** 342; **10,** 360
disqualifies for member of Parliament, **9,** 429; **21,** 657, 658
specific performance, a bar to relief by, **23,** 252 n.; **27,** 59
Food and Drugs Act, under, finding of justices necessary to, **15,** 39 n.
foreign, proof of, in evidence, **13,** 527
forfeiture on, felony, in case of, **9,** 428 n.; **11,** 26 n.; **23,** 261; **24,** 330 n.
office, of, **9,** 428
Game Act, under, rights on quashing of, **15,** 238 n.
habitual drunkard, of, notice to police of, **18,** 167
Habitual Drunkards Act, 1879, under, appeal from, **18,** 167
highway, as evidence *inter alios* of existence of, **13,** 329; **16,** 44
non-repair or obstruction of, for, no appeal from, **9,** 444
indictable offence, for, tried summarily, effect of, **19,** 585, 586

CONVICTION—*continued.*
indictment, for offence different from that charged in, practice as to, **9,** 371
indorsement of, on appeal, provision for, **19,** 648
justices' licence, for sale without, effect of, **13,** 108, 112; **18,** 107, 113
larceny, for, effect on title under Factors Act, **27,** 903 n.
licence, driver's, indorsement on, **27,** 302, 329, 330
suspension of, on, **27,** 302, 329, 330
licensed holder, of, duty of clerk of peace as to, certificate of, **18,** 55
entry in register, of, **18,** 103
excise licence, effect on grant of, **18,** 54, 55
extent of disqualification on, **18,** 55
harbouring thieves, for, **18,** 135
justices' licence, effect on
grant of, **18,** 56
transfer of, **18,** 28
notice of, to owner of premises, **18,** 103, 104
Prevention of Crimes Act, 1871, under, effect of, **18,** 56
proof of, **18,** 55
protection order for owner, when granted, **18,** 49
Licensing (Consolidation) Act, 1910, as evidence under, **18,** 158
licensing
justices, duty of clerk of, as to, **18,** 103
offences, in case of, appeal from, **18,** 157
night poaching, for, form of, **15,** 233 n.
old age pension, effect on, of, **22,** 619
pardon after. *See* PARDON.
pawnbroker, of, cancellation of licence on, **9,** 684; **22,** 249
contract of pawn, how affected by, **22,** 255, 257
pension forfeited on, **22,** 512; **24,** 752; **25,** 35 n.
pledged stolen goods, order for delivery of, on proof of, **9,** 688; **22,** 254, 255
previous, charging with, procedure, **9,** 374
evidence of, **9,** 382; **15,** 234. *See* evidence, *supra.*
punishment after, **9,** 411
proof of, manner of, **19,** 683
rogue and vagabond, as a, liability on second, **22,** 614
Sale of Beer Act, 1795, under, **18,** 158
sale of intoxicating liquors after, liability for, **18,** 114
second, Prevention of Crimes Act, 1871, under, disqualification of licensed victualler on, **18,** 56, 57, 135
disqualification of premises on account of, **18,** 59, 135
Spirits Act, 1880, under, **18,** 158, 159
stolen property, revesting of, on, **9,** 686, 702; **19,** 585; **20,** 55; **25,** 198, 199; **27,** 903
summary proceedings, on, **9,** 75; **19,** 601 n.
vaccination proceedings, in, **23,** 481
Weights and Measures Acts, under, power to order publication of, **28,** 496

CONVOCATION,
defined, **11,** 390
Act of Submission, as affecting legal position of, **11,** 391
archbishop, duties of, with regard to, **11,** 385, 391
mandate of, nature of, **11,** 391

CONVOCATION—*continued.*
articula reformationis, meaning of, **11,** 393
bishop, citation of, form and issue of, **11,** 392
Book of Common Prayer, power to alter, **11,** 676 n.
bound and regulated, how, **11,** 393
business of, since 1872, **11,** 394 n.
canons of, **11,** 394
licence to make, **11,** 394 n.
Canterbury, of province of, **11,** 390—393
case of, 1610, **11,** 391 n., 393 n.
citation for attendance at, **11,** 392
clergy, privilege of, when going to and returning from, **11,** 555
representation of beneficed, in, **11,** 390, 392
constitution of, **11,** 390; **12,** 193 n.
continuation, meaning of, **11,** 393
dissolution of, manner of, **11,** 395, 395 n.
ecclesiastical, King's control over, **6,** 393; **11,** 390
provincial synods distinguished from, **11,** 390, 390 n.
Edward III., under, objects of, **11,** 390 n.
gravamina cleri, meaning of, **11,** 393
Houses of, constitution of, **11,** 392
prolocutors of, duties of, **11,** 393
election of, **11,** 393
legal position of, **11,** 391
legislative power, loss of, **11,** 394
licences to make canons, 1861, **11,** 394 n.
Lower House of, constitution of, **11,** 392, 393
mandamus does not lie against, **10,** 94
meetings of, since 1665, **11,** 394 n.
members of, election of officers by, **11,** 392; **12,** 193 n.
number of, **11,** 392, 393
privileges of, **11,** 394
nature of, **11,** 390
number of Houses of, **11,** 390
officers of, election of, **11,** 392; **12,** 193 n.
prayer, special, of, **11,** 393 n.
president of, archbishop of the province usually is, **11,** 393
proctors, election and duties of, **11,** 392, 393
prolocutors, duties of, **11,** 393
prorogation or dissolution of, **11,** 395
resolutions of, validity of, **11,** 391 n.
royal letters of business, object of, **11,** 393
summoning of, **11,** 385, 391
taxation of clergy, by, **11,** 391 n.
discontinuance of, **11,** 393 n.
terminology of, **11,** 393
Upper House of, constitution of, **11,** 392
York, of province of, **11,** 390, 392, 393

CONVOY,
disclosure as to, **17,** 409 n.
lights, sea regulations as to, when under, **26,** 407—409
premium, return of, ship sailing and arriving with, where, **17,** 498
usages as to, **10,** 297
warranty for, effect of, **17,** 416; **26,** 83

CONWAY,
local court of, jurisdiction of, **9,** 156

COOK,
ship's, grant of certificates to, mode of, **26,** 44 n.
provisions as to carrying of, on, **26,** 44, 342 n.
steerage, emigrant ship, provisions for carriage in, **26,** 341, 342

COOKING,
nuisance from, remedy for, **21,** 534
ship, convenient place on deck for, **26,** 342

CO-OPERATIVE SOCIETY. *See* p. 398.

CO-ORDINATION. *See* p. 398.

CO-OWNER. *See* p. 398.

COPARCENERS,
defined, **11,** 10; **24,** 210
accounts between, **24,** 211
alienation of share by, effect of, **24,** 211
choice between, right as to, **21,** 814
common of estovers, apportionment of, between, rule as to, **4,** 469
commons, inclosure of, application for, by, interest of, **4,** 543
copyholds, admittance to, manner of, **8,** 102
release of, by, in favour of each other, how made, **8,** 107
creation of estate of, **11,** 10; **24,** 210
curtesy, attaches to estate held by wife as a, **11,** 10; **24,** 185
entry for purpose of title by, **24,** 185
daughters take as, **11,** 10
descent from, rule as to, **11,** 8, 10; **24,** 210
determination of estate of, modes of, **24,** 211
distress, right of, as to, **11,** 126, 161
division of property by co-heiresses, when supported, **14,** 542
incidents of estate of, **24,** 210, 211
jus accrescendi, none as to, **24,** 210
land tax, redemption of, effect of, **18,** 322
lease, grant of, by, effect of, **18,** 343 n.
nature of estate of, **24,** 210
partition by, effect of, **24,** 211
land, of, between, rights in case of, **21,** 814, 839
patronage of, mode of presentation, **11,** 571
Real Property Limitation Acts, under, separate possession by, effect of, **19,** 130
severance of estate of, creates tenancy in common, **24,** 208
shares of, disposal by will of, effect of, **24,** 210; **28,** 523
Statute of Limitations, disability, effect of, as bar to, **19,** 134; **24,** 210
survivorship, none between, **24,** 210
waste, restrainable from, **24,** 211

COPE,
ecclesiastical vestment, use as an, **11,** 402 n., 673 n.
when a proper, **11,** 673, 674
mineral duty, *defined,* **20,** 643
right to meer goes with, **20,** 641
to whom payable, **20,** 643

CO-PLAINTIFF. *See* p 399.

COPPER
coin, counterfeit, apparent value, dealing in below, **9,** 518
instruments for making, manufacture or possession of, **9,** 520
making, **9,** 518
foreign, **9,** 519
uttering, **9,** 518
importation of foreign prohibited, **6,** 474

COPPER—*continued.*
coin—*continued.*
remedy allowance in case of, **6,** 467, 468
standard of weight and fineness of, **6,** 467
tender, as, **6,** 463; **7,** 419 n.
mines, Crown, rights of, as to, **7,** 117
land tax, how charged on, **18,** 308
rating of, method of valuation for purposes of, **24,** 43

COPPICE,
land tax, liability of, to, **18,** 308
tenant of, right of, as to cutting timber, **1,** 296; **10,** 259; **18,** 430
timber trees, of, what is, **1,** 296; **10,** 259; **18,** 430

COPY. *See* ORIGINAL.
affidavit of documents, of, right to, **11,** 69
ancient document, of, examined, **13,** 549
attested or authenticated, stamp duty on, **24,** 727
award on inclosure, of, as evidence of contents, **4,** 587
bank book, of, as evidence, **1,** 644; **11,** 91; **13,** 478, 554
bankruptcy, registered deed, of, as evidence in, **2,** 331
statement of affairs in, rights to, **2,** 71
bill of exchange, indorsement on, of, effect of, **2,** 504
protest, of, as evidence, **2,** 515, 536
bill of sale, of, filing of, **3,** 47, 75
office, **3,** 75
building society, proposed rules, of, on registration of, **3,** 327, 328
burials, register of, entry in, of, right of public to, **3,** 557, 560
stamp duty on, **3,** 557, 575
transmission to registrar of diocese, provision for, **3,** 558, 560
bye-law, of, evidence, as, **23,** 393, 728
certified, admissible as secondary evidence, **13,** 422, 524, 525
Crown lands, as to, **7,** 173
entries in register, births, marriages and deaths, of, **13,** 533, 536; **24,** 443, 449
burials, of, **3,** 557, 558, 560
cremations, of, **3,** 575
stamp duty on, **3,** 575; **24,** 727
wilfully certifying false as true, **9,** 741
charges of execution, account of constables, of, rights to, **11,** 226 n.
club, rules of, members, furnishing of, to, **4,** 411, 412
Registrar of Friendly Societies, to be sent to, **4,** 411, 412
company, advance, of prospectus, right of action as to, **5,** 138 n.
certified, certificate of incorporation of, as evidence, **5,** 68
document, of, certification of, **5,** 59, 60. *See* COMPANIES.
expert's report etc. of, as defence, **5,** 138
instruments creating charges, of, provisions for keeping of, **5,** 364, 365
memorandum and articles, of, supply of, **5,** 69
petition, of, persons entitled to, **5,** 405
register, of, rights to, **5,** 152, 153, 357
resolutions, of, **5,** 261
statement of affairs, of, parties entitled to, **5,** 427

COPY—*continued.*
company—*continued.*
trust deed, of, debenture-holders' right to, **5,** 357
winding-up order, of, official receiver's duties in respect of, **5,** 418
compulsory purchase, records of judgments for compensation under, of, mode of obtaining, **6,** 92, 93
special Act, of, duty of company to keep, **6,** 18
copyhold, of grant of, **8,** 15
copyright, in, *defined*, **8,** 196
court roll, of. *See* COPY OF COURT ROLL.
court rolls, of, custody of, **13,** 512
delivery of, by steward, **8,** 15
evidence, as, **8,** 18 ; **13,** 539, 540
customs, as to, **13,** 540
reputation and acts of ownership, of, **13,** 540
tenant's holding and rent payable, of, **13,** 540
proof of, **8,** 17, 18
how admitted, **13,** 541
right to, of tenant or purchaser, **8,** 16, 17
cremations, of, register of, stamp duty on, **3,** 557, 575
document, whether a, **11,** 68 n.
documents, of, costs of, taxation of, **26,** 805, 806
produced on inspection, of, practice as to, **1,** 644 ; **11,** 67, 69, 90, 91
electors, of register of, town clerk's etc. duties respecting, **12,** 244, 246
electric lighting, plans of, on approval of Board of Trade, deposit of, **12,** 610
entries, of, instead of inspection, practice as to, **1,** 644 ; **11,** 91
evidence, as. *See also* SECONDARY EVIDENCE.
certified, **13,** 523, 533, 536
patents register, of, **22,** 181
register of trade marks, of, **27,** 719
original
impossible to produce, where, **9,** 392 ; **13,** 519
missing etc., where, **4,** 155 ; **9,** 391 n. ; **13,** 518 ; **14,** 161 ; **25,** 350
public document, of, **13,** 522, 523
examined, as evidence, **13,** 524, 524 n.
exemplification, **13,** 549. *See* EXEMPLIFICATION.
interrogatories, of, service on opposite party, practice as to, **11,** 106, 107
King's printer's, as evidence, **13,** 525
office copy, as evidence, **13,** 520, 523. *See* OFFICE COPY.
patents register, of entry in, as evidence, **13,** 539 ; **22,** 181
press copy, as evidence, **13,** 557
will of, probate of, **14,** 161
printer, duty of, to preserve, **23,** 213, 214
privilege of, **11,** 70, 76. *See also* PRODUCTION OF DOCUMENTS FOR INSPECTION.
public authority, document of, as evidence, **13,** 522, 523
printed by, as evidence, **13,** 525
records, of, **13,** 524
publisher, obligation of, to deliver to British Museum and libraries, **8,** 174 ; **19,** 213 ; **23,** 214
register, baptism, of, transmission to diocesan registry, **11,** 687
births, deaths and marriages, of, kept at General Registry, **24,** 436

COPY—*continued.*
register—*continued.*
burials, of, certified, **3,** 557, 560
parish, evidence, as, **13,** 473, 536
parliamentary, of, how obtained, **12,** 139
patents, of, certified, **22,** 181
evidence, as, **22,** 181
offences respecting, **22,** 232
particulars entered in, **22,** 179, 180
rectification of, **22,** 180
search of, **22,** 181
trade marks, of, evidence, as, **13,** 539 ; **22,** 181 ; **27,** 719
service of, **11,** 225
specifications, of, architect's practice as to charges for, **3,** 299, 300
trade
design, as evidence in questions of, **13,** 539 ; **22,** 181 ; **27,** 737
marks, entry in register of, proved by, **13,** 539 ; **22,** 181 ; **27,** 719
unstamped document, of, as evidence, **13,** 516 n.
waterworks, plans and books of reference, of, as evidence, **13,** 524 ; **28,** 284
will, of lost, admission to probate of, **14,** 161
press copy, of, **14,** 161
writ of, service of, practice as to, **23,** 115
variance in, effect of, **23,** 115 n.

COPYHOLD.

The title COPYHOLDS *is contained in Vol. VIII., pp.* **1** *et seq.*
defined, **8,** 67 ; **11,** 14 n.
acknowledged deed, declaration of trust by, **8,** 108
action for debt, as remedy by lord of manor, **8,** 59
admittance in respect of, **8,** 97—107. *See* ADMITTANCE.
alien as proprietor of, **8,** 65, 66
amercements, *defined*, **8,** 59
distress for, **8,** 59 ; **11,** 118 n.
ancient freehold, of, customary freehold distinguished from, **24,** 149
approvement against copyholders, lord's right as to, **4,** 508, 509
assignment by copyholder of leasehold interest, **18,** 346
assurance on sale of, how effected, **8,** 89, 90 ; **25,** 429, 430
bankruptcy, trustee's rights on, in respect of, **2,** 188 ; **8,** 73, 89
boundaries, duty of tenant to maintain, **8,** 47
evidence of, **8,** 18
court rolls, from, **3,** 149
map made on enfranchisement as, **3,** 144
power of Board of Agriculture to define, **3,** 112, 114 ; **8,** 47, 128
proof of, **3,** 149
settlement of, on enfranchisement, **8,** 128
building society, mortgage to, of, discharge of, **3,** 365, 372
transfer of, **3,** 391
burial grounds, acquisition for, powers under the Places of Worship Sites Act, **3,** 443
certificate of steward as evidence of rolls of manor, **25,** 658
charitable purpose, gift to copyhold tenants of manor is for a, **4,** 115
charity land, form of conveyance of, **4,** 129
vesting of, **4,** 279

COPYHOLD—*continued.*
churchwarden cannot take admittance to, **8,** 66, 105
Commissioners of Woods, enfranchisement by, **7,** 194—197
purchase by, **7,** 158, 194
indemnity to trustees on, **7,** 169, 197
trustees, vested by, **7,** 194
committee of lunatic, powers of, **19,** 451, 452
common
annexed to, **4,** 523, 524, 528, 529; **8,** 110
forfeiture, effect of, **4,** 523, 524, 529; **8,** 50, 58
inclosure of, right of lord as to, **4,** 508, 509, 524
pasture, of, appendant, none in, **4,** 451
appurtenant to, **4,** 453
right of, in, effect of purchase of freehold, **4,** 528
how claimed, **4,** 490, 520
compulsory purchase of, **6,** 136—138
compensation for, **6,** 137; **8,** 129
costs, death of vendor, occasioned by, **6,** 112, 113
re-investment of purchase-money, of, how payable, **6,** 130
enrolment of assurance on sale on, **6,** 136; **8,** 29, 129; **25,** 441
surrender not required on, **6,** 136; **8,** 102, 104, 109; **25,** 430
condition, mortgage by surrender on, **21,** 125
conditional fee in, **8,** 68, 70
contingent remainders in, admittance of remainderman in case of, **8,** 99
transfer of, how made, **8,** 77, 107; **24,** 224 n.
conveyance of, **8,** 89 *et seq.* **25,** 429, 430
coparceners, admittance of, manner of, **8,** 102
release by, in favour of each other, of, **8,** 107
copy of court roll. *See* COPY OF COURT ROLL.
Copyhold Acts, award under, how proved, **25,** 351 n., 352
application of, Cornwall, Duchy of, to, **7,** 255
Lancaster, Duchy of, to, **7,** 236
enfranchisement under, maps made on, as evidence of boundaries, **3,** 144
Cornwall, Duchy of, in. *See* CORNWALL, DUCHY OF.
corporations, admittance of, **8,** 105
enfranchisement by, **8,** 115
ownership by, **8,** 14, 66, 85, 86, 372, 373
rights of, as owners of, **8,** 84, 372
court baron, bailiff, admittance of, **8,** 105
constitution of, **8,** 11
court leet, constitution and jurisdiction of, **8,** 12
court, manor, of, **8,** 11; **24,** 113. *See* CUSTOMARY COURT.
court rolls. *See* COURT ROLLS.
copy of. *See* COPY.
forgery of, **9,** 740
records, as, **8,** 14—18. *See* COURT ROLLS.
covenant
for title as to, **25,** 430
to surrender, effect of, **8,** 90; **25,** 545
creation of, grant, by, **8,** 82
statute, by, **8,** 86
tenant's estate, of, **8,** 82—86
Crown, held by, trustee necessary for, **7,** 197, 198; **8,** 3, 13; **28,** 9 n.
curtesy, estates by the, admittance in case of, **8,** 102
defeated, how, **8,** 126
regulated, how, **8,** 78; **24,** 187
suit of court in case of, **8,** 14

COPYHOLD—*continued.*
custom in respect of, **8,** 8, 9, 23, 70
extrinsic evidence of, **8,** 10
customary freehold distinguished from, **8,** 67; **24,** 149
debts of tenant, liability for, **8,** 70
deduction, rent, from, rentcharges, in respect of, **18,** 479
deed poll, compulsory enfranchisement by, **6,** 138; **8,** 130
descent of, **8,** 86; **11,** 12, 14; **13,** 94. *See* DESCENT.
custom, by, **8,** 86
death of tenant, on, **8,** 86, 89; **11,** 6; **14,** 136
estate tail in, **8,** 71; **11,** 12
half blood, to, **8,** 87
statute, by, **8,** 88, 89
trustee, on death of sole, **8,** 55, 88; **11,** 5, 6; **28,** 101
devise of, **8,** 109; **24,** 138 n.; **28,** 519, 522
devolution of, **11,** 6
disentailment of, assurance for, enrolment of, **8,** 15, 72
how effected, **8,** 15, 71—73; **10,** 365
presumption of, **8,** 73
dispositions of equitable estate in, must be by deed, **8,** 107; **10,** 365
distress for rent of, when leviable, **8,** 58, 59; **11,** 127
dower in, **8,** 78—80; **24,** 194, 199
enfranchisement of, **8,** 111—134. *See* ENFRANCHISEMENT.
equitable estate in, **8,** 81; **21,** 185, 312; **28,** 522 n.
descent of, **8,** 88; **13,** 94; **14,** 234, 238; **25,** 379
transfer of, **8,** 107; **10,** 365
equitable mortgages of, **8,** 94
equity of redemption in, devolution of, **8,** 94
escheat in respect of, **8,** 54—56; **11,** 24 n., 26; **14,** 187
estate for life in, **8,** 74—76
not an estate of inheritance, **8,** 76
renewal, right of, **8,** 76
surrender, effect of, **8,** 76, 92, 96
years, custom as to, **8,** 76
cannot be burdened without consent of lord, **8,** 69
custom, regulated by, **8,** 68
estate tail in, **8,** 12 n., 68, 70
descent of, **11,** 12
estoppel, principle of, how far applicable to, **8,** 17, 95; **13,** 367
execution of judgment or order, liability to, **8,** 70
executory interests in, devolution of, **8,** 87, 88; **11,** 14
transfer of, how made, **8,** 107
extent, writ of, cannot be seized under, **10,** 16
extinguishment of, effect of, **8,** 109, 110
enfranchisement distinguished from, **8,** 109, 110
modes of, **8,** 110, 111
fee simple, creation of, in, **8,** 68, 69; **24,** 166 n.
fines, nature of, **8,** 26—37. *See* FINE (Copyhold).
forfeiture of, **8,** 46—52. *See* FORFEITURE.
franchise qualification of copyholder, **12,** 153
fraudulent alienation of, impeachment of, **15,** 79
freebench in, **8,** 12, 14, 78—80, 102, 126; **13,** 96 n. *See* FREEBENCH.
freehold of, remains in the lord, **8,** 67; **24,** 149

COPYHOLD—*continued.*
friendly society, held by, admittance of tenants to, **15,** 169
limitations as to, **15,** 123 n.; **17,** 20
mortgage to, of, discharge of, **15,** 167
gift for copyholders of a manor is for charitable purpose, **4,** 115
grant of, classification of, **8,** 82
copies of, steward furnishes, **8,** 15
creation of estate by, **8,** 82—86
entry on court rolls of, **8,** 14
estoppel, operates by, **8,** 82
evidence as to, **8,** 82
grantee and heirs of his body, to, effect of, **8,** 70; **24,** 172
how effected, **8,** 82, 83
in fee, **8,** 70; **24,** 166
lands passing under, **4,** 523; **8,** 84, 85
licence, **8,** 52—54, 62. *See* LICENCE.
lord, by, effect of, **8,** 69, 84
place of making, **8,** 84
proof of, how made, **8,** 82
surrender, upon, nature of, **8,** 82
validity of, **8,** 83, 84
voluntary, nature of, **8,** 82
who may
make, **8,** 82, 83
take, **8,** 85, 86
guardians, infant copyholder, of, admittance of, **8,** 81; **17,** 96, 97
appointment of, **8,** 80; **17,** 96, 97
duties of, **8,** 80, 81, 96, 97
heir to, admittance of, **8,** 101, 102
rights of, before admittance, **8,** 102
heriots, **8,** 37—45, 59. *See* HERIOT.
highway, dedication as, **16,** 34
husband and wife, surrender to, before 1883, effect of, **8,** 108; **16,** 354
husband or wife, disposition by, of non-separate, **8,** 96, 108; **16,** 323, 376
incumbent may not hold, for charitable uses, **4,** 256
industrial and provident society, admission as tenant of, **17,** 20
infant, admittance of, as tenant of, **8,** 80, 81; **17,** 48 n., 96, 97
capacity of, steward of a manor, to be, **8,** 62; **17,** 56
tenant, to be, **17,** 96
enfranchisement on behalf of, **8,** 116
guardian, father as, custom of manor as to, **8,** 80; **17,** 117, 122
guardianship in case of, **8,** 80, 81; **17,** 82, 96, 97, 122
surrender by, of, **8,** 96; **17,** 97
when liable to forfeiture of, **8,** 49; **17,** 97
intestacy without heirs, effect of, **11,** 24 n.
joint tenancy in, release in favour of each other by joint copyholders, **8,** 107
severance of, by will, **24,** 205
judgment
inter partes, copyholders and lord of manor, privity of estate between, **13,** 346 n.
successive lords of same manor, privity between, **13,** 346
manor, tenants of a, effect of representative judgment on, **13,** 348
knight service in respect of, **24,** 148
Land Transfer Act, 1897, provisions of, as to, **8,** 89; **14,** 136, 238; **23,** 10

COPYHOLD—*continued.*
lands, tenements, and hereditaments, included in term, **24,** 164
lease of, assignment of, by lessee, effect of, **18,** 346
custom, by, **18,** 344
licence necessary to grant of, **8,** 52—54; **18,** 345, 383; **25,** 658, 678
Middlesex and Yorkshire Registries, registration in, of, **18,** 401 n.
powers in respect of, **18,** 344, 345; **25,** 658, 678
statements in, as evidence of custom of manor, **8,** 10; **13,** 540
legal estate in, descent of, **8,** 86; **11,** 14; **14,** 136
licences, grant of, **8,** 52—54, 62. *See* LICENCE.
limitation of actions in respect of fines, **19,** 38, 48
literary or scientific purposes, grant for, **19,** 198
livery of seisin of, **8,** 82, 100
lord of the manor of, **8,** 22—59. *See* LORD OF THE MANOR.
lunatic, of. *See* LUNATIC.
lunatic lord, grant by, effect of, **8,** 83; **19,** 452
forfeiture, not liable to, **8,** 49
so found, admittance of, **8,** 104; **19,** 451
vesting order, power of judge to make, **19,** 455
mandamus to compel admittance to, **8,** 105, 106
manor, **8,** 3—22. *See* MANOR.
married woman, of, **8,** 65, 66, 83. *See* MARRIED WOMAN.
merger in case of, **8,** 73, 110, 111
mine in, **8,** 22—24; **20,** 509, 520, 521, 524, 542. *See* MINERALS.
minerals in, **8,** 22—24; **20,** 509, 520, 524. *See* MINERALS.
mortgage of, building society, to, **3,** 365, 372
covenants for title in, **21,** 126
devolution of, mortgagee's death, on, **8,** 86, 88; **14,** 234; **21,** 124 n., 184, 185
mortgagee's interest in case of, **11,** 25 n.; **21,** 184, 185
mortgagor's death, on, **8,** 55; **11,** 25
enfranchisement, for, mortgagee may add cost of, to, **21,** 241
priority of, **8,** 119; **21,** 104, 346
rights of tenant, **21,** 103, 104
entailed, law applicable to, **8,** 70, 71; **21,** 99
foreclosure of, **8,** 94
form of, **8,** 93, 94; **21,** 124
friendly society, to, **15,** 167
discharge of, **15,** 167
how effected, **8,** 93, 94; **21,** 124
industrial or provident society, to, **17,** 22, 23
mortgagee's title on, **8,** 94; **21,** 126
mortgagor, admittance of, on, power to order, **21,** 125
notice to lord of, **11,** 25 n.
personal representative, by, **21,** 106
power of sale in case of, **21,** 126
priorities in, **8,** 94
reconveyance of, **21,** 312, 313
redemption of, action for, necessary parties to, **21,** 150
satisfaction of, **21,** 126
stamp duty on, **21,** 137
tenant in tail, by, form of, **21,** 99
transfer of, **21,** 172, 173
rights on obtaining surrender, **21,** 172
vesting order, where mortgagor refuses to make conditional surrender, **21,** 125
new, creation of, custom necessary for, **4,** 531, 532
partition of, **8,** 69; **13,** 40 n.; **21,** 823—826, 836

COPYHOLD—*continued.*
personal representative, when devolving upon, **8,** 89; **14,** 136, 238; **23,** 10
possessory title in, interest acquired by, **8,** 114; **19,** 157
privileged, nature of, **8,** 67 n.; **24,** 149
pur autre vie, estate, in, **8,** 74—76.
quit rents, **8,** 46, 58; **24,** 285
real estate, included in term, **11,** 3; **24,** 163
receiver of, appointment of, effect of, on lord's rights, **8,** 57; **24,** 380
registration, exemption from, Land Registry, in, **24,** 310 n.
Middlesex Registry, in, **24,** 302; **25,** 442
Yorkshire Registry, in, **24,** 305
leases, of, Middlesex and Yorkshire Registries, in, **18,** 401 n.
reliefs, classification of, **8,** 45, 46
distress for, **8,** 59
recovery of, **8,** 58, 59
remainder, estates in, how dealt with, **8,** 77, 99, 100
rent of assize, **8,** 46, 58
rentcharge, **8,** 120, 121; **18,** 479; **24,** 497. *See* RENTCHARGE.
repair of, rights and duties of tenant as to, **4,** 467; **8,** 48
reversionary estates in, **8,** 77, 78, 99, 100
sale of, costs on, by whom payable, **8,** 28, 63; **25,** 434, 435
death of vendor, on, effect of, **25,** 379, 380
enfranchised, purchaser cannot call for title to make enfranchisement, **25,** 344
mode of effecting, **8,** 89, 90; **25,** 429
searches to be made on, **25,** 357, 361
stamp duty on, **25,** 449
title required on, **25,** 342
school sites, assurance for purpose of, form of, **25,** 430
seizure of, **8,** 56—58; **19,** 13
sequestration, subject to, **8,** 70
services, distress for non-performance of, **8,** 58, 59; **11,** 127
guardian of infant, by, **8,** 81
infant, by, **8,** 81
knight service, **24,** 148
tenant, of, **8,** 46
Settled Estates Act, lease under, of, **25,** 676 n., 678
settled land, as, enfranchisement of, **25,** 658
fines in respect of, how defrayed, **25,** 702
new trustees, admission of, to, **25,** 617
purchase of fee simple in case of, **25,** 647, 658
tenant for life's powers in respect of, **8,** 108; **25,** 658, 665
Settled Land Acts, application of, to, **8,** 69, 108; **25,** 658
settlement of, how made, **25,** 530, 651
Shelley's Case, rule in, application to limitations of, **8,** 68 n.; **24,** 227
stamp duty, conveyance of, on, **25,** 449
copy of court roll, on, **8,** 15, 17, 63; **24,** 704 n.
deed of admittance on sale of, on, **24,** 709 n.
enfranchisement
award, on, **8,** 126
valuation for, on, **8,** 124
grant of, on, **8,** 63; **21,** 137; **24,** 704 n.; **25,** 449
penalty for failure to comply with provisions as to, **8,** 63; **24,** 705 n.

COPYHOLD—*continued.*
stamp duty—*continued.*
steward's duty as to, **8,** 63
surrender, on, **8,** 63; **21,** 137; **24,** 704 n.; **25,** 449
Statute of Uses does not apply to, **8,** 91; **24,** 274 n.
steward of the manor, duties and powers of, **8,** 59—64. *See* STEWARD OF THE MANOR.
stones embedded in soil, property in, **8,** 22
suit of court, **8,** 13, 14, 58. *See* SUIT OF COURT.
surrender of, **8,** 89—111. *See* SURRENDER OF COPYHOLDS.
tenant, estoppel by admittance from disputing lord's title, **8,** 100
remedies against lord, **8,** 70
who may be, **8,** 65—68
tenant for life, power of, **8,** 108; **25,** 658, 665
right of, to casual profits of, **25,** 607 n.
tenant of the manor. *See* TENANT OF THE MANOR.
tenant right, *defined*, **8,** 68
tenure, incidents of, **8,** 67; **24,** 149
nature of, **8,** 67, 68, 82; **24,** 149
timber on, rights to, **8,** 24, 25
title to, copy of court roll as evidence of, **24,** 149
transfer of, Bankruptcy Act, 1883, under, **8,** 89
deed, by, **8,** 90, 107, 108
descent, by, **8,** 86—89; **11,** 14
married woman, by, **8,** 96, 108; **16,** 376
Public Trustee, by, **8,** 88
surrender and admittance, by, **8,** 89—107
tenant for life under a settlement, by, **8,** 108; **25,** 658, 665
will, by, how effected, **8,** 109; **24,** 138; **28,** 522
modes of, **8,** 67
severance from the manor, after, effect of, **8,** 21, 108
surrender, where no custom to, how effected, **8,** 90
trust, custom as to, **8,** 81, 91
provisions as to, **8,** 81, 88, 91, 93; **28,** 95
trust and mortgage estates, devolution of, upon death, **8,** 89; **11,** 6
trustee, death of sole, devolution on, of, **8,** 55, 88; **11,** 5, 6; **28,** 101
estate of, in, **8,** 81, 88, 91, 93; **28,** 95
fines and fees, rights as to, **8,** 81
use as applied to, meaning of, **8,** 91
valuation of, Copyhold Act, 1894, under, **8,** 123, 124
vesting order as to, costs of, **8,** 96; **25,** 433
when made, **8,** 88; **25,** 433; **28,** 108
villein tenure, development from, of, **8,** 5, 82; **24,** 146
voluntary conveyance of, subsequent purchasers, impeachable by, **8,** 70; **15,** 94
waste by tenant, **8,** 48
will, inclusion in gift of land by, **28,** 702, 703
wills of, entry of, on court rolls, **8,** 15
nature and effect of, **8,** 109; **24,** 138; **28,** 522
workhouses, acquisition and enfranchisement for purpose of, **22,** 558

COPYRIGHT.
The title COPYRIGHT AND LITERARY PROPERTY *is contained in Vol. VIII., pp.* 135 *et seq. The general references below relate to literary copyright.*
defined, **8,** 140
abridgments, in, requisites for, **8,** 146

COPYRIGHT—*continued.*
advertisement, in, **8,** 145, 146
agreement to assign, effect of, **8,** 158 ; **27,** 15 n.
alien, right of, as to, **1,** 308 ; **8,** 138, 140—142. *See* BERNE CONVENTION.
animus furandi in case of infringement of, **17,** 256
annotation, in, **8,** 146
architect, of, **8,** 188 n.
artistic works, in, **8,** 188—206. *See* ARTISTIC WORKS.
assignee of, *defined,* **8,** 137, 139
registration of, **4,** 395, 396 ; **8,** 159
rights and liabilities of, **4,** 396 ; **8,** 157, 159, 160
assignment of, deed, by, when necessary, **7,** 360 ; **8,** 207 ; **10,** 372
effect of, **8,** 159
entry on register, by, **8,** 155, 159
evidence of, **8,** 156, 158, 159
form of, **8,** 159
implied, from relationship of parties, **8,** 158
modes of, **4,** 395, 396 ; **8,** 157, 159
painting, in, **8,** 192, 193 ; **10,** 423
partial, may be treated as a licence, **8,** 161
photograph, in, **8,** 192, 193 ; **10,** 423
registered proprietor, by, manner and effect of, **8,** 155, 159
registration of, **8,** 152, 155, 182, 195
stamp duty on, **8,** 159
will, by, **8,** 157
writing, when necessary, **8,** 181, 192, 202 ; **10,** 423
assignor of, rights as to sales after assignment, **8,** 160
author, of. *See* AUTHOR.
bankruptcy of owner, devolution on, **8,** 158
bequest of, **8,** 137, 139, 157
Berne Convention. *See* BERNE CONVENTION.
Bible, in the, **8,** 173, 174 ; **22,** 402 ; **27,** 527 n.
blasphemous work, none in, **8,** 144
Book of Common Prayer, in, **8,** 173
books in, **8,** 142—144
British Museum, delivery of copies to, provisions for, **8,** 174, 175 ; **23,** 214
British possession, in. *See* BRITISH POSSESSION.
casts, in, **8,** 206—208. *See* CASTS.
catalogues, in, **8,** 145, 146
charge on, by proprietor, **8,** 160
chart, in, **8,** 144, 145, 173 n.
chose in action, whether a, **4,** 360 n., 364
Christmas card, in, **8,** 143 n.
code as subject of, **27,** 397
colonial, Berne Convention, application of, to, **8,** 138—142
proof of, **8,** 142
common source, where information derived from, **8,** 146
compilation, in, **8,** 145
convention, international, copyright, for protection of, **8,** 138, 139, 140—142. *See* BERNE CONVENTION.
design, application for registration of, under, **27,** 736, 741 n.
copy, in, non-copyright painting, drawing or photograph, of, **8,** 194, 195
Crown, privilege of, in respect of, **6,** 496, 497 ; **8,** 172—174 ; **22,** 402
death of author. *See* AUTHOR.
devolution on, **8,** 140, 157
deed assigning, requisites of, **8,** 207 ; **10,** 398
design, in, **27,** 726—744. *See* DESIGN.
dictionaries, in, **8,** 145 n.

COPYRIGHT—*continued.*
digest, legal, in, **8,** 146
directories, in, **8,** 145 n., 146
discovery in proceedings in respect of, **11,** 40, 63 n.
dramatic piece, in, **8,** 137, 172. *See* DRAMATIC PIECE.
drawing, in, **8,** 191—200. *See* DRAWING.
duration of, **18,** 140
encyclopædia, in, **8,** 147
engraving, in, **8,** 200—206. *See* ENGRAVING.
Eton College, of books bequeathed or given to, **8,** 174
evidence, of, certified copy of entry in register, as, **8,** 155 ; **13,** 509
execution against, **14,** 47
foreign works, in, acquired before 1887, formalities necessary to acquire British rights, **8,** 171, 172
period of, **8,** 140
proof of, **8,** 142
fraudulent work, none in, **8,** 144
gift of, **8,** 137, 139, 157
guide books, in, **8,** 145 n.
ideas, none in, **8,** 143
illustrations in books, in, **8,** 155, 198
immoral publication, none in, **8,** 144 ; **13,** 73 n.
in a separate form, publication, meaning of, **8,** 148 n.
infringement of. *See* INFRINGEMENT OF COPYRIGHT.
injunction to protect, how obtained, **8,** 166 ; **17,** 255
international, acquired before 1887, protection of, **8,** 171, 172
artistic works, in, formalities necessary for, **8,** 189
period of, **8,** 190
drawings, in, formalities and conditions for, **8,** 188, 189, 191, 195
infringement of, remedies for, **8,** 142 *See* INFRINGEMENT OF COPYRIGHT.
musical compositions, in, registration of, **8,** 181. *See* MUSICAL COMPOSITION.
newspaper or periodical articles, in, **8,** 149, 150
paintings, in, **8,** 191, 192, 195
period of, **8,** 140, 141, 192
photographs, in, **8,** 191, 195
prints, engravings and lithographs, in, **8,** 200, 202
sculpture, models and casts, in, **8,** 206, 207
serial stories, in, **8,** 149, 150
translations, in, **8,** 149, 150
joint owners of, position of, **8,** 160
law
digest, in, **8,** 146
report, in, **8,** 146 n.
lecture, in. *See* LECTURE.
letters of deceased persons, in, **8,** 138
libellous publication, in, equity does not protect, **13,** 73 n.
libraries, delivery of copies to, **8,** 174, 175 ; **19,** 213 ; **23,** 214
licences, author or assignee, by, **8,** 161—163
kinds of, **8,** 161
registration of, **8,** 152, 161
writing, must be in, **8,** 161
list, in, **8,** 146
literary, **8,** 136—175
composition essential to, **8,** 143
lithograph, in, **8,** 200, 201. *See* LITHOGRAPH.
rights of assignee of, **8,** 200

COPYRIGHT—*continued.*
magazine, in, **8,** 147
registration of, **8,** 153, 154
manuscript, in, **8,** 137
map, in, **8,** 144, 145. *See* MAP.
methods, none in, **8,** 143
model, in, **8,** 206—208. *See* MODELS.
mortgage of, **8,** 160
musical compositions, in, **8,** 137, 139, 175—182, 186—188. *See* MUSICAL COMPOSITION.
new editions, in, registration of, **8,** 154
news, in, **8,** 147
newspaper, in, **8,** 142 n., 144, 147, 153, 154; **23,** 219. *See* NEWSPAPER.
nom de plume, none in, **8,** 144
official publication, in, **8,** 173 n.
opinion, none in, **8,** 143
originality, unnecessary in, **8,** 143
painting, in, **8,** 191—195. *See* PAINTINGS.
pamphlet, in, **8,** 142
passing off, **8,** 143 n., 165; **27,** 744—777. *See* PASSING OFF.
penalties for infringement of, **8,** 169, 170
period, statutory, of, **8,** 140
periodical, in, **8,** 147—149. *See* PERIODICAL.
personalty, as, **8,** 140; **22,** 389
persons entitled to, **8,** 141
photograph, in, **8,** 191—200. *See* PHOTOGRAPH.
piracy of, **8,** 163, 164, 170, 171
musical composition, appeal against conviction for, **8,** 171
pirated copies, *defined*, **8,** 170
conversion of, damages for, **8,** 167
remedies in respect of, **8,** 170, 171
plan, in, **8,** 143—145. *See* PLAN.
play, in, **8,** 137, 172, 175—186. *See* DRAMATIC PIECE.
print, in, **8,** 155, 200—206. *See* PRINT.
privy council's jurisdiction over, **9,** 29, 30
proprietorship in, evidence of, **8,** 156, 159
publication, agreement as to, effect of, **8,** 162
meaning of, in respect of, **8,** 139, 140
published works, in, **8,** 139—142
parties entitled to, **8,** 139
publisher, rights in respect of, **8,** 148. *See* PUBLISHER.
quotations, in, **8,** 147, 164
recitation, none in, **8,** 164
refusal of, **8,** 144
registration of, provisions in respect of, **8,** 144, 152—157. *See* REGISTRATION OF COPYRIGHT.
reports, in, **8,** 150—152
reviews, in, **8,** 147
sale of, **8,** 157
scheme, none in, **8,** 143
sculpture, in, **8,** 206—208. *See* SCULPTURE.
seditious work, none in, **8,** 144
separately published, *defined*, **8,** 142 n.
serial story, in, **8,** 148, 149
registration of, **8,** 153, 154
sermon, in, **8,** 150—152. *See* SERMON.
sheet of letter-press, in, **8,** 142
speech, in, **8,** 150—152. *See* SPEECH.
system, none in, **8,** 143
title of book, in, **8,** 143
translation, in, **8,** 149, 150. *See* TRANSLATION.
unauthorised copies, author's rights to delivery of, **8,** 163, 167
universities and colleges, privileges of, as to, **8,** 174, 175; **12,** 91

COPYRIGHT—*continued.*
unpublished work, devolution on author's death, **14,** 227
protection of property in, **17,** 257
rights in respect of, **8,** 136—138, 163; **14,** 227
volume, in, **8,** 142

CORDIALS,
Customs duties on, **24,** 599, 600

CO-RESPONDENT. *See* p. 399.

CORKED,
defined, Licensing (Consolidation) Act, 1910, for purpose of, **18,** 122 n.
vessels, sale of intoxicating liquors to children in, **18,** 122

CORN,
adulteration of, **15,** 48
attempting to set fire to, criminal offence of, **9,** 774. *See* CROPS.
Board of Agriculture and Fisheries, returns to be made to, in respect of, **28,** 490
classification for purpose of materials charge, **24,** 614
cocks of, distress on, statutory powers as to, **11,** 133, 169, 184
condemnation of, as food, powers in respect of, **15,** 42
distress upon, **1,** 254; **11,** 133, 138, 142 n., 169
sale on, mode and place of, **1,** 254; **11,** 180, 183 n., 184
grinding of, provisions with respect to, **28,** 489, 490
growing, distress upon, statutory powers as to, **1,** 254; **11,** 133
impounding of, **11,** 169
inspection and examination of, powers in respect of, **15,** 37
London trade usages as to, **10,** 277
loose, sale of, in default of replevin, **11,** 183 n.
marine insurance, meaning for purposes of, **17,** 344, 458
merchant, restrictive covenant, reasonableness of, **27,** 561 n., 587 n.
miller, provisions to be observed by, **28,** 489, 490
quarter of, meaning of, **28,** 469 n.
rent. *See* CORN RENT.
returns, Board of Agriculture and Fisheries, to be made to, **28,** 490
inspector of, duties of, **28,** 490
sale of, distress, under, **1,** 254; **11,** 133, 184
growing, contract for, not interest in land, **1,** 293
sheaves of, distress upon, rights as to, **1,** 254; **11,** 133, 169, 184
thrashed, distress upon, **1,** 254; **11,** 133
tithe rentcharge, average price as basis of, **11,** 746

CORN RENT,
compulsory acquisition of land charged with, effect of, **6,** 19
distress for, **11,** 119 n.
tithe, payment in lieu of, **11,** 745, 746
rentcharge, conversion into, **11,** 752

CORNAGE,
tenure by, **24,** 240

CORNER,
Stock Exchange, on, how far legitimate, **27,** 264

CORNWALL, DUCHY OF,
accounts of, presentation to Parliament, **7,** 242
actions, abatement by death, **7,** 240 n.
proceedings in, **6,** 413 ; **7,** 175, 240, 241, 247
agreements and contracts relating to, **7,** 241
Agricultural Holdings Acts, application of, **1,** 268, 270 ; **7,** 255
alienation of lands, consideration for, **7,** 243, 244
powers as to, **7,** 239, 242
annexation of lands to, **7,** 220
annuities, alienation of land, on, **7,** 244
extinguishment of outstanding interests, on, **7,** 246
grant of, purchase of leaseholds, on, **7,** 246
purchase of, **7,** 246
recovery of payment of, **7,** 244, 246, 247, 261 n.
redemption or repurchase of, **7,** 244
transfer of, **7,** 250
arbitration, provisions for, **7,** 175, 247, 260
assessionable manors, commissioners, inquiry by, **7,** 261 n.
conventionary tenements in, **7,** 267 ; **8,** 133
enumeration of, **7,** 261 n., 262 n.
assurances of land, formalities required for, **7,** 243
Attorney-General of, appointment and duties of, **7,** 240, 241
auditor of, duties of, **7,** 243, 248 n.
Bank of England, duties and powers of, **7,** 248 n., 249—251
payment to, **7,** 243
bona vacantia in, **11,** 31
building lease, licence to grant, **7,** 244
burial ground or cemetery, grant for, **3,** 437, 438 ; **7,** 245
capital money, application of, **7,** 248, 249
church, chapel, school, or residence, grant for, **7,** 245 ; **11,** 723
commons, inclosure of, notice of, **4,** 554 n. ; **7,** 199
prescription for, rights of, **6,** 485 ; **11,** 345
purchase of rights over, **7,** 246
regulation of, consent to, **4,** 611
compensation, damage occasioned by access to mines under foreshore, for, **7,** 260
easements and rights, for, on grant of conventionary tenements, **7,** 262 n.
mining damage, for, **7,** 264, 265
waste lands, in case of, **7,** 265, 266
compromise by, **7,** 242
conventionary tenement, *defined*, **7,** 261 n.
enfranchisement of, **8,** 133
grant of, **7,** 261 n.
limitation of actions in respect of, **7,** 267
mines and minerals in, **7,** 261
Copyhold Acts, 1841, 1894, how far applicable, **7,** 197, 255 ; **8,** 134
copyholds of, enfranchisement of, **7,** 242—244 ; **8,** 133
application of proceeds of, **7,** 250
sale of mines for, **20,** 527
licence for building, leasing, or improving, **7,** 244, 245
partition of, **7,** 256 n.
statutory provisions as to, **7,** 244, 255, 256
county courts, jurisdiction of, **7,** 241, 265 n., 266
creation and origin of, **7,** 238
demise of the Crown, vacancies by, **6,** 384, 385
descent of, **6,** 368 ; **7,** 239
discharge and receipt for payments, **7,** 243, 250

CORNWALL, DUCHY OF—*continued.*
disputes, settlement of, **7,** 175, 247, 260, 265 n.
easements, prescription for, **6,** 485
ecclesiastical patronage in, **11,** 575, 576, 584
electrical works, protection against, **12,** 624
enrolment, instruments affecting property, of, **7,** 247, 254, 255 ; **25,** 441
proof of original instrument after, **7,** 255
escheat of land in, **11,** 26 n.
exchange, enrolment of, **7,** 254
mines and minerals, of, **20,** 527
exoneration, bank, of, **7,** 251
purchaser, of, **7,** 243, 251
Fordington, manor of, rights of common in, **4,** 523 n.
foreshore, alienation of, **7,** 113
high water mark, arbitration as to, **7,** 260
mines and minerals under, **7,** 258, 259
registration of lands on, **7,** 113, 177 n.
rights relating to, **7,** 267
title to, **7,** 113, 114 ; **28,** 364, 365
grants by, ecclesiastical and educational purposes, for, **3,** 437 ; **7,** 245 ; **11,** 723
enrolment of, **7,** 245
heir apparent, title of, **7,** 110 n., 238
improvements, approval of expenditure on, **7,** 242
charge on revenue of sums advanced for, **7,** 249
covenant for, in lease, **7,** 252
licence to make, on copyholds, **7,** 244
statutory provisions for, **7,** 257
income tax, commissioners for, **16,** 615
informations in respect of, **7,** 240 n. ; **10,** 4, 20
intestacy, practice as to, **14,** 188
investments, payment of dividends of, **7,** 251
powers of making, **7,** 250
sale and variation of, **7,** 250
Keeper of Records of, liability and indemnity of, **7,** 241
land tax, redemption of, **7,** 248 ; **18,** 322
leases, allotments and small holdings, for, **7,** 253 ; **26,** 679
building and repairing, for, **7,** 252
consideration for surrendered interests, **7,** 252
covenants and conditions in, **7,** 252, 253
determination by *scire facias*, **7,** 239
enrolment of, **7,** 254
fine or premium forbidden, **7,** 252
improvement or inclosure, for, **7,** 252
Lambeth, Surrey, in, **7,** 253
life or lives, for, **7,** 252
military purposes, for, **7,** 201 n., 253
mines, of, **7,** 251, 252 ; **20,** 534
possession, must take effect in, **7,** 252
power to grant, **7,** 251—254
rent to be reserved on, **7,** 252
restrictions on, **7,** 252
reversion, severance of, **7,** 252
surrender of, **7,** 252, 253
underlease, non-surrender of, **7,** 253
waste lands, of, **7,** 252
lessee, damage by, **7,** 260, 265 n.
powers of, **7,** 259
protection of, **7,** 261, 263
letters of attorney, signature to, **7,** 250 n.
light, title by prescription, **6,** 485
limitation of actions, general provision for, **7,** 267—270
mines and minerals, as to, **7,** 269 ; **20,** 536
literary and scientific institutions, grant to, **7,** 256 ; **19,** 200

CORNWALL, DUCHY OF—*continued.*
management of, minority or non-existence of Duke, during, **7,** 239, 240
statutory powers of, **7,** 239
manors of, conventionary tenements in, **7,** 261 n.
demesne lands of, **7,** 262 n., 263
licences in, **7,** 244
tenure of, **7,** 266
mines and minerals, *defined*, **7,** 246 n., 258 n.
assessionable manors, in, **7,** 261, 262
compensation for damage, **7,** 260, 264—266
conventionary tenements, in, **7,** 261
easements and rights for, acquisition of, **7,** 256 n., 259
exchange or sale of, **7,** 256 ; **20,** 527
foreshore, in, **7,** 258—260
access to, **7,** 259
arbitration as to, **7,** 260
jurisdiction in respect of, **7,** 241, 266
lapse of time, claim barred by, **7,** 269 ; **20,** 536
leases of, **7,** 251, 252 ; **20,** 534
low-water mark, below, **7,** 259
machinery used in, rights as to, **7,** 264, 266
purchase of, **7,** 246
reservation of, **7,** 261 n., 262 n.
rights of entry, sale, or exchange of, **7,** 242 n. ; **20,** 527
searching and working, rights of, **7,** 260, 264, 265 n.
tin-bounding, custom of, **20,** 636, 637
assessionable manors, in, **7,** 262 n.
waste and demesne lands, under, **7,** 263
officers of, appointment and duties of, **7,** 181 n., 241, 250 ; **16,** 615
vacation of office, demise of Crown, on, **6,** 384, 385
parks and pleasure grounds, protection of, **7,** 264
payment by or to, discharge and protection of persons paying, **7,** 251
drafts on Bank of England, by, **7,** 250
pensions and rents, purchase of, **7,** 246
prescriptive claim in respect of land of, *profits à prendre*, **6,** 485 ; **7,** 258 ; **11,** 345
property of, **7,** 238 n., 261 n.
purchase by, application of sale money in, **7,** 248, 250
consent required for, **7,** 246
powers of, **7,** 246, 248, 250
purchasers from, protection of, **7,** 243, 251
Receiver-General of, appointment and duties of, **7,** 241, 249 ; **26,** 553
record, property standing insuper of, **7,** 268, 270
registration of lands in, **7,** 113, 177, 178
revenues of, **7,** 109—111 .
reverter, right of, **7,** 246
roads and streets, licence to make, **7,** 244 n.
sale by, consideration for, **7,** 243
enrolment of assurance on, **7,** 254 ; **25,** 441
purchase-money, application of, **7,** 243, 248
redemption of land tax, for, **7,** 248
school, grant of building for, **7,** 245
seal of, custody of, **7,** 240
sheriffs and sheriffs' officers of, **6,** 385
shrievalty of county annexed to, **25,** 795
solicitor to, **7,** 77
Stannaries Court, abolition of, **7,** 241, 266
statutes applied to, **7,** 255, 258, 258 n.
surrender of leasehold, copyhold, and other interests, **7,** 246, 252, 253
Surveyor-General of, **7,** 248 n.
Sutton Pool, title to, **28,** 365 n.

CORNWALL, DUCHY OF—*continued.*
tithes, commutation of, **7,** 181 n.
title to, **7,** 238, 239
Treasury control over, **7,** 242, 244—247, 249
Tywarnhaile Tyas, manor of, lord's rights, **7,** 261 n., 262, 263
wreck, claims and rights in respect of, **26,** 552, 553 ; **28,** 379

CORNWALL COUNTY,
administration grant on death of intestate in, **14,** 188
hedges and trees adjoining highways in, special provisions as to lopping, **16,** 114, 165
mines in, rights of Duke of Cornwall in, **20,** 536
sale of, powers as to, **20,** 527
within or without, **7,** 259 ; **20,** 536
ports in, usages of, **10,** 293
real estate within and without, limitation of action in respect of, **7,** 267—269
sand from foreshore in, right to take, **28,** 379
seine fishing in, provisions relating to, **14,** 626
sheriffs for, appointment of, **25,** 794, 795
tin-bounding in, custom of, **20,** 635—638. *See* TIN MINES, tin-bounding.
wreck within, **28,** 379

CORODIES,
Crown privilege of, **6,** 394

CORONATION,
anointing at ceremony, **6,** 327
Archbishop of Canterbury, privilege of, in respect of, **11,** 387, 388
Armour Bearer and Squire of the Body, right of, **6,** 331
Bishop of Bath and Wells, right of, at, **6,** 333
Bow Bearer, right of, at, **6,** 331
ceremony of, **6,** 326—328
claims by miscellaneous persons and bodies in respect of, **6,** 334, 335
committee of claims, jurisdiction of, as to claims at, **6,** 329
Dean and Chapter of Westminster, claim of, at **6,** 332
deputy, appointment of, for services connected with, **6,** 329
enthronisation at, ceremony of, **6,** 327
oath, form of, **11,** 381 n.
duties imposed by, **6,** 324, 338, 339 ; **11,** 381
necessity for, **6,** 324
taking of, at coronation ceremony, **6,** 326
terms of, **6,** 338, 339 ; **11,** 381
offices connected with, **6,** 328, 329
services connected with, **6,** 332—335
roll, judgments of court of claims, entry of, on, **6,** 330
service connected with tenure of land, **6,** 335—338

CORONER.
The title CORONERS *is contained in Vol. VIII., pp.* 209 *et seq*
accounts of, **8,** 294
action against, for judicial acts, **8,** 256
Admiralty, of, **8,** 231—234. *See* ADMIRALTY, THE.
analysis, power to order, **8,** 269
arrest, power to order, **8,** 251, 266, 267
without jurisdiction, liability for, **27,** 884 n.
arrest, privilege from, **8,** 250 ; **25,** 818
attachment of sheriff by, **7,** 308 n.

CORONER—*continued.*
bail, manslaughter charge, in, discretion in respect of, **8,** 289
refusal of, by, **8,** 290 ; **10,** 166
borough, appointment of, **8,** 218, 225, 226, 236
deputy of, barrister's eligibility for, of, **2,** 384
fees of, **8,** 227, 228 ; **19,** 636
limits of jurisdiction of, **8,** 220, 226, 227
qualifications of, **8,** 226
removal of, **8,** 228
returns of inquests by, **8,** 296
salary of, fixed by recorder, **8,** 226, 227 ; **19,** 636
burial, order for, before verdict, **3,** 562 ; **8,** 272
on inquest, **3,** 562 ; **8,** 272
burial to avoid inquest of, **3,** 405 ; **8,** 240, 263
capital punishment, duty in case of, **8,** 241, 271, 273, 274, 279 ; **25,** 825, 826
certificate of, **8,** 271, 272 ; **24,** 457. *See* CERTIFICATE.
Chester, in, **8,** 218
Children Act, 1908, notice under, of death of infant, **8,** 242 ; **17,** 161
Cinque Ports, of the, remuneration of, **8,** 235
City of London, for, Lord Mayor is, **20,** 423
classification of, **8,** 212
compensation, jurisdiction with regard to assessment of, **6,** 87, 88 ; **8,** 249, 250
contempt of court in relation to proceedings before, **7,** 280, 288 ; **8,** 259, 267, 289
Coroners Act, 1887, effect of, on powers of, **8,** 238, 239
corruption by, **8,** 252 ; **9,** 482 ; **23,** 351
county, application to Lord Chancellor for writ, **8,** 215, 216
appointment of, **8,** 212—218
county council, by, **8,** 212, 215, 216, 217 ; **19,** 342
quo warranto to determine validity of, **8,** 219
compulsory purchase, summoning of jury in case of, by, **6,** 87 ; **8,** 249, 250
district, assignment of, to, **8,** 214, 215
creation of new, **8,** 214
division of, **8,** 212, 215
places excluded from, **8,** 213
expenses of, repayment of, **8,** 224
fees and allowances of, **8,** 223, 224
jurisdiction of, boroughs, in, **8,** 218, 220, 241
extent of, **8,** 219—222
high seas, on, **8,** 233, 234
outside district, **8,** 221
prisons within a borough, in, **8,** 227
sea coast, on, **8,** 221, 233, 234
tidal rivers, on, **8,** 221, 233, 234
qualifications of, **8,** 218
removal of, **8,** 224
residence of, place of, **8,** 219
salary of, **8,** 222—224
Home Secretary, fixing by, of, **8,** 222
recovery of, **8,** 223
court of, jurisdiction of, **8,** 211, 239, 240 ; **9,** 269
opening of, method of, **8,** 262
right of audience at, **2,** 374 ; **8,** 258
cremation, postponement of, on notice of inquest by, **3,** 573 ; **8,** 264
when certificate necessary prior to, **3,** 571 ; **8,** 273
Cremation Act, jurisdiction unaffected by, **3,** 569 ; **8,** 264 n.
Crown, may not take inquests of, **8,** 238
de coronatore eligendo, writ of, **8,** 215, 216

CORONER—*continued.*
dead body, public duty to give information as to, to, **8,** 240
depositions, duty in respect to, **8,** 224, 267, 291, 292. *See* DEPOSITION.
deputy of, appointment and jurisdiction of, **2,** 384 ; **8,** 236, 237 ; **26,** 728
disinterment of body, order for, by, **3,** 555, 567 ; **8,** 263
disqualifications for office, **8,** 219
district of, **8,** 212—215
county council's powers as to, **8,** 214 ; **19,** 369
drowned persons, in case of, notice to, **8,** 243
Durham, in, **8,** 218
duty of, **8,** 237—250
Coroners Act, 1887, effect of, **8,** 238, 239
felo de se, in respect of, **8,** 273, 277, 279, 281
judgment in outlawry, pronunciation of, as to, **8,** 250
sheriff's substitute, as, **8,** 248 ; **17,** 582 n.
summon jury for inquest, to, **8,** 239, 259—263
super visum corporis, inquests, **8,** 239
treasure trove, to hold inquests on, **8,** 247
trial of person charged on inquisition, on, **8,** 291
ex officio, list of, **8,** 212
expenses of, **8,** 224, 294, 295
explosion, death by, duty on, **8,** 245
extortion by, **8,** 252 ; **9,** 482 ; **23,** 351
factories and workshops, death by accident in duty on, **8,** 244
fees of, schedule of, **8,** 293
felons, powers as to arrest of, **8,** 251
fines by. *See* FINE.
on, **8,** 253—255, 291
franchise, **8,** 228—236. *See* FRANCHISE CORONER.
habitual drunkard, death of, notice on, to, **8,** 243
High Court, jurisdiction of, over, **8,** 252—254
high seas, jurisdiction on, **8,** 221, 222
inquest by, **8,** 256—296. *See* INQUEST.
inquisition by, **8,** 273—292. *See* INQUISITION.
Ireland, acting as sheriff in, interpleader relief available to, **17,** 582 n.
Isle of Ely, in, **8,** 218
joint county committee, appointment by, **8,** 217
jurisdiction of, acting in excess of, liability for, **8,** 256
borough, **8,** 226, 227
county, **8,** 219—222. *See* county, *supra.*
juror, privileged from serving as, **8,** 251
jury, **8,** 239, 259—263. *See* JURY.
justice of the peace, as, **8,** 219, 251 ; **19,** 551
King's, **8,** 229, 230
household, of, **8,** 230, 231
Lancaster, Duchy of, in, **8,** 216, 234
liability of, **8,** 249, 251—256
Lincolnshire, in, **8,** 217
London, in, accommodation for inquests by, **3,** 567 ; **8,** 257
districts of, **8,** 213
lunatic in institution, death of, notice on, to, **8,** 241, 242 ; **19,** 525
mandamus, salary, as remedy for non-payment of, **8,** 223
to, to hold inquest, **8,** 255, 287 ; **10,** 108
medical evidence, guilty of misdemeanour on failure to summon, **8,** 255
melius inquirendum, writ of, **8,** 286, 287
mine, death by accident in, duty on, **8,** 245
misconduct by, **8,** 252—254
murder or manslaughter, warrant for arrest of person charged with, **8,** 288

CORONER—*continued.*
name of, origin of, **8,** 211
new inquest, when ordered to pay costs of, **8,** 255
notice to, Children Act, 1908, under, as to death of infant, **8,** 242; **17,** 161
dead body, of finding of, **8,** 240
drowned persons, in case of, **8,** 243
habitual drunkard, on death of, **8,** 243
lunatic in institution, death of, of, **8,** 241, 242
workhouse, of death in, **8,** 242
office of, history of, **8,** 210
order to hold inquest, **10,** 108
penalties for breach of duty, **8,** 255, 256
post-mortem, **3,** 567; **8,** 268, 269. *See* POST-MORTEM EXAMINATION.
prison within jurisdiction of county, **8,** 227
privileges of, **8,** 250, 251, 256; **25,** 818
protection afforded to, **8,** 256; **23,** 325
qualifications of, **8,** 218, 219, 226
quarter sessions boroughs, in, **8,** 218, 225, 226
quo warranto, removal of, for, **8,** 225
validity of appointment, determination of, by, **8,** 226
railway, death by accident on, duty on, **8,** 244
recognisances, duty as to, **8,** 288—290
removal of, application for, **8,** 251, 252
borough, **8,** 228
corruption, for, **8,** 252
county, **8,** 224
de coronatore exonerando, by writ of, **8,** 216, 225, 252
discretion of Lord Chancellor as to, **8,** 253
extortion, for, **8,** 252
grounds for, **7,** 64; **8,** 224, 225, 228, 251—255
inability, for, **8,** 253
inquest, for delay or refusal to hold, **8,** 253
Lord Chancellor, by, **7,** 64; **8,** 224, 228, 251—255
misbehaviour, for, **8,** 254
quo warranto, by, **8,** 225
supersedeas to annul, **8,** 252
wilful neglect of duty, for, **8,** 252
sheriff, acting as, **8,** 248; **25,** 796 n.
fees of, **8,** 224, 249
Lands Clauses Act, under, **6,** 87; **8,** 249, 250; **25,** 796 n.
liability of, **8,** 249
solicitor, inability to act as, in same case, **8,** 255
suicide, duty in case of, **8,** 273, 277, 279, 281
tramway accident, death by, duty on, **8,** 244
verge, county coroner has no jurisdiction within the, **8,** 221, 230
of the, jurisdiction of, **8,** 221, 230, 231
Wales, in, **8,** 218
workhouse, death in, notice on, to, **8,** 242
Yorkshire, in, **8,** 217

CORPORAL OATH,
defined, **13,** 592 n.

CORPORAL PUNISHMENT. *See* WHIPPING.
apprentice, of, **9,** 608; **20,** 106 n.; **27,** 876
assault, not, if lawful, **9,** 608; **27,** 876
child, of, parent, by, **9,** 578 n., 608; **12,** 124; **17,** 107; **27,** 876
convict prison, in, authority to award, **23,** 266; **27,** 876
governor and medical officer to attend at, **23,** 265, 266
proper officer, by, **9,** 608

CORPORAL PUNISHMENT—*continued.*
court-martial, by, extent of powers, **25,** 16
King's Regulations, suspended by, **25,** 16 n.
officer, cannot be inflicted on, **25,** 16
criminal liability in respect of, **9,** 577, 608
lawful, what is, **9,** 608
naval offences, when administered for, **25,** 11
prisoners, of. *See* convict prison, *supra.*
sailor, of, by master of ship, **9,** 609 n.; **27,** 876
schoolmaster, by, **9,** 608; **12,** 124; **17,** 107
wife, of, by husband, **9,** 608 n.; **16,** 318 n.
workhouses, forbidden in, **22,** 560, 561
youthful offenders, of, **9,** 421 n., 423, 424

CORPORATE OFFICE,
defined, **12,** 492; **19,** 296. *See also* CORPORATION, officers of.
acceptance of, **8,** 327; **19,** 296
acting in, what is, **19,** 297
army officer, holding of office by, **25,** 96
bankrupt holding, **2,** 88, 89; **19,** 307
bye-laws as to, effect of, **8,** 327, 328
casual vacancy in, how filled, **8,** 326; **12,** 339; **19,** 299
declaration, necessity for, on taking, **8,** 327; **19,** 296
disqualification for, **8,** 327; **19,** 297, 298
election to, **8,** 352—355; **12,** 492. *See* CORPORATION ELECTION.
estate in, **8,** 329
exemptions from service in, **11,** 557; **19,** 297, 298; **25,** 96
forfeiture of, **8,** 330
incompatible, **8,** 332
infant, disqualification of, **8,** 327
mandamus, election of officer, to compel, **19,** 327
restoration to office, to compel, **8,** 333, 334; **10,** 79
naval officer, holding of office by, **25,** 96
penal action for acting illegally in, **19,** 326, 327
qualifications for, **8,** 326
re-election to, qualifications for, **19,** 299
removal from, **8,** 330—333. *See* AMOTION.
restoration to, **8,** 333, 334; **10,** 79
tenure of, **8,** 328

CORPORATION.
The title CORPORATIONS *is contained in Vol. VIII., pp.* 299 *et seq.*
defined, **8,** 301
action against, **8,** 392. *See* proceedings, *infra.*
member, by, **8,** 365, 394; **20,** 736
procedure, **8,** 394—397
tort, for, **8,** 386—390; **27,** 480
ultra vires act, to restrain, **5,** 289, 290; **8,** 364
action by, **8,** 392—397
procedure, **8,** 394—397
tort, for, **8,** 390; **27,** 480
acts of, how performed, **1,** 151; **8,** 341
agents of, acts of, ratification of, **1,** 156; **8,** 388
appointment of, **1,** 154—156; **8,** 381, 382; **25,** 775 n.
seal, under, **1,** 155; **27,** 775 n,
fraud of, liability for, **1,** 213; **8,** 387; **20,** 711
holding out as, liability for, **1,** 156; **8,** 388
seal, when can contract without, **1,** 155; **8,** 382
tort of, liability for, **1,** 213; **8,** 387; **20,** 711
ultra vires acts, doing, **1,** 174; **8,** 359

CORPORATION—*continued.*
agents of—*continued.*
variation of contract by, effect of, **1,** 155; **8,** 381
warranty of authority of, **1,** 212; **8,** 388
aggregate, *defined*, **8,** 301, 304, 305
capacity of, **8,** 305
pleads by attorney, **9,** 351
alien may be member of English, **1,** 308; **8,** 322
amalgamation of, **8,** 364
amotion of officer of, **8,** 330—334. *See* AMOTION.
appearance by, must be by solicitor, **8,** 395; **23,** 125
apprenticeship contract, capacity to enter into, **8,** 379 n.; **17,** 70 n.; **20,** 75
arbitrator, appointment of, by, **6,** 78
architect, appointment of, by, **3,** 288, 289
assault by, **8,** 386
attachment, director or officer, of, **8,** 396; **17,** 292 n.
none against, **7,** 310; **8,** 397
attorney, plea by, on indictment against corporation, **9,** 351 n.
Attorney-General, restraining *ultra vires* acts, at instance of, **8,** 365; **10,** 135; **17,** 227, 234; **23,** 740
bailiff to distrain, appointment of, by, **11,** 131
bank, overdrafts to, **1,** 630; **8,** 363
bankrupt, cannot be made, **2,** 12
bankruptcy, proof in, by, **2,** 231; **8,** 393
trustee in, voting for choice of, by, **8,** 393
bill in Parliament, injunction restraining use of funds for promoting, **17,** 227 n.
bills of exchange, powers as to, **2,** 491, 492; **8,** 361, 362
seal unnecessary for, **8,** 382
board of guardians as, **22,** 535
bona vacantia arising from extinct corporation, **8,** 401
books of, entries in, as evidence, **8,** 380; **13,** 478
right of members to inspect, **8,** 323, 324
borrowing powers of, **8,** 362; **21,** 110
restriction on, **8,** 363, 364; **21,** 110
building contract with, acceptance of tender, mode of, **3,** 168, 172
alterations in, **3,** 231
formalities of **3,** 172
payment on account, effect of, **3,** 179
building society, capacity to be officer of, **3,** 337
member of, **3,** 350, 351
burial
board, powers of, as, **3,** 456, 457
ground, grant of, by, **3,** 435, 436, 438, 443
bye-law of, **8,** 334—341. *See* BYE-LAW.
capacity to sue and be sued, **8,** 392
certiorari for removal of proceedings against, **8,** 392; **9,** 349; **10,** 165, 181; **19,** 661
cestui que trust, as, **28,** 9
Chancery Division, jurisdiction of, over, **4,** 284
charitable. *See* CHARITABLE CORPORATION.
charter of, **8,** 314—320. *See* CHARTER.
chemist and druggist, carrying on business of, **20,** 355, 356, 382
cheque of, seal unnecessary for, **8,** 382
liability as to, **2,** 491; **8,** 362
Christmas Day, provisions as to acts on, **19,** 314; **27,** 452
church, grant of land for, by, **11,** 723, 725
trustees as a, **11,** 474, 793
churchwardens as, **11,** 131, 465, 793; **25,** 311 n.
quasi, churchwardens are, for holding property, **4,** 257, 258; **11,** 465, 794

CORPORATION—*continued.*
churchyard, grant of land for, by, **3,** 435, 436, 438, 443
civil, jurisdiction of court over, extent of, **4,** 284
classification of, **8,** 303—306
clerk to, legal professional privilege of, **11,** 73 n., 109 n.
Commissioners of Works as, **7,** 132
committees of, delegation of right of election to, **8,** 352
common informer, as, **8,** 357, 358 n.; **27,** 423 n.
common law, at, execution of deed in case of, **10,** 391
injunction against, **17,** 225
meaning of, **8,** 314
statutory corporation, distinguished from, **8,** 359, 360
common of pasture, prescription for, by, **4,** 457
company distinguished from, **5,** 68, 280, 312
compromise by, seal, need not be under, **8,** 384
contempt of court by, **5,** 325; **7,** 303; **8,** 396
continuity of, necessity for, **8,** 302
contract by, acquiescence, effect of, **8,** 381
competency to, **1,** 151; **8,** 379—386
corporate funds, to pay only out of, effect of, **8,** 392
deed, execution of, **5,** 299; **8,** 382—386
entry in corporation books as evidence of, **8,** 380
executory, enforcement of, **8,** 385
extension of powers, in furtherance of application to Parliament for, **8,** 358
formalities of, **3,** 172; **8,** 379; **28,** 864
liabilities on, **8,** 379—386
members, with, **8,** 380
ratification of, after incorporation, impossible, **8,** 379
before contract broken or repudiated, validity of, **8,** 381
seal, necessity for, **8,** 380—382, 385, 386; **28,** 864
when not necessary to, **8,** 382—385
service of, **8,** 382; **20,** 75, 77, 78
specific performance of, **8,** 385
ultra vires, when, **8,** 359
conversion by, action lies for, **8,** 386; **27,** 897 n.
copyholds, admittance to, of, **8,** 105
enfranchisement of, by, **8,** 112, 115
ownership of, by, **8,** 14, 66, 85, 86, 371, 372
corporate name, use of, by, **8,** 307
must sue and be sued in, **8,** 392, 393
corporate office. *See* CORPORATE OFFICE.
corporator. *See* member, *infra*.
corruption, cannot be indicted for, **8,** 391
county court action, service of process in, on, **8,** 395, 471, 473
creation of, capacity for, **8,** 313
charter, by, **6,** 388; **8,** 314—320. *See* CHARTER.
common law, by, **8,** 314
Crown, by, **6,** 491, 492; **8,** 314; **11,** 344
for a limited period, **8,** 301, 315
essentials of, **8,** 313
modes of, **8,** 313, 321
prescription, by, **8,** 313, 321
statute, by, **8,** 320, 321
criminal liability of, extent of, **5,** 294, 311, 312; **8,** 390—392; **9,** 235, 236; **15,** 17 n.; **20,** 257 n.; **27,** 179
criminal libel, may be indicted for, **8,** 317, 391; **18,** 617

CORPORATION—*continued.*
current accounts with, **1,** 588; **8,** 361
dangerous animals, liability for keeping of, by, **1,** 374, 375; **8,** 387
dean and chapter are a, **11,** 423, 426
death duties, exemption from payment of, **8,** 377
debts due to or from, rights and liabilities in respect of, **8,** 302, 303
deceased persons, administration of estates of, by, **8,** 357; **14,** 139, 140
deceit, action for, member cannot bring, against, **20,** 736, 737
deed, delivery of, by, necessity for, **1,** 154, 155; **8,** 309; **10,** 391; **20,** 77
estoppel by, **13,** 371
execution of, by, **5,** 299; **8,** 309—311, 382—386; **10,** 390; **13,** 510
presumption as to due sealing of, by, **8,** 310
usually necessary to bind, **8,** 309, 380; **10,** 364
defamation, action for, when may be brought by, **8,** 390; **18,** 612
devise to, statutory provisions as to, **4,** 137, 138; **8,** 368, 369, 371, 372; **28,** 544
diocesan association as a, **11,** 802
directors of, attachment of, **8,** 396; **17,** 292 n.
discovery against, **11,** 46, 47
in aid of execution against, **14,** 126
disfranchisement of, members' rights as to, **8,** 324, 325
dissolution of. *See* DISSOLUTION.
distress by, **11,** 131, 160
wrongful, **8,** 386
domicil of, **5,** 14—25; **8,** 311, 312. *See* DOMICIL.
duty. *See* CORPORATION DUTY.
dwells where its principal business is conducted, **8,** 311, 395—450
easements, right to grant, **8,** 376
ecclesiastical, **11,** 793. *See* ECCLESIASTICAL CORPORATION.
education district board as, **12,** 86
educational work, engaged in, grant of charter in case of, **8,** 304, 305; **12,** 4
election of, members and officers, **8,** 350—355. *See* CORPORATION ELECTION.
eleemosynary. *See* ELEEMOSYNARY CORPORATION.
elegit, writ of, to enforce judgment against, **8,** 396
escheat of land of, dissolution does not occasion, **8,** 373, 401; **11,** 25
estate duty, liability for, **8,** 378
estoppel, doctrine of, application of, to, **8,** 356; **13,** 327, 371, 380, 399
eviction from premises of, injunction to prevent, **17,** 245
execution against, **8,** 396, 554; **14,** 12
executor, corporation aggregate may be appointed, **8,** 357; **14,** 139, 140
false imprisonment, action lies for, against, **8,** 387
felony, cannot be guilty of, **8,** 391
fieri facias, writ of, may be issued against, **8,** 396
food and drugs injurious to health, liability in case of sale of, **15,** 17 n.
foreign. *See* FOREIGN CORPORATION.
forfeiture of charter of, **8,** 397, 398
franchise, forfeiture of, **8,** 397, 398
grant of, by Crown, **6,** 492
origin of, **6,** 491, 492
reverter of, to Crown, **8,** 401
seizure of, upon forfeiture, **8,** 398

CORPORATION—*continued.*
franchise—*continued.*
unnecessary to creation of, **8,** 313
vesting of, in, **8,** 377
frankalmoign, tenure of lands in, by, **8,** 373
fraud, action lies for, against, **8,** 387
freeholds, dissolution of corporation in regard to, **11,** 25
Freemasons' lodge not a, **8,** 303
friendly society, as officer of, **15,** 142
cannot be member of, **15,** 147
registration of, does not make it a, **15,** 133
gifts, power to make, **15,** 402
to, when cannot be made, **15,** 406; **28,** 536
government of, **8,** 325—356
bye-laws, by, **8,** 334. *See* BYE-LAW.
external, **8,** 355
head of, necessity for presence at meeting of, **8,** 344
need not be one of the majority, **8,** 346
income tax, liability to, **8,** 377
municipal trading concerns, how assessed to, **16,** 625
person making return under Sched. E on behalf of, **16,** 669
relief from, in respect of, **16,** 672, 673
salaries and pensions of employés, assessment in respect of, **16,** 668, 669
incorporation of, **8,** 313—322. *See* creation of, *supra.*
increment value duty payable by, assessment and collection of, **24,** 559, 561, 563, 565
industrial and provident society
as a, **17,** 3
holding shares in, **17,** 15
infant may be member of, when, **17,** 59
injunction against, **17,** 224—227
breach of, remedy against, **17,** 292
members, by, **17,** 229, 230
public purposes, for, **17,** 227—229
internal regulations as affecting persons dealing with, **8,** 361
interrogatories to, **8,** 395, 396; **11,** 46, 47, 109
inventor, cannot be an, **22,** 130
joint tenant, as, **24,** 201
judgment against
by consent, no estoppel where contract *ultra vires*, **13,** 327 n.
enforcement of, **8,** 396
inter partes, privity of estate between servant of corporation and corporation, **13,** 345
land, acquisition of, by, **8,** 371, 373. *See* ACQUISITION OF LAND.
alienation of, by, **8,** 375—377; **19,** 318, 319. *See* sale of, *infra.*
in mortmain, forfeiture for, **24,** 330
literary or scientific purposes, for, **19,** 199
charges on, by, powers in regard to, **8,** 376; **19,** 318; **21,** 110
dedication of, for highways by, **16,** 36
easements over, granting of, by, **8,** 376
escheat of, dissolution does not occasion, **8,** 373, 401; **11,** 25
gift of, voidability of, to, **15,** 406; **28,** 543, 544
grant of, fee simple, in, form of, **8,** 371; **24,** 166 n.
of, non-existent corporation, to, effect of, **8,** 373
holding, licence from Crown or statutory power necessary for, **8,** 367, 369; **15,** 406; **25,** 309
for educational purposes, **12,** 119

CORPORATION—*continued.*
land—*continued.*
nature of estate in, **8,** 374
sale of, by, provisions as to, **6,** 61, 62; **8,** 375; **19,** 318, 319; **25,** 309, 310
seisin of, **8,** 374
tax, redemption of, by, procedure, **6,** 18; **18,** 321, 326
title to, by possession, **19,** 111
use and occupation of, liability for, **18,** 347
lay
defined, **8,** 304; **11,** 801
ecclesiastical corporation distinguished from, **8,** 304; **11,** 801
examples of, **8,** 304, 305
lay rectors as, **11,** 801, 802
universities as. **11,** 801
lease, dissolution of corporation, in relation to, **8,** 401
grant of, by or to, **8,** 375, 376; **18,** 346, 347
legacy duty, liability to, of, **4,** 206; **8,** 378; **13,** 240
personal chattels exempted from, **4,** 206
legal majority, meaning of, **8,** 345 n.
liabilities of, **8,** 356—397
libel
against, **8,** 390; **18,** 612, 613
by, liability for, **8,** 387, 390, 391; **18,** 617, 663
licensed hawker, as, how licence issued, **24,** 658 n.
limitation of action, application of statutes to, **8,** 356
limited partner, may be a, **22,** 108
lottery kept by, liability in case of, **8,** 391
maintenance, cannot be guilty of, **8,** 387, 391
malicious prosecution, action for, against, **8,** 387; **19,** 674, 675
manors, power to hold, **8,** 84, 372
market, establishment of, **20,** 11, 12, 21
market-toll, exemption from, **20,** 41
married woman, admission of, as holder of stock of, **16,** 350
means, examination as to, procedure, **8,** 397
medical practitioner, liability for acts of, **8,** 389; **20,** 334
meeting of, **8,** 341—355. *See* MEETING.
member of, action by, **8,** 394; **20,** 736
acts of corporation, liability for, **8,** 386 n.
books, right to inspect, **8,** 323, 324
contracts by, with the corporation, **8,** 380
discovery by, on behalf of corporation, **11,** 46—47
privilege as to, **11,** 81 n.
disfranchisement of, **8,** 324, 325
execution against, **8,** 396, 397; **14,** 13
expulsion of, **8,** 324, 325
infant, capacity of, **17,** 59
interest of, in lands of, **8,** 365, 374
legal proceedings by, **8,** 394
notice to, effect of, **8,** 303
number of, **8,** 322
insufficiency of, effect of, **8,** 399
parliamentary franchise, rights in respect of, **8,** 374
qualification of, **8,** 322
restoration after illegal disfranchisement, **8,** 325
rights of, against corporation, **8,** 323
effect of dissolution on, **8,** 401
solicitor, retainer of, liability as to, of, **26,** 732, 733
mens rea, in relation to, **8,** 390, 391

CORPORATION—*continued.*
minister and churchwardens in city of London as a, **11,** 794
minutes of proceedings of, where evidence by statute, **13,** 555
misnomer of, effect of, **8,** 308
misrepresentation, liability for fraudulent, **8,** 387; **20,** 708, 711
mortgage by, **8,** 376; **21,** 110—112
mortmain in regard to lands of, **6,** 210 n.; **8,** 367—371; **15,** 406; **28,** 543, 544
municipal. *See* MUNICIPAL CORPORATION.
name of. *See* NAME.
nature of, **8,** 301—312
contrast with individuals comprising it, shown by, **8,** 302
negligence, liability for. *See* NEGLIGENCE.
non-statutory, powers of, **8,** 358, 359
non-trading, classification of, **8,** 304
bills of exchange, liability on, **1,** 588; **2,** 489 n., 491; **8,** 361, 362
essentials to contracts of, **8,** 383; **28,** 864, 865
examples of, **8,** 304, 305
notice to, how effected, **8,** 303; **13,** 84 n.
nuisance by, criminal liability for, **8,** 391; **20,** 257 n.
liability for, **8,** 387; **20,** 257
oath, substitution of statutory declaration in lieu of, by, **7,** 26, 27
officers of, acceptance of office by, **8,** 327
acts of, ratification of, **8,** 388
admission, right to, after election, **8,** 327
amotion of, **8,** 330—333. *See* AMOTION.
appointment of, **8,** 325—329
presumption as to, **8,** 326
seal necessary, **8,** 382; **20,** 78
attachment of, **8,** 396; **17,** 292 n.
deputies of, **8,** 329
discovery by, on behalf of corporation, **11,** 46, 47
dismissal of, **8,** 382
disqualification of, **8,** 327; **19,** 297
distress by, **11,** 131
duties of, **8,** 329
election of, **8,** 350—355. *See* CORPORATION ELECTION.
higher and lower, relation between, **8,** 329
mandamus to, to affix seal, **8,** 311
oath or declaration by, **7,** 26, 27
penal actions against, **19,** 326, 327
powers of, **8,** 329
qualification of, **8,** 326
quo warranto, proceedings in, against, **2,** 89; **8,** 333; **10,** 132; **19,** 327
removal of, **8,** 330—334. *See* AMOTION.
residence of, **8,** 327
resignation of, **19,** 298, 299
restoration after amotion, **8,** 333
sequestration, property may be liable to, **14,** 81
tenure of office, **8,** 328—329
ultra vires acts, liability for, **8,** 365
vacation of office, **8,** 330—334. *See* AMOTION.
warranty of authority of, **8,** 388
open spaces, conveyance of, to local authority, by, **21,** 586
overdraft by, without borrowing powers, banker's remedy for, **1,** 630, 631; **8,** 363, 364
parliamentary vote, rights of members as to, **8,** 374; **12,** 139 n.

CORPORATION—*continued.*
part performance, doctrine of, as applied o, f, 155, 156; **8,** 383; **25,** 296; **27,** 32 n.
patent, cannot be sole grantee of, **22,** 130
infringement of, by, **8,** 387
penalties, infliction of, by, **8,** 339, 340
perjury, cannot be indicted for, **8,** 391
perpetuity rule as applied to, **22,** 299, 300, 323
person, liable as, **5,** 312; **8,** 357
personal property, ownership of, nature of, by, **8,** 377; **22,** 398, 399
validity of bequest of, to, **28,** 544
poisons, sale of, by manager carrying on chemist and druggist business for, **20,** 382
poor rate, demand of, from, **11,** 211
powers of, **8,** 356—397.
construction of, **8,** 360
delegation of, rule as to, **23,** 15 n.
limitations of, **8,** 359—365
waiver of, **8,** 360
prescription, by, **8,** 320 n., 321, 322
private, *defined,* **8,** 334
probate, grant of, to, **8,** 357; **14,** 140
proceedings by and against, procedure, **5,** 18; **8,** 392—397
promissory note, powers as to, **8,** 362
rights of holder, **8,** 362
seal unnecessary for, **8,** 362, 382
property of, alienation of, **8,** 375—377. *See* land, *supra.*
effect of dissolution on, **8,** 401
interest of members in, **8,** 365, 374
ownership of, **8,** 365—378
use of, **8,** 365, 366
proxies of, **8,** 350
public, *defined,* **8,** 334
public purposes, for, liability of, to restraint by injunction, **17,** 227—229
quasi, defined, **8,** 304 n.
have no seal at common law, **8,** 309
instances of, **8,** 304 n.
quo warranto, dissolution by judgment in, **8,** 400
determine validity of, to, **8,** 313, 314
expel member, to, **8,** 324, 325
proceedings in case of, **8,** 333
usurpation of office, for, **8,** 333
quorum of, **8,** 343
regulation of, statutory, **8,** 341
residence of, what constitutes, **8,** 312; **16,** 645
Sale of Goods Act, 1893, does not apply to, **25,** 126 n.
scire facias, breach of conditions of incorporation, on, **8,** 398
seal. *See* SEAL.
secretary of, liability for dishonesty of, **13,** 399
seizure of liberties of, effect of, **8,** 398
sequestration, writ of, when issued against, **5,** 325, 326; **8,** 396; **14,** 12 n., 80, 81
servant, appointment of, whether seal necessary, **8,** 381, 382
contracts of, liability for, **8,** 388; **20,** 261
crime of. *See* criminal liability, *supra.*
privity between corporation and, **13,** 345
tort of, liability for, **8,** 387; **15,** 41 n.; **18,** 663; **19,** 674, 675; **20,** 254, 255, 256 n., 257, 261
service, contract of, extent of liability under, **8,** 382; **20,** 75, 77, 78
county court summons, of, how effected, **8,** 471

CORPORATION—*continued.*
service—*continued.*
Mayor's Court, London, in, **20,** 291 n.
writ of summons, of, **5,** 18; **8,** 395
Sewers, Commissioners of, petition by corporation for appointment of, **25,** 774 n.
powers of constructing, **25,** 720
shares in another corporation, powers as to holding, **8,** 364
sole, *defined,* **8,** 302
archbishop is a, **11,** 388
archdeacon as, **8,** 306; **11,** 793
baptismal name, necessity for use of, by, **8,** 307
bishop as, **8,** 306; **11,** 404, 793
bond given to, effect of, **3,** 83
canon as, **8,** 306; **11,** 427, 793
capacities of, **8,** 306
contract with, devolution of benefit of, **8,** 380
creation of, letters patent, by, **8,** 314 n.
prescription, by, **8,** 321
dean as, **8,** 306; **11,** 793
death, effect of, on chose in action of, **4,** 399
distress upon, **11,** 131
examples of, **8,** 305
incumbent is a, **4,** 256; **8,** 306; **11,** 563, 793
injunctions against, court's jurisdiction in respect to, **17,** 226, 227
land, acquisition of, by, **8,** 371
bequest of, to, **8,** 371
grant of, to, form of, **8,** 371
successors necessary in, **8,** 371; **24,** 166
parliamentary elector, as, **8,** 374; **12,** 139 n.
parson as, incapacity to hold land for charitable uses, **4,** 256
personal representatives of, liability of, **8,** 377
personalty, acquisition of, by, **8,** 306; **22,** 399
prebendary as, **8,** 306; **11,** 793
proceedings by, **8,** 392
public trustee as, incapacity to hold trusts for charitable purposes, **4,** 259
Roman Catholic bishop, in regard to, **8,** 306 n.
seal unnecessary for, **8,** 309;
Treasury solicitor a, **11,** 30
vicar as, **8,** 306; **11,** 793
vicar-choral is a, **8,** 306; **11,** 434, 793
will, probate of, grant of, to, **8,** 357; **14,** 140
solicitor to, appearance by, **23,** 125 n.
appointment or retainer of, under seal, **8,** 381, 382; **20,** 78; **26,** 732, 733
discovery, privilege as to, of, **11,** 73 n., 109 n.
interrogatories answered by, **11,** 109 n.
professional privilege of, **11,** 73 n.
specific performance of contract not under seal, **8,** 385
statutes of limitation may be pleaded by, **8,** 392
statutory, alienation of land by, **8,** 375
creation of, **8,** 320
dedication by, **16,** 36
distinguished from non-statutory, **8,** 358
regulation of, **8,** 341
representation of its officers, extent of liability, for, **20,** 712 n.
statutory declaration in lieu of oath on admission to, **7,** 26, 27
succession duty, liability to and payment of, by, **8,** 378; **13,** 286, 301
tender, acceptance of, by, whether seal necessary, **3,** 168; **8,** 380
territorial association as a, **25,** 85
tort, rights and liabilities for, **8,** 386—390, 393; **15,** 41 n.; **20,** 254—257, 261; **27,** 480, 491

CORPORATION—*continued.*
trading. *See* TRADING CORPORATION.
treason, cannot be guilty of, **8,** 391
trespass by, **8,** 386 ; **27,** 846 n., 847 n.
trust, breach of, by, **4,** 269 ; **8,** 367, 387 ; **17,** 225, 226 ; **28,** 184—186
trustee, as, charity, of, **4,** 255, 256
for its nominal members, **8,** 366 ; **28,** 9, 59
qualified to act as, **8,** 366, 367 ; **28,** 65, 73, 81
ultra vires acts of, **8,** 359—365. *See* ULTRA VIRES.
undertaking on behalf of, how given, **17,** 285
university as, **4,** 282, 283 ; **8,** 305 ; **12,** 90, 91
usage as affecting government of, **8,** 340
vacation of office by officers of, **8,** 330—334. *See* AMOTION.
visitation of, **8,** 355
visitor, appeal to, against amotion of officer, **8,** 333
voting at meeting of, **8,** 348—350. *See* MEETING.
voting for unqualified member to, effect of, **8,** 353
workhouse, power to sell land for, **22,** 557, 558
Workmen's Compensation Act, as employer under, **20,** 190 n.
writ of summons by, **8,** 394, 395

CORPORATION DUTY,
account for, nature of, **8,** 378 ; **24,** 561
failure to render, penalty for, **24,** 562
assessment and recovery of, **8,** 377, 378 ; **24,** 562, 736
power of commissioners as to, **24,** 562
body unincorporate, meaning of term in relation to, **24,** 734 n.
charity property not liable to, **4,** 207, 208 ; **15,** 162
clubs, on property of, **4,** 428, 429
exemptions from, **4,** 207, 208 ; **8,** 378 ; **19,** 208, 209 ; **24,** 735, 736
friendly society exempt from, **4,** 207, 208 ; **15,** 162 ; **24,** 735
incidents of, **8,** 377, 378 ; **24,** 562, 736
Institution of Civil Engineers exempt from **4,** 208 ; **19,** 209
literary and scientific institutions exempt from, **4,** 208 ; **19,** 208, 209
rate and property charged, **24,** 734
Royal Colleges of Surgeons of England or Edinburgh liable to, **4,** 208
working men's clubs, when exempted from, **4,** 428

CORPORATION ELECTION,
candidates at, **8,** 352
corruption at, **12,** 141
delegation of, to a committee, **8,** 352
fraud at, **8,** 353
incompatible office, to, effect of, **8,** 332
mandamus to hold fresh election, **8,** 354
power of, **8,** 350
proceedings at, **8,** 354
quo warranto to determine validity of, **8,** 354, 355
quorum at, **8,** 351, 352
returning officer at, **8,** 355
right to vote at, **8,** 351, 352
separate voting for each candidate, **8,** 354
time for, **8,** 353
unqualified person, of, **8,** 351, 353
validity of, **8,** 355
vote by unqualified voter, **8,** 352
vote for unqualified person, **8,** 353
who may elect, **8,** 351

CORPOREAL CHATTELS,
nature of, **22,** 389. *See* CHATTELS.

CORPOREAL FISHERY,
alienation of, mode of, **14,** 577
incorporeal fishery and, existence of, over same land, possibility of, **14,** 572
ownership of, non-tidal waters, in, presumptions of law relating to, **14,** 577, 578
presumption as to, how rebutted, **14,** 578, 579
tidal waters, in, presumptions of, **14,** 578

CORPOREAL HEREDITAMENTS,
defined, **24,** 160
conveyance of, feoffment, by, how avoided, **24,** 278, 293
deed necessary for, **10,** 367 ; **24,** 294
damage to, when a nuisance, **21,** 525
partition of, manner of, **21,** 822, 825, 836—838
real estate, included in, **11,** 3
rent, possibility of distraining for, is the mark of, **11,** 122 ; **18,** 465
tenancy of, essentials to create a, **18,** 337

CORPS,
army, *defined,* **25,** 37, 38 n.
choice of, on enlisting, **25,** 38, 39
commissionaires, of, gift for, not charitable, **4,** 119
volunteer, acquisition of land by, **25,** 99, 100

CORPSE,
analysis of contents of stomach or intestines of, duties and powers of coroner as to, **8,** 269
burial of. *See* BURIAL.
burning of, liability for, **9,** 553
conspiracy as to disposal of dead bodies, **20,** 342 n.
coroner, duty to inform, of, **8,** 240
inquests on, **8,** 239—246. *See* CORONER ; INQUEST.
order as to disposal, **8,** 272, 273
cremation of, **9,** 553. *See* CREMATION.
criminal offences with respect to, **9,** 552, 553
detention of, liability for, **3,** 406 ; **9,** 552 n.
disinterment of, Home Secretary's licence for, **3,** 553, 555 ; **8,** 263 n.
coroner, powers of, as to, **3,** 555 ; **8,** 263
faculty for, **3,** 553—555, 573 ; **11,** 542
liability for illegal, **9,** 552
disposal of, duties as to, **3,** 405 ; **14,** 240
to avoid inquest, liability for, **8,** 240, 263 ; **9,** 501
disposition by gift of, effect of, **15,** 409 ; **28,** 525
dissection, anatomical purposes, for, **20,** 340—343
burial after, of, **20,** 342
licence for, **20,** 340, 341
permission for, personal representation, of, **9,** 552 n. ; **14,** 240 ; **20,** 341, 342
master of workhouse, of, **20,** 341, 342
wrongful
disinterment for, **9,** 552
sale by undertaker for, **9,** 553
drowned person, of, duty on finding, **3,** 548 ; **8,** 243
exposure of, highway, on or near, as nuisance, **9,** 553 ; **16,** 157
gift, when may be subject of, **3,** 405 ; **15,** 409 ; **28,** 525
mortuary for, provision of, **3,** 564 ; **8,** 257, 269. *See* MORTUARY.
possession of, law as to, **3,** 405, 406 ; **14,** 240 ; **20,** 341

CORPSE—*continued.*
post mortem examination of, coroner's duties and powers as to, **8,** 255, 268, 269
direction by deceased person for, **15,** 409 n.; **20,** 342
property in, **3,** 405, 406, 553; **14,** 240 n.; **15,** 409
removal of, **3,** 518; **11,** 731, 732
coroner's powers in regard to, **8,** 269
sale of, undertaker, by, a misdemeanour, **9,** 553
unburied, keeping of, a common law nuisance, **21,** 536 n.
view of, necessity for coroner's jury to have, **8,** 263, 264

CORPUS. *See also* CAPITAL.
cestui que trust, right of, to income and, **28,** 124, 125
gift of, by gift of income, **28,** 697
maintenance, when not charged with, **17,** 91
period of distribution, determination of, where condition attached to gift of, **28,** 718
personal estate, of, application of rules of convenience to gifts of, **28,** 721

CORPUS COMITATUS,
constitution of, **7,** 207 n.

CORPUS DELICTI,
proof of, **9,** 378

CORPUS JURIS CANONICI,
history of, **11,** 378

CORRECT WEIGHT,
meaning when referring to horse and coal vehicle, **28,** 482

CORRECTION. *See* AMENDMENT; RECTIFICATION OF INSTRUMENT; RECTIFICATION OF REGISTER.
clerical error, of. *See* CLERICAL ERROR.
corporal punishment, by. *See* CORPORAL PUNISHMENT.
death duty accounts, of, by corrective affidavit, **13,** 216
judgment or order, of, **18,** 213; **23,** 141
trade marks' register, of, **27,** 713
verdict, of, **9,** 373
voters' list, in, revising barrister to read aloud, **12,** 237

CORRESPONDENCE. *See* LETTER; MAILS.
contract by, **7,** 351, 352—354, 368
settlement, for, made out from, **25,** 536 n.
copyright in, **8,** 138
evidence, as, **13,** 439
when admitted unstamped as, **28,** 867
official. *See* OFFICIAL CORRESPONDENCE.
opening, injunction to restrain, **17,** 269, 270
Post Office Act, under, **9,** 488; **22,** 662, 663
prisoners awaiting trial, of, rules as to, **23,** 245
privilege of, discovery, from, **11,** 73, 84
trover for detention of, **27,** 905 n.

CORROBORATION,
accomplice, evidence of, must have, **9,** 388, 408; **13,** 421, 603
adultery, as to, **16,** 478
bastardy proceedings, in, **2,** 448, 453; **13,** 421, 603

CORROBORATION—*continued.*
bestiality, in cases of, **9,** 541
breach of promise of marriage, essential in action for, **13,** 421, 603; **16,** 274, 275
child's evidence, of, necessity for, **9,** 388, 408; **13,** 421, 569, 603
criminal cases, when necessary in, **9,** 388, 408, 457, 471, 494, 503, 542, 615; **13,** 421, 603
Criminal Law Amendment Act, offences under, in, **9,** 614, 615
deceased persons, in claims against estate of, **13,** 421, 604
ecclesiastical offences, still required in case of, **11,** 523; **13,** 603
matrimonial suits, in, what may be sufficient, **13,** 604; **16,** 275, 478
misprision of treason, in prosecutions for, **9,** 503
Motor Car Act, 1903, in cases under, **13,** 603
paupers, in cases of removal of, **13,** 603
perjury, necessary in cases of, **9,** 388, 494; **13,** 603
procuration, in prosecutions for, **9,** 542, 614
rape cases, in, **9,** 388, 394, 613; **13,** 603
sodomy, in cases of, **9,** 388, 408, 541
treason, necessary in cases of, **9,** 388, 457; **13,** 603
tumultuous petitioning, in prosecutions for, **9,** 471
unnatural offences, full corroboration necessary in case of alleged, **9,** 388, 408, 541; **16,** 477

CORROSIVES,
injuries by, **9,** 603, 604

CORRUPT PRACTICES,
defined, **12,** 281—293, 398, 399
affidavit on application for relief from, **12,** 402 n.
agents, through, relief from, **12,** 398
overpayments to, not, **12,** 287 n.
appeal of person found guilty of, **12,** 469
barrister, by, at election, effect of, **12,** 471, 485, 525
bribery as, **12,** 141, 279, 281—289, 290—293, 345, 476 n., 491, 525
candidate, connivance of, in case of, **12,** 398, 399, 407
disqualification of, by, **12,** 483—486; **21,** 657, 658
through his agent, when effected, **12,** 483, 484, 528, 529
charities, subscriptions to, when, **12,** 287 n.
clergy, influence of, misuse of, when, **12,** 292 n.
clerk of the peace disqualified for, **19,** 627
coals, distribution of, when, **12,** 287 n.
college election, at, **4,** 248
commissioner's inquiry into, expenses of, **12,** 481—483
jurisdiction of, **12,** 488
company, statement accusing, of, gives no cause of action for defamation, **18,** 612
conviction for, effect of, on right to vote, **12,** 141, 471, 485, 486
Corrupt and Illegal Practices Prevention Act, 1883, claims under, county court jurisdiction as to, **8,** 624
defamation, company or corporation, no action for, on statement imputing, **18,** 612
Director of Public Prosecutions, rights and duties of, as to, **12,** 442, 485
election
commissioner's inquiry into, **12,** 138, 463—472. *See* ELECTION COMMISSIONERS.

CORRUPT PRACTICES—*continued.*
election—*continued.*
petition
costs, when payable by person guilty of, **12,** 475
on ground of, case of metropolitan borough council, **12,** 500
employment, when amounting to, **12,** 287 n.
entertainments, teas, sports, etc., as, **12,** 290 n., 291 n.
excuses and exceptions allowed in respect of, **12,** 393—408
false statutory statement as to returns, effect of, **12,** 293, 299, 335, 336
illegal practices are, when, **12,** 530
indemnity, certificate of, effect of, **10,** 92; **12,** 450, 462, 467, 469, 484, 485, 514
instances of, **12,** 281—293, 345
jury in case of trial for, right as to, **12,** 536
justice of the peace, by, at election, effect of, **12,** 471, 485, 525
licensed person, by, **12,** 525
limit of time for proceedings for, **12,** 528 n., 529
list of disfranchised persons, claims and objections as to determination of, **12,** 232
omissions from, **12,** 216, 217
preparation and contents of, **12,** 196
publication of, **12,** 217, 242
removal of name from, **12,** 209
loans to voters, effect of, **12,** 282 n.
London, City of, in election of, **12,** 395
messengers, employment of excessive number of, as, **12,** 287 n.
misdemeanours, punishable as, **12,** 528, 529
motive, proof of, **12,** 283 n.
municipal election, at, acts constituting, **12,** 345—349
Attorney-General, report of election court to be laid before, **12,** 519
avoidance of, for, **12,** 345, 491, 492, 524, 525
costs, order as to, **12,** 476, 477, 522
effect of, **12,** 345, 508, 524
criminal proceedings with respect to, **12,** 505 n.
election petition on ground of, **12,** 493
excuses and exceptions allowed in, **12,** 407, 408
failure to make return, **12,** 349
inquiry into, **12,** 488
professional person, by, **12,** 471, 485, 525
punishment for, **12,** 524
relief in respect of, **12,** 407
report of election court to High Court as to, **12,** 518
unauthorised payments, **12,** 349
non-voters, bribery of, when a, **12,** 283 n.
parish council election, at, effect of, **12,** 387
parliamentary election, at, avoidance of election for, **12,** 279, 322, 483, 484
bribery as, **12,** 281—289. *See* BRIBERY.
disqualification of candidates guilty of, **12,** 483—486; **21,** 657, 658
election
commissioner's inquiry into, **12,** 463. *See* ELECTION COMMISSIONERS.
judge, report of, as to, **12,** 138
petition alleging, **12,** 425, 426
holiday, giving an extraordinary, as, **12,** 289 n., 290 n.
illegal payments as, **12,** 287 n., 337
instances of, at, **12,** 281—293
personation as, **12,** 292, 293
proof of, **12,** 286—288

CORRUPT PRACTICES—*continued.*
parliamentary election—*continued.*
treating as, **12,** 289—291. *See* TREATING.
undue influence as, **12,** 291, 292
payments to voters as, **12,** 287 n.
personation as, **12,** 292
proceedings for, commencement of, **12,** 528 n.
professional persons, by, **12,** 471, 485, 525
proof of, **12,** 446
prosecution for, before election court, **12,** 535—537
punishment for, Public Prosecutor, functions of, **12,** 138
report as to, **12,** 461, 462, 518, 519
solicitor, by, as ground for striking off the rolls, **12,** 471, 485, 525; **26,** 849
Speaker, report of election court to, **12,** 483, 484
subsequent to an election, **12,** 284 n., 285 n.
test ballot, at, **12,** 285 n.
treating as, **12,** 289—291. *See* TREATING.
trial for, procedure with respect to, **12,** 536
triviality of, effect of, **12,** 398, 399
undue influence, as, **12,** 279, 291, 292
authorised excuse for, **12,** 398, 399
avoidance of municipal election for, **12,** 345
parish council election avoided by, **12,** 387
parliamentary candidate disqualified for, **12,** 484
punishment for, **12,** 529
vote struck off for, **12,** 455, 456
vote, prohibition to, in consequence of being guilty of, **12,** 141, 471, 485, 486

CORRUPT REWARD,
acceptance by
agent, **9,** 710
judicial officer, **9,** 484
servant or member of public body, **9,** 484
sheriff, **9,** 482
offer of information, for, **7,** 348 n.
public office, concerning appointment to, **9,** 486
recovery of stolen goods, for, **9,** 504, 505
stolen dog, for restoration of, **1,** 405

CORRUPTION,
agent, of, liability of corrupter, **1,** 217 n.; **3,** 300; **9,** 710. *See also* BRIBERY.
Prevention of Corruption Act, 1906, provisions of, as to, **1,** 191 n.; **9,** 485 n., 710; **15,** 424, 425
principal, damages recoverable by, for, **1,** 217
remedies of, in case of, **1,** 216, 217
right to rescind contract, how lost, **1,** 190, 217 n.
architect, of, **3,** 169, 299, 300, 301, 303; **9,** 710
blood, of. *See* CORRUPTION OF BLOOD.
clerks of assize etc., by, **9,** 482, 483; **23,** 351
college election, at, effect of, **4,** 248
coroners, by, **8,** 252; **9,** 482; **23,** 351
corporation cannot be indicted for, **8,** 391
county court officers, by, **8,** 424; **9,** 482
elections, at, **12,** 278—281. *See* CORRUPT PRACTICES.
exchange of benefice, in, effect of, **11,** 633
extortion, as subject of, **9,** 481, 482; **23,** 351
gaolers, of and by, **9,** 482, 483, 487; **23,** 236, 351
inspectors of food and drugs, of, **15,** 33
judicial and ministerial officers, of, **9,** 484; **23,** 351
justices of the peace, by, **9,** 484; **19,** 558; **23,** 351
naval and military secrets, as to, **7,** 30 **9,** 480, 481; **23,** 351

CORRUPTION—*continued.*
ordination, in, deprivation by reason of, **11,** 635
overseers, by, **9,** 487; **22,** 530; **23,** 351
post office servants, by, **9,** 488; **22,** 659—661; **23,** 351
power, execution of, for purpose of, as fraudulent, **23,** 59
instances of, **23,** 59, 60
public body, of members or servants of, **9,** 484, 485; **15,** 424; **23,** 351
revenue officers and servants, by, **9,** 489; **23,** 351
sheriffs, of and by, **9,** 482, 487; **23,** 351; **25,** 830, 831

CORRUPTION OF BLOOD,
attainder, on, **6,** 457; **9,** 20 n., 428 n.; **22,** 275, 276; **24,** 330 n.
conviction of felony, on, abolished, **9,** 428 n.; **11,** 26 n.
inheritance, title of Crown on, **11,** 26 n.
outlawry on, **11,** 26 n.
restitution of, bills for, **21,** 727; **22,** 276

CORSE-PRESENTS,
nature of, **3,** 431
recovery of, **3,** 432
where payable, **11,** 779

COST-BOOK COMPANY,
defined, **5,** 654
adventurers in, **5,** 656
liability of, **5,** 658
captain of mine, duties of, **5,** 658, 659
contracts by, powers as to, **5,** 658
cost book of, contents of, **5,** 655
custom in case of, **5,** 655
mine, mode of granting of, to, **5,** 656
Partnership Act, 1890, application of, to, **5,** 655
principle of, **5,** 654; **20,** 635 n.
districts adopting, **5,** 655
purser and captain of, duties of, **5,** 658, 659
rules and regulations of, **5,** 655, 656
shares in, acquisition of, **5,** 656
forfeiture of, **5,** 657
relinquishment of, **5,** 656, 657
transfer of, **5,** 657

COSTS,
account between partners, of, **22,** 76
administration action, in. *See* ADMINISTRATION ACTION.
Admiralty action, in, *in rem*, **1,** 103—105, 124, 125
appeal, of, **1,** 112—114, 117, 126
compulsory pilotage, in case of, **1,** 104
defence inevitable accident, when, **1,** 104
issues, no division of, **1,** 103, 104
no order as to, when, **1,** 104
security for, appeal, in case of, **1,** 112, 113, 116, 125; **9,** 49
counterclaim, in case of, **25,** 516
foreign ship, in case of, **26,** 408 n., 546
tender accepted, where, **1,** 96
affiliation order, of appeal from, **2,** 453
amount and allowance of, **23,** 183—185
appeal as to, **23,** 132, 180, 182, 194
charity cases, in, **4,** 341, 348, 355, 356
divorce matter, in, **16,** 581
ecclesiastical matter, in, **11,** 519
injunction application, in, **17,** 290
interpleader matter, in, **17,** 620
mortgagor, by, **21,** 238

COSTS—*continued*
appeal as to—*continued.*
trustee, in case of, **28,** 162
Workmen's Compensation Act, 1906, under **20,** 241
appeal, of, **23,** 207
Admiralty, in, **1,** 126
bankruptcy, in, **2,** 262, 308
county court, from, **8,** 609
habeas corpus, as to, **10,** 75
House of Lords, in, **21,** 650; **26,** 767
justices, from, **19,** 656
matrimonial cause, in, **16,** 561
security for. *See* SECURITY FOR COSTS.
winding up, in, **5,** 549 n., 551 n.
arbitration, of. *See* ARBITRATION.
assessed, power of the judge as to, **23,** 183
attachment or committal, of order for, **7,** 317, 318
award as special case, of, power of Court as to, **1,** 466, 467
bankers' books, of inspection etc. of, **1,** 646
bankruptcy proceedings, in. *See* BANKRUPTCY.
bill of. *See* BILL OF COSTS.
bill of exchange, in action on, **2,** 522, 526
bond, on breach of condition of, **3,** 93
boundaries, of commission by court to determine, **3,** 141
certiorari, of application for, **8,** 611; **10,** 203, 211
cestui que trust and trustee, between, **28,** 161
cestui que vie, of producing, **24,** 183 n.
chambers, of proceedings in, **23,** 128
charges, in the nature of, appeal from order allowing, administration of estate, in, **14,** 348, 349
charging order for solicitor's, **25,** 518 n.; **26,** 819, 823—827
application for, **26,** 827 n.
taxation of, **26,** 827
who may make, **26,** 826, 827
county court, in, **26,** 827
court making the order, **26,** 827
dividends, on, **2,** 239
priority of, garnishee order, over, **26,** 825
landlord's claim, over, **2,** 292
property subject to, **26,** 824—826
statute-barred items, not made in case of, **19,** 42; **26,** 824
charitable corporation, against, **4,** 353
charity, in proceedings relating to, **4,** 340—357. *See* CHARITY.
Charity Commissioners, of, **4,** 342, 343
charity trustees, of proceeding by or against, **4,** 344—348
right to indemnity against, **4,** 344, 345, 354
severance of defence, effect of, **4,** 346
solicitor and client, costs as between, **4,** 345, 346, 347, 354
City of London Court, in, are the same as in county courts, **8,** 412
Commissioners of Sewers, of, **25,** 784, 788
petition for appointment of, **25,** 775 n.
common informer, in action by, **12,** 537
company, action against, winding up, during, **5,** 584, 595
debenture-holders' action, in case of, **5,** 388
plaintiff, where improperly made, of, **5,** 320
promoter, of, **5,** 57
security for, **5,** 327, 548; **8,** 392; **23,** 153
foreign company, in case of, **5,** 762
liquidation, when in, **5,** 327; **25,** 516
solicitor to company, of, **5,** 246

COSTS—*continued.*
company—*continued.*
winding up
by the court. *See* WINDING UP BY THE COURT.
under supervision, **5,** 597, 598
voluntary, of, **5,** 592
prosecution of directors, of, **5,** 592
solicitor to liquidator, of, **5,** 575
compulsory purchase of land, in case of, arbitration, of, **6,** 83—86
assessment by jury, of, **6,** 93, 94
charity land, in case of, **4,** 350—353
conveyance, of, **6,** 112—114; **25,** 435
money deposited, when, **6,** 124—135
abortive application, of, **6,** 129
additional, **6,** 126
adverse claims to, **6,** 134, 135
applications to the court, of, **6,** 131, 132
copyhold, admission fees to, **6,** 130
discretion as to, **6,** 125
interim investments, of, **6,** 127
payment out, of, **6,** 132—134
promoters ordered to pay, **6,** 125, 126
reinvestment, of, **6,** 127, 128
refusal to give up possession, in case of, **6,** 102
contempt of court, of order for, **7,** 324
sheriff, by, in case of complaint for, **25,** 831 n.
copyholds, of surrender of, **8,** 95, 96
copyright, proceedings for infringement of, of, **8,** 205, 208
co-respondent, liability of, for, **16,** 550, 551
Debtors Act, under, **2,** 26, 36, 83; **16,** 546
respondent, of, **16,** 552
order against, for, final judgment, not, **2,** 26
petitioning creditor's debt not founded on order for, **2,** 26; **16,** 546
security for, when obtained by, **16,** 523
counterclaim, of, **25,** 518—520
county court, in, **8,** 593
Mayor's Court, London, in, **20,** 297 n.
security, **25,** 515, 516
set-off equalling or exceeding claim, in case of, **25,** 519, 520
taxation of, **25,** 519
county court, in, **8,** 578—601. *See* COUNTY COURT COSTS.
action which might have been commenced in, in case of, **23,** 182
court of appeal, award by, of, **23,** 207
matrimonial cause, in, **16,** 561
security for, in, **23,** 199
Court of Criminal Appeal, in, **9,** 448
criminal proceedings, in. *See* CRIMINAL PROCEEDINGS.
Crown, for and against. *See* ATTORNEY-GENERAL *and the various proceedings to which cross-references are made in* CROWN PRACTICE.
damages, when recoverable as, **10,** 326—328. *See* DAMAGES.
debenture-holders' action, of, **5,** 388
discontinuance of action, on, **23,** 159 n.
discovery, of. *See* DISCOVERY OF DOCUMENTS; INTERROGATORIES.
discretion of the judge as to, **23,** 178—180
dissolution of partnership, in action for, **22,** 91, 93
distress
for, **3,** 200; **11,** 227
in case of, **11,** 185, 226
Divorce Division, in. *See* DIVORCE DIVISION PRACTICE.

COSTS—*continued.*
dower, of action to assign, **24,** 197
Ecclesiastical Courts, of proceedings in, **11,** 519, 547, 548
electrical undertaking, in relation to, **12,** 590, 609, 610
English information, in, **10,** 26
escheat, in inquisition of, **10,** 39
event, *defined* with reference to, **23,** 180 n.
execution, of, not costs of action, **1,** 5 n.; **14,** 33
extra costs from unfounded legal proceedings not natural damage, **1,** 14
faculty, of application for, **11,** 547
failure to pay, by solicitor, as contempt of court, **7,** 301, 302
follow the event, when, **23,** 180—182
foreclosure, of, **21,** 231, 232, 236, 295, 296
building society, in case of, **3,** 370
foreign order for payment of, action on, in England, **6,** 282, 283
fraudulent
conveyance, in case of setting aside, **15,** 106
settlement, in case of setting aside, **15,** 91
friendly society, of application to inspect books of, **15,** 175
full, meaning of, in statute, **26,** 807 n.
game, in case of offences relating to. *See* GAME.
Gaming Act, where plea of, put in, **15,** 271 n.
gas supply, in relation to. *See* GAS; GAS UNDERTAKING.
good cause, with reference to order for, **23,** 181 n.
habeas corpus, of application for writ of, **10,** 62, 75
highway, of proceedings in relation to, **16,** 146—148, 170, 233. *See* HIGHWAY.
House of Lords, in, **21,** 650 n.
inclosure of commons, of, **4,** 558 n., 559, 582—585
infant, rights and liabilities of, as to. *See* INFANT; NEXT FRIEND.
injunction, on application for. *See* INJUNCTION.
inquest, of, **8,** 293
inspection of property, of application for, **23,** 144 n.
interest on. *See* INTEREST ON MONEY.
interpleader, in. *See* INTERPLEADER.
interrogatories, of. *See* INTERROGATORIES.
judgment for, right to sign, **18,** 199; **22,** 450, 451; **23,** 160 n.
jurisdiction as to, **23,** 176—178
juror's summons, of service of, **18,** 239
jury, occasioned by trial by, **18,** 262
justices, allowed to, licensing appeal, on, **18,** 84
licensing appeal, on, cannot be ordered to pay, **18,** 84
power of, to order payment out of county or borough fund, **19,** 586
summary proceedings, powers to make order as to, **19,** 603, 604, 605
taxation by, of, **18,** 85
justices' licence, grant of, confirming authority's powers, **18,** 52
King's Proctor intervening, where, **7,** 79; **16,** 553, 555, 556
Latin information, in, **10,** 12
lease, for preparation of, liability for, **18,** 402, 403
legitimacy declaration petition, of, **2,** 434, 435
libel action, of, **18,** 615, 616, 676
agreement to indemnify against, **1,** 54; **15,** 453 n.
licensing
appeal, of, **18,** 83—85
unsuccessful appellant's recognisances estreated for non-payment of, **18,** 80, 81

COSTS—*continued.*
licensing—*continued.*
application, justices no power to make order, **18,** 38
compensation, Commissioners of Inland Revenue, of, **18,** 76
light railway
arbitration, in case of, **27,** 832, 833
provisional order, of, promoters' liability for, **27,** 785
lunacy, proceedings, in. *See* LUNACY; LUNATIC.
mandamus, of application for writ of, **10,** 125, 127
Mayor's Court, in. *See* MAYOR'S COURT, LONDON.
mine, of order for inspection of, **20,** 540
mistake, action on account of, in, **21,** 28, 29
judgment or order, amendment of, as to, **18,** 213, 214
mortgage, in case of. *See* MORTGAGE; MORTGAGOR; MORTGAGEE.
motion, of. *See* MOTION.
municipal election petition, in case of, **12,** 494, 495, 498, 520—523. *See* ELECTION PETITION (Municipal).
naval and military officers, in proceedings against, **25,** 93
negligence, in action for, **21,** 489, 490
new trial, of application for, **23,** 206
nuisance, of summary proceedings for, **21,** 568, 573, 574
official receiver, of, **2,** 105—108. *See* OFFICIAL RECEIVER (Bankruptcy); OFFICIAL RECEIVER (Companies).
Official Secrets Act, of proceedings under, **7,** 33
order for, when final judgment, **1,** 3; **2,** 26, 27
parliamentary election petition, of, **12,** 419—422, 472, 483. *See* ELECTION PETITION (Parliamentary).
partition action, in, **21,** 854—856. *See* PARTITION.
party and party, generally taxed as between, **23,** 183
higher and lower scales of costs as between, **23,** 183
indemnity, as an, **26,** 799
power to increase amount of items, **26,** 800
special allowances in respect of, **26,** 800, 801
taxation of, **26,** 799
costs of, **26,** 807, 808
discretion of taxing master, **26,** 800
patent action, in, **22,** 225, 226
payment into court, in case of, **23,** 149, 150
personation at election, of prosecution for, **12,** 527
petition of right, in, **10,** 35
plaintiff succeeding on claim, defendant on counterclaim, **23,** 181 n.
poor law relief, of, recovery of, **22,** 570—573
poor rate assessment committee, of, as respondent to appeal, **24,** 63
powers of appointment, in case of action relating to, appointed fund bears, **23,** 45, 46
Privy Council, before, **9,** 46
prize
bounty, deduction from, of officers' and men's, **23,** 294
Court proceedings, in, **23,** 290, 292
probate action, in, **14,** 180—182
prohibition, of application for writ of, **10,** 154
provisional order, in respect of. *See* PROVISIONAL ORDER.
Public Authorities Protection Act, under. *See* PUBLIC AUTHORITIES PROTECTION ACT.
Queen Consort, in action by or against, **6,** 366

COSTS—*continued.*
quo warranto, of application for information in nature of, **10,** 140
Railway and Canal Commission, in proceedings before, **23,** 760, 761
receiver, rights and liabilities of, as to. *See* RECEIVER.
redemption action, in. *See* REDEMPTION ACTION.
replevin action, of, **11,** 207
revenue proceedings, in, **10,** 26; **24,** 743
revising barrister's jurisdiction over, **12,** 238, 239, 255
sale of land, conveyance, of, how payable, **25,** 336
purchaser's liability as to, **25,** 433, 434
vendor and purchaser summons, of, order as to, **25,** 396
vendor's liability for, extent of, **25,** 434
scales of, **8,** 580—582; **23,** 183
Light Railways Rules, under, **27,** 832 n.
non-contentious business, for, **26,** 760—765
security for. *See* SECURITY FOR COSTS.
set-off, in case of, **25,** 518—520
Settled Estates Act, of application under, **25,** 680 n.
settled land, in relation to. *See* SETTLED LAND.
Settled Land Acts, under. *See* SETTLED LAND ACTS.
settled property, of proceedings protecting, **25,** 616
settlement, of. *See* SETTLEMENT OF PROPERTY.
settlement trustees, of, how defrayed, **25,** 615 n., 616 n.
sheriff, of, in action for false return by bailiff, **25,** 803 n.
sheriff's interpleader, of. *See* SHERIFF'S INTERPLEADER.
solicitor, agreement by, to charge nothing for, not maintenance, **1,** 54
rights and liabilities of, as to. *See* SOLICITOR.
solicitor and client, when may be awarded. *See* SOLICITOR AND CLIENT COSTS.
Sovereign, in action by, **6,** 412
specially indorsed writ claiming, **23,** 112
specific performance, in action for. *See* SPECIFIC PERFORMANCE.
stay of proceedings pending payment of, **23,** 157
successful
appellant may be deprived of, **23,** 207 n.
litigant may be deprived of, **23,** 178, 179
nature of, of, **23,** 184
respondent may be deprived of, **23,** 207 n.
summary judgment, on application for, **23,** 134, 135
surety, rights and liabilities of, as to. *See* SURETY.
taxation of. *See* TAXATION OF COSTS.
tenant for life, as between capital and, **25,** 615—617
tenant for life under Settled Land Acts, of. *See* TENANT FOR LIFE UNDER SETTLED LAND ACTS.
tort, in action of, **27,** 468 n.
trade
marks, in actions as to, **27,** 721, 742 n., 743 n., 776
union, in action by or against, **27,** 616, 629, 661 n.
trover or detinue, in action of, **27,** 911, 912, 917
trust for accumulation, proceedings to determine validity of, of, **22,** 383, 384
trustee, rights and liabilities of, as to. *See* TRUSTEE.
of charity, of, **4,** 344—348

COSTS—*continued.*
usages as to, **10,** 283, 284
vaccination officer, incurred by, **23,** 484
vexatious
action, of, plaintiff disallowed, **23,** 179
stay of proceedings pending payment of, **23,** 157
election petition, in case of, **12,** 474 n., 476 n.
water supply, in relation to. *See* WATER SUPPLY.
wife's authority to pledge husband's credit for, when ceasing, **16,** 429, 430.
winding up, of. *See* WINDING UP.
without prejudice, letter written, cannot be read on question of, **13,** 457, 558
workmen's compensation proceedings, in case of. *See* WORKMEN'S COMPENSATION.

CO-SURETY. *See* p. 399.

CO-TENANT. *See* p. 399.

CO-TRUSTEE. *See* p. 399.

COTTAGE,
charitable gift for providing, **4,** 118
common, inclosure of, for building, **4,** 510
of pasture
appendant to, **4,** 450
appurtenant to, **4,** 455
garden, *defined* by Allotments and Cottage Gardens etc. Act, 1887, **1,** 357
improvement to, compensation for, **1,** 258
land improvement, authorised, as, Improvement of Land Act, under, **18,** 280 n.
Settled Land Acts, under, **18,** 284 n., 286
light, easement of, claim in respect of, **11,** 306

COTTON,
cloth factories, **14,** 456—458. *See* TEXTILE FACTORY.
artificial humidity in, limits of, **14,** 456
notice of, **14,** 456, 457
water producing, provision as to, **14,** 457
breach of regulations in, penalties, **14,** 458
cloak room in, provision of, **14,** 457
rateable value of, carding machine enhancing, **24,** 28 n.
thermometer in, provision of, **14,** 457, 458
ventilation of, **14,** 457
whitewashing roofs of, as to, **14,** 457
collodion, explosive, as, **14,** 357 n.
goods, *defined*, **27,** 707 n.
trade mark for, application for registration of, **27,** 707
Manchester register of, **27,** 685, 686
prohibited, **27,** 698
registration of, **27,** 685, 686
manufacture, materials and apparatus used in, exemption from distress of, **11,** 140
wrongful dealing with, offence of, **20,** 127, 128
trade usages, **10,** 279, 285

COUNCIL,
borough. *See* BOROUGH COUNCIL.
church, of the, **11,** 358, 391 n.
county. *See* COUNTY COUNCIL.
India, of. *See* INDIA.
Legal Education, of, constitution of, **2,** 364
functions, powers and duties of, **2,** 361, 364, 365

COUNCIL—*continued.*
metropolitan. *See* METROPOLITAN BOROUGH COUNCIL.
Orders in, **11,** 798. *See* ORDER IN COUNCIL.
parish. *See* PARISH COUNCIL.
Pharmaceutical Society, of the, powers of, **20,** 352
regency, of, creation of, **6,** 376
registration, for teachers, **12,** 127
Royal College of
Physicians, of the, composition of, **20,** 309, 310
Surgeons, of the, composition of, **20,** 312, 313
Veterinary Surgeons, of the, powers and duties of, **20,** 371
rural district. *See* RURAL DISTRICT COUNCIL.
schools under. *See* PUBLIC ELEMENTARY SCHOOL.
urban district. *See* URBAN DISTRICT COUNCIL.

COUNCILLOR,
borough or municipal. *See* BOROUGH COUNCILLOR.
county. *See* COUNTY COUNCILLOR.
parish. *See* PARISH COUNCILLOR.
rural district. *See* RURAL DISTRICT COUNCILLOR.
urban district. *See* URBAN DISTRICT COUNCILLOR.

COUNSEL, 2, 357—423. *See* AUDIENCE; BARRISTER; HEARING.

COUNTERCLAIM.
The title SET-OFF AND COUNTERCLAIM *is contained in Vol. XXV., pp.* 481 *et seq.*
defined, **25,** 483, 510 n.
account, for, **25,** 507
action, when treated as or not as an, **1,** 4
Admiralty action, in, arrest and security, effect on, **1,** 95
in personam, to action *in rem*, **1,** 95, 96; **25,** 507
counterclaim *in rem*, opposed to, **1,** 95; **25,** 507
amendment of, **22,** 438; **25,** 513
when without leave, **22,** 438
amount recoverable by, **25,** 506
appearance to, **25,** 512
applicability of, extent of, **25,** 483 n.
arising after action brought, right to set up, **25,** 508
availability of, **25,** 504, 505, 507, 508
bankruptcy notice, effect on, **2,** 31
building contract, payment under, subject to, **3,** 225
characteristics of, **25,** 505, 506
co-defendant's right of, **25,** 505
colonial plaintiff, against, application to bring, **25,** 504 n.
company, against, after commencement of winding up, **5,** 538
contract, breach of, in action for, effect of, **7,** 461
opposed to claim in tort, **25,** 507
contributory, by, rescission of contract to take shares, for, **25,** 508
co-plaintiff, against, **25,** 506
costs of, **25,** 518—520
county court, in, **8,** 593; **25,** 518—520
Mayor's Court, London, **20,** 297 n.
security for, **25,** 515, 516
set-off equalling or exceeding claim, in case of, **25,** 519, 520
taxation of, **25,** 519

COUNTERCLAIM—*continued.*
counterclaim to, plaintiff's right to, **25,** 508
setting up of, **25,** 513
county court, in, **8,** 433, 434, 491 ; **25,** 509
costs of, **8,** 593 ; **25,** 518—520
exceeding the jurisdiction of the court, **8,** 434
notice of, **8,** 485, 486, 491 ; **25,** 509
payment into court on, **8,** 495
remittal to, of, **8,** 439, 441 n. ; **25,** 516
representative action, in, **8,** 487
transfer to
another county court, **8,** 441
High Court, **8,** 434
creation of, **25,** 504
damages, for, **25,** 507
costs, and, security for, from foreign government, **26,** 408 n.
sounding in, **25,** 488
debt, for, in action of trover, **27,** 911 n.
debtor, by, against equitable assignee of chose in action, **4,** 387, 388
declaration, claim for, as, **25,** 483 n., 507
defence, established as, power of court or judge where, **25,** 488
not a, **25,** 483
raising counterclaim by way of, **25,** 510, 511
to, arising after defence or reply, **22,** 459
form of, **25,** 512 n.
misrepresentations as, **20,** 755 n.
right to raise point of law in, **25,** 513
defendant, by, against co-defendant, **25,** 505 n.
does not make him a plaintiff, **11,** 44 n.
right to, **13,** 62 ; **22,** 451 ; **25,** 504
delivery or service of, **25,** 511
deposit as subject of, **27,** 95
disallowance of, infringement of rules as to joinder of causes of action, for, **25,** 514
discontinuance of action, effect of, on, **25,** 516
discovery obtained by party brought in by, **11,** 44
dismissal of action, effect of, on, **25,** 516
embarrassing, **25,** 514
Employers and Workmen Act, 1875, summary proceedings under, in, notice of, **20,** 116 ; **25,** 501
equitable, **18,** 62, 63
exclusion of, **25,** 504, 514, 515
execution on judgment covering a, **25,** 518
foreign
defendant, by, security for costs in case of, **25,** 515
plaintiff, against, **25,** 514, 516
Sovereign, against, **1,** 19
forfeiture, for relief against, **25,** 507
guarantee liability, as to, **15,** 504, 508, 526
High Court, in, **25,** 509, 510
history of law of, **25,** 504 n.
husband and wife sued jointly, where, **25,** 505
independent action, an, **25,** 507
inferior court, in, **25,** 509
injunction, claim for, as, **25,** 483 n.
for an, **25,** 507
insurance broker or underwriter's right to, **17,** 350 ; **25,** 500
joinder of parties, necessitating, **25,** 505
judgment
in case of, **25,** 488, 517, 518
in default of appearance to, **25,** 512
defence, effect on, **18,** 187
Judicature Act as to, **13,** 62, 63 ; **25,** 504
limitation of time in respect of, **19,** 39, 184
marine insurance policy, on, right of, **17,** 350

COUNTERCLAIM—*continued.*
Mayor's Court, London, in, jurisdiction as to, **20,** 288
removal of, **20,** 301
patent, revocation of, for, **22,** 219, 225 ; **25,** 507
payment into court in respect of, **23,** 151
county court, in, **8,** 495
pleading of, form of, **22,** 421 n. ; **25,** 509—511
statute of limitation as defence, proof required on, **19,** 184
to, default in, effect of, **25,** 515
manner of, by person served, **25,** 513
raising, by way of defence, **25,** 510
effect of, **25,** 507, 508
breach of contract, in action for, **7,** 461
trial without pleadings, in, practice on, **25,** 510
receiver, for a, **25,** 507
refusal of, by court, **25,** 488
reply to, counterclaim, by way of, **25,** 508
default in delivery of, effect of, **18,** 187
payment into court, by way of, **23,** 151
county court, in, **8,** 495
pleading in, **25,** 512, 513
Rules of Supreme Court as to, **25,** 487, 488, 504 n.
service of, **25,** 511
set-off, amount recovered on counterclaim, of, right to, **25,** 491
distinguished from, **25,** 483, 491 n., 492 n., 506, 507, 520 n.
specific performance, claim for, as, **25,** 483 n., 507 ; **27,** 77 n.
Statutes of Limitation, application of, to, **19,** 39, 184
statutory right, as, **25,** 485 n., 504 n.
stay of, **25,** 514, 515
arbitration, pending, **1,** 451 ; **25,** 515
stay of action, effect of, **25,** 216
striking out of, where no cause of action, **25,** 513
subjects of, **25,** 504, 505, 507, 508
summary jurisdiction, court of, in, **20,** 116 ; **25,** 509
third party, appearance by, in, **25,** 512
how summoned, **25,** 511
joinder with plaintiff as defendant to, **25,** 505, 506
notice in respect of, **25,** 508
tort, in, opposed to claim in contract, **25,** 507
trial of, county court, in, **8,** 532
stay of action pending, **25,** 517
without pleadings, **23,** 162 ; **25,** 510
vesting order, for a, **25,** 507
whom available against, **25,** 505, 506, 508

COUNTERFEIT COIN,
defined, **9,** 514
copper, buying, selling, etc., at lower than apparent value, **9,** 518
foreign, making, **9,** 519
instruments for making, making or possessing, **9,** 520
making, **9,** 518
uttering, **9,** 518
discovery of, **9,** 520 n.
gold or silver, buying, putting off, etc., at lower than apparent value, **9,** 515
foreign, importation of, **9,** 519
making, **9,** 518
uttering, **9,** 519
importing or exporting, **9,** 516, 519

COUNTERFEIT COIN—*continued.*
gold or silver—*continued.*
instruments for making, making or possessing, **9,** 519, 520
making, **9,** 514
offence, counterfeiting, of, what constitutes, **9,** 515
second, statutory effect of, **9,** 517
when complete, **9,** 521
possession of three or more counterfeit coins, **9,** 516
tools, coining, discovery of, **9,** 520 n.
conveying out of mint, **9,** 520
uttering, **9,** 516—518
joint, may be, **9,** 517
meaning of, **9,** 517

COUNTERFOIL,
ballot papers, of, inspection of, **12,** 428, 429, 511
cheque, of, evidence, as, **13,** 562

COUNTERMAND,
agent, of authority of. *See* AGENT, authority of, revocation of.
cheque, of, **2,** 516
death, by, **2,** 510
notice of trial, of, **23,** 175

COUNTERPART,
agreement for lease, of, stamp duty on, **18,** 377
deed, of, *defined,* **10,** 381
efficacious as principal deed, **10,** 381
deed or agreement, of, stamp duty on, **7,** 529; **18,** 377; **24,** 727
instrument, of, as evidence, **24,** 727 n.
lease, of, *defined,* **18,** 395
costs of, payment by lessor, **18,** 403
essential, when, **18,** 396
loss of, lessor may inspect lease, on, **18,** 396
mortgagor, by, provision for delivery to mortgagee, **21,** 164
party entitled to, **18,** 395
purposes of, **18,** 394—396
settled land, of, execution of, **25,** 655
stamp duty on, **18,** 400; **24,** 727
what constitutes, **18,** 394—396

COUNTING-HOUSE,
defined, **9,** 673 n.
breaking and entering, as a felony, **9,** 672
occupation of, as qualification for juror, **18,** 229

COUNTY,
defined, **8,** 212, 217; **12,** 194 n.; **15,** 6; **18,** 22 n.; **19,** 340; **28,** 283
accounts and audit, **19,** 362
administrative, Local Government Acts, under, meaning of, **16,** 195 n; **19,** 340
London, of, **20,** 393—400
Admiralty jurisdiction outside, **1,** 60 n.
criminal, **9,** 274
alderman. *See* ALDERMAN.
analyst, appointment of, **15,** 8
association, for administration of Territorial Force, **25,** 81—89. *See* COUNTY ASSOCIATION (Territorial Force).
borough. *See* COUNTY BOROUGH.
council. *See* COUNTY BOROUGH COUNCIL.
boundaries of. *See* BOUNDARIES.
bridge. *See* BRIDGE.

COUNTY—*continued.*
building, management and maintenance of, **19,** 364, 365
rateable occupation, when subject of, **24,** 14
charitable gifts for, **4,** 114
city, of a, *defined,* **9,** 286 n.
cities included under, **9,** 286 n.; **19,** 540 n.
criminal offences committed in, trial of, **9,** 286
sheriffs for, appointment of, **25,** 796
clerk of peace for. *See* CLERK OF THE PEACE.
contribution. *See* COUNTY CONTRIBUTION.
Coroners Act, 1844, under, meaning of, **8,** 212
coroners for. *See* CORONER.
costs of, exemption of City of London from, **20,** 438, 439, 450 n.
council of. *See* COUNTY COUNCIL.
councillor. *See* COUNTY COUNCILLOR.
court. *See* COUNTY COURT.
division of, clerk of the peace in, appointment of, **19,** 627
compensation authority, for purposes of, **18,** 69
electoral, **12,** 358
judicial notice of, **13,** 494
land tax purposes, for, **18,** 314
police districts, into, **22,** 483
polling districts, into, **12,** 204 n.
election petition costs, when payable by, **12,** 475
electoral divisions of, **12,** 358
electors, register of, **12,** 244—248. *See* REGISTER OF VOTERS.
expenses, special, *defined,* **19,** 358
payment of, **19,** 362
Food and Drugs Acts, expenses of administering, in, **15,** 34
foreshore, inclusion of, within, judicial purposes, for, **28,** 381
franchise, household, in, **12,** 163—174. *See* HOUSEHOLD FRANCHISE.
lodger, in, **12,** 174—177. *See* LODGER FRANCHISE.
occupation, in, **12,** 155—162. *See* OCCUPATION FRANCHISE.
ownership, in, **12,** 145—155. *See* OWNERSHIP FRANCHISE.
reserved rights of, **12,** 177
fund, **19,** 358, 359. *See* COUNTY FUND.
high sheriff of, **25,** 793—795. *See* HIGH SHERIFF.
hundred cannot be separated from, under Sheriffs Act, 1887, **25,** 798 n.
inhabitants, duties and liabilities of, transferred to county council, **19,** 371
judicial notice taken of, **13,** 494
jurors. *See* JUROR; JURY.
justices. *See* JUSTICES (County).
licensing authorities for a, **18,** 34, 50
Licensing Consolidation Act, 1910, under, meaning of, **18,** 22 n.
Local Government Act, 1888, under, meaning of, **8,** 217; **19,** 340
London, of. *See* LONDON, COUNTY OF.
palatine of
Durham. *See* DURHAM, COUNTY PALATINE OF.
Lancaster. *See* LANCASTER, COUNTY PALATINE OF.
police. *See* COUNTY POLICE.
purposes, general and special, expenses for, **19,** 358
quarter sessions. *See* QUARTER SESSIONS.
rate. *See* COUNTY RATE.

COUNTY—*continued.*
returning officer for. *See* RETURNING OFFICER.
small holdings in. *See* SMALL HOLDING.
surveyor, appointment, duties and salary of, **19,** 346
bridges, power with regard to, **16,** 196, 197
tidal navigable river included within, judicial purposes, for, **28,** 395
town, of, *defined*, **9,** 286 n.
criminal offences committed in, trial of, **9,** 286
sheriffs for, appointment of, **25,** 796
towns included under, **9,** 286 n.
treasurer, accounts of, **19,** 346
appointment and duties of, **19,** 344—346
election commissioner's expenses, payment by, **12,** 481, 482
Poaching Prevention Act, 1862, penalties under, payable to, **15,** 238
removal of, **19,** 344
salary of, **19,** 344
venue in criminal trials, **9,** 286
wapentake cannot be separated from, under Sheriffs Act, 1887, **25,** 798 n.

COUNTY ALDERMAN. *See* ALDERMAN.

COUNTY ASSOCIATION (TERRITORIAL FORCE),
Army Council, duty as to plans of, **25,** 87
audit of accounts of, Army Council, to be sent to, **25,** 89
provisions for, **25,** 89
chairman and vice-chairman, election of, **25,** 83, 84
committee of, appointment of, **25,** 85, 86
joint, **25,** 86
liability exceeding £50 can only be incurred by resolution of, **25,** 86
co-opted member of, **25,** 84
corporation, subject to liabilities as a, **25,** 85
delegation of powers to, on mobilisation, **25,** 51
discharge from Territorial Force, duties in connection with, **25,** 68
establishment and constitution of, scheme for, **25,** 82—83
expenses of, grants from Army funds for, **25,** 88
finance of, **25,** 88
land, acquisition of, for military purposes, by, **25,** 99, 100
power to hold, **25,** 87
London, Lord Mayor of, as member of, **20,** 423; **25,** 83 n.
members of, **25,** 83—85. *See* MEMBER.
officers of, appointment of, **25,** 85
powers and duties of, **25,** 86, 87. *See also* TERRITORIAL FORCE.
president of, lieutenant of county to be, **25,** 83
rights and privileges of, **25,** 83
private funds, reception and application of, by, **25,** 88
regulations dealing with, **25,** 81, 82
submission to Parliament of, **25,** 82
representative member of, **25,** 84
sub-associations, may be divided into, **25,** 83
Territorial Force, administration of, by, **25,** 81—89
voluntary subscriptions, power to receive, **25,** 89

COUNTY BOROUGH,
constitution of, **19,** 300
effect of, **19,** 300, 301
contribution to, from Exchequer, **19,** 350
maintenance of county asylum by, liability attaching on, **19,** 485, 486
coroner in. *See* CORONER.
council. *See* COUNTY BOROUGH COUNCIL.
county, financial relations with, adjustment of, **19,** 353, 354
creation of, **19,** 300
licensing compensation authority in, **18,** 68
lunacy, visiting committee in, appointment by, **19,** 467 n.
sheriff of, **25,** 796. *See* SHERIFF.

COUNTY BOROUGH COUNCIL,
allotments, is not a county authority for purposes of, **19,** 301
area controlled by, **12,** 17
asylum, Lunacy Acts, under, duty to provide, **19,** 479, 480
borrowing powers of, for education, **12,** 20, 51
commons, powers as to, **4,** 599, 601
constitution, position, and proceedings of, **19,** 300
education, grants for poor law, by, **12,** 88
higher, powers as to supply of, **12,** 6
local authority, as, **12,** 16, 17, 51. *See also* EDUCATION AUTHORITY.
election of, **19,** 300. *See* BOROUGH COUNCILLOR.
Exchequer contribution account, duty to keep, **19,** 351
payments to be made into and out of, by, **19,** 352, 353
game, licences to deal in, jurisdiction as to, of, **15,** 255 n., 257 n.
grant of, by, **15,** 246 n.
grants by, to poor law authorities, **12,** 88
highways, bye-laws for, power to make, **16,** 117
respecting heavy locomotives, **27,** 313
expense of maintenance of, how payable, **16,** 125
vesting of, in, **16,** 57. *See also* HIGHWAY.
licensing authority, as, heavy locomotives, for, **27,** 308
motor car drivers, for, **27,** 320
local taxation
account, grant from, to, **19,** 351
duties, collection and retention by, **19,** 350, 351
Lunacy Acts, visiting committee under, of, **19,** 479 n.
contract for reception of lunatics by, **19,** 487 n.
motor cars, as registration authority for, **27,** 316—320
pauper lunatics, powers to contract for reception of, **19,** 486
powers, duties, and liabilities of, **19,** 300
quarter sessions, powers of, transferred to, **19,** 371, 372
reformatory schools, functions and duties as to, of, **12,** 71 n., 73, 74, 78, 79
roadside wastes, rights as to, of, **16,** 163
small holdings, power to let, to industrial society, **17,** 7
transferred powers in, exercise of, **19,** 371, 372

COUNTY CONTRIBUTION,
county rates, for, **19,** 355, 356; **24,** 69, 70. *See* CONTRIBUTION.

COUNTY COUNCIL,
defined, Electric Lighting Acts, in, **12,** 550
account of, special county, **19,** 362
accounts of, audit of, **12,** 492 n.; **19,** 363
making up and returns of, **19,** 363
provision for keeping, **19,** 362
three several, the, **19,** 362
acquisition of land by, **6,** 167; **19,** 364
advertisement, expenses of county council as to, relief of boroughs from, **19,** 357; **23,** 400
alderman of, **12,** 361; **19,** 340, 341. *See* ALDERMAN.
allotment under. *See* ALLOTMENT (Agricultural).
Allotments Acts, under, **1,** 359
analyst, agricultural, under. *See* ANALYST.
public, under, **15,** 8. *See* PUBLIC ANALYST.
area controlled by, **12,** 17; **19,** 340
assizes and sessions, accommodation for, to be provided by, **19,** 365
asylum, Lunacy Acts, under, provision of, by, **19,** 479—488; **22,** 528
maintenance of, contribution between county borough and, **19,** 485, 486
auditor of, appointment and duties of, **12,** 492 n.
bankrupt, disqualification of, as member of, **2,** 89
bills in Parliament, conditions attached to powers respecting, of, **19,** 381, 382
powers as to, of, **19,** 374, 380, 381
borough
council, concurrent powers with, **12,** 23, 24 n., 46
quarter sessions, powers as to, **19,** 355, 356
boroughs, powers as to, of, **19,** 372—374
quarter sessions, with, powers as to, **19,** 372, 373
separate commission of peace, having, powers as to, **19,** 374
borrowing powers of. *See* BORROWING.
bridge under. *See* BRIDGE.
budget, annual, of, preparation of, **19,** 357
buildings, county, management and maintenance of, **19,** 364, 365
vesting of, in, **19,** 364
Burial Acts, power to alter area of application of, **3,** 505
candidate for, qualification of, **12,** 356
casual vacancy in, how filled, **12,** 357
certiorari for removal of order of, **10,** 174
chairman of, **12,** 359—361; **19,** 341, 342. *See* CHAIRMAN.
charitable bequest to, exemption from death duties, **4,** 206
charities, memorials of, to be registered with, **4,** 244
cheques of, provision for signing, **19,** 358
chief officers of, appointment of, **19,** 342
clerk of, appointment of, **19,** 343
costs against, on appeal from revising barrister, **12,** 238, 239, 255
deputy, appointment and position of, **19,** 343, 344
disfranchised persons, list of, to be made by, **12,** 196
documents, delivery of, to revising barrister, by, **12,** 219, 221
gas undertaking, in respect of, to be left with, **15,** 314, 319
dog licences, register of, to be kept by, **15,** 254

COUNTY COUNCIL—*continued.*
clerk of—*continued.*
duties of, **19,** 343
abstracts of objections to votes, as to, **12,** 219
election of councillors, as to, **12,** 357 n.
expenses of, account and payment of, **12,** 246, 247
game dealers, register of, to be kept by, **15,** 258
game licences, register of, to be kept by **15,** 250
gas undertakings, document in respect of, deposited with, **15,** 314, 319
special act for, copy to be deposited with, **15,** 319
gun licences, register of, to be kept by, **15,** 253
lists of voters, delivery of, by revising barrister, to, **12,** 237, 238
supplemental, to be made by, **12,** 243
misfeasance, liable for, parliamentary registration, in connection with, **12,** 538
notice to, appointment of revising barrister, of, **12,** 219
judgment on appeal from revising barrister, of, **12,** 256
precepts to be sent to overseers by, **12,** 195
register of voters, duties as to, **12,** 221, 237 n., 241, 243, 244
respondent to appeal, may be named as, by revising barrister, **12,** 250
revision court fines payable to, **12,** 533
closing order, power as to, **19,** 376
committees of, appointment and procedure of, **1,** 342; **19,** 348—350; **26,** 676
compulsory appointment of, **12,** 19, 20; **19,** 350
joint, **19,** 349, 350
common, deposit of award on inclosure of, with, **4,** 586
powers as to enclosure of, **4,** 599—601
compulsory
hiring of land by, **1,** 345, 347; **6,** 10, 168, 169
purchase of land by, allotments, for, **1,** 344—349; **6,** 168—171
small holdings, for, **6,** 168—171; **26,** 673, 680, 685
constitution of, **19,** 340
contracts with, **16,** 197; **19,** 340 n
conveyances to, **16,** 197; **19,** 340 n.
co-operative society, grants for allotments to, by, **1,** 360
promotion of, by, **1,** 360; **17,** 6; **26,** 675
workmen's dwellings, assistance in respect of, to, **17,** 6
coroner, county, appointment of, **8,** 215—218. *See* CORONER.
councillors. *See* COUNTY COUNCILLOR.
county
boroughs, adjustment of financial relations with, **19,** 353, 354
boundary, notice of award respecting, to, **4,** 553
councils association, powers as to contributions to, **19,** 374
fund, **19,** 358, 359. *See* COUNTY FUND.
purposes and expenses, general, of, **19,** 358
rate, making of, **24,** 69—76. *See* COUNTY RATE.
stock, creation etc. of, regulations as to, **19,** 362

COUNTY COUNCIL—*continued.*
defamatory statements at meetings of, extent to which privileged, **18,** 681, 682; **27,** 405 n.
disease of animals, expenses in respect of, boroughs relieved from, **19,** 356
distinguishing characteristics of, **19,** 340, 341
district council, neglect by, powers as to, **19,** 375
districts and parishes, powers over, **19,** 377
dog licences, proceedings in respect of, **15,** 253, 254
drains, control of, **25,** 772
education
authority, local, as, **12,** 16, 17
borrowing powers of, **12,** 50, 51
expenses of, **12,** 47, 48
minor local authority, jointly with, **12,** 34
committee of, **12,** 19; **19,** 350
higher, contributions to councils with concurrent powers as to, **12,** 46
election to, regulations for, **12,** 356—361. *See* COUNTY COUNCILLOR.
electoral divisions, powers as to, **19,** 309
emigration, power to aid, **19,** 374
Exchequer
account, duty to keep, **19,** 351
grants payable out of, **19,** 352, 353
payments to be made into, **19,** 352
contributions to, **19,** 350
expenses of, **19,** 348 *et seq.*
analysis of feeding stuff, in relation to, **1,** 289
controlling advertisements, in, **19,** 357
diseases of animals, in respect of, **19,** 356
education, for, **12,** 47, 48
highway, **16,** 125—132
isolation hospital, for, **23,** 443
weights and measures, as to, **19,** 356
feeding stuffs and fertilisers, powers as to, **1,** 289
finance committee of, **19,** 348
financial statement, provision for annual, **19,** 357
gas
lighting by, **15,** 311 n.
measures, duties as to, **15,** 344, 346
Sale of Gas Acts, administration by, **15,** 344
gift to, validity of, **15,** 406
guardians of poor, control over, **12,** 390; **19,** 378; **22,** 531
grants to, **22,** 528
gun, carrying, without a licence, proceedings in respect of, **15,** 252, 253
habitual drunkard, retreat for, contribution towards, **18,** 162
harbour authority, public, financial aid to, powers as to, **28,** 418, 419
heavy locomotives, power to make bye-laws respecting, **27,** 313
higher education, powers in respect of, **12,** 16, 23, 47, 51 n. *See* HIGHER EDUCATION.
highway, bye-laws respecting, power to make, **16,** 117
contribution towards, **16,** 129
diversion or stopping up of, consent required for, **16,** 79
duties of district councils as to, enforcement of, **19,** 338, 375, 376
expenses of, **16,** 125
obstruction of, power to prevent or remove, **16,** 162
repair of, powers as to, **16,** 150, 151
highway authority, as, **16,** 26
borrowing money by, with approval of, **16,** 106

COUNTY COUNCIL—*continued.*
highway authority—*continued.*
default of, powers on, **16,** 149—151, 163
indictment preferred against, by, **16,** 150
hospital, isolation, provision or promotion of, **23,** 435, 438, 442, 443. *See* ISOLATION HOSPITAL.
transfer of, to, **23,** 440
housing, duties of district councils as to, enforcement of, **19,** 376, 377
income of, sources of, **19,** 358, 359
incorporation of, **19,** 340
industrial schools, powers as to, **12,** 73 n.
inebriate reformatory, grant of funds for, **18,** 169
infant not eligible as member of, **17,** 47
inquests, fees and allowances for, powers as to, **8,** 293
inquiries that may be held by, **19,** 374, 375
inspector of nuisances of urban district, contribution to salary of, **19,** 277, 278
jury service, exemption of members from, **18,** 231, 232
land, acquisition of, **6,** 167; **19,** 364
leasing of land by, **19,** 364
legal proceedings by and against, **19,** 374, 380, 381
licensing authority, as. *See* JUSTICES (Licensing).
light railways, powers as to, **27,** 819, 821, 822, 837—839. *See* LIGHT RAILWAY.
loan society, rules of, copies of transcript deposited with, **19,** 220
enrolment of, by, **19,** 219
loans to, application and repayment of, **21,** 60, 61
local authority, adjustment of finances etc. with, **19,** 357
hospital of, contribution to, by, **23,** 434
Weights and Measures Act, reimbursement under, of, **28,** 498
local government areas, alteration etc. of, by, **19,** 377
representations to Local Government Board as to, by, **19,** 374
Local Government Board, transfer of powers from, to, **19,** 379
local taxation
account, grants from, to, **19,** 351
duties, collection and retention of, by, **19,** 350, 351
London, for, **20,** 418—422. *See* LONDON COUNTY COUNCIL.
Lunacy Acts, powers under, to be exercised by visiting committee of, **19,** 479, 480
main road, duties and powers as to. *See* MAIN ROAD.
medical officer of health, appointment of, by, **19,** 346
urban district, of, contribution to salary of, by, **19,** 275. *See* MEDICAL OFFICER.
meeting of, court, is not a, **9,** 9
music and dancing licence, respecting, counsel's right of audience at, **2,** 377
procedure at, **19,** 347, 348
public, attendance at, **19,** 348
regulations as to, **19,** 347
voting at, education matter, in respect of, **12,** 19
restrictions on, **19,** 348
member of. *See* COUNTY COUNCILLOR.

COUNTY COUNCIL—*continued.*
midwife, delegation of powers as to, by, **20,** 368
local supervising authority over, as, **20,** 367, 368
monuments, powers as to acquisition and preservation of, **21,** 604, 605
mortgages by, **21,** 112
motor cars to be registered with, **27,** 316
national health insurance, repayment to local authorities of excess expenditure on, by, **28,** 959, 960
naval and military officers may serve on, **25,** 96
notices, service of, on, **12,** 608
officers of, appointment and removal of, **19,** 342—347, 369
Parliament, ineligible to sit in, **19,** 343
remuneration of, **19,** 342
order of, removal by *certiorari*, **10,** 174
parish, division and union of, by, **19,** 238, 239, 377
division of, into wards by, **19,** 238, 331
documents, custody of, powers as to, **19,** 254
powers in and concerning, **19,** 379
petty sessional court house, provision of, by, **19,** 567
polling districts, division of county into, by, **12,** 308, 309
powers as to, of, **19,** 369
poor law
authority, as, **22,** 531
education, grant for, by, **12,** 88
poor rate, assessments for, not binding on, **24,** 71
liability to, of, **24,** 16
powers and duties of, delegation of, **19,** 350; **26,** 674, 675
miscellaneous, **19,** 369, 370, 375, 379
transfer of, by provisional order to, **19,** 367, 368
from justices to, **19,** 371
proceedings of, regulations as to, **19,** 347, 348
property, acquisition and sale of, by, **19,** 364
dealt with by, **19,** 369
of, adjustment under Local Government Act, 1888, **19,** 357
vesting of, in, **19,** 363
public health, committee of, **19,** 350
duties of district councils as to, enforcement of, by, **19,** 375
public walks or pleasure grounds, provision of, by, **21,** 587
quarter sessions, administrative duties of, transferred to, **19,** 368, 369, 635
duty to provide accommodation for, **19,** 364, 365
matters not transferred, **19,** 635
powers etc. transferred from, to, **19,** 368, 369, 370, 371, 635
powers vested jointly in, **19,** 370, 371
standing joint committees of, relation to, **19,** 349, 364, 365, 370, 371
quarter sessions boroughs, financial relations with, **19,** 354—356
larger, exemptions of, from rates of, **19,** 355, 356
smaller, financial relations with, **19,** 356
rating powers of, **19,** 357
reformatory schools, expenses of, how defrayed by, **12,** 78, 79
powers as to, **12,** 71 n., 73
Road Board, advances from, **16,** 28

COUNTY COUNCIL—*continued.*
roads and bridges, protection of, in respect of electrical works, **12,** 635, 638
roadside wastes or strips, powers as to, **4,** 601; **16,** 162
rural district, area of, alteration of, **19,** 334, 377
powers respecting, of, **19,** 378
rural district council, ineffective, powers in event of, **19,** 332
new election of, ordered by, **19,** 332
powers delegated to, by, **19,** 331
rural district councillors, alteration of number by, **19,** 331, 378
sale of land by, **19,** 364
sanatoria, provision of, **23,** 444
sanitary authority, as, **23,** 373
differences with, how settled, **25,** 772 n.
school boards, liabilities of, transferred to, **12,** 48
school managers, appointment of, by, **12,** 34
schoolroom, use of, for election purposes, **12,** 358
sewage works, rateable for, **24,** 16
sewerage, complaint as to, by parish council, to, **25,** 732
small holding, in respect of. *See* SMALL HOLDING.
special county purposes and expenses of, **19,** 358
street electrical works, proposed, notice of, to, **12,** 577
surveyor of, appointment and duties of, **16,** 124, 196; **19,** 346
telegraphs, power to make bye-laws respecting, of, **27,** 388
treasurer of, **19,** 344—346. *See* TREASURER.
urban district council, powers over, of, **19,** 378
vehicles, bye-laws as to construction and use of, power to make, **27,** 272
vice-chairman, appointment of, **12,** 360; **19,** 342
visiting committee of, appointment, powers and duties of, **19,** 467, 479 *et seq.*
contract by, for reception of lunatics, **19,** 486, 487
wards, formation of, by, **19,** 377, 379
water supply, powers in respect of, **19,** 375
Weights and Measures Act, expenses of administering, boroughs relieved from, **19,** 356
statutory duties as to, nature of, **28,** 466, 467. *See* WEIGHTS AND MEASURES.
wild birds, protection of, duties as to, **15,** 209 n., 210
working class dwellings, duties and powers as to, **23,** 537, 538

COUNTY COUNCILLOR,
bye-election of, **12,** 357
education matter, when disqualified from voting on, **12,** 19
election of, **12,** 190, 191, 356—359; **19,** 340, 341
candidates at, **12,** 356
date of, **12,** 356
franchise for, **12,** 190, 191
freedom of, **12,** 358
general, **12,** 356—359
how questioned, **12,** 491 n.
illegal practices etc. at, **12,** 345—349, 358
inadvertent, **12,** 402 n.
licensed premises not to be used for meetings, **12,** 401 n.
mandamus to hold, **10,** 80, 81
paid agent at, employment of, **12,** 401 n., 402 n.

COUNTY COUNCILLOR—*continued.*
election of—*continued.*
petitions in connection with, **12,** 499
plural voting at, forbidden, **12,** 359
poll, conduct of, at, **12,** 359
printer's name, omission of, from election address, **12,** 401 n.
publisher's name, omission of, from literature, **12,** 401 n.
return of elected candidates, **12,** 359
returning officer for, **12,** 357. *See also* RETURNING OFFICER (Municipal).
number of, **19,** 341
qualification and disqualification of, **12,** 356; **19,** 341
restrictions on voting of, **12,** 19; **19,** 348
term of office of, **12,** 356

COUNTY COURT.
The title COUNTY COURTS *is contained in Vol. VIII., pp.* 405 *et seq.*
defined, **8,** 621
accounts and inquiries in, **8,** 540—546. *See* ACCOUNTS AND INQUIRIES.
accounts of, yearly submission of, to Auditor-General, **8,** 418
action in. *See* COUNTY COURT ACTION.
adjournment of, **8,** 413, 521, 528
administration action in, **8,** 546, 547; **14,** 333. *See* ADMINISTRATION ACTION.
Admiralty jurisdiction of, **1,** 127—129; **26,** 546, 547. *See* ADMIRALTY JURISDICTION.
Admiralty summons in, **1,** 130
advertisement in, for creditors, **8,** 543, 544
agricultural holdings, in relation to, **1,** 259
appeal, **8,** 601—615. *See* COUNTY COURT APPEAL.
arbitration in, **8,** 525
assessor in, **8,** 523—525
attachment of debts in. *See* ATTACHMENT OF DEBTS.
audience in, barrister's right of, **2,** 374, 417; **8,** 525
solicitor's right of, **8,** 525; **26,** 724
award in, enforcement of, **15,** 180, 181; **17,** 29 n.; **20,** 212, 227, 228
bailiff in, **8,** 421, 422. *See* BAILIFF; HIGH BAILIFF.
barrister, hearing of, in, **2,** 374, 417; **8,** 525
bill of sale, filing and inspection of abstract of, in, **3,** 52; **8,** 623
registrar's duties as to, **3,** 52; **8,** 622, 623
broker in, appointment and duties of, **8,** 565
buildings of, **8,** 414
poor rate, not liable to, **24,** 14
vested in Commissioners of Works, **7,** 135 n.; **8,** 414
charging order in, **26,** 827
charitable trust jurisdiction of, **4,** 301
appeal under, **4,** 302
appointment of trustee under, **4,** 267, 301
orders under, control by Charity Commissioners of, **4,** 301
removal of trustee under, **4,** 270, 301
City of London Court as, **8,** 412
constitution of, **8,** 410
contempt of court in, **8,** 433, 577, 578, 615, 616
costs. *See* COUNTY COURT COSTS.
counterclaim in. *See* COUNTERCLAIM.
County Courts Acts, construction of, **8,** 621
Court of Record, **8,** 411
debt of several items, jurisdiction as to, **8,** 451

COUNTY COURT—*continued.*
expenses of, **8,** 414
fees in, **8,** 618
forgery of seal or process of, **8,** 621; **9,** 736
funds in court. *See* FUND IN COURT.
interpretation of terms in, **8,** 621
judge of. *See* COUNTY COURT JUDGE.
judgment in, extension of, **6,** 294
jurisdiction of. *See* COUNTY COURT JURISDICTION.
licensing compensation, division of, by, **18,** 77
mandamus to, **8,** 614, 615; **10,** 89, 108
metropolitan, **8,** 411
officers of, **8,** 417—423
liabilities and protection of, **8,** 423—427
misconduct of, **8,** 424; **9,** 482; **23,** 351
order of court in. *See* ORDER OF COURT.
perjury in, **8,** 616
petition in, fee on, amount of, **8,** 461 n.
Settled Land Acts, under, **8,** 481
Trustees' Relief Acts, under, **8,** 481
petty sessional court-house, as, **19,** 567
Pre-Norman, as ecclesiastical authority, **11,** 499
prohibition to. *See* PROHIBITION.
recovery of land in. *See* RECOVERY OF LAND
referee in, **1,** 483 n. *See* ARBITRATOR.
refreshers, allowance of, **8,** 595
registrar of, **8,** 417—421. *See* REGISTRAR OF COUNTY COURT.
remitting action from High Court to. *See* REMITTED ACTION.
seal of, **8,** 621
sheriff's duty to hold, **25,** 807
sittings of, **8,** 412, 413
alteration or adjournment of, **8,** 413
Companies (Consolidation) Act, 1908, under, **5,** 555
two courts not to be held on same day, **8,** 413.
solicitor, service by or upon, in, **8,** 619
signature of roll by, **8,** 526
time, computation of, in, **8,** 620
enlargement or abridgment of, in, **8,** 620
extension of, in, **8,** 620
treasurer of, **8,** 423. *See* TREASURER.
vacations in, **8,** 413

COUNTY COURT ACTION,
defined, **1,** 3
abatement of, **8,** 511—513
account, for. *See* ACCOUNT.
accounts and inquiries in. *See* ACCOUNTS AND INQUIRIES.
adjournment of, **8,** 471, 521, 528
administration in. *See* ADMINISTRATION ACTION.
administrator, by or against, **8,** 454, 455, 458, 496—498, 546, 594
Admiralty, in, appeal in, **1,** 112—115
bail in, **1,** 131, 132
in personam, **1,** 128, 129
in rem, **1,** 128—139. *See* ACTION IN REM IN ADMIRALTY.
transferred to High Court, **1,** 108
admission of debt in, **8,** 500—503. *See* ADMISSION.
advertisements in, how ordered, **8,** 620
affidavit in. *See* AFFIDAVIT.
documents, of, **8,** 514
amendment in, **8,** 508—513. *See* AMENDMENT.
Appeal, Court of, judgment of, deposit of, **8,** 610
arbitration in, **8,** 525
assessor in, employment of, **8,** 523—525

COUNTY COURT ACTION—*continued.*
assignee, by, form of plaint in, **8,** 461, 462
attachment in. *See* ATTACHMENT OF DEBTS.
bankruptcy of plaintiff in, **8,** 511
barrister, hearing of, in, **2,** 417, 418
Bill of Exchange, respecting. *See* BILL OF EXCHANGE.
cause of action in, **8,** 450—452, 458—460. *See* CAUSE OF ACTION.
certiorari to remove, **8,** 610, 611. *See* CERTIORARI.
claim in, **8,** 466—468
commencement of, district for, **8,** 448—453
equitable action, **8,** 481
leave for, **8,** 450
parties on, **8,** 453—458. *See* PARTIES TO PROCEEDINGS.
procedure for, **8,** 460 *et seq.*
committal in, **8,** 577, 578, 615, 616
company, against, **5,** 21; **8,** 461, 476
company winding-up, service of process by bailiff in, **5,** 561
stannaries jurisdiction in, **5,** 561 n., 660
compromise of, **8,** 455, 501
trust action, in, **8,** 455
confession of claim in, **8,** 500—503
consent to jurisdiction, **8,** 434, 435
consolidation of, **1,** 134; **8,** 481, 482
contribution in, **8,** 491—493
costs in. *See* COUNTY COURT COSTS.
counterclaim in, **8,** 433, 434, 491. *See* COUNTERCLAIM.
defamation, for, **8,** 432, 442, 486, 487
notice of defence in, **8,** 442
default
of appearance in, **8,** 526—528, 579
summons in, **8,** 473, 474. *See* DEFAULT SUMMONS.
defence in, **8,** 485—491. *See* DEFENCE.
defendant to, **8,** 454, 510, 511
deposition in, **8,** 517, 518
detinue, of. *See* DETINUE.
directions, application for, in, **8,** 506, 507
disclaimer of interest in, by defendant, **8,** 488
discontinuance of, **8,** 500
discovery of documents in, **8,** 513—516. *See* DISCOVERY OF DOCUMENTS.
document, admission, production and proof of, **8,** 516, 529, 530, 532
ejectment, of, **8,** 435, 436
equitable, **8,** 442, 443
costs in, **8,** 582 n., 586, 588—590
liberty to apply in, **8,** 536
matters subject of, **8,** 443—446
payment into court in, **8,** 496
remitted from High Court, **8,** 442, 443, 483
transfer of, **8,** 446, 447
another county court, to, **8,** 453
trial with jury of, **8,** 521, 522
venue of, **8,** 452, 453
evidence in, **8,** 531, 532
affidavit, by, **8,** 518, 531
cross-examination, on, disallowance of vexatious or irrelevant questions in, **8,** 531
depositions as, **8,** 516—518
documents as, **8,** 532
expert, costs of, **8,** 596
how taken, **13,** 624
interrogatories, by, **8,** 513, 532
issues to which limited, **8,** 532
oral, **8,** 531
reply, in, **8,** 533

COUNTY COURT ACTION—*continued.*
evidence in—*continued.*
subsequent proceedings, use in, of, **8,** 532
trial, before, **8,** 513—520
trustee's consent to act, of, **8,** 520
what may be given as, **8,** 532
examination before trial in, **8,** 516—518. *See* EXAMINATION OF WITNESS.
execution in. *See* EXECUTION OF JUDGMENT OR ORDER (County Court).
experiments in, interim order for, **8,** 504
facts, admission of, notice of, **8,** 502
false endorsement by bailiff of process in, **8,** 426
foreclosure, for, **8,** 444; **21,** 232 n., 283
forms in, **8,** 618
fraction of a penny disregarded in claim in, **8,** 468
garnishee summons in, **8,** 570—577. *See* ATTACHMENT OF DEBTS.
guardian *ad litem*, appointment and liability of, in, **8,** 479, 480, 537; **17,** 108, 141 n.
practice as to, **8,** 479, 480, 537; **17,** 141 n.
hearing of, **8,** 528—533
indemnity in, claim for, **8,** 491—493
infant, in case of, discovery in, **8,** 515
entry of plaint, **8,** 463
full age, as though of, **8,** 455; **17,** 133
guardian *ad litem*, appointment of, **8,** 479, 480, 537; **17,** 108
maintenance or advancement of, for, **8,** 445, 481
parties to action, **8,** 455
payment into court of sum recovered, **8,** 497
plaintiff, as, **8,** 455, 463, 497, 601
service on, **8,** 469
undertaking for costs, **8,** 601
injunction in, **8,** 433, 504; **17,** 204
inquiries in, order for, **8,** 504
transfer of, to High Court, **8,** 446
inspection in, order for, **8,** 446, 447, 504, 540—546
judge or jury, by, **8,** 528
interlocutory applications in, **8,** 503—508
interpleader in, **17,** 627—641. *See* INTERPLEADER IN COUNTY COURT.
interrogatories in, **8,** 513—515
joinder, causes of action, of, **8,** 458
parties to, of, **8,** 453, 454
judgment in, **8,** 533—548. *See* JUDGMENT IN COUNTY COURT.
judgment summons, **2,** 342. *See* JUDGMENT SUMMONS.
jury in. *See* JURY.
justice, against, **23,** 334
Licensing Act, 1904, compensation authority under, reference by, **8,** 662—665; **18,** 77
lien, to enforce, **8,** 444
payment into court on claim of, **8,** 504
specific property, order where claimed on, **8,** 504
lunatic, in case of, guardian *ad litem*, appointment of, **8,** 479, 480, 537
maintenance of, enforcement of payment of expenses of, in, **8,** 670; **19,** 494
parties to action, **8,** 455
payment into court of sum recovered, in, **8,** 497
malicious prosecution, for, **8,** 428; **19,** 677
married woman, in case of, form of plaint, **8,** 464
judgment against, in, **8,** 535
parties to action, **8,** 455
measuring, order for, in, **8,** 504
model, order for, in, **8,** 504
new trial of, **8,** 548—550. *See* NEW TRIAL.

COUNTY COURT ACTION—*continued.*
next friend, by, **8,** 455, 456
undertaking as to costs by, in, **8,** 601
non-suit in, **8,** 538, 579
notices in, **8,** 619—621
nuisance, for, **21,** 550
service of summons out of England and Wales in, **8,** 477
order in, **8,** 503—505
particulars in. *See* PARTICULARS.
parties to, **8,** 453—458, 509—513. *See* PARTIES TO PROCEEDINGS.
amendment of, **8,** 509—511
partition, for, **8,** 675; **21,** 835, 861, 862, 864
partnership action in, **8,** 456. *See* PARTNERSHIP.
payment
into court in, **8,** 493—496. *See* PAYMENT INTO COURT.
out of court in, **8,** 497—500. *See* PAYMENT OUT OF COURT.
perishable goods, order for sale of, **8,** 503
petitions in, **8,** 481
plaint in. *See* PLAINT.
plaintiff in, **8,** 453—458
plan, order for, **8,** 504
pleading in, **22,** 419
postponement of, **8,** 506—508, 528
præcipe in, **8,** 460
Admiralty, in, **1,** 130
precept in, registrar issues, **8,** 418
procedure before trial of, **8,** 448—525
proceedings in, absolutely privileged from liability for defamation, **18,** 680
forms of, **8,** 618
proof of, **13,** 549
public authorities, against, notice of, **8,** 464
recovery of possession in, **8,** 436—438, 559
redemption, for, **8,** 444, 452, 459. *See* REDEMPTION ACTION.
remitted. *See* REMITTED ACTION.
replevin of. *See* REPLEVIN.
representative, **8,** 454, 455, 457
amendment of parties in, **8,** 510
compromise of, **8,** 455
defence or counterclaim in, **8,** 487
form of plaint, **8,** 461
restoration of, **8,** 527
rules of, **8,** 617
samples, interim order for taking, in, **8,** 504
selected, in case of different plaintiffs, but same defendant, **8,** 481, 482
service in. *See* SERVICE IN COUNTY COURT.
set-off in, **8,** 429, 485, 486, 491; **25,** 509
setting down for trial, in, **8,** 507
speeches in, **8,** 533
statutory jurisdiction, procedure under, of, **8,** 624
stay of, **8,** 481, 482. *See* STAY OF PROCEEDINGS.
striking out, non-appearance of party, for, **8,** 526—528
restoration after, **8,** 527
want of
jurisdiction, for, **8,** 539, 579
prosecution, for, after change of parties, **8,** 513
subject-matter of, preservation or custody of, interim order for, **8,** 503
summons in, **8,** 460—480. *See* SUMMONS IN COUNTY COURT.
surveying, order for, in, **8,** 504
tender in, **8,** 487, 495

COUNTY COURT ACTION—*continued.*
third party procedure in, **8,** 491—493. *See* THIRD PARTY PROCEDURE.
tithe rentcharge, recovery of, in, **11,** 217
title to land, in respect of, **8,** 430, 431, 435, 438
appeal in, **8,** 602
costs in, **8,** 582 n., 591, 592
particulars of claim, in, **8,** 467
tort, remitted action of, **8,** 432
transfer of, **8,** 482—485
application for, **8,** 483
entry of, **8,** 484
equitable action, in case of, **8,** 446, 453
officer of the court a party, where, **8,** 529
registrar has acted as solicitor for party, where, **8,** 483
several actions by parties in the same interest, where, **8,** 483
transmission of documents on, **8,** 484
trial under extended jurisdiction, for, **8,** 483
Workmen's Compensation proceedings, in case of, **20,** 222, 243
trial of, powers of registrar as to, **8,** 527, 529
venue in, **8,** 448—453. *See* VENUE.
weighing in, order for, **8,** 540
witness in. *See* WITNESS.

COUNTY COURT APPEAL,
defined, **8,** 601
agreement not to appeal, **8,** 603
amendment of grounds of, **8,** 606
bankruptcy, in, **2,** 7, 303; **9,** 56
cases when appeal lies, **8,** 601—604
certiorari, by way of, **8,** 610, 611. *See* CERTIORARI.
condition precedent to, **8,** 604
costs of, **8,** 609
security for, **1,** 112; **8,** 606
counsel in, one only heard on each side, **8,** 608
counterclaim, in case of, **8,** 602
Court of Appeal, when lying to, **8,** 602 n., 607 n.; **9,** 63; **13,** 227; **20,** 227, 238—240
cross-appeals, procedure in case of, **8,** 606
death of respondent, effect of, on, **8,** 608
decisions or orders not the subject of, **8,** 603
Divisional Court, from, Court of Appeal, to, **8,** 609; **9,** 63; **23,** 193
lies to, **8,** 601 n., 607; **9,** 59
ejectment action, in, **8,** 602
evidence, admission or rejection of, in respect of, **8,** 601, 603, 608
fact, none on question of, **8,** 603
form, neglect to use prescribed, not entertained on, **8,** 618
grounds of, amendment of, **8,** 606
notice of motion, must be stated in, **8,** 605
hearing of, **8,** 607—610
High Court, discretion of, on, **8,** 608
House of Lords, not to, **2,** 303
in formâ pauperis, **8,** 605, 609
injunction, from grant of, **8,** 602; **17,** 204
interlocutory matters, in, **8,** 602
interpleader proceedings, in, **8,** 602; **17,** 616—620, 639, 643
judge's note on, **8,** 533, 604, 605, 608
Admiralty proceedings, in, **1,** 113
conclusive on, **13,** 550
copy of, **8,** 605, 608
request to take, **8,** 533, 604
judgment on, **8,** 608—610
Court of Appeal, of, deposit of, **8,** 610

COUNTY COURT APPEAL—*continued.*
judgment on—*continued.*
effect of, **8,** 610
enforcement of, **8,** 610
entry of, **8,** 610
jurisdiction, consent as to, in case of, **8,** 602
extended in action under, **8,** 607
under special statutory, **8,** 603, 625
law, point of, on, **8,** 601, 603, 604
raising, is a condition precedent to, **8,** 604
leave of the court, by, **1,** 112; **8,** 604
mandamus, by way of, **8,** 614, 615. *See* MANDAMUS.
misdirection, for, **8,** 603, 608
new trial, against order refusing or granting, **8,** 550, 604
notice of motion on, **8,** 605
service of, **8,** 605, 606
London agent of respondent's solicitor, on, insufficient, **8,** 605; **26,** 847
procedure on, **8,** 604—607
prohibition, by way of, **8,** 611—614. *See* PROHIBITION.
where concurrent remedy by, **8,** 604
recovery of possession, in action for, **8,** 602
registrar, from, winding-up matter, in, **5,** 550
remit action, from order to, **8,** 441
replevin action, in, **8,** 602; **11,** 202
right, as of, **8,** 601—604
rules governing, **8,** 605
Stannaries Court, from, **9,** 63
statutory jurisdiction, under special, **8,** 603, 625. *See* COUNTY COURT JURISDICTION.
stay of proceedings pending, **8,** 606
taxation, refusal to review, on, **8,** 599
time for entering, **8,** 605
extension of, **8,** 606
title, in actions of, **8,** 602
transferred actions, in, **8,** 607
when none lies, **8,** 603
winding up, proceedings in, **5,** 550

COUNTY COURT COSTS, 8, 578—601
administration action, in, **8,** 589, 599
administrator, in case of action by, **8,** 594
Admiralty, in, **1,** 138, 139
admissions, in case of, **8,** 501—503
affidavit, of, disallowance of, **8,** 519
appeal, of, **8,** 609
barrister, fees of, allowance of, **8,** 582 n., 594, 595
in respect of employment of, **8,** 526
when not allowed, **8,** 584
bond for, **8,** 600, 601
counterclaim, in case of, **8,** 593; **25,** 518—520
creditor, of, on establishing debt, **8,** 544
default of appearance of parties, on, **8,** 526—528, 579
detinue actions, in, **8,** 570, 591
discontinuance of action, on, **8,** 500
discovery, of, **8,** 515
discretion of judge as to, **8,** 578—580
particular items, respecting, **8,** 582
scale of costs, as to, **8,** 580—582
unnecessary matter, respecting, **8,** 582
drawings, for, **8,** 596
ejectment actions, in, **8,** 591, 592
equitable actions and matters, of, **8,** 582 n., 586, 588—590
examination of debtor, of, **8,** 552, 569; **14,** 126—128
executor, in case of action by, **8,** 594

COUNTY COURT COSTS—*continued.*
expert evidence, of, **8,** 596
extended jurisdiction, under, **8,** 590
garnishee proceedings, of, **8,** 571, 572, 573, 575
guardian *ad litem*, limit of responsibility for, **8,** 480
higher scale, on, **8,** 580—582
application for, **8,** 581
certificate of judge for, **8,** 581, 582
discretion of judge as to, **8,** 581
division of, **8,** 581
in formâ pauperis, of party, **8,** 584
injunctions, of, **8,** 592
interlocutory proceedings, of, **8,** 592, 599
less than 2*l.* claimed or recovered, where, **8,** 581
model, of, **8,** 596
nonsuit, in case of, **8,** 539, 579
third party, against, **8,** 591
particular items of, judge's discretion as to allowance of, **8,** 582, 583
party
in formâ pauperis, of, **8,** 584
not employing solicitor, of, **8,** 583
solicitor a, when, **8,** 584
succeeding on some issues, of, **8,** 580
party and party, between, **8,** 583, 584
payment into court, incurred after, **8,** 593
on, **8,** 495
trust moneys, of, **8,** 498
plans, of, **8,** 596
production of unnecessary documents on notice, of, **8,** 516
prohibition, of, **8,** 614
public authority, of, **8,** 585
real property action, in, **8,** 591
receiver, appointment of, on, **8,** 589, 590
Partnership Act, under, **8,** 590
discharge of, on, **8,** 590
recovery of, **8,** 600
recovery of possession, small tenements, of, in action for, **8,** 592
special damage against landlord on, in action claiming, **8,** 582
refusal to admit facts, on, **8,** 593
remitted actions, in, **8,** 586—588, 592
scales of, **8,** 580—582
when applied in High Court, **23,** 182
security for, **8,** 600, 601
defendant resides twenty miles from court, where, **8,** 505, 600
deposit of bond or money as, **8,** 600, 601
plaintiff out of jurisdiction, where, **8,** 461, 600
selected action, on, **8,** 482
set-off of, **8,** 598
solicitor, employment of, on, **8,** 583—585
of, when a party, **8,** 584
solicitor and client, as between, **8,** 585, 598, 599
agreement as to, **8,** 585, 686
public authority entitled to, when, **8,** 585
taxation of, **8,** 598, 599
special items, of, **8,** 582
equitable jurisdiction, under, **8,** 589
remitted action, in, **8,** 588
statutory jurisdiction, under special, **8,** 625. *See* COUNTY COURT JURISDICTION.
striking out action, on, **8,** 539, 580
sureties for, **8,** 600
taxation of, **8,** 597—599. *See* TAXATION OF COSTS.
tenements, recovery of, in action for, **8,** 592
third party procedure, in, **8,** 590, 591
title, in action of, **8,** 591, 592

COUNTY COURT COSTS—*continued.*
treble, when awarded, **8,** 580
undertaking for, by next friend of infant, **8,** 601
unliquidated damages, in case of action for, **8,** 582
unnecessary matter, of, judge's discretion as to, **8,** 583
unqualified representative, in case of, **8,** 583, 584
warrant of execution, of, **8,** 556
winding-up company, on, **5,** 565
witness, of, **8,** 595, 596. *See* WITNESS.

COUNTY COURT JUDGE,
action by or against, **8,** 415
adjournment, powers of, **8,** 528, 529
amendment, powers of, **8,** 528
appointment of, **7,** 61; **8,** 414
arbitrator, as. *See* ARBITRATOR.
assessor, employment of, **8,** 523—525
barrister, eligibility of, for, **2,** 382
may not practise as, **8,** 415
certificate of, bailiffs, to, **11,** 162
costs, as to, **8,** 581
conveyancer, cannot act as, **8,** 415
costs, discretion as to, of, **8,** 578—583. *See* COUNTY COURT COSTS.
criminal information against, **8,** 415
deputy, appointment of, **8,** 416; **13,** 443
presumption as to, **13,** 443
barrister's eligibility for office of, **2,** 382; **8,** 416
death or resignation of judge, effect on, **8,** 416
illness or incapacity of, **8,** 416
judgment, may reserve, **8,** 416
powers of, **8,** 416
qualifications of, **8,** 416
disabilities of, **8,** 415
Gasworks Clauses Act, 1871, not disqualified from acting under, **15,** 375
habitual drunkard, examination of, by order of, **18,** 163, 164
insult to, as contempt of court, **8,** 615
justice of the peace, as, **8,** 415; **19,** 538
liability of, for judicial acts, **8,** 414, 415
London Building Act, consent for owner under, of, **20,** 480
mandamus to, **8,** 614, 615; **10,** 89, 107
member of parliament, cannot be, **8,** 415
notary public, cannot act as, **8,** 415
note on appeal. *See* COUNTY COURT APPEAL.
number of, **8,** 414
pension of, **8,** 417
powers of, generally, **8,** 528
precedence of, **8,** 414 n.
protection afforded to, **8,** 414, 415; **23,** 324
qualification of, **8,** 414
removal of, **7,** 296; **8,** 415
salary and pension of, **8,** 417
solicitor, cannot act as, **8,** 415
statutory jurisdiction, powers under special. *See* COUNTY COURT JURISDICTION.
travelling allowance of, **8,** 417
two courts on one day, prohibited from holding, **8,** 413
unavoidable absence of, procedure in case of, **8,** 413
winding-up company, as commissioner to take evidence on, **5,** 559

COUNTY COURT JURISDICTION,
action struck out for want of, **8,** 539
actions not the subject of, **8,** 432
administration actions, in, **8,** 443, 445, 623; **14,** 333, 334. *See* ADMINISTRATION ACTION.
Admiralty, in, **1,** 127—139; **26,** 545. *See* ADMIRALTY JURISDICTION.
agricultural holding, in respect of, **1,** 259, 269; **8,** 625—631; **11,** 207
wrongful distress, **8,** 626, 630
alkali works, in respect of, **8,** 631—633
allotments, in respect of, **8,** 633, 634
attachment of
debt, as to, **8,** 430, 570—577. *See* ATTACHMENT OF DEBTS.
discovery, to enforce, **8,** 515
persons, as to, **8,** 433, 577
award under Workmen's Compensation Act, 1906, **20,** 213
balance of account, claims on, in respect of, **8,** 429
ballot at municipal election, in respect of, **8,** 635
bankruptcy, in, **2,** 7, 47, 48, 63, 296—301
bill of exchange, in respect of, **8,** 447, 448, 479, 489
bill of lading, in respect of, **1,** 128
brine pumping, compensation for subsidence on, in respect of, **8,** 636, 637
building societies, in respect of, **3,** 382—385, 395; **8,** 637—639. *See* BUILDING SOCIETIES.
buildings in metropolis, as to, **8,** 667, 668
charitable trusts, in respect of, **4,** 301, 302; **8,** 640—643
charterparty, in respect of, **1,** 128
chemists, as to, **8,** 676
City of London Court, in respect of, **8,** 412
collecting societies, in respect of, **8,** 643
committal, as to, **8,** 577, 615, 616
commons, as to, **8,** 643, 644, 656
companies, domicil and residence of, for purpose of, **5,** 21, 22
concurrently with other courts, **8,** 428
consent, by, **8,** 434, 435
friendly society dispute, in, **15,** 181
title, cases of, in, **8,** 435
contract, in, **8,** 428, 429
corporeal hereditament, action of title to, in respect of, **8,** 438
cottage gardens, in respect of, **8,** 633
counterclaim, as to, **8,** 433, 434
County Court Acts, as affected by various, **8,** 410, 411
debtor, examination of, to order, **8,** 430, 551
designs, in actions for infringement of, **27,** 743
detinue, in, **8,** 428, 429
devastavit, claims for, in respect of, **8,** 445
distress, in respect of, **8,** 661, 662
agricultural holding, on, disputes on, as to, **1,** 257; **11,** 140
excessive, in case of, **11,** 207
wrongful distress, **1,** 257; **11,** 140, 207
districts subject to, **8,** 411, 412; **20,** 212
easement, as to, **8,** 431, 435, 438; **11,** 335
ejectment, in, **8,** 430, 435, 436, 559
election, municipal, in respect of, **8,** 635, 671, 672
parliamentary, in respect of, **8,** 673, 674
employer and workman, on disputes between, **8,** 646, 647; **20,** 102, 103, 115
employer's liability, in respect of, **8,** 624; **20,** 151, 152
equity, in, **8,** 432—434, 442—447

COUNTY COURT JURISDICTION—*continued.*
estate duty, disputes as to, in respect of, **8,** 648—650
extraordinary tithe redemption, in respect of, **8,** 647
factories and workshops, in respect of, **8,** 648
fairs, as to, **8,** 431, 435
false imprisonment, in action for, **8,** 428
foreclosure proceedings, in, **3,** 370; **8,** 444; **21,** 283
franchises, as to, **8,** 431, 435
fraud, in case of, **8,** 446
friendly societies, as to, **8,** 651—653; **15,** 143, 144, 156, 193. *See* FRIENDLY SOCIETIES.
government annuity, in respect of, **8,** 653
habitual drunkards, in respect of, **8,** 659, 660
High Court judgment, no jurisdiction in respect of, **8,** 430
highway, extraordinary traffic on, in respect of, **8,** 655; **16,** 179
hosiery trade, in respect of, **8,** 655
impressment, in respect of, **8,** 634, 635
inclosure expenses, in respect of, **8,** 656, 657
incorporeal hereditaments, in respect of, **8,** 430, 431, 435, 438
industrial and provident societies, in respect of, **8,** 643, 657—659; **17,** 25, 28, 29
industrial assurance companies, in respect of, **8,** 643
infants, guardianship of, in respect of, **8,** 654
maintenance or advancement of, **8,** 445, 481
trustee, to grant vesting order in case of, **17,** 83
injunctions, in respect of, **8,** 433; **17,** 204
interlocutory matters, in, **8,** 432
interpleader proceedings, in, **8,** 434; **17,** 627, 628
Judicature Acts, under, **8,** 432—434
judicial trustee, appointment of, in respect of, **8,** 660, 661
legacies, in respect of, **8,** 445
licensing compensation, in respect of, **8,** 662—664
limits of, **8,** 411, 428—438
literary institutions, in respect of, **8,** 665, 666
Liverpool Court of Passage, judgments of, enforcement of, in respect of, **14,** 129
loan societies, in respect of, **8,** 666; **19,** 225
loans, in respect of, **8,** 666, 667
local jurisdictions, in respect of, **8,** 412
lunacy, in, **8,** 669, 670; **9,** 96; **19,** 415, 502, 505
vesting order of stock in name of lunatic, no jurisdiction to make, **19,** 452 n.
malicious prosecution, in respect of, **8,** 428
mandamus, to grant, **8,** 433
markets, in respect of, **8,** 431, 432, 435
married women, acknowledgments of, as to, **8,** 650
property of, as to, **8,** 670, 671
mistakes, in respect of, **8,** 446
nuisance, in respect of, **8,** 677—679; **21,** 550
objection to, **8,** 489—491
open spaces, in respect of, **8,** 672
ordinary, **8,** 428—435
consent, by, **8,** 434, 435
exceptions to, **8,** 430—432
Judicature Acts, under, **8,** 432—434
parish lands, exhausted, sale of, in respect of, **8,** 682—684
partition, in respect of, **8,** 675, 676; **21,** 835
partnership, in respect of dissolution or winding up **8,** 445; **22,** 89

COUNTY COURT JURISDICTION—*—continued.*
party wall, dispute as to, in respect of, **8,** 438
patent, infringement of, action for, no jurisdiction if validity of patent is in dispute, **8,** 431; **22,** 215 n.
personal actions, in respect of, **8,** 428
pharmaceutical chemist, as to wrongful use of title of, **8,** 676
pilotage, in respect of, **26,** 609
poisons, improper sale of, in respect of, **8,** 676
poor law loan, recovery of, in respect of, **8,** 676, 677
private street expenses, recovery of, in respect of, **8,** 677
probate matters, in, **8,** 644—646; **14,** 153
promissory note, in respect of, **8,** 447, 448
public health, in respect of, **8,** 677—679
Public Trustee, disputes in respect of, over, **8,** 679
receiver, as to, **8,** 433, 505, 506; **24,** 342 n.
recovery of possession, in respect of, **8,** 436—438. *See* RECOVERY OF LAND.
remitted actions, in respect of, **8,** 438—443. *See* REMITTED ACTION.
rentcharge, arrears of, in respect of, **8,** 438
replevin, in respect of, **8,** 429; **11,** 202
riot, compensation for damage by, in respect of, **8,** 680; **22,** 509
rivers, pollution of, in respect of, **8,** 680—682; **28,** 441
scientific institution, in respect of, **8,** 665, 666
settled land, in respect of, **8,** 684—685; **25,** 633
small dwellings, acquisition of, in respect of, **8,** 685, 686
solicitors, remuneration of, agreements for, in respect of, **8,** 686
charging order, to make, in respect of, **26,** 827
specific performance, in respect of, **8,** 432, 444
Stannaries, in respect of, **8,** 686, 687
statutes, under special, **8,** 428, 622—693
succession duty, in respect of, **8,** 687, 688
telegraph, in respect of, **8,** 688—690
tithe, in respect of, **8,** 647, 690, 691
title to land, in respect of, **8,** 430, 431, 435, 438
tolls, in respect of, **8,** 431, 432, 435
tort, in, **8,** 428, 429
trade marks, in respect of, **8,** 431, 432
trustees, in respect of, **8,** 660, 661, 691—693
trusts, as to, **8,** 444, 445
working men's club, disputes as to expulsion from, in respect of, **4,** 417, 418
Workmen's Compensation Act, **8,** 624; **20,** 212 *et seq.* *See* ARBITRATION UNDER THE WORKMEN'S COMPENSATION ACT.
workmen's dwellings, in respect of, **8,** 656

COUNTY FUND,
county council, of, payments into and out of, **19,** 358
guardians, payment to, out of, **22,** 528
local education authority's expenses, payable out of, **12,** 47
municipal election court, expenses payable out of, **12,** 491
quarter sessions, costs in criminal cases payable out of, **19,** 629, 630
expenses of, payable out of, **19,** 629
fees and fines of, payable into, **19,** 629
special county account of, *defined,* **19,** 362

COUNTY PALATINE. *See* CHESTER; DURHAM; LANCASTER.

COUNTY POLICE,
area of authority of, **22,** 482
chief constable. *See* CHIEF CONSTABLE.
consolidation of borough police with, **22,** 490, 491
control of, **22,** 482
cost of, **22,** 483
development of, **22,** 481, 482
government, pay, and provision of, **22,** 483
officials of, powers and duties, **22,** 485
quarter sessions, powers of, as to, **19,** 631, 636
rate, **24,** 76, 77
standing joint committee, powers of, over, **22,** 482, 483
subordinate officials of, appointment and powers of, **22,** 485

COUNTY POLICE RATE, 24, 76, 77. *See* POLICE RATE.

COUNTY QUARTER SESSIONS. *See* QUARTER SESSIONS

COUNTY RATE,
defined, **19,** 359 n.; **24,** 69, 70
alteration of, power of county council, **24,** 74, 75
appeal against, **19,** 360; **24,** 75
costs of, **24,** 76
notice of, **24,** 75
quarter sessions, powers of, as to, **24,** 74, 75
rights and nature of, **24,** 75
assessment of, **24,** 71—74
basis and standard of, **19,** 359, 360; **24,** 71
allowance and confirmation of, **24,** 72, 73
alteration in, **24,** 73
cannot be made retrospective by quarter sessions, **24,** 74
appeal against, **19,** 360; **24,** 73, 75, 76
costs of, **24,** 74
grounds of, **24,** 73
notice of, **24,** 73
quarter sessions, to, **24,** 73
assessment of parishes on the, **24,** 71
by whom prepared, **24,** 71
committee, powers of, **24,** 71, 72
confirmation of, **24,** 72, 73
duration of, **24,** 73
inspection by ratepayers, **24,** 72
notice of, to be published in local newspapers, **24,** 72
objections to, **24,** 72
particulars specified in, **24,** 71
procedure as to making valuation list not applicable to, **24,** 72
revision of, **24,** 73
collection of, **19,** 360; **24,** 76
metropolis, in, **20,** 438
procedure as to, **19,** 360, 361
county contribution for, **24,** 70
made by precepts, **19,** 360; **24,** 70
election commissioner's expenses, levy for, **12,** 482
exemption of boroughs from, **19,** 354—357
fines received for poaching, appropriation of, to, **15,** 233
Food and Drugs Acts administration expenses charged to, **15,** 34
guardians or overseers, default in payment by, effect, **24,** 76

COUNTY RATE—*continued.*
lands acquired compulsorily, with respect to, **24,** 70
making of, **19,** 360; **24,** 74
metropolis, for, nature of, **24,** 126, 127
nature of, **24,** 69
parochial tax, as, **24,** 25 n., 70 n.
particulars specified in, **24,** 74
poor rate, as part of, **24,** 70
precept for, **19,** 360; **24,** 70
purposes of, **19,** 359; **24,** 69, 70
quarter sessions
boroughs, position as regards, **19,** 355
refund of county rate, powers as to, **24,** 74, 76
recovery of, **24,** 76
refund of, **24,** 76
quarter sessions has no power to order, **24,** 74
retrospective, **19,** 360; **24,** 70
separate rate made for special purpose, **19,** 361; **24,** 74
time for making the, **24,** 74

COUNTY STOCK,
county council, of, creation of, regulations as to, **19,** 362

COUPON,
company, engraving, criminal liability for, **9,** 756, 757
competition, advertisement of, legality of, **15,** 297
consideration in, elements combining to form, **15,** 269 n.
principle applied where offices used for issuing coupons, **15,** 296, 297
debenture interest payable by, **5,** 346
newspaper office publishing, for guessing winner is a betting-house, **9,** 550; **15,** 296, 297

COURIERS,
of ambassador or minister, immunity of, **6,** 432

COURSE,
business, of, ordinary, judicial notice of, **13,** 495
presumption as to, **13,** 441
duty, of, communications made in, whether privileged, **11,** 78, 79
employment, of, act of agent to affect principal must be within the, **1,** 201; **19,** 673, 675, **27,** 485
proof that servant acted in the, necessary to render master liable for acts, **20,** 253, 254; **27,** 485
transit, of, goods, of, *defined,* **25,** 248
stoppage in, **25,** 247—263. *See* STOPPAGE IN TRANSITU.
vessel, of. *See* COURSE OF VESSEL.

COURSE OF VESSEL. *See* NAVIGATION.
defined, for purpose of collision regulations, **26,** 475
change of, **28,** 424
deviation from, **26,** 95—97. *See* DEVIATION.
fishing vessel, encumbered and unencumbered, **26,** 471
overtaking and passing, **26,** 471
giving-way vessel, duty of, **26,** 432
not to cross ahead of keep-on vessel, **26,** 543
rights as to manœuvring of keep-on vessel, **26,** 448
rights in exercising duty to keep out of the way, **26,** 457
going-about, sailing vessel, rule as to, **26,** 492, 493

COURSE OF VESSEL—*continued.*
keeping of, bad weather, in, **26,** 424, 445
fog, in, **26,** 424
meaning of, for sailing vessel, **26,** 451
pilotage in respect to, **26,** 447
winding rivers, in, **26,** 447
keeping out of the way, **26,** 445—453
local rules as to, in case of various rivers, **26,** 480—483
overtaking vessel, of, **26,** 461—464
passing, sailing and fishing vessel, **26,** 471
sailing vessels encumbered and unencumbered, **26,** 471
ship's, necessity for strict adherence to, when specifically described in insurance policy, **17,** 399
sighting ship, manœuvre on, signals for, **26,** 475

COURT,
The title COURTS *is contained in Vol. IX., pp.* 1 *et seq.*
defined, **9,** 8; **18,** 177 n.
company proceedings, in case of, **5,** 36
friendly societies, in case of, **15,** 133 n.
Public Trustee Act, in, **8,** 679
Settled Estates Act, in, **25,** 676
Settled Land Acts, in, **25,** 633
abuse of process of. *See* ABUSE OF PROCESS.
act of state, construction of, by, **6,** 442; **23,** 307
Admiral of England, of the, **1,** 59, 60 n.; **8,** 233; **9,** 90
Admiralty, of. *See* ADMIRALTY JURISDICTION.
Admiralty of the Cinque Ports, of, **1,** 139. *See* CINQUE PORTS.
aldermen of City of London, of, **20,** 422, 423, 424—426
ancient demesne, of, **9,** 217
appeal, of. *See* COURT OF APPEAL.
apportionment, of, in royal forest, **4,** 474 n.
archbishop, of, **11,** 386, 505—510. *See* CONSISTORY COURT.
Arches, of, **11,** 509
arrest of persons attending, **7,** 321; **25,** 818, 819
assize, of, **9,** 266. *See* ASSIZES.
attachments, of, in royal forest, **9,** 112
Audience, of, **11,** 509
Augmentation and Revenues of the King's Crown, of, **11,** 374 n.
barmote, of Derbyshire mines, **20,** 640
baron. *See* COURT BARON.
Brotherhood, of, in Cinque Ports, **9,** 129
Central Criminal Court. *See* CENTRAL CRIMINAL COURT.
certiorari against. *See* CERTIORARI (WRIT OF).
Chamberlain of City of London, of, **9,** 178; **20,** 286, 287
Chancery, of. *See* CHANCERY, COURT OF.
Channel Islands, of, **1,** 141, 142
children, in relation to. *See* CHILD.
chivalry, of, **9,** 116
Cinque Ports, courts of the, **1,** 139; **9,** 127—129. *See* CINQUE PORTS.
Claims, of, constitution of, **6,** 329; **9,** 117
functions of, **6,** 326, 329; **7,** 106; **9,** 117
judgments entered on coronation roll, **6,** 330
procedure of, **6,** 329; **9,** 117
classification of courts, **9,** 9
clerk of the, forgery by, of court documents etc., **9,** 735, 736
infant's incapacity to act as, **17,** 47
clerk of the markets, of the, **9,** 137

COURT—*continued.*
colonial courts, **10,** 553—565. *See* COLONIES.
commercial. *See* COMMERCIAL COURT.
Commissioners, Courts of Judicial, **9,** 217—223
Common Council of City of London, of, **20,** 422, 424, 426—428, 439
Common Hall of City of London, of, **20,** 422, 423, 424, 429
Common Pleas, of, **9,** 53
Lancaster, at, **9,** 53
companies, control over. *See* COMPANIES, court.
construction, of, meaning of, **28,** 509
contempt of, **1,** 448, 474; **9,** 501. *See* CONTEMPT OF COURT.
coroner, of, **8,** 211, 239; **9,** 269. *See* CORONER.
counsel, assignment of, to parties, by, **2,** 386
audience of. *See* AUDIENCE.
creation of courts, **9,** 17, 18
colonies, in, **6,** 423, 426; **10,** 553
foreign countries, in, **6,** 449, 450
irregular, prohibition of, **6,** 379
Criminal Appeal, of, **9,** 91—94, 432. *See* COURT OF CRIMINAL APPEAL.
criminal courts, **9,** 74, 265—271. *See* CRIMINAL COURT.
Crown Cases Reserved, for, hearing of counsel in, **2,** 414
supersession of, **9,** 91; **19,** 660
decisions of, how far binding, generally, **18,** 210 *et seq.*
Delegates, of, **11,** 501, 502 n.
deposit of documents in, for inspection, **11,** 89
disobedience to orders of, as contempt, **7,** 302—305
divisional, **9,** 54. *See* DIVISIONAL COURT.
documents in custody of, discovery in case of, **11,** 48
Ecclesiastical Courts. *See* ECCLESIASTICAL COURTS.
Equity, of. *See* CHANCERY, COURT OF; CHANCERY DIVISION; EQUITY.
London, of, former jurisdiction of, **9,** 177
escheat, of, **9,** 110; **10,** 35. *See* ESCHEAT.
Exchequer, of, **9,** 53
Faculties, of, **11,** 510; **21,** 494, 495. *See* MASTER OF THE FACULTIES.
grant of faculty to notary, by, **21,** 495
First Fruits and Tenths, of, **11,** 374 n.
foreign. *See* FOREIGN COURT.
forest courts, **9,** 111. *See* FOREST COURT.
funds in. *See* FUNDS IN COURT.
Guestling, of, of the Cinque Ports, **9,** 129
High Commission, of, **11,** 502
High Court. *See* HIGH COURT OF JUSTICE.
House of Commons, of, **9,** 24—26. *See* HOUSE OF COMMONS.
House of Lords, of, **9,** 19—24. *See* HOUSE OF LORDS.
hundred, of, **9,** 214; **11,** 499. *See* HUNDRED.
Husting, of, London, **9,** 176; **20,** 424
Lyme Regis, **9,** 179
India, in, **10,** 605—610. *See* INDIA.
infant, powers in relation to. *See* INFANT.
inferior, **9,** 11. *See* INFERIOR COURTS.
inquiry, of, accidents in mines, **20,** 610, 611
naval or military, non-liability of prosecutor in, **19,** 672. *See* COURT-MARTIAL.
shipping casualties, as to, **9,** 107; **26,** 591—595
inspection of documents by, **11,** 64, 89

COURT—*continued.*
judge, court or a, meaning of, **9,** 67 n.; **17,** 601 n.
jurisdiction of, **9,** 13—17. *See* JURISDICTION OF ENGLISH COURTS, *and see also under main word denoting the particular court concerned.*
consent to, and waiver of, **9,** 13
exceeding, remedy for, **9,** 13, 14, 15; **10,** 141—156. *See* PROHIBITION.
extent of, **9,** 16, 17
generally, **9,** 13, 14
original and appellate, **9,** 14
pleading objection to, **22,** 447
prohibition of, **9,** 14. *See* PROHIBITION.
King in Parliament, of, **9,** 270
King's Bench, of, **9,** 52, 52 n.
Lancaster, County Palatine of, **9,** 120
Duchy Chamber of, **9,** 120
leave of, appeals for. *See* APPEAL.
distress, for, company in liquidation, in case of, **11,** 173
receiver, for interference with, **13,** 55
Settled Land Acts, for exercise of powers, under, **25,** 640
leet. *See* COURT LEET.
Liverpool Court of Passage, district registry in, **9,** 71
jurisdiction of, **1,** 140; **9,** 176
local courts, **9,** 129—214. *See* LOCAL COURTS OF RECORD *and under name of particular borough or place.*
Lord High Steward, of, **9,** 26
lunacy, courts having jurisdiction in, **9,** 94—96; **19,** 411—415. *See* LUNACY.
manorial courts, **8,** 10—14; **9,** 215—217. *See* COURT BARON; COURT LEET; MANORIAL COURTS.
maritime courts, **9,** 105—108. *See* MARITIME COURTS.
martial, **9,** 97—105. *See* COURT-MARTIAL.
mayor's, **20,** 284. *See* MAYOR'S COURT.
member of, protection of, **23,** 323—331
act to be protected must be within jurisdiction of, **23,** 327—331
limits of protection, **23,** 325—331
proceedings in which protection given, **23,** 324, 325
military. *See* COURT-MARTIAL; MILITARY LAW.
naval. *See* NAVAL COURT.
officer of. *See* OFFICER OF COURT.
orphans, of, in city of London, **17,** 122
Oyer and Terminer, of, **9,** 87, 266
Palatine Courts, **9,** 120—127. *See* PALATINE COURT.
Passage, of, **1,** 140; **2,** 382; **9,** 173. *See* PASSAGE, COURT OF.
payment
into. *See* PAYMENT INTO COURT.
out of. *See* PAYMENT OUT OF COURT.
Peculiars, of, **11,** 509
petty sessions. *See* PETTY SESSIONS; SUMMARY JURISDICTION.
Pie Poudre, of, **9,** 136. *See* PIE POUDRE.
press representative, right of, to remain in cleared, **23,** 225
prisoners, production of, in, **23,** 251
Privy Council, of, **9,** 27—51. *See* JUDICIAL COMMITTEE OF PRIVY COUNCIL.
Prize. *See* PRIZE.
Probate, of, **9,** 53; **28,** 508. *See* PROBATE.

COURT—*continued.*
proceedings in, absolutely privileged, when, **18,** 678 *et seq.*
qualified privilege attaching to, when, **18,** 694 *et seq.*
public, admission of, to, **9,** 9
quarter sessions, of, **9,** 267; **19,** 618. *See* QUARTER SESSIONS.
City of London, in, **9,** 177, 178, 267; **20,** 426
receiver, appointment of, by. *See* RECEIVER.
record, of, **9,** 9. *See* COURT OF RECORD.
borough and local, **9,** 129
referees, of, under National Insurance Act, **28,** 901, 902
representative parties and orders, powers as to, **23,** 103
Requests, of, establishment and abolition, **13,** 5
local, basis of the county court, **8,** 410 n.
revising barrister, of. *See* REVISING BARRISTER.
sale of goods by order of the, **25,** 195
sale of land by order of the, auctioneer's licence for, **1,** 501
certificate of sale, **25,** 317
conduct of sale, rules as to, **25,** 316
conversion under, **13,** 111. *See* CONVERSION IN EQUITY.
effect of order, **25,** 313, 314
fraud on purchaser, procedure applicable, **20,** 745, 746
infant's land, of, **17,** 95
jurisdiction, **25,** 315
mode of, **25,** 315, 316
particulars, conditions and abstract, **25,** 316, 317
parties to conveyance, **25,** 416
protection afforded to purchaser, **25,** 314, 315
writing not necessary for contract, **25,** 292, 293
sanction of. *See* SANCTION.
Scots, right of audience of English counsel in, **2,** 373
Session, of, in Scotland, interpretation of statute by, **27,** 144, 145
judgment of, bankruptcy notice cannot be founded on, **2,** 26
sewers, of, **9,** 221; **25,** 776. *See* COMMISSIONERS OF SEWERS.
sheriff, held by the, **9,** 118. *See* SHERIFFS' COURT.
shipping casualties, courts for investigation of, **9,** 107; **26,** 591—595
shipway, of, in the Cinque Ports, **9,** 129
sittings of the, **27,** 435, 436
slave, **27,** 538, 539
stannaries, of the, **5,** 659—662; **8,** 412; **9,** 204. *See* STANNARIES.
staple, of the, **9,** 137
stay of proceedings. *See* STAY OF PROCEEDINGS.
summary jurisdiction, of, **9,** 74; **19,** 565 *et seq.* *See* SUMMARY JURISDICTION.
superior and inferior, distinctions, **9,** 11
jurisdiction of, **9,** 12
Supreme Court of Judicature, **9,** 51—74. *See* SUPREME COURT OF JUDICATURE.
survey, of, **9,** 107; **26,** 662
Swainmote, of, **9,** 113
treaty, construction of, by, **6,** 442; **23,** 307
Tynwald, of, **10,** 577
university, of, court of record, **13,** 363 n.
criminal jurisdiction of, **9,** 270
vacations of the, number of, **27,** 436

COURT—*continued.*
vice-admirals of the coast, of the, **9,** 106
ward of. *See* WARD OF COURT.

COURT BARON,
constitution and jurisdiction of, **8,** 10, 11 ; **9,** 216
freeholders are judges in, **8,** 60
loss of, for lack of suitors, **8,** 11
origin of, **24,** 143
proceedings of, entry of, on court rolls, **8,** 14
right to hold, **8,** 11, 12
steward must be present at, **8,** 11
suit to, distress for, **11,** 118 n.
suitors, number to constitute, **8,** 11
time and place for holding, **8,** 13

COURT HOUSE,
borough, not within, in trial of election petition, **12,** 516
gift for building, **4,** 115
provision of, for county court, **8,** 414

COURT LEET,
amercement in, distress for, **11,** 118 n.
borough court leet, **9,** 216
City of London, of, **9,** 178
constitution and jurisdiction of, **8,** 12 ; **9,** 215
quashing presentments of, **10,** 168

COURT OF APPEAL,
appeal from, House of Lords, to. *See* HOUSE OF LORDS (Court of Appeal).
appeals to, **9,** 63 ; **23,** 193. *See* APPEAL.
leave for, when necessary, **18,** 180, 181 ; **23,** 193, 194. *See also* APPEAL.
time for, **18,** 181 ; **23,** 196, 197
appellant, death of, prosecution of appeal by legal personal representative, **23,** 195
who may be, **23,** 195
appellate jurisdiction of, **9,** 63
bankruptcy court, interference with discretion of, by, **2,** 263
Bankruptcy Rules, meaning of, in Court of Appeal, **2,** 304
consent judgment, no appeal from, **18,** 190 ; **23,** 193
constitution of, **9,** 64 ; **13,** 61
costs, award of, by, **23,** 207
matrimonial cause, in, **16,** 561
security for, **23,** 199
counsel, hearing of, **2,** 416, 417
court of complete jurisdiction, as, **13,** 61 n.
decisions of, extent to which binding, **18,** 210
principles governing, **23,** 202, 203
election petition referred to, **12,** 460
entry of appeal to, **23,** 199
evidence in, admissibility of, **23,** 200, 201
judges' notes, as, **23,** 203
practice as to bringing evidence before, **23,** 203
ex parte applications to, where refused by court below, **23,** 197
final appeals heard by three judges unless consent of parties to two, **23,** 202
guardian, interference in appointment of, **17,** 127
hearing in, **23,** 200, 204
House of Lords, constitution of, as a, **21,** 643. *See* HOUSE OF LORDS (Court of Appeal).
injunction, effect on, of appeal to, **17,** 211
interlocutory
appeals, two judges on, **23,** 202

COURT OF APPEAL—*continued.*
interlocutory—*continued.*
order in the, effect of, **23,** 203
interpleader appeals, jurisdiction as to, **17,** 618—620, 640, 641
judges of, appointment of, **9,** 64
eligibility for, **2,** 381 ; **9,** 64
High Court judge may be requested to sit with, **9,** 64
number of, hearing appeal to, **23,** 202
pensions of, **9,** 64, 65
rating appeal, hearing of, by, **24,** 65
removal of, **9,** 64
salaries of, **9,** 64, 65
tenure of office of, **9,** 64
judges' notes in, **23,** 203
judgment of, effect and nature of, **18,** 203
when given to defendant, **18,** 654
jurisdiction of, **9,** 62, 63 ; **23,** 194
King's Proctor, papers sent to, **16,** 552
Lord Chancellor as member of, **7,** 62
lunacy, orders in, made by Lord Chancellor, jurisdiction as to, **9,** 95
mandamus does not lie to, **10,** 93
master in chambers, discretion of, not usually interfered with by, **24,** 360
motions to, nature of, **23,** 192, 193
new trial, for, **23,** 192
notice of, **23,** 197, 198
new trial
granted by, on what grounds, **23,** 204—206
judgment on application for, **23,** 202
motion for, **23,** 192
notice, appeal, of, **23,** 197—199
cross appeal, of, **23,** 199
length of, **23,** 197, 198
new trial, for, **23,** 198
service of, **23,** 198
organisation of, **9,** 64
parties having right of appeal to, **23,** 195
powers of, in general, **23,** 200—204
determine nature of decree, judgment, or order appealed against, to, **18,** 181
draw inference of fact, to, **23,** 201
enter judgment on motion for new trial, to, **23,** 192, 193
review damages, to, **10,** 350
President, who is, **7,** 62
reference to admiralty registrar by, **1,** 127
rehearing by, **2,** 310 ; **23,** 202
salvage, award of, by, **26,** 582
statute not in operation when action before court below, relief granted, **27,** 159 n.
stay of execution, application for, **14,** 27
when appeal lies to, **23,** 193, 194
Workmen's Compensation Act, appeals under, to, **20,** 238—240
how order carried out, **20,** 240
procedure, **20,** 239

COURT OF CHANCERY. *See* CHANCERY, COURT OF ; CHANCERY DIVISION.

COURT OF CRIMINAL APPEAL,
appeal from, to House of Lords, **9,** 438
appeal to, **9,** 91, 432, 688
dismissed, time from which sentence to count, **9,** 441
effect of allowing, **9,** 435
frivolous or vexatious, summary determination of, **9,** 441

COURT OF CRIMINAL APPEAL—*continued.*
appeal to—*continued.*
grounds of, **9,** 434, 435
leave for, when necessary, **9,** 433—435
notice of, **9,** 437, 438
parent fined for offence of child, by, **9,** 437
quarter sessions, from, **9,** 433 *et seq.*; **19,** 660
reasons for allowing, **9,** 434
Revenue side of King's Bench Division, from, **24,** 737
appellant
entitled to be present, **9,** 440
prison treatment of, **23,** 250
assessor to, **9,** 439
bail, rules as to, **9,** 438
time on, not to count in sentence, **9,** 441
case stated, by, **9,** 433
quarter sessions, from, **19,** 660
constitution of, **9,** 92
convictions from which appeal lies to, **9,** 432
costs in, **9,** 448
payment of, **9,** 449
counsel and solicitor assigned to appellant, expenses of, **9,** 448
criminal cause *defined*, **9,** 432, 434; **19,** 656
criminal lunatics, power to order detention of, **9,** 242, 373, 436
Director of Public Prosecutions duty to appear, **9,** 440
documents, custody of, pending appeal, **9,** 442
production of, **9,** 438
evidence in, examination of witnesses, order for, **9,** 438
new, must not increase sentence, **9,** 440
oral, **9,** 439
forms etc. to be furnished by registrar, **9,** 442
judges of, **9,** 92
judgment, only one, **9,** 92
jurisdiction of, **9,** 91
legal aid, assignment of, **9,** 440
report by registrar as to, **9,** 442
Master of the Crown Office is registrar of, **9,** 93
new trial cannot be ordered, **9,** 92, 433
notes of judge of trial below, **9,** 438
pardon does not affect, **6,** 404; **9,** 444
powers of court, **9,** 439
procedure, **9,** 437—444
reference, court, to, by Home Secretary, **9,** 443
special commissioner, to, **9,** 439
registrar of, **9,** 93
duties of, **9,** 441
restitution of stolen goods, no appeal from order, **9,** 437, 688
rules, power to make, **9,** 92
sentence, appeal against, **9,** 435
death, of, suspension of, pending, **9,** 438
principles governing review of, **9,** 425
substitution of, power as to, **9,** 373, 435, 436
shorthand notes of trial for use of, **9,** 442
single judge, powers of, **9,** 442, 443
statement of case for, **9,** 93
verdict, power to alter, **9,** 436

COURT OF RECORD,
defined, **9,** 9, 10
Admiralty Court was not, **13,** 363
borough or local, **9,** 129—214
alteration of district, **9,** 131
appeals, **9,** 133
defences and counterclaim in, **9,** 131

COURT OF RECORD—*continued.*
borough or local—*continued.*
judges and sittings, **2,** 382; **9,** 134
juries, **9,** 135
jurisdiction of, **9,** 129—132
officers and fees, **9,** 135
procedure in and rules, **9,** 132
removal of causes, **9,** 136
charter, by, latest instance of, **9,** 144 n.
City of London Court is a, **8,** 412
commissioner's court for trial of municipal election petitions as, **12,** 488
Commissioners of Sewers are a, **25,** 776
county court is a, **8,** 411
county court, old, not a, **10,** 168 n
court baron was not, **10,** 168 n.
documents belonging to, felony in respect of, **9,** 643
election court is a, **12,** 411
hundred court as a, **10,** 168 n.
inferior, judge of, eligibility for office, **2,** 384
judicial notice taken of, **13,** 487
local courts of record, *certiorari* to remove
actions for trial, **10,** 178—180
equitable actions from, **10,** 157
judgments of, **10,** 163
judgments removed from, by statute, **10,** 164
list of, **9,** 138—214
record not traversable in action against judge of, **23,** 323
seal of, forgery of, **9,** 736
sheriff's court not a, **10,** 168 n.
statute, by, **9,** 10

COURT ROLLS,
acknowledgment of right to production of, **8,** 17
award declaring boundary of copyholds, entry in, **3,** 112
certificate of steward in, as to stamping, as evidence, **8,** 63
copies of, as evidence, authenticated by steward, **13,** 541
existence of manor, of, **8,** 18
delivery of, by steward, **8,** 15
proof of, **8,** 17, 18
right to, **8,** 14—18
stamping of, **8,** 15, 17
copy of. *See* COPY OF COURT ROLL.
correction of, **8,** 15
custody of, **8,** 15, 16; **13,** 512
after enfranchisement, **8,** 16
customs, entries of, on the, effect of, **13,** 540
damage to, by tenant, forfeiture for, **8,** 49
entry on, awards of enfranchisement, of, **8,** 15
conveyance by copyholder, of, **6,** 136
disentailing assurances, of, **8,** 15, 72
grants, of, **8,** 14
licence to tenant for life as to leases, of, **25,** 658
made by steward, **8,** 62
proceedings in manorial courts, of, **8,** 14
proof of, **25,** 352, 353
signature, homage, by, **8,** 15
steward, by, **8,** 15
stamp on, **24,** 704 n
surrenders and admittances, of, **8,** 15, 90, 91, 100, 101
trusts, of, **8,** 81
uses on which copyholds are held, of, **8,** 14
wills, of, **8,** 15
evidence, as, **3,** 149; **4,** 491; **8,** 17; **13,** 539—541
when conclusive, **13,** 539

References in thick type are to volumes; small type to pages.

COURT ROLLS—*continued.*
forgery of, **9,** 740
inspection of, **8,** 16 ; **11,** 92
right to, **8,** 16
production of, **8,** 17
proof of, **8,** 17, 18 ; **13,** 541
receiver of manor not entitled to, **24,** 390
reputation and acts of ownership, as evidence of, **13,** 540
searches in the, **25,** 357, 361
stamping of, **8,** 17
tenant's holding and amount of rent paid are evidenced by, **13,** 540

COURT-MARTIAL,
certiorari if acting without jurisdiction, **10,** 170; **25,** 18, 90
civil court, acquittance by, ousts jurisdiction of, **25,** 89
conviction by, ousts jurisdiction of, **25,** 89
jurisdiction of, after trial by, **25,** 89
supervision of, exercised over, **25,** 90
civil offence in colony, Governor must confirm sentence, when, **10,** 529
classes of courts-martial, **25,** 44
colony, in, Governor's powers, **10,** 529
contempt of court at, **25,** 46
counsel's right of audience in, **2,** 375
excess of jurisdiction of, restrained by prohibition, **25,** 90
habeas corpus, application for, by person in custody, **25,** 90
High Court control over, **9,** 271 ; **25,** 90
malicious prosecution in, exemption from liability, **19,** 672
marines, on, **25,** 32
martial law, under, **9,** 104, 105
members of, responsible for exceeding jurisdiction, **25,** 91, 92
military, **9,** 100
billeting offences tried by, **25,** 57
civil courts, jurisdiction of, not superseded by, **9,** 103
confirmation of conviction and sentence by, **9,** 104 ; **25,** 47
constitution of, **9,** 100 ; **25,** 44
conviction or acquittal in civil court, proof of, **25,** 45
counsel, representation of accused by, **25,** 46
death penalty awarded by, **9,** 103 ; **25,** 46
desertion from army, for, **25,** 43
district, how convened, **9,** 100
jurisdiction of, **9,** 103 ; **25,** 44
offender can elect to be tried by, **25,** 45
evidence at, **25,** 45, 46
field general, convention of, **9,** 101
jurisdiction of, **9,** 104
general, convention of, **9,** 100
jurisdiction of, **9,** 103
Judge Advocate, appointment and duties of, **9,** 101, 102
Judge Advocate-General, duties of, **9,** 101
jurisdiction of, **9,** 102—104 ; **25,** 43, 44, 57
offences as to attestation of soldier, **25,** 42
limitation of time for trial by, **25,** 43
members of, rules as to, **25,** 44 n., 45 n.
perjury at, **25,** 45 n.
civilians, by, **25,** 46
president of, **9,** 101
procedure of, how regulated, **25,** 45, 46
punishments, regulations as to, **25,** 46

COURT-MARTIAL—*continued.*
military—*continued.*
regimental, civilian subject to military law not triable by, **25,** 43 n.
distinction from general and district, **25,** 44
jurisdiction of, **9,** 103
second trial for same offence not allowed, **25,** 43
sentences of, confirmation of, **9,** 104
Judge Advocate's duties as to, **9,** 102
summary procedure, **25,** 45
witness at, summoning of, **25,** 46
naval, **9,** 97—100 ; **25,** 11—19
appeals, **25,** 17, 18
authority for holding, **9,** 97 ; **25,** 12
circumstantial letter of complaint, **25,** 12
evidence as, only evidence on plea of guilty, **25,** 12
civil courts concurrent jurisdiction, **9,** 99 ; **25,** 11
commanding officer of accused's ship usually prosecutor, **25,** 12
constitution of, **9,** 97 ; **25,** 12, 13
convening of, **25,** 11 n.
corporal punishment, extent of powers as to, **25,** 16
death penalty awarded by, **9,** 99 ; **25,** 15
defences at, **25,** 13, 14
deputy judge advocate, duties of, **9,** 97
desertion from Royal Navy, in respect of, **9,** 98, 99
examination of witnesses in, **25,** 13
findings of, how arrived at, **25,** 14
prisoner brought in to hear, **25,** 14
signed by whole court, **25,** 14
general inquiry by, **25,** 12
initiation of trial by, **25,** 12, 13
Judge Advocate of the Fleet, duties of, **9,** 97
jurisdiction of, **9,** 98—100
how may be tested, **25,** 18
limitation of time for, **25,** 11
loss of ships, inquiry into, **25,** 12
minutes of proceedings transmitted to Admiralty, **25,** 14
notice of charge to accused, **25,** 13
objections to tribunal by accused, **25,** 13
perjury at, **25,** 13
persons subject to be tried by, **9,** 99
place of, **9,** 97 ; **25,** 12
president of, warrant to act as, **25,** 12
procedure at trials by, **25,** 11, 13, 14
prosecutor in, non-liability of, **19,** 672
who is, **25,** 13
public court, as, **25,** 12
punishments by, **9,** 99 ; **25,** 15—17
modification of, by Admiralty, **25,** 15
penal servitude, **25,** 16
sentence, pronouncement of, **25,** 14
sittings of, **25,** 12
privilege in regard to proceedings in, **18,** 681
prohibition when jurisdiction exceeded, **25,** 90
protection of members of, **23,** 325
reservists, liability to trial by, **25,** 61
sentence of, may be pleaded by way of estoppel, **13,** 363
Territorial Force, in case of, **25,** 74, 75
trial by civil court after, **25,** 89
witnesses attending, privilege of, **25,** 818 n.

COURTYARDS,
in metropolis, ventilation, **20,** 482

COUSINS,
gifts to, by will, **28,** 739 n.
intestacy, rights upon, **11,** 23
wife of a cousin may be included in term, **28,** 739 n.

COVENANT,
defined, **7,** 332 ; **10,** 475
action of, **1,** 37
in an indenture of demise, period of limitation in respect of, **19,** 97, 98
advertisements on premises whether breach of, **18,** 518
affirmative, consideration of the court on breach of, **17,** 208, 243
after-acquired property, in respect of. *See* AFTER-ACQUIRED PROPERTY.
against assignment, generally, **18,** 576 *et seq.* *See* COVENANT IN LEASE.
agreement under hand construed as, **10,** 475
agricultural lease, in. *See* COVENANT IN LEASE.
alienation, against, will not construed so as to bring into operation, **28,** 848
alimony, not to sue for increase of, when not implied, **16,** 447, 448
annuity, to secure, **13,** 263 ; **24,** 479, 497
action on, **24,** 522
arrears recoverable, **24,** 526
apprenticeship contract, in, **17,** 70, 71 ; **20,** 73, 74 ; **27,** 567—569
sureties for performance of, **15,** 494 n. ; **20,** 108, 109, 116
assessment, to pay. *See* COVENANT IN LEASE.
assignment, against. *See* COVENANT IN LEASE.
operating by way of, **10,** 496
bankruptcy, disclaimer on, of land burdened with onerous, **2,** 191
further assurance, for, enforceable against trustee, **25,** 468
proof in respect of liability under, **2,** 199
benefit of, assignment of, conveyance of land, on, **7,** 504. *See* running with the land, *infra.*
Judicature Act, under, **4,** 368—370
joint, when, **10,** 487
joint and several, cannot be, **10,** 485
running with the land at law, in equity, **25,** 456, 457. *See* running with the land, *infra.*
strangers, when may be taken by non-parties, **10,** 380
bequest, to make, **25,** 544
bond, distinguished from, **3,** 81
performance of, amount recoverable under, **3,** 81, 94
boundary wall, to repair, **3,** 131
breach of. *See* BREACH OF COVENANT.
building
contract, in, onerous, not implied, **3,** 174
lease, to expend money on alterations constitutes, **26,** 764 n.
scheme, in case of, effect of, **25,** 457, 458, 460
enforcement of, **13,** 101, 102 ; **25,** 461
extinction of, **13,** 102 ; **25,** 461
charge created by, **13,** 93 ; **21,** 83
cohabitation, in consideration of, **7,** 400
collateral or personal, meaning of, **7,** 504
commercial traveller, restraining, **27,** 559
Commissioners of Woods, power to release from, **7,** 158
committee of lunatic, by, to execute conveyance, **19,** 456 ; **25,** 427

COVENANT—*continued.*
conditional, **10,** 489—494
confess judgment, to, stamp on, **21,** 135, 136
construction, arising by, **10,** 477
execution of trust deed by trustee, from, **10,** 477
construction of, **10,** 475—481 ; **18,** 387 n. ; **25,** 548, 549
covenantor, against, **10,** 441, 476 ; **18,** 387 n.
dependent and independent covenants, **10,** 489—494
joint or several or joint-several, as, **7,** 338 ; **10,** 484—488
mining conveyance, in, **20,** 551
penalty imposed, when, **10,** 494
restraint of trade, in, **27,** 554, 555, 569—572
copyhold, to surrender, **8,** 90 ; **25,** 545 n.
mortgage of copyholds, by, **21,** 124, 125
voluntary, not enforced in equity, **13,** 97 n.
court not bound by, in matrimonial causes, **16,** 564
covenantor, construed most strongly against, **10,** 441, 476 ; **18,** 387 n.
covenantee, being also, no relief, **13,** 69
covenanting on behalf of another, liability of, **15,** 458
Crown grant of land, in, release from, **7,** 158
dependent, **10,** 489—494
intention of parties decides, **10,** 489
nature of contract, according to, **10,** 490, 493
order of time, effect of, **10,** 490, 492 n., 493 n.
simultaneous covenants are mutually, **10,** 492
easement granted by, **11,** 247, 248
employment, for, effect of, **10,** 480
enforcement of, **13,** 102 ; **17,** 235 *et seq.*
equitable claim under, when supported, **13,** 69
estoppel not created by mere statement in, the averment must be absolute, **13,** 367
executory, enforcement of, **27,** 4 n.
marriage settlement, in, **25,** 555 n.
extinction of, **25,** 461
foreclosure proceedings, pending, suing on covenant, **21,** 296
form for, **10,** 476
further assurance, for, action for breach of, **25,** 468. *See* FURTHER ASSURANCE.
bankruptcy of vendor, effect, **25,** 468
specific performance under, **25,** 468
vendor's liability under, **25,** 467, 468
grant, when covenant implied by word, **10,** 481
how made, **10,** 476
implied, **10,** 477—484. *See* IMPLIED COVENANT.
incumbrances, against, **10,** 370 ; **15,** 426 ; **25,** 466. *See* COVENANTS FOR TITLE.
indemnity, of, by beneficiary under a settlement, when a sufficient consideration, **15,** 96
independent, **10,** 489—494
independence of unrelated, **10,** 495
order of time, effect of, **10,** 490
infant, by, when binding, **17,** 49, 70, 71
insure a life, to, effect of life becoming uninsurable on, **17,** 560 n.
insure, to, lessor or lessee by, **18,** 521, 522, 523
joint, *defined,* **10,** 485. *See* JOINT COVENANT.
joint and several, **10,** 484, 486
effect of, **10,** 486
form of, **10,** 486
husband and wife, by, **25,** 557
joint tenants, by, **10,** 485 ; **25,** 427
jointure, to provide a, **25,** 544 n.
enforcement of, in case of a power, **23,** 80

COVENANT—*continued.*
land, charging, **21,** 83, 84
power, under, covenantor insane, **13,** 93
land, on sale of, compulsory purchase, on, **25,** 428
enforcement of, **25,** 453, 454
parties to action, where several purchasers, **25,** 461
personal, nature of, **25,** 456, 457
purchaser, by, **25,** 425, 428, 454
special, nature of, **25,** 425, 426
vendor, by, nature of, **25,** 425, 426—428. *See* COVENANTS FOR TITLE.
land, relating to, action, death of owner, after, who can maintain, **14,** 225
acts, to do upon land, how far enforceable, **13,** 100
does not run with the land, **24,** 516
expend money, to, how far enforceable, **13,** 100
improvements, to carry out, whether consideration, **15,** 96, 97
keep in cultivation, to, refusal of mandatory injunction as to, **17,** 246 n.
perpetuity rule, when not applicable, **22,** 322, 323
restrictive, **13,** 100—102; **25,** 454—461. *See* RESTRICTIVE COVENANT.
running with reversion, meaning of, **7,** 504
running with the. *See* running with the land, *infra.*
landlord, for assistance to, in preventing trespass, **27,** 853 n.
law, in, *defined,* **10,** 480
lease, in. *See* COVENANT IN LEASE.
legacy in satisfaction of, when legacy duty payable, **13,** 234
marriage articles, in, property, to settle by deed or will, **25,** 543, 544
provision for child by will, as to, **25,** 543
settlement of land, for, **25,** 545
enforcement of, **25,** 547
wife, to provide for, **25,** 544
mining conveyance, in, construction, **20,** 551
mining lease, in. *See* COVENANT IN LEASE.
molestation, against, breach of, **16,** 445
mortgage, in, for payment. *See* COVENANT IN MORTGAGE.
mutual, **10,** 489
injunction where plaintiffs have not performed their part, **17,** 247, 247 n., 248
negative, apprentice entering into, injunction to enforce, **17,** 243 n.
breach of, how court acts, **17,** 208
implied by court, when, **17,** 243, 246
in substance though positive in form, **13,** 102
injunction, penalty no bar to, **13,** 151
lease, in. *See* COVENANT IN LEASE.
mandatory injunction for enforcement of, **17,** 241
perpetual injunction for breach of express, **17,** 238
proof necessary to obtain restraint of breach of, **17,** 238
trade or calling, in case of, injunction restraining breach, **17,** 239
when court will not import, **17,** 245, 246
not to erect more than one house, meaning of, **13,** 100 n.
not to revoke a will, void as regards revocation by marriage, **7,** 397
when unenforceable, **28,** 515

COVENANT—*continued.*
not to sue, effect of, **10,** 497
discharge of obligation by, **3,** 97
Divorce Division, in, estoppel by, **16,** 486
joint obligors, not to sue one of several, **15,** 568 n., 569 n., 570
misconduct, for, effect of, **16,** 447
principal debtor, effect of, **15,** 567, 568
release, operates as a, **3,** 98, 99; **7,** 455; **10,** 497
restitution of conjugal rights, for, **7,** 396
nuisance, not to cause, construction of, **21,** 507
onerous, disclaimer of land in bankruptcy, **2,** 191
disclosure of, vendor's duty as to, **25,** 305, 306; **27,** 51 n.
rateable value, effect on, **24,** 26
participial phrases operating as, deed, in, **10,** 478
parties bound by a, deed, in, **10,** 476
patent, assignment of, on, what are usual, **22,** 184, 185
share of, **22,** 188
licensor of, by, **22,** 192, 193
warranty and validity of patent, for, **22,** 185
payment *in futuro,* for, *quia timit* action as to, **13,** 52
penalty for breach of, no election to break by covenantor, **10,** 495
performance of, as condition precedent to suing, **10,** 490
to pay money, whether bequest amounts to, **13,** 142
perpetuities, when rule against, does not apply to, **22,** 322, 323
personal skill, involving, assignment of, **4,** 403
injunction in case of, **17,** 242
policy of insurance, on settlement of, **25,** 532
positive, enforceable as negative in substance, **7,** 441; **13,** 102; **17,** 243, 244
injunction in case of breach of, when granted, **13,** 102; **17,** 235, 242, 243
negative distinguished from, **13,** 100
purchaser's. *See* land, sale of, on, *supra.*
qualified, **10,** 481
condition, by, effect of, **10,** 482
limitation, by, effect of, **10,** 482
owing to circumstances of the case, **10,** 484
title, for, **10,** 483
quiet enjoyment, for. *See* QUIET ENJOYMENT.
rates and taxes, for payment of, **18,** 495, 496. *See* COVENANT IN LEASE.
receiver, liability of, for performance, **24,** 401
recital, operation of, as, **10,** 463; **25,** 529
restricted by, **25,** 549
release, operation by way of, **10,** 497
where rendered impossible by statute, **27,** 195
renewal, for. *See* RENEWABLE LEASE.
rent, to pay. *See* COVENANT IN LEASE; RENT.
rentcharge, to secure, action on, **24,** 517
does not run with the land, **24,** 518
repair, to. *See* REPAIRS TO LEASEHOLDS.
building contract, in, **3,** 236
fire, in case of, **18,** 506, 520, 523
mining lease, in, **20,** 564
restraint of trade, in, **20,** 88, 90. *See* RESTRAINT OF TRADE.
restrictive, **13,** 100—102; **25,** 454—461. *See* RESTRICTIVE COVENANT.
running with the land, *defined,* **7,** 504; **18,** 584
assignment by operation of law, **7,** 504; **18,** 584

COVENANT—*continued.*
running with the land—*continued.*
benefit of
lessee's, runs, when, **7,** 504; **18,** 586
lessor's, runs, when, **7,** 504; **18,** 588
burden of
lessee's, runs, when, **7,** 504; **18,** 584
lessor's, runs, when, **7,** 504; **18,** 587
condition of re-entry on breach of game laws by tenant, **15,** 218 n.
equity, in, **13,** 100
estoppel, by, **13,** 372
injunction to restrain breach of, **17,** 240
involving expenditure does not run with land, **11,** 248; **25,** 455
restrictive covenants, **13,** 100; **25,** 454. *See* RESTRICTIVE COVENANT.
rule against perpetuities as applied to, **22,** 300
specific performance of, specifically enforceable, **27,** 8
seised, to stand, effect of, **15,** 417
seisin, for, now covenant for right to convey, **25,** 463 n., 464 n.
separation, for, indemnification against debts on separation, **16,** 445
separation deed, in, breach of, restrained, **17,** 240
to live apart, enforcement of, **13,** 73 n.
set off of award against claim under, **25,** 492
settle, to, construction of, **25,** 549
deed, by, **25,** 544
effect of, **25,** 543
enforcement of, **25,** 546 n.; **27,** 71
family arrangement, when supported as, **14,** 541
joint tenant, by, effect, **24,** 205
lien arising from, **19,** 24, 25; **25,** 547, 548
satisfaction of, **13,** 128; **25,** 545, 546
will, by, **25,** 543—545
several, *defined*, **10,** 486
joint covenant by partners treated as, **10,** 485
several covenantees, with, effect of, **10,** 485, 487, 488 n.
severance of reversion, effect of, **18,** 596; **25,** 454
simultaneous, **10,** 493
stamp duty on separate deed of, **21,** 138
statutory, may be varied but not destroyed, **25,** 427
surety, by, collateral to mortgage, limitation of actions on, **3,** 100 n.; **19,** 84 n., 97 n.
in mortgage deed. *See* COVENANT IN MORTGAGE.
tenant for life, by, **25,** 427
tenants in common should join in suing on, when, **18,** 344
underlease, in, generally, **18,** 406 *et seq.* *See* COVENANT IN LEASE.
undersheriff, in restraint of exercise of powers by, void, **25,** 800
usual, what are, **18,** 521, 388, 389; **25,** 548. *See* COVENANT IN LEASE; COVENANTS FOR TITLE.
vendor's, nature of, **25,** 425, 426—428
void at law, morality, as against, **7,** 400
not enforced by injunction in equity, **13,** 69; **27,** 6, 7
voluntary, effect of, **15,** 414
not completed, not enforced in equity, **13,** 97 n.
what words effectual to create a, **10,** 476
widow's rights under intestacy, satisfaction of, by, **11,** 18

COVENANT IN LEASE,
agricultural lease, in, additional rents and penalties for breach of, **1,** 249, 250
breach of, sum payable as liquidated damages **1,** 250
what amounts to, **1,** 246
consistency with custom, necessity for, **1,** 245
inconsistency must be complete, **1,** 245
cultivate, to, according to custom of county, **1,** 246
husbandlike manner, in, **1,** 243; **18,** 564
fitness for cultivation, not implied, **1,** 243
hay and straw, as to, **1,** 247, 248
implied, cultivate in husbandlike manner, to, **1,** 243
injunction for breach of, **1,** 251, 252; **17,** 240, 245
manuring covenants, **1,** 248, 249; **18,** 564, 565
not to sell or remove, effect, **1,** 248
sowing crops, as to, **1,** 249
trees, as to, **1,** 296
way-going crops, as to, **1,** 247
alteration of demised premises, against, **17,** 239; **18,** 518, 519
assessment, to pay, **18,** 489—496
increase, through additions to buildings, **18,** 491
local authority, in case of works by, **18,** 491, 492
meaning of assessment in covenant, **18,** 492, 493, 495
nuisances, in respect of abatement of, **18,** 492; **21,** 559, 560
paving expenses in metropolis, for, **18,** 491, 492
assignee, by, for indemnity, costs under, **18,** 594
enforcement, **18,** 593, 594
liability of, to observe, **18,** 588, 590, 591, 592
re-assignment, after, **18,** 592
assignment, against, bankruptcy not a breach of, **2,** 88; **18,** 577
breach of, **18,** 576, 577
remedy for, **18,** 581
consent to assignment on increase of rent not allowed, **18,** 579
defence to claim for specific performance, as, **27,** 39 n.
disposition of term by will, not a breach of, **18,** 577
forfeiture on breach of, no relief granted, **18,** 542
generally, **18,** 576—582
negative, **18,** 534
unreasonable, when, **18,** 389 n.
vesting of term in personal representative, not a breach of, **14,** 230; **18,** 577, 578
voluntary assignments, restriction to, **18,** 576, 577
assignment of, **4,** 397
assignor's right to be indemnified against, is a chose in action, **4,** 365
bankruptcy, agricultural tenant, of, effect, **1,** 275
assignee, of, effect, **2,** 199
forfeiture for breach, does not involve, **18,** 577
forfeiture on, under, effect of annulment, **2,** 92, 93
trustee in, bound by, **18,** 600

COVENANT IN LEASE—*continued.*
breach of. *See* BREACH OF COVENANT; FORFEITURE.
injunction to restrain, **17,** 244, 245
burdens, to pay, **18,** 494, 495
business, against carrying on, extent of meaning of, **18,** 516—518
charges, to pay, **18,** 494, 495
corporation sole, successors of, how far bound by, **8,** 375
Crown lands, of, breach of, relief from forfeiture, **7,** 168
release of, **7,** 167
duties, to pay, effect of, **18,** 493—495
enforcement after sale, **25,** 453, 454
executor of lessee, liability of, **18,** 598
express, when obligation imposed amounts to, **18,** 387
farming, injunction in case of breach of, **1,** 248, 251, 252; **17,** 245
fixtures, restricting right to remove, **18,** 427
form of, where lessee to pay subsequent charges under Private Streets Works Act, 1892, **18,** 494, 495
implied, notice of, to purchaser, no answer to misrepresentation, **27,** 45 n. *See* IMPLIED COVENANTS.
infant cannot be sued on, **17,** 98
insure, to, **18,** 521—522
breach of, what amounts to, **18,** 522
lessee, by, when to be carried into effect, **18,** 522
omission of, by vendor is defect of title, **25,** 369
usual practice as to, **18,** 521
landlord, by, repair, for, **18,** 505 *et seq.* *See* REPAIRS TO LEASEHOLDS.
restrictive, waiver of, **18,** 519. *See also* RESTRICTIVE COVENANT.
reversion, how affecting, **18,** 597
what are, **18,** 368
lessee, by, enforceable by mortgagor and mortgagee, **21,** 162
liability, extent of, **18,** 588, 589
makes settlement not voluntary under 27 Eliz. c. 4, **15,** 96
licensed premises, of, what are usual, **18,** 571
machinery, against removal of, injunction to enforce, **17,** 240
maintenance of licence, for, extent of, **18,** 572, 573
merger of term, effect on, **18,** 553
mining lease, in, drainage and repair of mines, as to, insertion of, **20,** 564
determination of lease by lessee, for, **20,** 566
pillars and barriers, relating to, **20,** 563, 564
quiet enjoyment, for, when implied, **20,** 506
rent, to pay, settled land, in case of, **25,** 656
limitation of actions on, **19,** 84; **20,** 561
run with the land, when, **20,** 565
trespass by employees, for prevention of, **27,** 853 n.
work, to, continuously, **20,** 563
in a particular manner, **20,** 563
workings, as to, object of, **20,** 562
mortgagee's right to sue for breaches of, **21,** 161
negative, assignee's liability to observe, **18,** 590, 591
injunction for breach of, **17,** 239
noisome or offensive trade or business, against carrying on, when broken, **18,** 518

COVENANT IN LEASE—*continued.*
nuisance, against, when broken, **18,** 516
omission of, may be evidence of fraud, **25,** 655 n.
onerous. *See* COVENANT.
outgoings, to pay, as to, **18,** 493, 494
presumption by purchaser of due performance to date, **25,** 340
public house etc., against use of premises, as, when broken, **18,** 518, 519
purchaser, liability of, for lessor's, **25,** 453, 454
rights of, assignee of reversion, as, **25,** 453
enforcement of, **25,** 453
re-entry for forfeiture, as to, **25,** 454
quiet enjoyment, for, **18,** 523 *et seq.* *See* QUIET ENJOYMENT.
rates, taxes and assessments, to pay, nature of, **18,** 492
rebuild, to, extent of tenant's liability under, **18,** 508, 509
re-entry on non-observance of, **18,** 530 *et seq.*
renewal, for, effect of, **18,** 461, 462. *See* RENEWAL OF LEASE.
rent, for payment of, express or implied, **18,** 467, 486
limitation of actions on, **19,** 77, 84
settled land, in case of, **25,** 655
repair, for. *See* REPAIR OF LEASEHOLDS.
restraint of trade, covenant in, accompanying assignment of lease, effect, **27,** 562, 569
restrictive, **13,** 100—102. *See* RESTRICTIVE COVENANT.
reversion, grantee of, enforceable by, **18,** 595, 596
running with, meaning of, **7,** 504
running with land, **18,** 584—588. *See* COVENANT, running with the land.
settled estates, in case of, **25,** 676, 677
severance of reversion, effect of, on enforcement, **18,** 595, 596, 597
small holdings, for cultivation of land hired for, **26,** 682
strict observance necessary, **18,** 462, 463
surety for performance of, discharge of, **15,** 565
liability of, **15,** 483 n.
tenant's what are, **18,** 387, 388
tied house, of, benefit devolves with reversion, **18,** 573
implied condition in respect of, **18,** 573
not void for uncertainty, **27,** 567 n.
title for. *See* COVENANTS FOR TITLE.
trees, as to, effect of, **1,** 296; **18,** 432
removal of, against, **18,** 433
trustee in bankruptcy, liability of, **18,** 600
underlease, in, agreement providing for similar covenants as in lease, **18,** 410, 411
covenant to indemnify, **18,** 409
distress on goods of undertenant, provision as to, **11,** 144
head-lease, provisions as to, observance of, **18,** 408, 409
underlessee obtaining injunction to restrain lessor from acting in contravention of, **17,** 244
underletting, against, consent of lessor, conditions as to obtaining, **18,** 579, 580
grounds of refusal, **18,** 580
proviso for re-entry, in, covenant not unreasonable, **18,** 389 n.
remedy for breach of, **18,** 581
when broken, **18,** 578, 579
usual, what are, **18,** 388, 389; **25,** 544
payment of rates and taxes, as to, **18,** 491

COVENANT IN MORTGAGE,
insure, to, by mortgagor, **17,** 372
joint, mortgagor and surety, by, **21,** 89
running of time on, **19,** 77, 78, 83
payment for, **21,** 113, 114
action on, **21,** 267—271
barred, when, **21,** 271
time, by, **19,** 83, 88, 94, 98, 101—103
extent of claim in, **21,** 268
judgment in, **21,** 326
loss of right of, **21,** 271
principal payable on demand, when, **21,** 269
right to bring, **21,** 267, 268
when right arises, **21,** 268, 269
who may be sued in, **21,** 270, 271
concurrent remedies, adoption of, effect, **21,** 269, 270
demand, upon, nature of, **21,** 114
effect of, **21,** 70
foreclosure action, inclusion of claim for payment under, **21,** 284
guarantor, rights and liabilities of, **15,** 443; **21,** 270
implied, when, **21,** 70, 113
instalments, by, effect of, **21,** 114
interest on, as distinguished from that on security, **21,** 227
lapse of time, effect of, on, **19,** 83, 88, 94, 98, 101—103
liability under, **21,** 270, 271
run with the land, does not, **21,** 270
sale of mortgaged property, effect of, **21,** 171, 271
transfer of debt or security, effect of, on, **21,** 171, 271
usual provisions of, **21,** 113—115
repair, for, necessity of, **21,** 122
surety, by, **19,** 77, 83, 84 n., 97 n.; **21,** 89
title, for, **21,** 123, 130

COVENANTS FOR TITLE,
absolute covenants by vendor unnecessary, **25,** 426
beneficial owner, conveyance as, effect, **10,** 484; **21,** 123, 126, 127; **25,** 426, 427, 464 n.
beneficiaries may be joined to give, **25,** 416
benefit of, runs with estate of purchaser, **25,** 464 n., 469
breach of, when arising, **19,** 78; **25,** 153 n., 465, 466, 467
burden of, falls on covenantor personally or his estate, **25,** 469
conditions of sale, as to, **25,** 338, 339
co-owners, on sale by, **25,** 427
copyhold, conveyance of, on, **25,** 462, 463
mortgage of, on, **21,** 126
practice as to, **25,** 430
Crown lands, purchaser of, not entitled to, **7,** 157
deed necessary to imply, **10,** 370
demise, implied by use of word, **10,** 480; **18,** 527
devolution of, **25,** 464 n., 469, 470
equitable estate, conveyance of, statutory covenants probably run with estate, **25,** 469
express covenants now not necessary, **25,** 464
freehold, conveyance of, on, **25,** 426, 462, 463
mortgage of, on, **21,** 123
further assurance, for, **25,** 463, 467, 468. *See* FURTHER ASSURANCE.
gift, in case of, **15,** 426

COVENANTS FOR TITLE—*continued.*
history of law as to, **25,** 462 n., 463 n.
implied. *See* beneficial owner, *supra.*
incumbrances, against, **25,** 463, 466
deed necessary to imply, **10,** 370
not an independent covenant, **25,** 463 n.
leaseholds, conveyance of, on, **18,** 461; **25,** 431, 463
mortgage of, on, **21,** 123, 127
life policy, in mortgage of, **21,** 130
limited, how, **25,** 463, 464
mortgagee, by, **25,** 338, 339, 464
nature of, **25,** 465
policies of insurance, in mortgage of, must be express, **21,** 130
purchaser's rights in respect of, **25,** 462, 463
qualifying words, effect on, **10,** 483
quiet enjoyment and freedom from incumbrances as, **25,** 463, 466. *See* QUIET ENJOYMENT.
registered land, on transfer of, **25,** 432, 433
right to convey, for, **25,** 462, 465
continuing covenant, is not a, **25,** 465
distinguished from quiet enjoyment, **25,** 464
estoppel not created by, **13,** 372
limitation of time for action on breach of, **19,** 78; **25,** 465
measure of damages for breach of, **25,** 465
purchaser can sue on, though defect recited in conveyance, **25,** 465
successors of original covenantee can sue where he has not, **25,** 470
trustee, by, **25,** 464
condition of sale as to, **25,** 338
usual, **25,** 426, 462—464
want of, effect of, **25,** 462

COVENTRY,
local court of, **9,** 156

COVER,
defined, Stock Exchange, **27,** 233
blank transfer, by means of, **27,** 236, 237
deposit of shares as, nature of transaction, **27,** 233
exhaustion of, rights of broker on, **27,** 251
gaming accounts, in case of, nature and recovery of, **27,** 261, 262

COVERING NOTE,
fire insurance, in, effect of, **17,** 517, 526
marine insurance, in, nature of, **17,** 348. *See* MARINE INSURANCE.
reference to, in legal proceedings, **17,** 349 n.
stamping of, **17,** 517
time, stipulations as to, in, effect of, **17,** 526

COVERTURE. *See* MARRIED WOMAN; SEPARATE PROPERTY; WIFE.

COWES,
local navigation, rules of, **26,** 481

COWGRASSES,
right of, **4,** 480 n.

COWKEEPER,
registration of, **1,** 433; **15,** 63

COWPER-TEMPLE CLAUSE,
education regulations, with respect to, **12,** 34

COWS,
distress damage feasant in case of, **1,** 379, 382
impounded, milking of, **1,** 382; **11,** 170
Local Government Board regulations concerning, **1,** 433, 434; **15,** 63
milk of diseased, regulations as to, **1,** 434; **15,** 63, 64
tuberculous, in London, regulations as to, **23,** 461, 462
warranty on sale of, **1,** 393

COWSHED,
claim of light in respect of a, **11,** 306
licensing in the metropolis, **23,** 568
notification of infectious disease affecting, **15,** 63; **23,** 459, 560
sanitary regulations in regard to, **15,** 63, 64 n.; **23,** 459

CRAB FISHING,
regulation of, **14,** 622, 627

CRABS,
taking and sale of, regulations affecting, **14,** 627; **15,** 42

CRAN MEASURE,
Board of Agriculture and Fisheries regulations in respect of, **28,** 487
conviction, appeal against, **28,** 487
destruction of forfeited, **28,** 487
fines under Cran Measures Act, 1908, application of, **28,** 487
local authority powers in respect of, **28,** 487,488
penalties, increased, in regard to, **28,** 487
presumption of user of, **28,** 487
false, penalty for using, **28,** 486
inspection of, **28,** 485, 486, 496
legal, what are, **28,** 486
making and marking of, **28,** 485
sale by, regulations as to, **28,** 484—488
verification of, **28,** 485, 486

CRANES,
docks, in, rating of, **24,** 28

CREAM,
abstraction of, from milk, regulations affecting, **15,** 65
analyst's certificate as to, **15,** 11
purity of, standard of, **15,** 64, 65
sale of, regulations as to, **15,** 63—67

CREAMERIES,
women and young persons, employment of, in, regulations as to, **14,** 507

CRECHE,
use of house as a, when a nuisance, **21,** 507

CREDENCE TABLE,
an ecclesiastical ornament, **11,** 668
when lawfully placed in church, **11,** 672

CREDIBILITY,
evidence, of, who determines, **13,** 421
witnesses, of, evidence as to, **9,** 384—386; **13,** 600—603

CREDIT,
agreement to sell on, may be inferred, **25,** 204 n.
buyer's option of longer or shorter, effect of, **25,** 235, 236

CREDIT—*continued.*
carrier, given by, loss of lien, **4,** 93
character, representations as to, to obtain, **15,** 456, 457, 473
club, of, authority of officials to pledge, **4,** 421, 422
counsel's fees, solicitor cannot pledge client's credit for, **26,** 741
damages for injury to, **10,** 323
false pretences, obtained by, **2,** 349, 350; **9,** 338 n., 691 n.
goods supplied on, guarantee in case of, discharge from liability, **15,** 549
evidence as to whom credit was given to, **15,** 459 n.
giving time, effect of, **15,** 555, 556
Statute of Frauds applies to, **15,** 460 n.
third party, for, **15,** 449, 451, 493 n.
guarantee, allowed in case of, **15,** 551
husband, of, wife's authority to pledge. *See* IMPLIED AUTHORITY.
interrogatories as to, **11,** 94
intoxicating liquors, sale of, on, **18,** 170—172
master, of, servant's authority to pledge, **20,** 244 n.
misrepresentations as to third persons', by company, **5,** 294
measure of damages, **20,** 733
obtaining, fraud, by, in bankruptcy, **2,** 350, 351
property on, **2,** 348, 349
particulars of, in statement of claim, **22,** 455
partnership, of, power of individual partner to pledge, **22,** 27, 28
questions as to, when of law or fact, **20,** 732
representation as to, agent, by, liability of principal, **1,** 214
concealment, **20,** 682 n.
writing necessary to, **15,** 456, 457; **20,** 731; **25,** 124 n.
sale of goods on. *See* SALE OF GOODS.
set-off not allowed in respect of sum for which plaintiff has given, **25,** 485
statement of claim giving, particulars should be given, **22,** 455
statements as to, whether representations, **20,** 663 n., 666 n., 667 n.
third party, of, statutory plea in case of misrepresentation of, **20,** 731
trustee in bankruptcy, sale by, on, **2,** 123

CREDITOR,
action by, administration, for. *See* ADMINISTRATION ACTION.
administration of deceased's estate, in,
advertisement for, **14,** 243, 244; **26,** 746
annuitant's rights as a, **24,** 499, 521
assets, equitable, rateable distribution of, between, **13,** 70
legal, priority in respect of, **13,** 33; **14,** 247—251, 254
marshalling of, **13,** 144
order of liability of, **13,** 37
purchase of, by, **14,** 297
business carried on by executor, rights in case of, **13,** 150; **14,** 295, 296
charge by will cannot be created in favour of, **14,** 223
claims of creditor in, effect of, **14,** 341
contingent, administration order not obtainable by, **14,** 256
costs, when entitled to, as between solicitor and client, **14,** 352

CREDITOR—*continued.*
administration of deceased's estate—*continued.*
decree in equity, former effect of, **13,** 32
disappearance of, after proof of debt, practice of court as to, **14,** 346
dual claims for same debt, effect of, **14,** 347
escheated lands, payment out of, **11,** 27, 28
foreign, right of creditor in, **14,** 341, 342
fund in court, right against, **14,** 279, 302
grant of administration to, **14,** 188
conditions relating to, **14,** 207
executor a lunatic, when, **14,** 200
undertaker, to, **14,** 241
heir or devisee, statutory rights against, **14,** 246
judgment, rights of, **13,** 33, 35; **14,** 248
judgment for administration, effect of, **14,** 341; **19,** 190
legacy, debtor, to, retainer by creditor's executor of, **15,** 505
right to follow, **13,** 160; **14,** 279, 280
preference of, by representative, **13,** 36; **14,** 254
administrator's bond, effect of, **14,** 207, 255
priority of, **13,** 33, 35; **14,** 247—251. *See* PRIORITY.
proof of debt by, **14,** 346
real estate, rights as to, **14,** 246
receiver, appointment of, **24,** 417
retainer, right of, as affecting, **14,** 256—261, 345. *See* RETAINER.
secured creditor, position of, **14,** 346, 347
time, when running against, **14,** 228, 253, 341; **19,** 54, 190
alienations to defraud, voidability of, **15,** 87
appropriation of payments by, **7,** 449—452; **15,** 510, 537; **19,** 41, 42
assignment to, by debtor of debt of third party, **15,** 557 n., 562 n.
bankruptcy, in, acquiescence by, **2,** 15, 39
action by, causes loss of right to benefit under arrangement, **2,** 335
threat of, effect on avoidance of preference, **2,** 284
after-acquired property, in regard to, **2,** 144, 164
appeal by, **2,** 82, 83, 302
arrangement, rights under, **2,** 334—337, 351; **19,** 55. *See* ARRANGEMENT.
assignee of, under old Acts, **2,** 324
assignment for benefit of. *See* ASSIGNMENT FOR BENEFIT OF CREDITORS.
bankrupt as witness on behalf of, **13,** 574 n.
bankruptcy notice by, **2,** 25, 26
bankruptcy notice to, **2,** 25—34. *See* BANKRUPTCY NOTICE.
bill of exchange, debt secured by, **2,** 68, 226
conflict of laws in regard to priorities, **6,** 304
consent of creditor obtained by fraud, offence in regard to, **2,** 349
death of insolvent debtor, in case of, **22,** 408
evading by bankrupt, **2,** 20—23. *See* BANKRUPTCY.
false claim etc., by, offence of, **2,** 351; **7,** 294
fraudulent preference in favour of, **2,** 279—287. *See* FRAUDULENT PREFERENCE.
meaning of, for purpose of serving bankruptcy notice, **2,** 25, 26
meetings of, **2,** 65—70
adjournment of, **2,** 69, 70
Bankruptcy Acts, apart from, **2,** 328, 329

CREDITOR—*continued.*
bankruptcy—*continued.*
meetings of—*continued*
calling of, not notice of suspension, **2,** 33
chairman at, **2,** 66
first, **2,** 65, 66
receiving order made against firm, **2,** 68
minutes of, **2,** 70
presumption of law as to validity, **2,** 70
proof of debts for voting at, **2,** 67, 68
proxy at, **2,** 68, 69
quorum at, **2,** 70
scheme of arrangement, for consideration of, **2,** 79
small bankruptcy, in, **2,** 295, 296
solicitation, penalty on, **2,** 69
summoning and security for costs of, **2,** 66, 67, 125
voting at, **2,** 67—69
notice of suspension of payment, in regard to, **2,** 34, 39
petitioning, liability for costs of, **2,** 106
amount of debt to support petition, **2,** 34
priority of, conflict of laws as to, **6,** 278, 304. *See* PRIORITY OF DEBTS.
proof by, **2,** 197—235. *See* PROOF OF DEBTS.
rights of, **2,** 197
scheme of arrangement, how far bound by, **2,** 83
secured, **2,** 44—46, 67, 224—230. *See* SECURED CREDITOR.
sole creditor, bankruptcy petition by, **2,** 38
bankruptcy of trustee, secured creditor in case of, **2,** 225
bill of sale, assignment of, for benefit of creditors, **3,** 16
building society, of, alterations affecting, **3,** 334, 391
amalgamation does not prejudice, **3,** 391
rights of creditors of, **3,** 352, 395, 396, 399
transfer of, effect of, **3,** 391
winding up, position in case of, **3,** 360, 395
co-surety, assignment of creditor's rights and securities to, **15,** 534, 535
discharge of one, effect of, **15,** 569
committee of inspection of company, of, **5,** 465
company, of, compromise or arrangement with, **5,** 333, 334
consent of, alteration of company's objects, to, **5,** 331
reduction of capital, to, **5,** 110—113. *See* REDUCTION OF CAPITAL OF COMPANY.
different classes of creditors, court regards interests of, **5,** 414
directors
not trustees for, **5,** 222
position of, as, **5,** 230
distribution of assets among, **5,** 527—529. *See* DISTRIBUTION OF ASSETS.
equality on distribution, creditors entitled to, **5,** 473, 507, 523
foreign creditor, liability to, **6,** 304
fraudulent preference in favour of, **5,** 544—546
inspection by, of books after winding up, **5,** 442, 560
mortgages, of, **5,** 365, 560, 561
register of members, of, **5,** 152, 560, 561
liquidator appointed by creditors, **5,** 443, 444, 572
meetings in winding up of, **5,** 428, 466—472
adjournment, **5,** 470

CREDITOR—*continued.*
company—*continued.*
meetings in winding up of—*continued.*
arrangements sanctioned by, **5,** 604—607
chairman, **5,** 467, 470
conduct of, **5,** 470
court meetings, **5,** 466, 467
first meetings, **5,** 428, 438, 466
liquidator's meetings, **5,** 467
minutes of, **5,** 472
notice of, **5,** 468
place and time of, **5,** 470
proof of debt for voting at, **5,** 470, 471
proxies at, **5,** 468—470, 471. *See* PROXY.
quorum at, **5,** 470
resolutions at, **5,** 472
validity of, **5,** 468
summoning of, **5,** 467, 468
costs of, **5,** 467
first meeting, **5,** 428, 466
voluntary winding up, in, **5,** 572, 573
voting at, **5,** 470, 471
petition to wind up by, **5,** 399—401
priorities of creditors, **5,** 579
proof of debts, **5,** 507—523, 579, 580. *See* PROOF OF DEBTS.
reduction of capital, in regard to. *See* REDUCTION OF CAPITAL OF COMPANY.
registration of company under Act of 1908, effect of, **5,** 41
secured, position of and proof by, **5,** 372, 373, 470, 471, 513, 519, 520. *See* SECURED CREDITOR.
set-off against, **5,** 482, 502, 515; **25,** 487—493
voluntary winding up, in, position and rights of, **5,** 572, 573, 579, 580
wishes of, as to winding up, court regards, **5,** 413
composition with, *defined,* **2,** 326; **7,** 443. *See* COMPOSITION.
conveyance in fraud of, **15,** 78—91. *See* FRAUDULENT CONVEYANCE.
county court, advertisement for creditor upon distribution of assets by, **8,** 543, 544
costs of establishing debt in, **8,** 544
debtor's body, retention of, by, rights in regard to, **3,** 406. *See* CORPSE.
deed in favour of, whether revocable, **15,** 419
deed of assignment, under, position of, **2,** 333
execution. *See* EXECUTION CREDITOR.
executor's indemnity, effect of right to, **14,** 296
family arrangements, provisions in, for creditors, **14,** 551
fraudulent conveyance in favour of. *See* FRAUDULENT CONVEYANCE.
friendly society, of, rights of, **15,** 195, 199
amalgamation, not affected by, **15,** 193
guarantee, in case of, **15,** 441. *See* GUARANTEE.
husband, of, leaseholds of wife, rights as to, **16,** 325
policy effected by husband with intent to defraud, **16,** 401
seizing goods of wife after protection order, **16,** 347
settlement between husband and wife, when supported against, **15,** 79; **16,** 338
industrial society, of, amalgamation or transfer, effect of, **17,** 33
remedy of, **17,** 12, 19
insurable interest of, **17,** 545, 547

CREDITOR—*continued.*
insurance by, on debtor's life, incidents of, **17,** 562
joint. *See* JOINT CREDITORS.
judgment. *See* JUDGMENT CREDITOR.
lien of, equitable, how enforced, **13,** 93
when attaching in respect of expenditure on property, **19,** 21
limitation of actions by. *See* LIMITATION OF ACTIONS.
limited partnership, of, rights of, **22,** 119
lunatic, of, charging order in favour of, **19,** 440, 441
remedies against estate of, **19,** 440
marriage settlements, volunteers in, rights of, against, **25,** 564, 567
mortgagor, of, marshalling of securities in favour of, or against, **21,** 304, 305
partnership, of, agreement between partners does not affect rights of, **22,** 37, 38, 98, 99
dissolution, effect of, **22,** 98
judgment creditor, rights of, **13,** 39; **14,** 10, 11; **22,** 45, 46, 47
rights of, generally, **13,** 38
surviving partner, against estate of, **22,** 45
transfer of partnership property between partners as affecting, **22,** 53, 54
powers, defective appointments, when aided on behalf of, **23,** 55, 56
railway company, of, arrangement with, **23,** 768
judgment creditor's rights, **23,** 764—768
receiver and manager, appointment of, **23,** 765—768; **24,** 427
receiver, appointment of, in aid of. *See* RECEIVER.
release and acquiescence by, effect of, on voidable settlement, **15,** 87
seaman, claims to property of deceased, **26,** 59
specific performance of contract involving preference between, not granted, **27,** 39 n.
subrogation of. *See* SUBROGATION.
executor, in case of, **13,** 150
receiver and manager, in case of, **24,** 432
surety's liability to, **15,** 487
taxation of costs, right to, **26,** 784
tramway undertaking, of, non-completion of work, on, **27,** 786 n.
payment out of deposit, **27,** 813
who are held to be, **27,** 813 n.
trust for, **2,** 327 *et seq.*; **28,** 38
accumulation, exempt from statutory rule against, **22,** 376
lapse of time, effect of, **19,** 167
revocability of, **28,** 38, 39
surplus, destination of, **28,** 39
trusts in fraud of, avoidance of, **15,** 78 *et seq.*; **28,** 46

CREED,
bond of union of church, as, **11,** 363
essential idea of, **11,** 363 n.

CREMATION,
The title BURIAL AND CREMATION *is contained in Vol. III., pp.* 401 *et seq.*
application for, **3,** 571, 572, 573
form of, **3,** 571
ashes, deposit of, in church disused for burial, **3,** 526
disposal of, rules as to, **3,** 574
faculty and fee for, **11,** 541 n., 777

CREMATION—*continued.*
authority, *defined*, **3,** 570
burial authority, provision by, for, **3,** 568
burial service, **3,** 569; **11,** 711, 777
buried bodies, in case of, **3,** 573
certificate of medical practitioner prior to, when necessary, **3,** 571, 572
inquest, after, **8,** 273
clergy, fees of, on, **11,** 777
common law, at, **3,** 568
concealment of offence by, punishment for, **3,** 575
conditions of, **3,** 571—574
coroner, jurisdiction of, unaffected by Cremation Act, 1902, **3,** 569; **8,** 264 n.
inquest, cremation prior to, **8,** 264
order for, **8,** 273
deceased's prohibition of, effect of, **3,** 405, 571, 573; **14,** 240 n.
disinterment of body for purpose of, **3,** 573
false declaration or representation in order to procure, offence in regard to, **3,** 575; **9,** 553
fees for, **3,** 569, 570; **11,** 777
identification of human remains before, **3,** 571
inquiry as to carrying out of regulations, **3,** 575
medical referee, appointment and duties of, **3,** 572, 573
certificate of, prior to, **3,** 571
substitutes for, **3,** 571, 572
prohibition by, **3,** 573
qualifications of, **3,** 572
notice of inquest, after, **8,** 264
nuisance in case of, **9,** 553
offences relating to, **3,** 575; **9,** 552, 553
penalties in connection with, **3,** 575
person dying abroad, in case of, **3,** 573
plague, suspension of regulations in case of, **3,** 573, 574
post mortem examination prior to, when necessary, **3,** 571
prohibition of, direction of deceased, by, **3,** 571; **14,** 240 n.
medical referee, by, **3,** 573
register of, destruction of, **3,** 575; **9,** 741
evidence, as, **3,** 575
falsification of, **3,** 575; **9,** 742
stamp duty on copy of, **3,** 557, 575
registration of, **3,** 574, 575
death, when necessary before, **3,** 571
regulations as to, **3,** 570—575
contravention of, **3,** 575
suspension of, **3,** 573, 574
still-born child, of, **3,** 574
unidentified body, of, **3,** 571
unlawful, when, **3,** 571, 572

CREMATORIUM,
defined, **3,** 568
closing of, **3,** 571, 574
donation of money for, **3,** 569
inspection of, **3,** 571
maintenance of, **3,** 570, 571
opening of, notice as to, **3,** 571
position of, **3,** 569
provision of, **3,** 568, 569

CREW. *See* SEAMEN.
adequate, duty to furnish. **17,** 424; **26,** 213
agreement with, **14,** 630; **26,** 41—44. *See* SEAMEN.
deposit of, when in port abroad, **26,** 659
carriage of letters by, illegality of, **26,** 354, 355

CREW—*continued.*
collision, effects lost by, recovery of value by, **26,** 543
competence of, implied warranty as to, in insurance, **17,** 424
compulsory pilot, when under, duties of, **26,** 531
discharge of, **14,** 630; **26,** 55, 56
engagement of, provisions as to, **14,** 630; **26,** 41—44. *See* SEAMEN.
insufficient, liability as to, **26,** 495
insurable interest of, in respect of wages, **17,** 373
lists of, to be sent to Registrar-General, **26,** 657
master's liability for acts of, **26,** 526
payment of, **26,** 46—54. *See* SEAMEN; WAGES
share of catch, by, **14,** 631, 632
punishment of, **26,** 50, 59, 60—63; **27,** 876
salvage, agreement for, binding on, **26,** 572, 573
reward, rights as to, **26,** 565, 566, 583
service, supply of crew as, **26,** 558
salved vessel, of, may be salvors, **26,** 567
sea fishing boat, of, engagement and discharge of, **14,** 630
steam trawlers, of, agreements with, **14,** 630, 631
wages of, **14,** 631
wages of, **26,** 46—54. *See* SEAMEN; WAGES
when a general average expense, **26,** 321

CRICKET,
inclosure of space on common etc. for, **4,** 603; **21,** 590
money lent for betting on, is irrecoverable, **15,** 279 n.

CRIME.
The title CRIMINAL LAW AND PROCEDURE *is contained in Vol. IX., pp.* 225 *et seq. As to any particular crime see under the name of such crime.*
defined, **9,** 232, 425; **23,** 246 n.; **27,** 466
extradition, for purpose of, **14,** 406, 407
action of tort founded on, **1,** 27; **9,** 233; **27,** 466, 492
advice to commit, **9,** 253; **13,** 572
aiding and abetting the commission of. *See* AIDING AND ABETTING.
bond conditioned for the commission of, **3,** 86; **9,** 246, 504
bribery as, **9,** 484; **12,** 281; **15,** 424
capacity to commit, **2,** 11; **9,** 239—245; **16,** 435, 436; **19,** 409, 410
authority, acting in obedience to, in case of, **9,** 243
delirium tremens, in case of, **9,** 242
drunkenness as affecting, effect of, **9,** 242
husband and wife, in case of, **9,** 244; **16,** 435, 436
infancy as affecting, **2,** 11; **9,** 239, 240, 540, 611; **17,** 46
insanity as affecting, **9,** 241, 242; **19,** 409, 410
physical force, acting under, in case of, **9,** 243
threats, induced by, in case of, **9,** 243
child, neglect of, by father, when a crime, **9,** 305, 406; **17,** 110, 114, 162
civil action by injured party, in, **1,** 8, 27; **9,** 232, 582; **21,** 420, 421, 425, 426
classification of, **9,** 233, 246, 429; **20,** 762 n.; **27** 178, 179
company, in relation to, **5,** 311—318; **9,** 655—660. *See* COMPANIES; CRIMINAL LIABILITY.
conditions in will inciting donee to commit, avoidance of, **28,** 585

CRIME—*continued.*
conspiracy to commit, **9,** 260—264, 595. *See* CONSPIRACY.
continuing acts, in case of, **9,** 281, 542
corporation, by, **8,** 390—392; **9,** 235; **27,** 179. *See* CRIMINAL LIABILITY.
cremation to conceal, **3,** 575; **9,** 553
elements of, **9,** 233
explosives, use of, for purposes of, **9,** 775—777; **14,** 357, 400
Government, offences against, **9,** 450—530
high seas, committed on, extradition in case of, **7,** 69, 84; **14,** 408
immigrant convicted of, **1,** 305, 324; **14,** 407
incitement to commit, **9,** 253, 464, 595
infant's liability for, **2,** 11, 349; **9,** 239, 240, 540, 611; **17,** 46
injunction, whether restrained by, **13,** 49; **17,** 257
intention to commit. *See* CRIMINAL INTENT.
lunatic, by, **9,** 241, 354; **19,** 406, 408 n. *See* CRIMINAL LUNATIC.
malicious damage to property, in case of, **9,** 768—793; **14,** 357. *See* MALICIOUS DAMAGE.
mens rea, absence of, as a defence, **9,** 234; **15,** 231 n. *See* MENS REA.
mines and minerals, in connection with, **9,** 783; **20,** 540, 638, 639
ministerial responsibility for, **17,** 47, 66
misdemeanour, when a, **9,** 246. *See* MISDEMEANOUR.
offence. *See* CRIMINAL OFFENCE.
person, offences against the, **9,** 570—627
procedure as to, alternative, statutory or common law, **9,** 487, 690; **27,** 179
property, offences against, **9,** 627—793
public order, offences against, **9,** 530—570
punishment for, **9,** 233, 409 *et seq.* *See* PUNISHMENT.
servant, by, **9,** 234, 235; **20,** 278, 279
solicitor, striking off the rolls of, on conviction for, **26,** 849
statutes relating to, **9,** 232, 233; **27,** 116, 117
application of, **6,** 453, 454; **9,** 279; **14,** 427, 428; **27,** 164
classification of, **9,** 234, 235; **20,** 258; **27,** 178, 179
implied repeal, **27,** 169, 170
retrospective operation, **27,** 161 n.
tort distinguished from, **1,** 27; **9,** 232, 233, 234; **27,** 466

CRIMINAL,
accessories. *See* ACCESSORIES.
accomplice of. *See* ACCOMPLICE.
evidence of, **9,** 388, 408
aiding and abetting. *See* AIDING AND ABETTING.
appeal by. *See* COURT OF CRIMINAL APPEAL.
arrest of. *See* ARREST.
assisting a, person becomes accessory, **9,** 255
bail of. *See* BAIL.
capacity of. *See* CRIME, capacity for.
charitable gift for paying fines of, **4,** 123
conviction of. *See* CONVICTION.
delusions, person suffering under, in case of, **9,** 241, 242
executed, burial of, **3,** 422; **9,** 592
sheriff's duty as to, **25,** 825
execution of. *See* EXECUTION OF CRIMINAL.
habitual, **9,** 415, 416
harbouring by innkeeper, **9,** 555; **18,** 135

CRIMINAL—*continued.*
identity, questions of, **13,** 447
intent. *See* CRIMINAL INTENT.
lunatic. *See* CRIMINAL LUNATIC.
pardon of. *See* PARDON.
perjury, consolidated evidence in case of, **9,** 494
principal in first or second degree, **9,** 247—258. *See* PRINCIPAL.
police, statutory powers of, as to, **22,** 502
procuring, corroboration necessary in case of, **9,** 615
punishment of. *See* PUNISHMENT.
recognisances by, **9,** 412—414
trade union, whether criminal association, **27,** 613 n., 614 n.
treason, corroboration necessary in case of, **9,** 456, 503. *See* TREASON.
trial of. *See* CRIMINAL PROCEEDINGS.

CRIMINAL COURT,
Admiral of England, Court of the, **1,** 59; **9,** 90
assize courts, **9,** 87, 266, 267
barrister's right of audience in, **2,** 373, 374, 389, 407, 415, 416; **9,** 352; **19,** 596, 641. *See* AUDIENCE.
Central Criminal Court, **9,** 87—90, 267. *See* CENTRAL CRIMINAL COURT.
Court of Criminal Appeal, **9,** 91—94. *See* COURT OF CRIMINAL APPEAL.
King's Bench Division as, **9,** 55, 266, 329
quarter sessions courts, **9,** 82—86, 267; **19,** 563, 635. *See* QUARTER SESSIONS.
summary jurisdiction courts, **9,** 74—82. *See* PETTY SESSIONS; SUMMARY JURISDICTION.

CRIMINAL INFORMATION,
bribery at election, for, **12,** 529
contempt of court, for, proceedings by, **7,** 281 n.
county court judge, against, **8,** 414, 415
Crown Office, filed by, at instance of private person, **9,** 330 n.; **18,** 740
Crown servant's dismissal by, **7,** 22
ex officio by Attorney-General, **8,** 230; **9,** 329 n., 330 n.; **18,** 740 n.
explosive, forfeiture of, on a, **14,** 396
highway, for non-repair of, **16,** 138
indictment, in relation to, **18,** 241 n.
judges, for libelling, **7,** 281 n.
to remove, **7,** 22
justices, against, grounds of, **19,** 558, 559
King's coroner, issued by, **8,** 230
leave of court to filing of, **9,** 329 n., 330 n.
libel, in case of, **9,** 329; **18,** 740
limitation of penal action, time of, in, **19,** 174, 175
public duties, for enforcement of, **27,** 190
sheriff, against, for refusal to serve, **25,** 792, 793
Summary Jurisdiction Acts, under, **19,** 572, 589—593
ward, marrying a, without leave, in case of, **7,** 281 n.

CRIMINAL INTENT,
defined, **9,** 234
bankrupt, undischarged, obtaining credit by, in, **2,** 351; **13,** 449
burglary, in, **9,** 671
corporation, in case of, acts of servants and agents for, **9,** 235, 236; **27,** 179
disproof of, **9,** 236
drunkenness, in case of, **9,** 242, 243

CRIMINAL INTENT—*continued.*
false pretences, in, nature of, **9,** 697
forgery, intent to defraud necessary to prove, **9,** 713, 763, 764
fraud, obtaining property by, in, **9,** 693—695
fraudulent debtors, in case of, **2,** 346, 354
friendly societies, misapplication of property of, in case of, **15,** 187
indecent publications, in case of issuing, **9,** 538
indictment, to be set out in the, **9,** 337
infancy, in case of, **9,** 239, 240, 389 n.; **13,** 498 n., 499
insanity, in reference to, **9,** 241, 242
larceny, in case of, **9,** 628, 629
master, in case of, act of servant, for, **9,** 235; **27,** 179
mens rea, as, **9,** 234; **27,** 178
motive, in relation to, **9,** 237
motive and intention distinguished, **9,** 237 n.
natural and probable consequences of acts, in relation to, **13,** 499
nature of, **9,** 233—237
overt act in relation to, **9,** 233
presumption of, **9,** 234 n., 236, 389 n.; **13,** 499; **27,** 178
principal, in case of, act of agent, for, **9,** 235; **27,** 179
proof of, **9,** 236, 380; **27,** 178
not necessary in certain cases, **9,** 237, 237 n.
seditious intention, *defined*, **9,** 463
objects not amounting to, **9,** 463
statutory offences, in case of, **27,** 178, 179

CRIMINAL INVESTIGATION DEPARTMENT,
organisation of, **22,** 507

CRIMINAL JURISDICTION,
Admiralty, of, **1,** 59; **9,** 273—276; **10,** 557
appeal. *See* APPEAL; COURT OF CRIMINAL APPEAL.
burning King's ships etc., in case of, **9,** 277
Cambridge University, Chancellor's Court of, **9,** 149, 150, 270
colonies, over crimes in, **10,** 579, 581
Commissioners for Oaths Act, 1889, under, **9,** 278
common law, at, **1,** 59 *et seq.*; **9,** 272
coroner's court, in, **8,** 239; **9,** 269, 270
county of city, offence in, place of trial, **9,** 286
county of corporate town, offence in, place of trial, **9,** 286
court-martial, of, military, **9,** 102—104, 271. *See* COURT-MARTIAL.
naval, **9,** 98, 99, 271. *See* COURT-MARTIAL.
courts of, **9,** 74—94, 265—271. *See* CRIMINAL COURT.
crimes committed out of England, in respect of, **9,** 276—279
ecclesiastical courts, of, **9,** 271; **11,** 512, 515, 516
election court, of, **12,** 535—537
Foreign Enlistment Act, 1870, under, **9,** 278, 528, 530
Foreign Marriage Act, 1892, under, **9,** 278, 528—530
foreigners, over, **9,** 279
House of Commons, of, **9,** 24, 25, 265. *See* HOUSE OF COMMONS.
House of Lords, of, **9,** 19—22, 265, 266. *See* HOUSE OF LORDS.
justices, of. *See* CRIMINAL PROCEEDINGS; SUMMARY JURISDICTION.

CRIMINAL JURISDICTION—*continued.*
King's Bench Division, of, **9,** 55, 266, 329
limits of, **9,** 271—279
manslaughter out of United Kingdom, in case of, **9,** 277
Merchant Shipping Act, 1894, under, **9,** 277
military court, of. *See* COURT-MARTIAL.
minister, public, exempt from, **6,** 429
murder out of United Kingdom, in case of, **9,** 277, 289
naval courts, of, **9,** 108, 109, 271. *See* COURT-MARTIAL.
Official Secrets Act, 1889, under, **9,** 278, 480
Oxford University, Chancellor's Court of, **9,** 188, 189, 270
receiving property stolen abroad, in case of, **9,** 278, 680
seal killing in the Pacific, in case of, **9,** 279
treason out of England, in case of, **9,** 276, 289
venue, **9,** 279—290. *See* VENUE.

CRIMINAL LIABILITY,
accessory, after the fact, of, **9,** 255, 256, 258
before the fact, of, **9,** 253, 254, 257
accident, when a defence, **9,** 237, 238, 608
accomplice in misdemeanour, of, **9,** 258
agent, for act of, **1,** 191, 193 n., 217—219; **5,** 294; **9,** 235, 293, 485, 710
aiding and abetting crime, in case of, **9,** 247
ambassador, of, **6,** 429; **9,** 245
aqueduct, for malicious damage to, **9,** 785
architect, of, agent, as, **3,** 300
contract, for interest in, **3,** 303
negligence, for, extent of, **3,** 304
secret commission, in case of, **3,** 168
attempt to commit crime, in case of, **9,** 258
bankrupt, of, **2,** 270
unaffected by discharge or arrangement, **2,** 351
breach of trust, for, **7,** 299; **9,** 656; **28,** 189
club, of members of, **4,** 407; **9,** 635
coercion, in case of, **9,** 234, 243, 244, 271; **16,** 436. *See* DURESS.
company, of, **5,** 111, 185, 311—318, 563; **9,** 655—660
appeals, **5,** 317; **9,** 77
Companies Clauses Acts, under, **5,** 726; **8,** 391
false statements in documents, for, **5,** 313, 314; **9,** 660
falsification etc. of documents, for, **5,** 313; **9,** 660
fines imposed, **5,** 314—317
instances of, **5,** 311, 312; **8,** 390, 391
mens rea, effect of want of, **5,** 294; **9,** 235
officers, personal liability of, **5,** 312, 313; **9,** 655
persons, as, **5,** 312; **8,** 357
prospectus containing false statements, **5,** 140, 141; **9,** 660
register as evidence, **5,** 317
statutory offences, **5,** 314—317
compulsory pilotage, during, position of master, **26,** 526 n.
consent, when a defence, **9,** 239, 573, 606, 607, 612, 615—619
conspiracy, in case of, **9,** 260—264. *See* CONSPIRACY.
corporation, of, **8,** 390 *et seq.*; **9,** 239
libel, in case of, **8,** 391; **9,** 239

CRIMINAL LIABILITY—*continued.*
corporation—*continued.*
mens rea not essential, **8,** 391; **9,** 235 *et seq.*
nuisance, in case of, **8,** 390, 391; **9,** 235—236
statutory duty, breach of, for, **8,** 391; **9,** 239
court-martial of members of, **9,** 488; **25,** 92, 93. *See* COURT-MARTIAL.
degrees of, **6,** 345; **9,** 246—264
director, of, books, tampering with, **5,** 313; **9,** 660
misappropriation by, **9,** 655
prospectus, false, for, **5,** 140, 141
winding up, in case of, **9,** 313, 314
foreign sovereign, of, **9,** 245, 272
husband, of, wife's crime, for, **1,** 217, 218; **9,** 401, 402; **16,** 435
incitement to crime, in case of, **9,** 253, 464, 595, 615
King, of, **6,** 318, 319, 373, 374; **9,** 244
licensee, of, Prevention of Crimes Act, under, **15,** 286; **17,** 306; **18,** 135, 136
master, of, for acts of servant, **9,** 235; **20,** 257—260. *See* MASTER.
members of Parliament, of, **9,** 245; **21,** 779, 780
misprision of treason or felony, in case of, **6,** 353, 354, 410, 411; **9,** 264
misrepresentation, act done through, for, **20,** 704
mistake, in case of, **9,** 238
principals, of, **9,** 247—258
first degree, in the, **9,** 248, 257
second degree, in the, **9,** 248, 250, 251, 256, 503
servant, of. *See* MASTER; SERVANT.
stamp duties, offences as to, **9,** 489, 747 *et seq.*; **19,** 589; **24,** 703
treason, in case of, **6,** 354—357; **9,** 256
wife, of, husband's crime, for, **9,** 244, 338, 634, 680, 772; **16,** 436

CRIMINAL LIBEL,
aggravated, in case of, **18,** 739
ambassadors, on, **9,** 528
blasphemous, **9,** 531, 570
civil libel distinguished from, **9,** 569; **18,** 605 *et seq.*, 669, 739, 743
constitution of country, on, **9,** 463, 464
corporation may be indicted for, **5,** 311; **8,** 391; **9,** 239; **18,** 617
Crown, as to succession to the, **9,** 464
extortion, proceedings in case of, **9,** 410, 411, 569, 664—668; **18,** 740
Fox's Libel Act, 1792, provisions of, **9,** 369, 374, 375, 463; **18,** 742, 743
imputation, attempt to commit crime, of, **18,** 639, 640
crime, of, **9,** 569; **18,** 607
indictment for, **9,** 329, 330, 334, 339, 343, 344, 377; **18,** 740, 741
information, proceedings by, **9,** 329; **18,** 740
judge, functions of, **9,** 369, 374, 375; **18,** 742
opinion may be given by, **9,** 369; **18,** 742
jury, functions of, **9,** 463; **18,** 742
fair comment, on question of, **18,** 710
justification, defence of, **9,** 235, 318; **18,** 605 *et seq.*, 669, 738, 739, 743, 744
how pleaded, **18,** 743
Libel Act, 1843, proceedings under, **9,** 318, 410, 569, 668; **18,** 738—740, 743
married woman, by, coercion not presumed, **9,** 244; **16,** 435; **18,** 617

CRIMINAL LIBEL—*continued.*
married woman—*continued*
husband, prosecution of, by, **16,** 462 n.; **18,** 613, 738
liability of, for, **9,** 244; **16,** 407, 435, 436; **18,** 617
misdemeanour at common law, **9,** 410, 569; **18,** 738
motion in arrest of judgment, in case of, **9,** 375; **18,** 742
newspaper, in, judge in chambers, order of, in case of, **9,** 462, 463, 531
obscene, in case of, **9,** 538, 539
proceedings in case of, **9,** 293, 318, 320, 462, 538, 539; **18,** 744—746
privileged reports, in case of, **9,** 538; **18,** 677, 683, 685, 694, 698, 745, 746
proceedings for, leave required for, when, **9,** 293, 463, 531, 539; **18,** 746
nature and object of, **18,** 605, 614
publication of, **9,** 569; **18,** 655—658. *See* PUBLICATION.
what amounts to, in, **18,** 658—666
publisher's liability for, **9,** 463; **18,** 655, 656, 746
punishments for, **9,** 410, 412, 569, 664, 668; **18,** 738—740
quarter sessions, not triable at, **9,** 459; **18,** 744; **19,** 633
report, fair and accurate, privilege of, **9,** 538; **18,** 694, 744, 745, 746
respondeat superior, in case of, **18,** 655, 738, 741
seditious, *defined*, **9,** 463
administration of justice, on, **9,** 461
special verdict in, **9,** 374; **18,** 742
statutes applicable to proceedings for, **9,** 369, 374, 463; **18,** 742—746. *See* STATUTE.
threats to publish, **9,** 410, 411, 569, 664, 668; **18,** 740
truth and public benefit, when a defence, **18,** 743, 744
pleading of, **9,** 355; **18,** 743

CRIMINAL LUNATIC,
defined, **19,** 429 n.; **23,** 268
appellant ordered to be detained as, **9,** 436
apprehended person as, in case of, **22,** 597
arraignment, jury empanelled to try issue of insanity at, **9,** 354
asylum for, **23,** 270
superintendent of, report to Home Secretary, duty as to, **23,** 271
visitation of, **23,** 270
capacity of, **9,** 241, 354, 436
convict, insanity of, prison director's duty as to, **23,** 269
demeanour of, at trial, effect on verdict, **9,** 354 n.
discharge of, conditions as to, **23,** 269, 271
grant towards maintenance, power as to, **23,** 272
escape of, **23,** 270
permitting, punishment for, **9,** 510
evidence, capacity to give, **13,** 569 n.
insanity of, family history as, **19,** 409
guilty but insane, verdict as to, **9,** 242, 373
Home Secretary, asylums, control over, **23,** 270
conditional discharge by, of, **23,** 271
prisoners under sentence, power as to, **23,** 269
supervision by, **7,** 85
ill-treatment of, **23,** 270

CRIMINAL LUNATIC—*continued.*
justices' order for removal to asylum of, **22,** 597
lucid interval, difficulty of establishing, **19,** 408 n.
maintenance of, **23,** 271, 272
liability for, of property of, **19,** 429
mute by visitation of God, finding of insanity in case of, **9,** 354 n.
onus of proof of sanity on prosecution, when, **9,** 354 n.; **19,** 407
pauper lunatic, detention as, on discharge of, **23,** 269, 270
pending trial, insanity during detention, case of, **9,** 352 n.
pleading, insanity precluding defendant from, **9,** 354
presumption, insanity, of continuance of, **19,** 407
sanity, of, **19,** 407
property of, *quasi*-committee for, **19,** 429
restoration to sanity, result of, **23,** 269
sentence of death, found insane while under, **23,** 269
special treatment of, **23,** 270, 271
trial of, issue at, **9,** 354; **19,** 406
special verdict at, **9,** 242, 373
effect of, **9,** 242, 373 n.
visiting committee, convicted prisoner insane, duty in case of, **23,** 269
prisoner awaiting trial insane, duty in case of, **9,** 352 n.

CRIMINAL OFFENCE,
animal, killing with intent to steal carcase of, **1,** 369
larceny of, **1,** 368—372
maiming of, **1,** 369; **9,** 788
snaring of, **1,** 371, 372
benefits resulting from, are not enforceable, **7,** 394; **27,** 492
coin, counterfeit, exporting, **9,** 515
importing, **9,** 515
making, **9,** 515, 518, 519, 521
possession of, **9,** 516, 517
receiving, unlawful, **9,** 515
uttering, **9,** 516—519
current, uttering coin which is not, **9,** 517
defacing, **9,** 518
lightening and impairing, **9,** 515
possession, unlawful, of filings from, **9,** 515
company, in relation to, **5,** 311—318; **9,** 655—660. *See* CRIMINAL LIABILITY.
contempt of court, punishment of, as, **7,** 280—282
corpse, failure to bury, in case of, **9,** 552, 553
creditor, conveyance with intent to defraud, in case of, **9,** 704, 705
Criminal Law Amendment Act, 1885, under, **9,** 614—617; **17,** 110
debtors, by, **2,** 75, 345—351
deer, with regard to, **4,** 475; **15,** 263, 264
drugs, in relation to, **9,** 555, 760; **15,** 16—71. *See* DRUG.
election, in connection with, **12,** 525—537
electricity supply, in connection with, **12,** 612—614
Explosive Substances Act, under, **9,** 277, 775; **14,** 401
felony, compounding a, **9,** 503
fine, punishment by, **9,** 410, 412
youthful offenders, in case of, rules as to, **9,** 424
food, in relation to, **9,** 555, 760; **15,** 16—71
gaming, fraudulent, as, **9,** 691

CRIMINAL OFFENCE—*continued.*
gaming houses, in connection with, **4,** 435; **9,** 545; **15,** 289—291
Government, against the, **9,** 450
injunction to restrain, **17,** 205
marriage certificate, fraudulent, in respect to, **9,** 743
members of Parliament, by, **7,** 320, 321; **21,** 657, 780, 787, 791
minister or servant of Crown, of, **6,** 386, 387, 415; **9,** 690
Naval Discipline Act, extension of, to, **9,** 464, 465; **25,** 10, 11
negligence amounting to, **9,** 582—586; **21,** 420, 421, 425, 426, 445
official information, disclosure of, **9,** 480, 481
public officers, by or towards, **9,** 480—489; **23,** 351
public order, against, **9,** 530—570
register, baptism, of, destruction of, **9,** 741
births, deaths, and marriages, of, destruction of, **9,** 741
falsification of, **9,** 742
burial, of, destruction or injury of, **3,** 561
falsification of, **3,** 561
cremation, of, destruction of, **3,** 575
falsification of, **3,** 575
restraint of, **17,** 205
share warrants, as to, **5,** 185, 186; **9,** 756, 757
tort amounting to, **9,** 232—234, 606; **27,** 466, 872
trespass may amount to, **27,** 845, 846

CRIMINAL PROCEEDINGS. *See* CRIMINAL LIABILITY, *and also* PRELIMINARY EXAMINATION; PROSECUTION.
The title CRIMINAL LAW AND PROCEDURE *is contained in Vol. IX., pp.* 225 *et seq.*
accomplice, confession of, in case of, **9,** 397, 398
admissions, agent, by, effect of, **9,** 397
felony and misdemeanour, distinction as to, **9,** 386
agreement to abandon, not enforced in equity, **13,** 73 n.; **15,** 190
alien, expulsion of, **1,** 324; **9,** 418
trial of, **1,** 309
alternative methods of, **9,** 487, 690; **27,** 179
appeal, **9,** 432—444. *See* APPEAL; COURT OF CRIMINAL APPEAL.
appearance of defendant, **9,** 351
arbitration, as, restriction on, **1,** 444
arraignment of prisoner, **9,** 353, 354
arrest, **9,** 293, 295—309. *See* ARREST.
assault, for, **9,** 606, 610; **22,** 499, 500, 545; **27,** 872, 874
Attorney-General, prosecution by, **7,** 71—74; **9,** 292, 329 n.; **12,** 462; **19,** 557
autrefois acquit, plea of, **9,** 355—358; **19,** 598
autrefois convict, plea of, **9,** 355—358; **19,** 598
bail. *See* BAIL.
barristers, prosecutions conducted by, **2,** 373
brief in, **2,** 389, 407
building societies, by, for misappropriation, **3,** 338, 346
carrier, by, **4,** 92
cause, when a, **11,** 39, 40
claim of right as defence to, **9,** 238 n.; **27,** 179 n.
commencement of, **9,** 295
time limitation for, **9,** 294, 295; **15,** 235
company, against. *See* COMPANIES; CRIMINAL LIABILITY.

CRIMINAL PROCEEDINGS—*continued.*
compounding offences, in case of, **9,** 503, 504
compromise of, contract for, illegality of, **7,** 399
highway repair, for, in case of, **16,** 145
husband and wife, by, **16,** 441
confession in. *See* CONFESSION.
consul, British, by, **6,** 437
contempt of court, **7,** 288—294. *See* CONTEMPT OF COURT.
coroner's deposition, use of, in, **8,** 291, 292; **9,** 366
costs in, **9,** 445—449; **19,** 629, 630
acquitted person, of, **9,** 447
amount of, regulations as to, **9,** 445, 446; **19,** 604
convicted person may be ordered to pay, **9,** 446
Court of Criminal Appeal, in, **9,** 448, 449
incorrigible rogue cases, in, **9,** 448
order for payment of, how enforced, **9,** 447, 448; **19,** 604
local funds, out of, **9,** 328, 445, 446, 447; **19,** 629, 630
prosecution may be ordered to pay, **9,** 447; **19,** 629, 630
regulations as to, by Secretary of State, **9,** 446
solicitor and counsel, of, **9,** 445 n.
cremation to avoid, penalty for, **3,** 575; **9,** 553
defence in, procedure for, **9,** 367—369
deposition in. *See* DEPOSITION.
discovery in, **1,** 644; **9,** 387; **11,** 39, 40, 41
documents, original, rules as to, **9,** 390
production of, in, **9,** 387; **11,** 39, 40, 82—84; **13,** 520, 574, 582
ecclesiastical offence, in respect of, **11,** 411
Employers and Workmen Act, 1875, under, **20,** 117
estoppel in case of, **9,** 355, 356; **13,** 331, 343, 349, 356
evidence in, **9,** 377—408; **13,** 450—550
abortion, procuration of, in, **9,** 597
accomplice, of, **9,** 408; **13,** 421, 603
admissions, as, **9,** 386, 394
age, of, in offences under Criminal Law Amendment Act, 1885, **9,** 616; **13,** 508
bad character, of, **9,** 380; **13,** 454
Bankers' Books Evidence Act, under, **9,** 387; **13,** 554
bankrupt, statements and depositions by, **2,** 71, 73; **9,** 657
bigamy, of, **9,** 534; **13,** 504; **16,** 595
burden of proof, **9,** 370, 377, 378; **13,** 433, 434
burglary, in case of, **9,** 672
character, of, **9,** 382, 404; **13,** 454
children, of, **9,** 408; **13,** 499, 569
proceedings under Children Act, 1908, **9,** 377—408; **13,** 569; **17,** 170
civil and criminal proceedings, difference between, **9,** 386
co-defendant, against, **9,** 402
commission, on, **9,** 327, 328, 387; **13,** 611 n., 612, 613. *See* COMMISSION (Authority).
conduct, of, when admitted, **1,** 215, 216; **9,** 649; **13,** 447, 448
confession as, **9,** 388, 394, 398, 399
corroboration, rules as to, **9,** 388; **13,** 421, 603, 604. *See* CORROBORATION.

CRIMINAL PROCEEDINGS—*continued.*
evidence in—*continued.*
Court of Criminal Appeal, before, 939. *See* COURT OF CRIMINAL APPEAL.
confession by, **9,** 394, 397
husband of, **9,** 388, 405
statement by, before examining justices, **9,** 399
wife of, **9,** 388, 405; **13,** 462
defendant, of, **9,** 367, 388, 394, 402, 404
document without prejudice. *See* WITHOUT PREJUDICE.
dying declarations, admissibility of, **9,** 393; **13,** 471, 547
embezzlement, in, **9,** 651
extortion, in cases of, **9,** 666, 667
false, incitement of person to give, **9,** 498
manufacture of, **9,** 498
false pretences, in, **9,** 692, 693
forgery, in, **9,** 735, 738, 764—766
former evidence, when admissible, **9,** 399
grand jury, before, **9,** 346
hearsay evidence, **9,** 393; **13,** 423, 455, 456 *et seq.*
high treason, in, **9,** 457. *See* TREASON.
husband or wife, of, **9,** 405—407; **13,** 462, 570
identity, of, **9,** 380, 381, 408; **13,** 447, 451
information given for detection of crime not admissible in, **9,** 401; **13,** 427, 573
insanity, of, **9,** 241; **19,** 409
interrogatories not allowed, **9,** 387; **13,** 575
judicial proceedings, how proved, **13,** 550
larceny, in, **9,** 649
libel, seditious, in, **9,** 462
manslaughter, in, **9,** 588; **13,** 435
murder, in, **9,** 588
perjury, in, **9,** 494
previous conviction, of, **9,** 382; **13,** 550
prisoner, statement by, as, **9,** 397
propensities, of, **9,** 380
prosecutor's character, of, **9,** 383; **13,** 454
rape, in, **9,** 394, 613; **13,** 446, 447
rebutting, **9,** 368, 382; **13,** 484
receiving stolen goods, in, **9,** 383, 681; **13,** 447
relevant facts, of, **9,** 378—381; **13,** 420
riotous demolition of buildings, in, **9,** 778, 779
rules of, **9,** 377, 390; **13,** 420
secondary, when admissible, **9,** 390—392; **13,** 422. *See* SECONDARY EVIDENCE.
similar offences, of commission of, **9,** 380; **13,** 450, 451
skill or knowledge peculiar to act, as to, **9,** 377—408; **13,** 447
statement made in presence of accused, admissibility of, **9,** 398
subornation of evidence, of, **9,** 380
unstamped document, admission of, as, **9,** 388; **13,** 515
vagrancy, in, **9,** 383
wife, of, treason, in, **9,** 405; **13,** 570
friendly societies, in case of, **15,** 186, 188—190
habeas corpus. See HABEAS CORPUS.
husband of defendant, position of, in, **9,** 401, 405—407
indictment, **9,** 329—351. *See* INDICTMENT
injunction in, **5,** 538; **14,** 342; **17,** 262
insanity of defendant, issue of, **9,** 354
joinder, defendants, of, **9,** 342
offences, of, **9,** 405

CRIMINAL PROCEEDINGS—*continued.*
judgment in. *See* JUDGMENT IN CRIMINAL PROCEEDINGS.
jury, **9,** 359—362. *See* JURY; PETTY JURY.
adjournment, separation during, **9,** 369; **18,** 256
discharge during trial, **9,** 370; **18,** 254, 255
incompetency of, duty of judge as to, **18,** 252
number of, in, **18,** 226, 240, 244
view by, **9,** 369
justices, before, **9,** 267, 268, 311—328; **19,** 571, 572, 611
commitment for trial, **9,** 320—322
accused to have copy of depositions, **9,** 322
binding over witnesses, **9,** 321
committal of witnesses, **9,** 322
place of trial, **9,** 326, 327
to prison, **9,** 322, 323
costs in case of, **9,** 328; **19,** 586, 603, 604, 629, 630
deposition of witness, taking of, **9,** 327, 328
discharge of accused, **9,** 320; **19,** 586
hearing, **9,** 311—318; **19,** 611
depositions at, **9,** 315; **19,** 599
evidence at, **9,** 317, 318; **19,** 598, 599
order of proceedings, **9,** 314, 314 n.; **19,** 584, 585
scope of inquiry, **9,** 313
remand, **9,** 319; **19,** 585, 600
bail during, **9,** 319; **19,** 600
Larceny Act, 1861, under, **5,** 140; **9,** 642
lessor making forcible entry, in case of, **9,** 474; **18,** 557, 558; **27,** 857
libel, for. *See* CRIMINAL LIBEL.
licensing justices, against, **18,** 63
Master of King's Bench Division has no jurisdiction in, **23,** 128
medical practitioner, against, **9,** 584; **20,** 334, 335
minerals, stolen, in case of, **9,** 638, 639; **20,** 540
misrepresentation and fraud, in case of, **9,** 688 *et seq.*; **20,** 658, 762
negligence, for, **9,** 582—586; **21,** 420. *See* NEGLIGENCE.
notice to produce, **9,** 390; **13,** 522
outlawry, in. *See* OUTLAWRY.
pleading in, **9,** 354, 355; **22,** 418
presumptions in, **9,** 388; **13,** 507
privilege from, **9,** 244, 245
proof, method of, **9,** 386—400; **13,** 433
public minister, immunity from, **6,** 429—431; **9,** 245
restraint of, **17,** 262
trade dispute, *defined*, **9,** 563, 564
intimidation during, **9,** 565
statutory misdemeanour in case of, **9,** 564
trespass, for, **9,** 261, 606, 629, 661, 668, 670, 672, 769; **15,** 228; **27,** 845, 846, 872
trial, **9,** 351—377. *See* TRIAL IN CRIMINAL PROCEEDINGS.
venue, **9,** 279—290. *See* VENUE.
verdict, **9,** 370—374. *See* VERDICT IN CRIMINAL PROCEEDINGS.
wife of defendant, position of, in, **9,** 401, 405—407
witnesses in, competency of, **9,** 400—408, 570
conduct money, **13,** 584, 585; **14,** 413, 414
credibility of, **9,** 384

CROPS. *See* GROWING CROPS.
action of trover or detinue for, **1,** 247; **27,** 889
arson of, **1,** 283; **9,** 774, 775; **15,** 245
assignment of, when a bill of sale, **1,** 275; **3,** 23

CROPS—*continued.*
away-going, tenant's right to, **1,** 247. *See* AWAY-GOING CROPS.
covenants by tenant as to, **1,** 249; **18,** 564
distraint upon, **1,** 254, 255, 258; **11,** 179
evidence as to custom, **13,** 444 n.
firing, arrest for, **1,** 283; **9,** 774; **15,** 245
land, when an interest in, **1,** 293; **22,** 389
larceny of, **9,** 637, 638
malicious damage to, **1,** 283; **9,** 339 n., 774, 775
mortgagee's right as to, **1,** 263; **21,** 198
mortgagor's right as to, **1,** 282; **21,** 198

CROSS,
church decoration, as, **11,** 668, 669
sign of, baptism, in, **11,** 685
unauthorised place in service, in, **11,** 684

CROSS-ACTION,
contradictory verdicts in, as ground for new trial, **23,** 206
counterclaim is in effect a, **22,** 451; **25,** 510

CROSS-APPEAL,
county court, in, procedure in case of, **8,** 606
Court of Appeal, to the, when to be made, **23,** 199
House of Lords, to the, practice on lodging, **21,** 644 n.
notice of, **23,** 199

CROSS-EXAMINATION OF WITNESS, 13, 597—599
adultery, as to, **16,** 532
affidavit, on, **13,** 621, 622
Admiralty reference, in, **1,** 119; **13** 621
discretion of court to exempt from, **13,** 619
injunction, on application for, **17,** 278
interlocutory proceedings, in, **13,** 619
notice to produce deponent for, **13,** 621
ancient records, as to, **13,** 594 n.
co-defendant's witness, of, **2,** 412, 416; **13,** 598
Admiralty Court, in, **2,** 414
counsel, by, **2,** 412
criminal cases, in, **2,** 416; **9,** 367
defendant, of, **9,** 367, 404
examiner, before, **13,** 616, 621
impartiality, as to, **9,** 383—385
judge may disallow vexatious or irrelevant questions, **8,** 531; **13,** 598
matrimonial causes, in, **13,** 573; **16,** 532, 533
mother, of, affiliation proceedings, in, **2,** 448
no opportunity for, inadmissibility of evidence where, **13,** 624
not allowed, when, **13,** 597, 598
party with liberty to attend, by, **2,** 412
party's own witness, of, **13,** 600
patent, application for, at, **22,** 169 n.
questions, character, as to, may be put to plaintiff in, **9,** 380, 382—384; **13,** 419, 454, 600, 603; **19,** 687
permissible in, **9,** 367, 383, 384, 404, 613; **13,** 419, 454, 598, 600, 603
rape, in, **9,** 82, 383, 404, 613; **13,** 597, 598
rules of examination in chief relaxed as to, **13,** 598
unstamped document, on, party not subject to, **13,** 517
vexatious or irrelevant questions in, **8,** 531; **13,** 598
when it takes place, **13,** 597

CROSS-EXECUTORY LIMITATIONS,
when arising by implication, **28,** 848, 853, 854

CROSS-REMAINDER,
gift over as creating, **25,** 596; **28,** 726, 727
implied, when, **25,** 596; **28,** 848, 852, 853

CROSS-ROADS,
obligation of riders and drivers as to, **21,** 413, 414

CROSSING,
ahead, duty of keep out of the way vessel to avoid, **26,** 437 *et seq.*, 453
cheque, of. *See* CHEQUE.
fog, ship in, **26,** 413, 414, 421—425
level. *See* LEVEL CROSSING.
lights on ships crossing, **26,** 401, 402
narrow waters, in, seamanship rule, **26,** 482, 483, 497
order for payment by banker, of, **1,** 599, 613
rivers, in, seamanship rule, **26,** 482, 483, 497
rule in case of steamships, **26,** 436—442. *See* CROSSING RULE.
street, in, refuges at, **16,** 254

CROSSING RULE,
application in general, **26,** 427, 436
canal, passing entrance of, **26,** 440.
exclusion in certain circumstances, **26,** 426, 437, 442, 449, 477
fog, does not apply in, **26,** 437, 471
harbour, passing entrance of, **26,** 440
narrow
channel, rule in connection with, **26,** 439, 440, 470
waters, in, **26,** 437, 439—442
open water and at sea, **26,** 436—438
rivers, in, **26,** 439—442
text of, **26,** 436
two
channels, where, **26,** 440, 441
vessels on opposite courses, **26,** 439, 440, 479 *et seq.*
vessel not within, **26,** 378 n., 436
warships, in case of, **26,** 437, 449

CROSSING-SWEEPERS,
appointment of, by local authority, **16,** 204

CROUP,
membranous, burial of person dying of, **3,** 549, 550
notification of, **20,** 338 n.

CROWD. *See* ASSEMBLY; CONCOURSE; RIOT; RIOTER.
damage resulting from, as too remote, **21,** 489
nuisance by person causing, **16,** 157

CROWN. *See also* KING; SOVEREIGN.
The title CONSTITUTIONAL LAW *is contained in Vol. VI., pp.* 309 *et seq.; Vol. VII., pp.* 1 *et seq.*
accession to, **6,** 325, 383
surrender of revenue on, **24,** 536
acquisition of
personal property by, or through, the, **6,** 371 *et seq.*; **22,** 402
railways by the, **23,** 623, 624
right to light against, **6,** 485; **11,** 309

CROWN—*continued.*
acquittance by, **6,** 410
Act of Settlement, succession to the Crown by, **6,** 322
action
against, **1,** 17, 18; **6,** 373, 374, 408, 412, 413; **27,** 477, 847
by, **1,** 17; **6,** 411
address to. *See* ADDRESS.
administrator of convict's estate, appointment of, by, **9,** 429, 430; **23,** 261, 262; **25,** 309
Admiralty, representation in, **1,** 71; **7,** 79
advice to, public officer not liable for, **13,** 572, 573; **23,** 318
agent
for colony, position of, **10,** 506
in service of, position of, **1,** 181, 213; **6,** 412—417; **19,** 432; **27,** 477
alluvion land belongs to, when, **7,** 116
ammunition, exportation of, powers as to, **6,** 448
ancient lights as against, **6,** 410 n.; **11,** 309
appeal in suits by, **10,** 12
arbitration, as party to, **7,** 175, 176
archbishops, appointment of, **11,** 384
army, administration of, **25,** 37
assent necessary to Acts of Parliament, **6,** 388; **21,** 616, 723
assignment of chose in action by or to, **4,** 366, 397, 398; **7,** 496
Attorney-General in relation to. *See* ATTORNEY-GENERAL.
augmentation, benefice, of, Crown, by, **11,** 722 n.
authority of, no defence to action for tort, **1,** 224 n.; **6,** 383, 414, 415; **23,** 308, 309, 316
bankruptcy, arrangement in, effect on, **2,** 83
proceedings by, stay of, **2,** 63
servant of Crown, of, **2,** 190, 191
Berwick-upon-Tweed, mines in, rights as to, of, **7,** 117
Bible, Crown rights in respect of printing of, **22,** 402; **23,** 226; **27,** 527
bishopric, powers as to, **11,** 383, 407, 408
bishops, appointment of, **6,** 395; **11,** 396
bona vacantia, **11,** 28—31. *See* BONA VACANTIA.
buildings, Infectious Diseases (Notification) Act, 1889, does not apply to, **7,** 200
rateability of persons permitted to use, **24,** 5, 12 n.
special provisions in case of, **16,** 244, 246; **20,** 474
bye-laws, grant of power to make, **6,** 388
not usually bound by, **6,** 374 n., 409
Cabinet, advisory body, as, **7,** 41, 42
delegation of powers to, **7,** 5
relations with, **7,** 46, 47
certiorari. *See* CERTIORARI.
Channel Islands, legislation in, by, **6,** 388
chaplain of, **11,** 652
charitable corporation, creation of, by, **4,** 285, 286
visitor of, as, **4,** 288, 289
charity, claim in opposition to, **4,** 327
jurisdiction over, of, **4,** 126, 182, 286, 287
chart, exclusive right of publishing, **8,** 173 n.
charter, incorporation, of, grant by, **8,** 314—320
church, in relation to, **6,** 391—399
appeal to King in ecclesiastical suits, **6,** 394
archbishops and bishops, appointment of, **6,** 395—399; **11,** 384—386, 396, 398, 399
nomination of, **6,** 392, 393
benefices, as patron of, **11,** 574, 593
colonies etc. in, **11,** 486—494

CROWN—*continued.*
church—*continued.*
communion in, obligatory on successor to, **6,** 325 ; **11,** 381
ecclesiastical synods or convocations, King's control over, **6,** 393
King as
head of Church, **6,** 391, 392 ; **11,** 380—383
patron of benefices, **6,** 393
Queen Anne's Bounty, **6,** 394
tithes in extra-parochial places, right to, **6,** 394
claims by, marshalling as applied to, **13,** 146
Clerk of the, Chancery, in. *See* CLERK OF THE CROWN IN CHANCERY.
colonies, in relation to, **6,** 421—427 *See* COLONIES ; CROWN COLONY.
commands of, issue of, **7,** 8—18
Commissioners of Sewers appointed by, **25,** 727, 774
common law, position of Crown at, **6,** 320 ; **8,** 314
communication with
Cabinet, **7,** 46
Parliament, **21,** 802—804
company, in relation to. *See* COMPANIES.
contract, non-liability in respect of, **1,** 221 ; **6,** 412 *et seq.* ; **28,** 865
remedy in case of, against, **23,** 308
contractor, with, wages minimum, suspension of, in case of, **27,** 523
copyholder, as, **6,** 494
copyholds. *See* CROWN LANDS.
copyright, privilege in respect of, of, **6,** 496, 497 ; **8,** 172—174 ; **22,** 402
coroner may not take pleas of the, **8,** 238
costs payable by or to, **4,** 340 ; **6,** 412 ; **10,** 12, 126 ; **17,** 596 ; **25,** 834 n.
Councils of the, **2,** 358 ; **6,** 388 ; **7,** 6, 22, 41, 51
counterclaim against, **1,** 18
criminal prosecution, no limitation of time for, **6,** 374, 375, 410 ; **9,** 294, 329 ; **19,** 175
Crown Estate Paving Act, 1851, as applied to, **7,** 198
custom, how far bound by, **6,** 408
customs, right to, **6,** 371, 372 ; **22,** 402
debt. *See* CROWN DEBT.
debtor to, imprisonment of, **2,** 338
remote, extent against, **10,** 17, 18
surety for, rights of, **10,** 14 ; **15,** 512, 523
declaratory judgment may be made against, **18,** 184
delegation of executive powers of, **7,** 5—8
demise of, **6,** 383—386. *See* DEMISE OF THE CROWN.
deodand, *defined,* **7,** 108
former rights as to, of, **7,** 108
filing, former practice as to, **8,** 279
derelicts, right to, **7,** 210, 211 ; **26,** 552
descent of, **6,** 320—338
diluvion land belongs to, when, **7,** 116
discovery by, and against, **9,** 387 ; **10,** 22—25 ; **11,** 41, 48
distress for rent by, execution on goods of tenant, in case of, **11,** 175 ; **14,** 53
highway, on, **6,** 495 ; **11,** 155 n.
prerogatives as to, **6,** 495, 496
sale of, **11,** 180
documents made on behalf of, as evidence, **13,** 528, 529
ecclesiastical supremacy of, **6,** 373 ; **11,** 380—383

CROWN—*continued.*
Election Commissioners, appointment of, **12,** 138, 463
report of, **12,** 468
Electric Lighting Clauses Act, 1899, as applied to, **12,** 612
embargo, right to impose, **6,** 446, 460 ; **7,** 15
escheat to, **11,** 25—27. *See* ESCHEAT.
estrays, right to, **7,** 214 ; **8,** 6 ; **22,** 402
executive, in relation to, **6,** 386—388 ; **7,** 5—107. *See* EXECUTIVE.
explosives, importation of, powers as to, **6,** 448
Explosives Act, 1875, as applied to, **14,** 363
Factories and Workshops Act, 1901, as applied to, **7,** 199 ; **14,** 444
fieri facias does not bind goods as against, **14,** 43
fine, franchise of, right to, **6,** 489
first fruits and tenths, right to, **11,** 779, 780
fisheries and royal fish, rights as to, **7,** 215
flotsam, right to, **7,** 210, 211
foreclosure not ordered against, **21,** 272 n.
foreign relations, in, **6,** 427—454
consular service, **6,** 434—439
appointments in, **6,** 434
classification of, **6,** 434
declarations of war and peace, **6,** 442—444
foreign jurisdiction, **6,** 448—454
officers, powers and duties of, **6,** 435—438
passports, **6,** 439
prerogatives relating to war, **6,** 444—448
public ministers, classification of, **6,** 428
immunity of, **6,** 429—433
rights and privileges, **6,** 438, 439
treaties, **6,** 439—442
foreshore, rights in relation to. *See* FORESHORE.
forests, right to, **7,** 184 ; **15,** 212, 215
forfeiture to, Mortmain Act, under, **8,** 367—371 ; **15,** 406
rights upon, **2,** 439 ; **9,** 431 ; **11,** 26 n.
fountain of honour, as, **6,** 387, 454—458
franchise, power to grant, **6,** 489—492 ; **25,** 798
fraudulent conveyance, forfeiture of part penalty to, **15,** 91
game, rights as to, **7,** 184, 188, 189 ; **15,** 211, 212, 214
gaols and prisons, property in, **6,** 408
gift
from the, for services rendered, how far alienable, **15,** 408
ousting title of, **15,** 418
grant. *See* CROWN GRANT.
heavy locomotive regulations as applied to, **27,** 164, 315
highway, dedication of, by the, **16,** 35
diversion of, licence for, **16,** 70
Home Secretary as medium between subject and, **7,** 82. *See* HOME SECRETARY.
interpleader claim on behalf of, **1,** 17 ; **6,** 412 ; **17,** 596
intestacy, rights in case of, **6,** 409 ; **7,** 209 ; **9,** 428 *et seq.* ; **11,** 17, 28—31 ; **14,** 186, 285
island in tidal waters, right to, **28,** 371
jetsam, title to, **7,** 210
jewels, of, heirlooms, as, **6,** 486 ; **24,** 240
judge, removal of, by, **12,** 137 n.
jura regalia. See JURA REGALIA.
jurors, challenge of, by, **9,** 361 ; **18,** 246, 249, 250
justices, appointment of, by, **6,** 399 *et seq.* ; **19,** 535, 536
laches on part of, **15,** 560
Lancaster, Duchy of, liberties of, vested in, **7,** 219

CROWN—*continued.*
land. *See* CROWN LANDS.
Land Transfer Act, 1897, as applied to, **7,** 178
law, in relation to, **6,** 399—417
legal
proceedings against, **6,** 408—417
privileges and exemptions in case of, **6,** 408—412
representatives of, **7,** 71—79
legislation, necessary party to, **6,** 388
letters of administration, grant to, **14,** 186—188
licence in mortmain by, **8,** 367; **15,** 406
ligan, right to, **7,** 210, 211
Lights on Vehicles Act, 1907, as applied to, **27,** 290 n., 291
limitation of time for proceedings by. *See* LIMITATION OF ACTIONS; LIMITATION OF TIME.
living, sale of, **7,** 193
London Building Acts as applied to, **20,** 474
lunatic, committee of, as agent of the, **19,** 432
magistrates, appointment of, **19,** 536
mandamus, none against, **10,** 92; **27,** 191, 192
manors belonging to. *See* MANOR.
markets and fairs, in relation to, **7,** 200; **20,** 4, 7, 8, 50, 51. *See* MARKET; FAIR.
Metropolis Management Acts as applied to, **7,** 201
mines, rights and powers as to. *See* MINES.
ministers of. *See* MINISTER.
money requirements of the, how provided, **21,** 766; **24,** 536
Motor Car Acts as applied to, **27,** 333
nationality of territory decided by, **23,** 305
office. *See* CROWN OFFICE.
office under. *See* OFFICE (Employment).
officer of. *See* OFFICER.
Order in Council by. *See* ORDER IN COUNCIL.
pardon, grant of, by, **6,** 404—406. *See* PARDON.
parens patriæ, as, **4,** 168; **6,** 475, 476
parish, ancient, rights in case of, **11,** 716, 717
Parliament, in relation to, **6,** 388—391. *See* PARLIAMENT.
Parliamentary control over, **6,** 427, 440—442; **21,** 617, 618
patent, in relation to. *See* PATENT (Invention).
patronage of. *See* PATRONAGE.
penalty payable to, election offences, in case of, **12,** 539 n.
fraudulent alienations, in case of, **9,** 704; **15,** 91, 94
personalty, acquisition of, by, **1,** 47, 48, 123; **6,** 371 *et seq.*; **22,** 402, 403
petition of right against. *See* PETITION OF RIGHT.
place of trial of action affecting the, **6,** 411; **10,** 18, 149; **23,** 174 n.
port toll, creation of, by, **28,** 388
ports, rights in, **28,** 386
post office revenue, vesting of, **7,** 108; **22,** 633
practice. *See* CROWN PRACTICE.
precedence, rights of, **27,** 455
prerogative. *See* PREROGATIVE.
presentation to benefice by, **11,** 596, 597. *See* PRESENTATION (Ecclesiastical).
printing, rights as to, **6,** 496—498; **8,** 173; **9,** 737, 738; **23,** 226; **27,** 527
private estates of. *See* CROWN PRIVATE ESTATES.
personalty of, **7,** 277
prize cause, in relation to, **23,** 287
property, in relation to, **6,** 493—499
Bill in Parliament relating to, **21,** 703 n.
damage to, or loss of, at sea, **1,** 111

CROWN—*continued.*
property—*continued.*
distress, exempt from, **11,** 133
inhabited house duty on, **17,** 191
taxation, exempt from, **7,** 118—121
Public Health Acts as affecting, **7,** 205, 206; **16,** 32
public
nuisance, cannot legalise a, **21,** 512
revenue, control by, **21,** 766, 767; **24,** 536
quit rents payable to, **7,** 207
railway, acquisition of, by, **23,** 623
control of, in emergency, by, **7,** 69; **25,** 52, 80
rates, non-liability for, **7,** 118 *et seq.*, 276, 277; **17,** 191; **24,** 14, 48
redress by, modes of, **6,** 411
religious organisations, creation of, by, **11,** 361 n., 487
remedies for injuries caused by the, **6,** 414 *et seq.*; **10,** 26—28; **23,** 307, 308, 316
rentcharge, creation of, by, **6,** 495; **24,** 468
rents payable to, **7,** 206—208
reprieve, grant of, by, **6,** 407
revenue. *See* CROWN REVENUE.
reversion in. *See* REVERSION.
Rome, Church of, reconciliation with, effect on, **6,** 324
royal
fish, title to, **6,** 366; **7,** 215
forces, in relation to, **6,** 417—421
general powers of, **6,** 417, 418
maintenance and discipline, **6,** 419—421
supreme command, **6,** 418, 419
swans, title to, **6,** 366; **7,** 216
saltpetre, right to dig for, **6,** 448; **7,** 118
sea coast, protection of, by, **25,** 783 n.; **28,** 382
Secretary of State, in relation to, **7,** 66, 67. *See* SECRETARY OF STATE.
servants. *See* CROWN SERVANTS.
set-off against, **1,** 18
sewer rate, liability for, **7,** 118, 120, 206
sheriff, dismissal of, by, **25,** 795 n.
ships of, freedom from arrest, **26,** 533
sign manual, use of, by, **4,** 327; **7,** 9
source of justice, as, **6,** 399
South Africa, disallowance by Crown of laws passed in, **10,** 542
statutes, in relation to, **6,** 409; **27,** 164—166
Statutes of Limitation as applied to, **6,** 410; **19,** 41, 159, 160, 175, 176
subject, relations with, **6,** 338—359
Crown's duty towards subject, **6,** 338, 339
subject's duty towards Crown, **6,** 339—359
succession to, libel as to, **9,** 464
protection of, **6,** 350
statutory provisions securing, **6,** 323, 324
treason by hindering, **6,** 350
treasonable offences as to, **6,** 358
surety to, rights of, **10,** 14; **15,** 523, 560
telegraphs, control over, **7,** 69; **22,** 634; **27,** 354
temporalities, guardian of, **11,** 408
tenant of manor, as, **8,** 65
territorial waters, rights in, **27,** 164; **28,** 360
title to, **6,** 320—338
tort, liability for, **1,** 213; **27,** 477
Town Gardens Protection Act, 1863, as applied to, **7,** 208
tramways, control of, in emergency, **7,** 69; **25,** 52, 80; **27,** 813
traverse against, **10,** 37—39
treasure trove. *See* TREASURE TROVE.
trespass, liability for, **6,** 412; **27,** 477, 847

CROWN—*continued.*
trust property, rights as to, **28,** 53, 54
trustee of charitable gift, as, **4,** 126, 168
vesting order against, **6,** 413; **28,** 104
viscontial rents payable to, **7,** 207
visitor, as, **4,** 288, 289; **11,** 382, 411; **12,** 106. *See* VISITOR.
voluntary conveyances in favour of, impeachment of, **15,** 95
waifs, right to, **7,** 213
war, state of, determined by the, **6,** 402, 403; **23,** 305
prerogatives during, of, **6,** 444—448
warren, rights over, **7,** 184; **15,** 212, 215
water rights of, waiver of, **7,** 208, 209
witnesses for the, **10,** 11; **13,** 573
Workmen's Compensation Act, 1906, as applied to, **7,** 209; **20,** 157, 216
wreck, in relation to. *See* WRECK.

CROWN COLONY,
defined, **10,** 503
bishop in, appointment of, **6,** 398; **10,** 539; **11,** 487
church in, creation of, **11,** 361, 487
Colonial Office, **10,** 504—506. *See* COLONIAL OFFICE.
courts in, establishment of, **6,** 426
examples of, **10,** 503 n.
executive council in, powers of, **10,** 533
governor of, **6,** 423—426; **7,** 21; **10,** 525—532. *See* GOVERNOR.
legislation in, **6,** 423, 424
Crown, disallowance by, **10,** 542
governor, reservation by, **10,** 543
legislative institutions, grant of, **6,** 386
representative government, grant of, **6,** 423, 424

CROWN DEBT,
arrest for, **2,** 337, 338; **9,** 414; **25,** 815
attachment to enforce payment of, **2,** 338; **7,** 302
charge on debtor's land, as, **14,** 70; **21,** 346
committal for non-payment of, **2,** 338
company, liquidation of, execution on goods during, **5,** 535
winding up of, priority in case of, **5,** 513, 516, 579
diem clausit extremum, writ of, in case of, **10,** 18
discharge in bankruptcy, effect of, on, **2,** 269, 270
extent, writ of, for recovery of, **10,** 14—18; **25,** 820. *See* EXTENT (Writ of).
fine payable on conviction as, **19,** 602, 636; **25,** 821 n.
income tax, as, **16,** 683
legacy duty as, **13,** 252, 253
municipal election petition costs as, **12,** 522
poundage in respect of, **25,** 833, 834
priority of, **27,** 166 n.
administration of deceased's estate, in, **14,** 247, 248, 345
bankruptcy, in, **2,** 217
company winding up, in, **5,** 513, 516, 579
receipt of, by sheriff, **10,** 14; **23,** 315; **25,** 820—823
registration of, **14,** 70; **18,** 220, 221; **21,** 346
release of, Treasury, by, **7,** 130, 131
scire facias for recovery of, **10,** 18, 19
succession duty as, **13,** 295
surety for, subrogation, right of, **15,** 512

CROWN GRANT,
alien enemy, of licence for trading by or with, **1,** 311; **6,** 481, 489; **17,** 430 n.
alienation, condition against, may contain, **6,** 487
annuity, of, **4,** 398; **6,** 489
anticipatory grant, **6,** 489
avoidance of, **6,** 481—483
bridge tolls, of, **16,** 62
church, for, **7,** 151, 192; **11,** 716, 723
common law, in derogation of, not allowed, **6,** 486, 487
companies, of privileges to unincorporated, **5,** 751—754. *See* QUASI-CORPORATION.
construction of, Crown, favourable to the, **6,** 479; **10,** 442
deceit, in case of, **6,** 482
grantee, when in favour of, **6,** 480, 481; **10,** 442
knight's fees and advowsons, in regard to, **7,** 150, 151
mistake, in case of, **6,** 482, 483
uncertainty, in case of, **6,** 481, 487
Crown land, of. *See* land, *infra.*
escheated land, of, **10,** 35; **11,** 27
execution of, **6,** 476—478
fee farm rent, of, **7,** 149
fees payable on, **6,** 478
ferry, of, **14,** 556, 557
annulment of, **14,** 559
fines and forfeitures, of, **6,** 489
fishery, of, **7,** 215, 216
construction of, **14,** 585
foreshore, of. *See* FORESHORE.
forfeited estates, of, **7,** 149, 150
franchises, of, **6,** 489—492
bridges and walls, in regard to, **6,** 491
corporations, to, **6,** 491, 492
game, in regard to, **6,** 489—491
highway, of licence to stop up or divert, **16,** 71
tolls, of, **16,** 62
land, of, bridges, for purpose of, **7,** 192
burial ground, for, **3,** 437; **7,** 192
church, as site for, **7,** 151, 192; **11,** 723
churchyard, for, **3,** 435, 437; **7,** 151, 192
Commissioners of Woods, by, form of, **7,** 157, 158
construction of. *See* construction of, *supra.*
enrolment of, **7,** 171—175
invalid, confirmation of, by Commissioners of Woods, **7,** 152
letters patent, by, **7,** 150, 174
limitation of powers of the Crown, **7,** 147—151; **25,** 527 n.
parsonage, as site for, **7,** 192
proof of, **7,** 156
stamp duty, in regard to, **7,** 154
letters patent, of, **6,** 488; **22,** 129, 130
lopwood, of right of, **6,** 484; **7,** 189
market, of right to hold, **6,** 490; **20,** 6—8
toll, of, **20,** 36
monopoly, of, **6,** 488; **22,** 129, 130; **27,** 526, 527
trading **6,** 488; **27,** 526, 527
office with fees, of, effect of abolishing office, **6,** 483
port franchise, of, **6,** 458, 459; **28,** 385
possibility, of a, **6,** 489
prerogatives, of, not allowed, **6,** 485, 486
presumed, when, **6,** 483—485, 487
private grant distinguished from, **11,** 344
profit à prendre, of, **11,** 344
proof of, **6,** 485; **7,** 156, 157

CROWN GRANT—*continued.*
reversionary interests, of, **6,** 488
rule against perpetuities as applied to, **6,** 486, 487; **22,** 311
soil below low-water mark, of rights in, **28,** 360
stamp duty on, **6,** 493; **7,** 154
statutory right, substitution of, for, **27,** 199
subject-matter of, **6,** 485—489
tolls, of, **6,** 487, 491; **16,** 62
treasure trove, of, **7,** 213
wreck, of, **7,** 212; **26,** 552, 553

CROWN LANDS,
accounts and audit, **7,** 140—142
Agricultural Holdings Act, 1908, as applied to, **1,** 268, 270; **7,** 191, 235, 255
alluvion and diluvion, formed by, **7,** 116; **28,** 362
arbitration in case of, **3,** 118; **7,** 175, 176
boundaries of, survey as evidence of, **3,** 143, 144
building leases of, **7,** 164
claim to, limitation for, **19,** 159
Commissioners of
Woods, in relation to, **7,** 123—132. *See* COMMISSIONERS OF WOODS.
Works, in relation to, **7,** 132—137. *See* COMMISSIONERS OF WORKS.
conditions in conveyances relating to, **7,** 154
contracts relating to, enforcement of, **7,** 151, 153
copyholds, **7,** 194—198. *See* ENFRANCHISEMENT.
as, trustee necessary in case of, **8,** 13; **28,** 9 n.
Crown Estate Paving Act, 1851, as applied to, **7,** 198
Defence Acts as applied to, **7,** 202
disposition of, 1829, before, **7,** 147—151
1829, after, **7,** 151—209
disputes as to, settlement of, **7,** 144, 155, 175, 247
ejectment by purchaser of, **7,** 199
enrolment of deeds etc. concerning, **7,** 171—175, 254
escheat, **11,** 25—27. *See* ESCHEAT.
exchange of, **7,** 169, 170
extent of, **7,** 111
foreshore, **7,** 112—115, 142—147. *See* FORESHORE.
forests. *See* ROYAL FORESTS.
forfeiture, lease, of, licence or waiver of, **7,** 166
grant of. *See* CROWN GRANT, land.
highway, dedication for, of, **16,** 35
Inclosure Act, 1845, as applied to, **7,** 199, 200
increment value duty, exemption from, **7,** 276, 277; **24,** 565
intrusion on, damages for, recovery of, **10,** 7
procedure in respect of, **10,** 5—7
land tax, liability for, **18,** 310
redemption of, **7,** 178—180, 237; **18,** 321, 322. *See* REDEMPTION OF LAND TAX.
lease of, **7,** 161—168; **18,** 347
allotments, for, **7,** 192
confirmation of invalid, **7,** 152, 168
enrolment of, **7,** 171—175. *See* ENROLMENT OF DOCUMENTS.
forfeiture of, **7,** 166—168
kinds of, **7,** 162, 163
military purposes, for, **7,** 201
option to determine, by whom exercisable, **18,** 394
provisions as to, **6,** 496; **7,** 163, 164; **18,** 347
small holdings, for, **7,** 192; **26,** 679
stamp duty on, **7,** 154, 168

CROWN LANDS—*continued.*
lease of—*continued.*
surrender of, **7,** 163, 165, 166
trustees, to be vested in, **7,** 159
leasehold interest in, purchase of, **7,** 159, 161, 168
management of, **7,** 122—147
manor. *See* COPYHOLD, *supra.*
mining lease of, **7,** 203, 204; **20,** 534
mortgage of, when permissible, **7,** 170, 171
Osborne estate, **7,** 190
poor
allotments, for purposes of, **1,** 332
law settlement not gained by occupation of, **22,** 586
rate, liability for, **7,** 121; **24,** 15
Prescription Act, 1832, as applied to, **6,** 485; **7,** 205
private estates of Crown. *See* CROWN PRIVATE ESTATES.
purchase of, **7,** 157—161
rates, exemption from, **4,** 211; **7,** 206; **24,** 14, 15, 107
receiver of revenues etc. of, **7,** 124, 139, 140
recovery of possession of, **7,** 91; **10,** 5, 6; **24,** 326 n.
limitation of time for. *See* LIMITATION OF ACTIONS FOR RECOVERY OF LAND.
re-entry on, **6,** 496; **7,** 153, 154
registration of, **7,** 177, 178
rent of. *See* RENT.
royal forests, **7,** 181—190. *See* ROYAL FORESTS.
sale of, **7,** 157—161
auction duty on, **7,** 155
confirmation of invalid, **7,** 152
order of court, by, **7,** 158
survey for, **7,** 152, 160
Treasury warrant for, **7,** 151, 152
sewers rate, liability for, **24,** 107
recovery of, **24,** 111
stamp duty on instruments relating to, **6,** 493; **7,** 154
survey of, custody of, **7,** 137
evidence, as, **7,** 152, 198
preceding sale etc., **7,** 152
taxation of, **7,** 118—121. *See* TAXATION.
Telegraph Acts as applied to, **7,** 208; **27,** 362
tithes in case of, **7,** 180, 181
title to, **7,** 150, 174
evidence of, **7,** 198
transfer of, **7,** 177, 178
undeveloped land duty, exempt from, **24,** 577

CROWN OFFICE,
jury, summoning of, by Master of, **9,** 66; **18,** 237
masters of, appointment and duties of, **9,** 66, 67
Parliamentary election, writs for, issue out of, **12,** 257
Petty Bag Office, as successor of, **7,** 18; **10,** 37 n.
rules of, criminal proceedings, as to, **9,** 65
habeas corpus proceedings, as to, **10,** 55, 57, 60
scire facias, proceedings in, **10,** 35
subpœna, issue of, by, **13,** 578—580
transmission of case to, on appeal from revising barrister, **12,** 250

CROWN PRACTICE.
The title CROWN PRACTICE *is contained in Vol. X., pp.* 1 *et seq.*
certiorari, **10,** 155—213. *See* CERTIORARI.
English informations, **10,** 20—26. *See* ENGLISH INFORMATION.

CROWN PRACTICE—*continued.*
escheat, inquisition of, **10,** 35—39. *See* ESCHEAT.
extents, **10,** 14—18. *See* EXTENT (Writ of).
habeas corpus, **10,** 39—77. *See* HABEAS CORPUS.
Latin informations, **10,** 4—14. *See* LATIN INFORMATION.
mandamus, **10,** 77—128. *See* MANDAMUS.
petition of right, **10,** 26—35. *See* PETITION OF RIGHT.
prohibition, **10,** 141—155. *See* PROHIBITION.
quo warranto, **10,** 128—140. *See* QUO WARRANTO.
scire facias, Crown side of King's Bench Division, on, **10,** 35. *See* SCIRE FACIAS (Writ of).
Revenue side of King's Bench Division, on, **10,** 18, 19. *See* SCIRE FACIAS (Writ of).
summary proceedings for recovery of duties, on, **10,** 19, 20

CROWN PRIVATE ESTATES,
assurances of, by trustees, **7,** 275
common law rules relating to, **7,** 273, 274
copyholds, vesting of, **7,** 276
descent of, **7,** 275, 276
disposition of, **7,** 274, 275
gavelkind descent of, **7,** 273, 274
inhabited house duty on, **7,** 277; **17,** 191
leaseholds, vesting of, **7,** 276
personalty, **7,** 277
prerogative, application of, **7,** 273
rates upon, **7,** 276
Scotland, in, disposition of, **7,** 275
statutory, *defined*, **7,** 274
suits relating to, **7,** 276
taxation of, **7,** 121, 276, 277
trustees, when vesting in, **7,** 276

CROWN REVENUE. *See also* REVENUE.
Civil List, grant of, in lieu of, **7,** 109. *See* CIVIL LIST.
Cornwall, Duchy of, from, **7,** 238—270. *See* CORNWALL, DUCHY OF.
Durham, County Palatine of, from, **7,** 216, 217
hereditary, retained by Crown, **7,** 217—271
sources of, **7,** 108, 109
surrender of, **7,** 109—111
Lancaster, Duchy of, from, **7,** 217—238. *See* LANCASTER, DUCHY OF.
private, sources of, **7,** 111
Scotland, from Principality of, **7,** 270, 271
surrendered, Crown lands, arising from, **7,** 111—209
Commissioners of Woods etc., powers of, as to, **7,** 125—132. *See* COMMISSIONERS OF WOODS.
foreshore, **7,** 112—115, 142—147 *See* FORESHORE.
receiver of, **7,** 139, 140
royal
forests, **7,** 181—190. *See* ROYAL FORESTS.
mines, **7,** 116—118
Treasury, powers of, as to, **7,** 124, 125, 137—139
prerogative rights, arising from, **7,** 209—217

CROWN SERVANTS,
bankruptcy, salary available in, **2,** 190, 191, 338; **4,** 402; **23,** 350 n.; **25,** 35
dismissal of, **7,** 22; **20,** 98
domicil of, **6,** 189
Employers' Liability Act as applied to, **20,** 148
land tax collectors as, **18,** 318

CROWN SERVANTS—*continued.*
liability of, contract, in case of, **1,** 18; **6,** 413—415; **23,** 314, 315; **27,** 166 n.
tort, in case of, **1,** 18; **6,** 413—415; **10,** 28; **20,** 261, 712 n.; **23,** 316—321; **27,** 477 n.
Locomotives on Highways Act as applied to, **27,** 333
mandamus cannot issue against, **10,** 85, 93
Motor Car Act, 1903, as applied to, **27,** 333
National Insurance Act as applied to, **28,** 907, 993
service franchise, when entitled to, **12,** 173
tolls, exemption from, **16,** 65
Workmen's Compensation Act as applied to, **20,** 157, 216, 223

CRUCIFIX,
church decoration, as, **11,** 668—670

CRUELTY,
animals, to, **1,** 409—419
abuse or torture, by, **1,** 410
animals *defined*, **1,** 365 n., 409, 410
appeal from order of justices, **1,** 415
apprehension of offenders, **1,** 414, 415; **9,** 303 n.
branding lambs, in case of, **1,** 410
bull-baiting, in case of, **1,** 412
captive wild animals, in case of, **1,** 410
carriage, in course of, **1,** 413, 433; **4,** 39
cock-fighting, in case of, **1,** 412
cocks' combs, by cutting off, **1,** 409 n., 411
compensation by offender in case of, **1,** 414
complaint under Cruelty to Animals Act, 1849, **1,** 415
cows, overstocking, by, **1,** 412
dishorning cattle, by, **1,** 410
domestic animals, in case of, **1,** 409
drivers of vehicles, by, proprietors' liability in case of, **1,** 415
evidence as to intent in case of, **1,** 411; **13,** 449
gifts for suppression of, are non-charitable, **4,** 118
intention not essential to offence of, **1,** 411; **13,** 449
justices, jurisdiction of, as to, **1,** 415, 418, 431
omission to alleviate suffering as, **1,** 411, 412
penalties for, **1,** 414—416
poisonous drug, by administration of, **1,** 413, 414
procedure in cases of, **1,** 414—416
shooting tame or domestic animals, by, **15,** 228
slaughter-houses, in connection with, **1,** 412, 413; **20,** 24
Society for Prevention of, **4,** 116
spaying of sows as, **1,** 411
special offences of, **1,** 412, 413
time of complaint, **1,** 415
vivisection, in case of, **1,** 416—419. *See* VIVISECTION.
children, to, gifts to prevent, are charitable, **4,** 116
jurisdiction of London County Council as to, **20,** 396
provisions relating to, **9,** 623—626; **17,** 45, 162—164
divorce proceedings, in, **16,** 473—477
defined, **16,** 473, 474
abuse as, **16,** 426, 476
complaint as to threats as evidence, **16,** 475
condonation of, **16,** 490

CRUELTY—*continued.*
divorce proceedings—*continued.*
constructive, may be, **16,** 475
decree in former suit as evidence of, **16,** 476
drunkenness as, **16,** 476
evidence of, **16,** 476, 477
false accusations as, **16,** 476
insane person, by, **16,** 476
instances of, **16,** 475, 476
insults in public as, **16,** 476
particulars of, **16,** 477, 512; **22,** 455
petitioner, of, as a bar to a decree, **16,** 496, 497, 500, 515
rape, conduct short of, as, **16,** 480
revival of condoned, **16,** 490
threats as, **16,** 475
unnatural practices as, **16,** 476
venereal disease, communication of, as, **16,** 475
interrogatories as to, **11,** 42 n.
who may be guilty of, **16,** 474
Summary Jurisdiction (Married Women) Act, under, **16,** 596

CUJUS EST SOLUM EJUS EST USQUE AD CÆLUM ET AD INFEROS, 3, 109; **24,** 156 n.; **25,** 304

CUL DE SAC,
highway, as a, **16,** 7 n., 11, 12
inference of dedication of, in case of, **16,** 11, 39

CULPABLE HOMICIDE, 9, 570. *See* MANSLAUGHTER; MURDER.

CULTIVATION,
compulsory hiring of land, in case of, **6,** 169, 170; **26,** 682
covenants as to, **1,** 243, 250; **18,** 563, 564
injunction in case of breach of, **1,** 251; **17,** 245
custom of the country in regard to, **18,** 563. *See* CUSTOM OF THE COUNTRY.

CULVERT,
bridge, as, **16,** 185 n.
sewer, in connection with, maintenance of, **25,** 735
tramway construction and, **27,** 793 n.

CUM TESTAMENTO ANNEXO,
administration, grant of, **14,** 194

CUMULATIVE,
dividends, *defined,* **5,** 91, 271
preference shareholder's rights in respect of, **5,** 277
gifts, deeds, in, construction of, **13,** 133; **15,** 427
will, in, construction of, **28,** 784—786
penalties for statutory offence, **27,** 189 n.

CURACY. *See* CURATE.
duration of, **11,** 644
perpetual, *defined,* **11,** 560 n., 562
consolidated chapelry as, **11,** 446
district chapelry to chapel of ease etc., as, **11,** 447
district parish as, **11,** 446, 449
freehold, of, **12,** 149
nomination to, **4,** 251
particular district under Church Building Act, 1831, as, **11,** 447
period of, **4,** 252

CURACY—*continued.*
sale of, simony, as, **11,** 639
stipendiary, declaration before presentation to, **11,** 638
termination of, **11,** 644, 645

CURATE. *See* CURACY.
defined, **11,** 560 n., 637
admission to office of, **11,** 638
appointment of, lunacy of incumbent, in case of, **11,** 643
minister in charge, as, **11,** 637
parish, of, **11,** 638
Peel district, of, **11,** 637
negligence of incumbent, in case of, **11,** 614, 640—643
non-residence of incumbent, in case of, **11,** 640—643
sequestration of benefice, in case of, **11,** 620, 626, 643
sequestrator, as, **11,** 639 n.
vacancy of benefice, during, **11,** 644
canons binding on, **11,** 394
licence of, **11,** 638
record of, **11,** 645
requisites before, **11,** 645
revocation of, **11,** 644
National Insurance Act, 1911, as affecting, **28,** 905 n.
obedience of, to incumbent, **11,** 640
register of burials, duty to keep, **3,** 555
residence of, **11,** 641
stipend of, **11,** 639, 640. *See* STIPEND.
stipendiary, **11,** 637. *See* STIPENDIARY CURATE.
two, when required, **11,** 641

CURATOR,
convict's property, of, **9,** 429, 430; **21,** 94; **23,** 261—263; **25,** 195, 309. *See* INTERIM CURATOR.

CURE OF SOULS,
admission to, by bishop, after presentation, **11,** 611
bishop, vested in, of whole diocese, **11,** 442 n., 609
canon, by, **11,** 429
dean, by, **11,** 420
new parish, in, **11,** 449
parish, of, intrusted to incumbent, **11,** 442, 451
rectory with, **11,** 560
vacancy, during, **11,** 635
vicar, intrusted to, **11,** 561

CURIA CLAUDENDA
writ of, **13,** 51 n.

CURLEW,
game, as, **15,** 209 n.

CURRANTS,
customs duty on, **24,** 597

CURRENCY. *See also* COINAGE; TENDER.
Bank of England notes as part of, **1,** 570
contracts must be made in legal, **6,** 461; **7,** 406
native, issue of, or payment in, **6,** 462, 464
payment of legacies, for, **6,** 212, 231, 232

CURRENT ACCOUNT,
appropriation of payments in case of, **1,** 586; **3,** 227; **7,** 450; **15,** 537, 538; **21,** 225
assignment of money on, **1,** 585; **4,** 368

CURRENT ACCOUNT—*continued.*
bankruptcy of customer as affecting, **1,** 585, 606, 607, 642; **2,** 143, 144, 189
charges and commission of banker in case of, **1,** 643
closing of, banker, by, **1,** 587
collection and payment of cheques etc, **1,** 590—623. *See* BANKER; CHEQUE.
combination of different, **1,** 587, 606, 622
corporation, with, **1,** 588; **8,** 361, 362; **25,** 489 n.
customer, constitutes, though overdrawn, **1,** 596
death of, as affecting, **1,** 585
dispositions by, **1,** 585
title of, banker's position in regard to, **1,** 584
discounting bills, in relation to, **1,** 606, 629, 630; **2,** 499
garnishee order as affecting, **1,** 585, 606; **14,** 98
guarantee, in case of, **1,** 586, 639—643; **15,** 510, 536, 537. *See* GUARANTEE.
infant, of, **1,** 587; **17,** 61
interest on overdraft, **1,** 631, 643
joint names, in, presumption of gift from, **16,** 395
set-off in case of, **25,** 498
lien of banker on, **1,** 585, 587, 592, 593, 621, 622
married woman, of, **1,** 587; **16,** 349, 350, 379, 391, 413, 419
mortgage to banker as affecting, **1,** 632
mortgagor and mortgagee, between, when security given, **21,** 224, 225, 228
receipt of money on, **1,** 583—588
receiving order against customer as affecting, **1,** 606
repayment of money on, **1,** 585
sale of goods, in case of, **25,** 240
set-off in case of, **1,** 606; **25,** 489 n., 497, 498
statutes of limitation as applied to, **1,** 586; **19,** 47
third persons, payment by, into, **1,** 585
trusts, as affected by, **1,** 584; **28,** 59

CURSITOR,
defined, **1,** 32; **9,** 124

CURTESY,
estate by the, birth of issue necessary to, **24,** 186
conversion, in case of, **13,** 107
coparceners, in case of, **11,** 10; **24,** 185
copyhold, in, admittance in case of, **8,** 102
defeated, how, **8,** 126
regulated, how, **8,** 78; **24,** 187
suit of court in case of, **8,** 14
defeated, disposition of property, by, **24,** 188
divorce, by, **16,** 334; **24,** 188
judicial separation, by, **16,** 334; **24,** 188
marriage settlement, by, **24,** 188; **25,** 568
protection order, by, **16,** 334; **24,** 188, 189
devisee predeceasing testator, in case of, **28,** 611
divested, how, **24,** 185, 186
equitable estates, in, **13,** 96 n., 107; **24,** 183 n.
estate duty in case of, **13,** 184
executory limitation, in case of, **24,** 185, 186
gavelkind, in case of, **24,** 152, 183
incidents of, **24,** 187, 188
intestacy, in case of, **11,** 4
joint tenancy, in case of, **24,** 185
law regulating right to, **6,** 277
nature of, **24,** 183
presentation to benefice, in case of, **11,** 585; **14,** 231

CURTESY—*continued.*
estate by the—*continued.*
property in which enjoyed, **24,** 183, 184
rent charge, in case of, **24,** 183, 184, 190, 467 n.
reversions and remainders, in respect of, **24,** 185
tenancy in common, in case of, **24,** 185
wife's seisin necessary to, **24,** 184, 185
tenant by the, distress by, **11,** 126
lease by, powers as to, **24,** 187; **25,** 676
mining rights, in regard to, **20,** 514
partition by, **21,** 839
presentation to benefice by, **11,** 573
redemption of mortgage by, **21,** 140
rights and powers of, **24,** 187
tenant for life, having powers of, **24,** 187; **25,** 629
waste, liability for, **24,** 187; **25,** 600 n.

CURTILAGE,
defined, **9,** 674 n.
compulsory purchase of, **6,** 71
distress, in relation to, **11,** 164; **25,** 814
execution, in relation to, **14,** 40 n.; **25,** 814
housebreaking, in relation to, **9,** 673, 674
premises within the same, *defined,* **25,** 722 n.

CUSTODIA LEGIS, IN. *See* IN CUSTODIA LEGIS.

CUSTODIAN TRUSTEE,
company or society as, **4,** 259; **28,** 86
Public Trustee as, **28,** 86, 215, 216

CUSTODY,
ancient documents, of, **13,** 505, 512—515
bastard, of, **2,** 440—442
child, of. *See* infant, *infra.*
divorce proceedings, in, application concerning, **16,** 522, 577, 579
change of, **16,** 577, 578
considerations affecting, **16,** 522, 577
declaration of unfitness for, **16,** 545
decree, on or after, **16,** 545, 577—579
guilty party, given to, **16,** 545, 577
husband found insane, where, **16,** 546
interim order as to, **16,** 521, 522, 577
jurisdiction as to, **6,** 265; **16,** 521—523, 577
over sixteen, **16,** 522, 578
pendente lite, **16,** 522
removal from, **16,** 521, 578
strangers, given to, **16,** 579
safe, provision for placing in, **17,** 164—166
court rolls of manorial court, of, **8,** 15, 16
Crown's prerogative as to, **6,** 475, 476
gaols and prisons, of, **6,** 408
girl, of, Criminal Law Amendment Act, 1855, under, **17,** 110, 164
giving into, agent, by, **1,** 165, 166; **19,** 673, 674
private person, by, **9,** 306; **27,** 879
goods, of, auctioneer, by, **1,** 514
innkeeper, by, **17,** 314—322. *See* INNKEEPER.
order by court for, **23,** 142
prisoner, of, **23,** 239, 240
hire of, **1,** 543—549. *See* HIRE OF CUSTODY.
infant, of, **17,** 105—111, 129
choice of infant as to, **17,** 106, 109, 110, 129
court's interference with, **17,** 106, 108, 110, 129

CUSTODY—*continued.*
infant—*continued.*
enforcement of right to, **10,** 52, 53, 58; **17,** 105, 109
father's rights to, **17,** 105—107, 109, 129
felony, when convicted of, **17,** 110
guardian, by, **17,** 129
habeas corpus, obtained by writ of, **17,** 109, 110 n.
Judicature Act, 1873, application of, to, **13,** 64
mother's rights to, **17,** 107—109
parents' right to, **17,** 105—109, 129
loss of, **17,** 109—111
separation of parents, in case of, **16,** 443, 449, 450; **17,** 106, 107
summary jurisdiction court's powers as to, **16,** 596, 598, 599; **17,** 108, 166, 176, 177
transfer of, by father, **16,** 439 *et seq.*, 449; **17,** 106, 107
law, of the. *See* IN CUSTODIA LEGIS.
military, giving into, by officer, **25,** 44
habeas corpus in regard to, **25,** 90
reservists may be placed in, **25,** 61
Territorial Force, provisions as to members of, **25,** 77
written account of offence to be given by officer giving into, **25,** 44
parish documents, of, **19,** 253, 254
prisoner, of, civil process, in case of, **25,** 816
habeas corpus, brought up on, **10,** 71
illegal, gaoler's liability in case of, **23,** 251; **27,** 881
legal, *defined*, **23,** 244; **27,** 881 n.
trial, on, **23,** 244; **27,** 881 n.
prisoner in, *habeas corpus*. *See* HABEAS CORPUS.
taking into. *See* ARREST.
valuables, of, banker, by, **1,** 627—629
wife, of, husband's right to, **10** 54; **16,** 318, 481

CUSTOM.
The title CUSTOM AND USAGES *is contained in Vol. X., pp.* 217 *et seq.*
NOTE.—*Only custom in the strict sense of the word is dealt with under this heading, as distinct from custom which is in reality usage, as to which see* USAGE.
defined, **10,** 218, 219
accretion of land, in case of, **10,** 236
Act of Parliament, effect of, on, **10,** 248, 257
agreement, incorporated in, **13,** 567
agriculture, as affecting, **1,** 243—246, 275; **10,** 257; **18,** 563—567
ambiguity of word custom, **10,** 219
ancient, **8,** 318 n.
bathing on foreshore by, **28,** 376
Borough English, of. *See* BOROUGH ENGLISH.
burden on one class for benefit of another, may impose, **10,** 231
burial fees, payment of, by, **3,** 428, 429; **11,** 712, 776, 777
bye-law, in relation to, **8,** 335 n., 340, 341; **10,** 248, 249; **23,** 396 n.
certainty of, **10,** 227—231
locality, as to, **10,** 229, 230
persons, as to, **10,** 230, 231
characteristics of, **10,** 221, 222
churchway by, **10,** 244, 245; **16,** 23
common, in reference to. *See* copyholders, manorial, *infra.*
driving, of, by lord of the manor, **4,** 500, 501
evidence of, **4,** 520

CUSTOM—*continued.*
common—*continued.*
law of locality, how far, **10,** 218
lord of the manor's rights over, restricted by, **4,** 503
rights of, claimed by, **4,** 483
court rolls as evidence of, **4,** 491
defeasible by proof of recent origin, when, **4,** 488, 489
evidence of, **4,** 491
to inclose, **4,** 482, 530
restrictions on, **4,** 531
continuity of, **10,** 231, 232
copyholders, claims of, by, how proved, **4,** 491. *See* common, *supra*; manorial, *infra.*
right of common, claim to, by, **4,** 490
rights *in alieno solo* claimed by, **4,** 471; **10,** 239
copyholds, to create, **4,** 531
country, of the. *See* CUSTOM OF THE COUNTRY.
creation of, **10,** 232, 233
Crown bound by, how far, **6,** 408
descent by, **8,** 87; **11,** 3 n., 12, 15
easement claimed by, **4,** 446; **10,** 242, 243
enjoyment in case of, **10,** 234—236
essentials of valid, **10,** 221
evidence of, common rights, as to, **4,** 491
consistent with claim, must be, **10,** 236
length of user, as to, **10,** 234
manorial, **4,** 491 n.; **8,** 9, 10; **13,** 540
old inhabitants, of, **10,** 234 n., 237
extinguishment of, **10,** 246—249
Act of Parliament, by, **10,** 246—248
interruption of right, by, **10,** 232, 235
ferry, free right of, by, **10,** 230 n.; **14,** 560, 561
gavelkind, of, **10,** 237; **11,** 14, 15; **24,** 151—153. *See* GAVELKIND.
guardianship of infant by, **8,** 80; **17,** 122, 123
heriot claimed by **8,** 39, 40, 41, 44, 59. *See* HERIOT
immemorial existence of, **10,** 222, 223
in alieno solo, rights, by, **10,** 238—246
individual, prejudicial to interest of, **10,** 225
interruption as affecting, **10,** 232, 235
judicial notice of, **10,** 236; **13,** 427, 445
Borough English, **10,** 237 n.; **24,** 155
gavelkind, **10,** 237 n.; **11,** 15; **24,** 153
London, City of, of, **10,** 237; **13,** 486
law of the realm, may be inconsistent with, **10,** 221
lease of settled estate, incorporated in, **25,** 677
legal memory, *defined*, **10,** 233
lex loci, as, **10,** 220 n.
local usage distinguished from, **10,** 221
locality, in relation to, **10,** 229, 230
London, City of, of. *See* LONDON, CITY OF.
lord of manor, rights of, as affected by, **4,** 503
manorial, **8,** 7—10
authority of, **8,** 8
characteristics of, **8,** 8, 9
concurrent, **8,** 9
construction of, **8,** 9
custumals as records of, **4,** 491 n.; **8,** 10; **18,** 540
descent, as evidence of, **8,** 86; **11,** 4
destruction of, **8,** 10
distinction of, **8,** 10
essentials of, **8,** 8, 9
general, **8,** 8 n.
inclosure of common, in respect of, **4,** 531—533

CUSTOM—*continued.*
manorial—*continued.*
lease of copyhold by, **8,** 47 ; **18,** 344, 345
minerals, in respect of, **4,** 471 ; **8,** 22—24 ; **20,** 510, 521, 522
origin of, **8,** 8
pasture, common of, in respect of **4,** 451, 453
proof of, **4,** 491 ; **8,** 9, 10 ; **13,** 452, 539—541
timber and underwood, in respect of, **8,** 25
unreasonable, **8,** 8
unwritten, **8,** 8
merger of, **10,** 248
minerals, right of copyholders to dig for, by, **4,** 471
mining, Derbyshire, in, **20,** 639—645
Devon and Cornwall, in, **20,** 635—639
Gloucestershire, in, **20,** 645—650
misuse of term, instances of, **10,** 219 n.
non-user, effect of, **10,** 235
onus of proof of, **10,** 235
pasture, common of, by, **4,** 447—464. *See* PASTURE, COMMON OF.
perpetuities, rule against, as applied to, **22,** 300, 322, 323
piscary, common of, by, **4,** 470
prescription, distinguished from, **4,** 483, 520 ; **10,** 220, 221, 233
profit à prendre, in case of, **10,** 238—241
not generally claimable by, **4,** 446, 470 ; **10,** 238, 239, 243 ; **11,** 343, 344
proof of, **4,** 520 ; **10,** 236—238
public good, must not be contrary to, **10,** 225
quasi-easements claimable by, **10,** 244
rabbits on common, to kill, **4,** 515, 516
reasonable, must be, **10,** 224—227
recreation, right of, by, **10,** 241, 242 ; **21,** 580, 583
sand, stone etc., right of copyholders to dig for, by, **10,** 471
settled land, in leases of, effect given to, **25,** 657
stall in market, erection of, by, **20,** 39
statutes, effect of, on, **10,** 247, 248 ; **27,** 169
usage, distinguished from, **10,** 221 ; **13,** 445
user, excess of, **10,** 228
interruption of, **10,** 232
length of, **10,** 234 ; **16,** 23
proof of, **10,** 224, 234
usurpation, founded on, bad, **10,** 233
variation of nature of rights under, **10,** 236, 242
village green, playing games on, by, **4,** 589, 590 ; **21,** 583
water, right to, by, **10,** 242, 243 : **28,** 359
way, right of, by, **10,** 243—246. *See* WAY, right of.

CUSTOM OF THE COUNTRY,
defined, **1,** 243, 244 ; **10,** 257
agricultural lease, in case of, **1,** 243—252 ; **18,** 563—567
applicability of, **1,** 244
bankruptcy of tenant, as affecting, **1,** 275
commencement of tenancy, as affecting, **1,** 240
covenant to cultivate according to, **1,** 246
cropping, in respect of, **1,** 249, 250, 251
determination of tenancy, as affecting, **1,** 240—242
disposal of produce, in respect of, **1,** 250, 262
evidence of, **1,** 244
exclusion of, **1,** 245, 246
fixtures, removal of, as to, **1,** 274 ; **18,** 565
hay and straw, in respect of, **1,** 247, 275

CUSTOM OF THE COUNTRY—*continued.*
husbandlike manner, cultivation in, by, **1,** 243 ; **18,** 563, 564
immemorial usage, does not imply, **1,** 243
incoming tenant's liability to outgoing tenant for tillages etc., **1,** 246
injunction obtainable, when, **1,** 251
injury to holding, provision against, **1,** 251, 262 ; **18,** 565
lease, inconsistent with, **1,** 245
list of, where to be found, **1,** 244 n.
manuring, in respect of, **1,** 248, 249 .
outgoing tenant, rights of, in regard to tillages etc., **1,** 246, 247 ; **18,** 566, 567
proof of, **1,** 244
reasonable, must be, **1,** 244, 245
timber, trees as, by, **1,** 296
way-going crops, in respect of, **1,** 242, 244, 247 ; **18,** 566

CUSTOMARY COURT,
constitution of, **8,** 11 ; **9,** 216
jurisdiction of, **8,** 11, 12 ; **9,** 216
origin of, **8,** 11 ; **9,** 216 ; **24,** 143
persons entitled to hold, **8,** 12
proceedings of, entry of, on court rolls, **8,** 14
suit of court at, **8,** 13, 14
time for holding, **8,** 13
where held, **8,** 13

CUSTOMARY FREEHOLDS,
alienation of, **8,** 68 ; **24,** 149
ancient freeholds, distinguished from, **8,** 67 ; **24,** 149
common of pasture, appendant to, **4,** 452
appurtenant to, **4,** 453
conditional fee in, **8,** 68, 70
copyholds, distinguished from, **8,** 67 ; **24,** 149
custom, regulated by, **8,** 68 ; **24,** 149
descent of, **8,** 86—89 ; **11,** 13, 14. *See* DESCENT.
devolution of, **8,** 89 ; **14,** 136
escheat of, **8,** 54—56. *See* ESCHEAT.
estate in, fee tail, for, **8,** 70—72. *See* ESTATE TAIL.
life, for, **8,** 73, 74
pur autre vie, **8,** 74—76
years, for, **8,** 76
franchise qualification in respect of, **12,** 147
heriot in case of, **8,** 39 ; **13,** 95 n.
liability of, debts, for, **8,** 70
mines and minerals under, ownership of, **8,** 22—24 ; **20,** 509
nature of, **8,** 67, 68 ; **24,** 149
partition of, **8,** 69, 108 ; **21,** 825, 826
prescription by owner of, **4,** 452
real estate, inclusion in, of, **11,** 3
sale of, investigation of title in case of, **25,** 343, 344, 361
settlement of, powers of tenant for life in case of, **8,** 108
tenure of, **8,** 67, 68 ; **24,** 149
transfer of, **8,** 67, 89
will, as subject of disposition by, **8,** 36, 109 ; **28,** 519, 657, 687

CUSTOMARY MANOR,
defined, **8,** 4, 5

CUSTOMARY OF THE MANOR. *See* CUSTUMAL.

CUSTOMER,
bank, of. *See* BANKER.
discovery as to, **11,** 71, 94
intimidation of, actionable wrong, as, **27,** 652, 657, 658
licensed premises, refusal to quit, by, **17,** 308, 309; **18,** 142
loss of, special damage in libel and slander, as, **18,** 732, 733
negligence in relation to, **21,** 382, 387
railway company, preference of, **4,** 76—78
larger, legitimate, **4,** 77
undue, **4,** 76
against the carriers, **4,** 78
passengers, in case of, **4,** 82
remedy against, **4,** 75
restraint of trade as to, **27,** 562
solicitation of, former partner, by, **22,** 83, 84; **27,** 595, 596
servant, by, **20,** 126
covenants restraining, **20,** 74 n.; **27,** 558, 562, 564, 573 n.

CUSTOMS,
bond, duty secured by, **24,** 590
stamp duty on, **3,** 104, 105; **24,** 590 n.
Commissioners of. *See* COMMISSIONERS OF CUSTOMS AND EXCISE.
compulsory purchase of land for purposes of, **6,** 7, 161, 162
county court jurisdiction in respect of, **8,** 622
Crown's right to, **6,** 371, 372; **22,** 402
duty. *See* CUSTOMS DUTY.
entry, *defined,* **24,** 587 n.
bill of sight, by, **24,** 588
dutiable goods, of, **24,** 587—589
failure to make, effect of, **24,** 280, 281
importer's duty as to, **24,** 587, 588; **26,** 281
landing at wharf, on, **26,** 281, 282
perfect, **24,** 588
foreign
fishing boat, in case of, **14,** 634
parcels, in case of, **22,** 654
management of, Treasury, by, **24,** 540
offences in respect of Customs Acts, under, **9,** 522, 523
officer. *See* CUSTOMS OFFICER.
penalties, recovery of, **10,** 8; **24,** 737—743
police, powers of, in respect of, **22,** 503
port sanitary authority of, **19,** 292; **23,** 373
summary jurisdiction in respect of, **24,** 738—743
warehouse. *See* BONDED WAREHOUSE; WAREHOUSE.
yachts, in relation to, **26,** 660, 661

CUSTOMS DUTY,
defined, **24,** 587
alcohol, on, **24,** 599
beer, on, **24,** 594, 595
bonded warehouse, *defined,* **24,** 590 n. *See* BONDED WAREHOUSE.
bonding, in case of, **24,** 590, 591. *See* BONDED WAREHOUSE.
calculation of, **24,** 590, 591
chicory, on, **24,** 595, 596
chloral hydrate, on, **24,** 602
chloroform, on, **24,** 602
cocoa, on, **24,** 596
coffee, on, **24,** 596, 597
collodion, on, **24,** 602
composite sugar goods, on, **24,** 604—606

CUSTOMS DUTY—*continued.*
discharge from payment of, **24,** 590
drawback on, *defined,* **24,** 697
beer, **24,** 595
coffee, roasted, on, **24,** 597
composite sugar goods, on, **24,** 606
molasses, on, **24,** 604
penalties, unlawful claim to, for, **24,** 697, 698
wrongful shipment on, for, **24,** 698
requisites for claim to, **24,** 697
saccharine, on, **24,** 599
tobacco, British manufactured, on, **24,** 627, 647, 697 n.
dried fruit, on, **24,** 597
entry of goods, **24,** 587, 588. *See* CUSTOMS, entry.
ether, on, **24,** 602
ethyl, on, **24,** 602
excise duty, distinguished from, **24,** 587
false declaration, penalty for, **24,** 589
fraud or concealment in regard to goods, penalty for, **24,** 588, 589
glucose, on, **24,** 603
Isle of Man, on goods from, **10,** 577; **24,** 592
landing of goods subject to, **24,** 588
molasses, on, **24,** 603, 604
motor spirit, on, **24,** 597, 598
payment of, **24,** 589, 590
bond for, **24,** 590
stamp on, **3,** 104, 105; **24,** 590 n.
onus of proof of, when seized in the country, **24,** 591, 592
place of importation of dutiable goods, **6,** 459 n.; **24,** 587
playing cards, on, **24,** 598
price of goods as affected by change of, **24,** 591 n.; **25,** 148
prize ships, in case of, **23,** 295
rate of, date at which ascertained, **24,** 591
re-importation of British goods, in case of, **24,** 588 n.
remission of, destroyed by accident, on goods, **24,** 590
embezzled by customs officer, on goods, **24,** 589, 590
report on arrival at port, **24,** 587
saccharine, on, **24,** 598, 599
spirits, on, **24,** 599—602
sugar, on, **24,** 603, 604
tea, on, **24,** 606, 607
tobacco, on, **24,** 607, 608
transparent soap, on, **24,** 602
warehousing, in case of, **24,** 589—592. *See* BONDED WAREHOUSE.
wine, on, **24,** 608, 609

CUSTOMS OFFICER,
agricultural pests, duty in regard to, **1,** 280
animals, duty in regard to, **1,** 403, 432
appointment of, **24,** 545
proof of, **13,** 443, 444
brewing premises, entry of, by, **18,** 133, 145
written entry or description of, deposited with, **24,** 630
copyright, seizure of works infringing, **8,** 170, 200
duties of, **24,** 546, 592, 593
embezzlement by, **9,** 654, 655; **24,** 589
excise licence, grant of, by, **18,** 18
explosives, powers as regards, **14,** 382
false returns, liability for making, **24,** 546, 547
food imported, powers as regards, **15,** 44, 55

CUSTOMS OFFICER—*continued.*
foreign enlistment, in relation to, **9,** 528—530; **24,** 593
gold and silver plate, duties as to, **24,** 598
immigration officer, as, **1,** 322
jury service, exempted from, **18,** 232; **24,** 546
legal proceedings, conduct of, by, **24,** 546
mail ship, detention of, by, **25,** 356 n.
mails, duty in regard to, **22,** 655, 656
obstruction of, **18,** 156; **24,** 546
personation of, **9,** 707; **24,** 547
pilotage dues, collection of, by, **24,** 593; **26,** 603
powers of, **24,** 546
privileges of, **24,** 546
prize ship, in relation to, **23,** 295
production of goods to, **24,** 588, 589
receiver of wreck, as, **26,** 550, 551
report on arrival of ship to, **24,** 587
salary of, **24,** 545, 546
salmon, export of, duties in respect of, **14,** 618; **24,** 593
samples of butter etc., taking of, by, **15,** 58
search of vessel by, **22,** 655, 656; **23,** 295; **24,** 546; **26,** 356
seizure of goods by, proceedings after, **10,** 12—14
sheriff, exempt from office of, **24,** 546; **25,** 795
tea, powers in regard to, **15,** 68
wrongful seizure, liability for, **24,** 546; **27,** 891 n.

CUSTOS ROTULORUM, 19, 343, 624

CUSTUMAL,
conclusive evidence, against custom unmentioned therein, **4,** 491 n.; **8,** 10
custody of, what is proper, **8,** 10
entries in, admissibility of, **13,** 540
evidence of manorial custom, as, **8,** 9

CUTLERY,
false marking of, **27,** 725
grinding of, regulations affecting, **14,** 466
registration of trade marks in respect of, **27,** 686, 707, 708

CYCLE. *See* BICYCLE; MOTOR CYCLE.

CY-PRÈS DOCTRINE,
defined, **4,** 190; **28,** 673
charitable trust, in case of, **4,** 190—199
Attorney-General a party to proceedings, **4,** 327
discretion of court, **4,** 196
failure of trust, where, **4,** 191—194; **28,** 53, 54
illegal or impracticable object, where, **4,** 157, 161, 191, 192
inapplicable, when, **4,** 158, 161, 197—199
particular person not named, where, **4,** 195—197
petition to the court, in case of, **4,** 331
royal charter, where charity created by, **4,** 286
statutory application of, **1,** 334, 338; **4,** 199, 596
surplus of trust fund, in respect of, **4,** 194, 195
trustees, not to be applied by, **4,** 189, 191, 271
execution of power, in case of, **22,** 367; **23,** 52
perpetuity, to prevent illegal, **22,** 367; **28,** 23
legacies, ambiguous charitable, in case of, **28,** 643 n.
lapsing, in lieu of, **28,** 618

CY-PRÈS DOCTRINE—*continued.*
void limitations, as applied to, **22,** 367—369; **28,** 23
wills, construction of, applied to, **28,** 673
ambiguous charitable bequest, **28,** 643 n.
blanks in charitable bequests, **28,** 635 n.
charitable legacy to prevent lapse, **28,** 618
successive limitations, **28,** 787

CYPRUS,
courts of, **10,** 555
Government of, **10,** 504 n.
legal codes in, **10,** 541 n.

DAIRY. *See* BUTTER; MILK.
defined, **15,** 64 n.; **23,** 460 n., 461 n., 568 n.
bye-laws as to, in metropolis, **15,** 64 n.; **20,** 406
inspection of, **1,** 434; **23,** 460
cattle in, **1,** 433; **15,** 63, 64 n.; **23,** 460
Local Government Board orders relating to, **1,** 433; **15,** 64 n.
notification of infectious disease affecting, **1,** 434; **23,** 459, 460
regulations of local authorities as to, **1,** 434; **15,** 63, 64; **23,** 459—461

DAIRYMAN,
defined, **15,** 64 n.; **23,** 459 n., 461 n., 568 n.
ice-cream vendor is not a, **15,** 64 n., 70 n.
infectious diseases, milk supply in case of, duty to provide list of sources of, **23,** 460
prohibition of, **23,** 461, 463, 464
notification of, by, **1,** 434; **23,** 459, 460
liability of, unstamped measure, for using, **28,** 472 n.
water supply, for misuse of, **28,** 323
licensed premises, necessity for, in London, **23,** 568, 569
registration of, **15,** 63, 64 n.
restrictive covenant with, **27,** 568 n., 585 n.
tuberculous cows, duties with regard to, London, in, **23,** 461, 462

DAM. *See also* WEIR.
acquisition of right to, **28,** 429 n.
exceeding rights, removal of, **11,** 331 n.
improvement to land, as, **18,** 280 n., 284 n.
irrigation purposes, for, reversioner's rights, **27,** 855 n.
licence for extent of, **28,** 429 n.
light railway, for, **27,** 823
malicious damage to, **9,** 784, 785
riparian owner's rights, **28,** 429, 430

DAMAGE. *See* INJURY.
actionable, what is included in, **1,** 9 *et seq.*; **20,** 705, 706; **21,** 525
adjudication of bankruptcy, by, **19,** 697
agent, by wrongful act of, **1,** 224
animals, by, **1,** 372—375; **21,** 513; **27,** 857. *See also* ANIMAL.
distress damage feasant for, **1,** 378—386; **27,** 857. *See* DISTRESS DAMAGE FEASANT.
remoteness of damage in case of, **10,** 320
bailee by, **1,** 531—534. *See* BAILEE; BAILMENT.
detinue no remedy, **27,** 888
bill of sale, to, goods removed under, **3,** 67
buildings, to, by withdrawal of support, **11,** 321, 322; **20,** 542, 582
demolition, in case of, **21,** 486

DAMAGE—*continued.*
buildings—*continued.*
fire, by, **17,** 539
riotous demolition, by, **9,** 473, 477
cargo, to, Admiralty jurisdiction, **1,** 73; **9,** 57; **26,** 546
arrest of ship for, **1,** 73; **26,** 546, 621
duty of master to prevent, **26,** 224 *et seq.*
limitation of liability for, **26,** 290, 291, 612 *et seq.*
measure of, **26,** 288—291
owner may sue as such, **27,** 473
remedy *in rem* gives no maritime lien, **1,** 73
shipowner's liability for, **26,** 156, 224—228, 232, 233, 288—291
carrier, by, liability, **4,** 8, 17—20. *See* CARRIER OF GOODS.
who may sue, **4,** 94
cattle, by, to trees, **1,** 296; **18,** 432. *See* animals, *supra.*
to, poisonous trees, by, **1,** 10, 296, 297; **21,** 530
cemetery, to, local authority, by, **3,** 508
collision at sea, by. *See* COLLISION.
commoner, by, in exercising rights, **4,** 521
compensation for. *See* COMPENSATION.
compensation for, game, by, under Agricultural Holdings Act, 1908, **1,** 278; **15,** 224. *See* COMPENSATION.
manœuvres, by, **6,** 160; **25,** 102
crops, to, **1,** 10, 277—280; **15,** 218, 224; **21,** 530
dam, by building, **28,** 429, 430
dangerous goods, by sale of, **21,** 370, 408, 409; **25,** 163
distress, by sale under, **11,** 185
dogs, by. *See* DOG.
drains, to, summary jurisdiction in case of, **25,** 762. *See* DRAIN.
entry, in exercising right of, **27,** 862 n.
equipment, to, liability of Territorials for, **25,** 78
feasant. *See* DISTRESS DAMAGE FEASANT.
fences, caused by material of, **3,** 127
neglect to erect, by, **3,** 129, 132, 133
ferry, by, owner's liability for, **14,** 559, 560
fire brigade, by, within fire policy, **17,** 531
fisheries, to, **14,** 592. *See* FISHERY.
fixtures, by tenant removing, **18,** 423, 424
fraudulent misrepresentation, by. *See* FRAUDULENT MISREPRESENTATION.
game, by. *See* GAME.
general, need not be pleaded, **10,** 346
harbour, to. *See* HARBOUR.
highway, to, extraordinary traffic, by, **16,** 173, 180. *See* EXTRAORDINARY TRAFFIC.
working mine, by, **16,** 58; **20,** 572. *See* HIGHWAY.
impounded chattels, to, **11,** 170
inevitable accident, by, what constitutes, **21,** 467 *et seq.*; **27,** 498 n. *See* INEVITABLE ACCIDENT.
injunction
stayed on terms pending appeal, **17,** 211
to prevent damage accruing, **17,** 209
licensee, by negligence of, **21,** 394
locomotives, by heavy, to roads, **27,** 311
malicious. *See* MALICIOUS DAMAGE.
maritime lien for, **26,** 618, 619
mine, by improper working of, **16,** 58; **20,** 572, 590, 591. *See* MINE.

DAMAGE—*continued.*
misrepresentation, by, action for, **20,** 705—707
connection with representation must be proved, **20,** 706
when question of fact and law, **20,** 707
essentials in action for damages, **20,** 724
nuisance, essential to actionable, **21,** 510, 511
instances amounting to, **21,** 525
pasture field, to, penalty for, **1,** 284
pauper, by, to clothing, **22,** 613
pipes, to, highway authority, by, **15,** 358
tramway authorities, by, **27,** 793
plants, to, by paving material of highway, **16,** 137
pledge, to, pawnbroker's liability, **22,** 254
presumption of. *See* PRESUMPTION.
proof of, malicious prosecution or procedure, in, **19,** 688
necessary, when, **1,** 9; **17,** 358; **19,** 677, 688, 689; **20,** 44, 705
unnecessary, when, **1,** 7; **10,** 308; **17,** 206, 238; **18,** 610; **20,** 44; **27,** 470, 476 n.
public
property of, to, cemeteries, **3,** 523
electricity, **12,** 612, 613
gas, **15,** 354—356. *See* GAS.
telegraphs, **27,** 385
water supply, **28,** 324
rights, by infringement of, **1,** 9. *See* ACTION.
undertakers, by, under statutory powers, cemeteries, **3,** 516
electricity, **12,** 561
gas, **15,** 326
markets, **20,** 10
tramways, **27,** 793
water supply, **28,** 280, 292
rabbits, by, to crops, **1,** 277, 378
railway engines or carriages, by, **23,** 692
recurring, **10,** 309, 310; **19,** 52
remoteness of. *See* REMOTENESS OF DAMAGE.
resulting benefit from, grant of injunction affected by, **17,** 213
riot, by, **22,** 507—509. *See* RIOT.
fire insurance in relation to, **17,** 518
ship, to. *See* SHIP.
constructive total loss, when, **17,** 480 *et seq.*
salvage services, during, **26,** 546, 547. *See* SALVAGE.
seaman, by, **26,** 61
stranding, by, when insurer not liable for, **17,** 433, 434
sparks, by, from railway engine, **1,** 278—280; **21,** 405, 519 n.; **23,** 727
special. *See* SPECIAL DAMAGE.
subsidence, by. *See* SUBSIDENCE.
tort, arising from. *See* TORT.
duty of injured party to minimise, **10,** 311; **27,** 490
trade libel, as gist of action in, **27,** 677
proof of, **27,** 678
tree, by overhanging or poisonous, **1,** 10, 296, 297; **21,** 530
trespass, goods, to, as, **27,** 863, 864 n.
land, to, as, **27,** 848
wilful, criminal liability for, **9,** 768, 769. *See* MALICIOUS DAMAGE.
Inclosure Act, pending award under, **4,** 585
pauper, by, to clothes, **22,** 613
public undertaker's works, to. *See* public undertakers, *supra.*
seaman, by, to ship, **26,** 61

DAMAGES.

The title DAMAGES *is contained in Vol. X., pp. 301 et seq.*

defined, **10,** 302
accommodation works, for reconstruction of, **19,** 16
acquiescence may preclude right to, **17,** 213
action for, bankrupt, by, **2,** 137—139
contractor, by, discretion of court to stay, **3,** 282
person injured by collision between ships, by, **26,** 544, 545
will, disposition of right of action by, **28,** 522, 523
Admiralty jurisdiction as to, **1,** 102, 103
advertisement, for breach of contract of, **23,** 222
agent, for bribery of, **1,** 217
recoverable
by, against principal, **1,** 195
from, by principal, **1,** 191, 217, 222; **2,** 523; **10,** 323, 336; **17,** 358
aggravation of. *See* AGGRAVATION.
apprentice, breach of contract by, on, **20,** 108, 109
recoverable by, for wrongful dismissal, **20,** 113
architect, recoverable from, **3,** 297, 298
assault, recoverable for, **27,** 874
assessment of. *See* ASSESSMENT.
assignment of, **4,** 369, 402; **27,** 491 n.
auctioneer, recoverable from, **1,** 521
bailee, recoverable from, **1,** 546, 560, 564
rights of, against third person for, **1,** 564
bankers, recoverable from, **1,** 608; **10,** 323
bankruptcy petition, for malicious, **19,** 697
barrister, authority as to reduction of, **2,** 398
non-liability of, for, **2,** 394
bill of exchange, on dishonour of, **2,** 523
bill of sale, injury to goods on removal under, for, **3,** 67
wrongful seizure under, for, **3,** 67
bond, breach of condition in, for, **3,** 93—96; **25,** 490 n.
limitation of, **3,** 94
replevin bond, in case of, **11,** 203
bonus, for preventing contractor from earning, **3,** 224
breach of
charterparty. *See* CHARTERPARTY.
contract. *See* contract, *infra.*
covenant. *See* covenant, *infra.*
promise of marriage, for, **10,** 323; **16,** 277
trust, not awarded for, **13,** 67
warranty, for, **10,** 336, 337; **25,** 274
authority, of, for, **1,** 222; **27,** 223. *See* MEASURE OF DAMAGES.
horse, on sale of, **1,** 391
building, for injury to, brine pumping, by, **20,** 580
mine, by working, **20,** 582
negligence, by, **21,** 486
building contract, for breach of, **3,** 183, 227, 239—242
carriers, recoverable from, **4,** 17—21, 56, 58—60; **10,** 314. *See* MEASURE OF DAMAGES.
conversion, for, **4,** 99
who may sue, **4,** 94—96
cattle, recoverable for injury by dog to, **1,** 397
charterparty, under, **26,** 288—291. *See* CHARTERPARTY.
chattel, injury to, for, **21,** 485
non-delivery of, on, **10,** 317; **25,** 268—272
claim to property, for malicious, **19,** 699

DAMAGES—*continued.*
club, breach of warranty to act for, on, **4,** 424
wrongful expulsion from, for, **4,** 417
collision at sea, in case of. *See* COLLISION.
company, recoverable from, Companies Clauses Acts, under, **5,** 728, 729; **23,** 500 n.
misrepresentation in prospectus of, for, **5,** 127, 132, 133; **13,** 67 n.
compensation distinguished from, **10,** 306 n.
conflict of laws as to, breach of contract, for, **6,** 248
tort, for, **6,** 250
trespass, for, **6,** 200
contemptuous, *defined*, **10,** 305
farthing usually, **10,** 305
continuing, **10,** 310; **11,** 325
nuisance, for, **21,** 560
contract, for breach of, adequate remedy, when, **7,** 441; **27,** 13—15
advertisement, for, **23,** 222
apprenticeship, of, **20,** 108, 109
building contracts, in, **3,** 183, 227, 239—242
carrier, by, **4,** 17—21, 56; **10,** 314
debentures, to take, **5,** 352 n.; **10,** 332
licence, for, **18,** 339
measure of, **7,** 441; **10,** 313, 317; **21,** 481. *See* MEASURE OF DAMAGES.
money, to lend, **10,** 332
to pay, **10,** 332
sale of goods, on, **10,** 315, 317, 333—337; **25,** 267—272
sale of land, on, **10,** 337, 338; **25,** 409—412, 465; **27,** 106
servant to commit, for inducing, **20,** 270
service, of, **20,** 107; **28,** 874
shares, for sale of, **10,** 332; **27,** 249—254
special circumstances, effect of, **10,** 311, 314—317
will, to make gift by, **28,** 514, 515
work and labour, as to, **10,** 338; **28,** 870
conversion, for, **10,** 344; **27,** 908—912
copyright, pirated copies, of, **8,** 167
deposit note, of, **27,** 910 n.
horse, of, **10,** 345 n.
special circumstances, effect of, **10,** 318
copyholder, recoverable from, for wrongful taking of minerals, **20,** 542
copyright, infringement of, for, **8,** 165
dramatic piece, **8,** 185, 186
musical composition, **8,** 187
painting, **8,** 198
print or engraving, **8,** 204
sculpture work, **8,** 208
costs, recovery of, as, **10,** 326—328; **21,** 490
indemnity, in case of contracts of, **10,** 328
legal proceedings with third parties, **10,** 326, 327
lessee sued on covenants in lease, **10,** 328
counterclaim for, **25,** 488, 507
Court of Appeal, powers of, with respect to, **10,** 350
court-martial, recoverable from members of, **25,** 91, 92
covenant, for breach of, assignment, against, **18,** 581
build wall, to, **10,** 339
deliver up premises, to, **18,** 556
further assurance, for, **25,** 468
quiet enjoyment, for, **11,** 4 n.; **18,** 529, 530; **25,** 466
repair, to, **10,** 339; **18,** 510—512; **25,** 664 n.

DAMAGES—*continued.*
covenant—*continued.*
restraint of trade, in, **27,** 580—582
tenant for life's right to damages for, **25,** 607, 608 n., 664
customs and excise officers, recoverable from, **24,** 546
debentures, for breach of contract to take, **5,** 352 n.; **10,** 332
defamation, for. *See* DEFAMATION; LIBEL; SLANDER.
joint claim by husband and wife, in case of, **18,** 614
defective title of lessor, for, **18,** 380
defence, effect of default in delivery of, on claim for, **22,** 451—453
delivery, goods sold, of, damages for delay, **10,** 334; **25,** 270
deposit note, for conversion of, **27,** 910 n.
depreciation of property, for, conversion, in case of, **27,** 911
delay of carrier, by, **4,** 18
hired chattel, of, **1,** 553
negligence, by delay through, **21,** 485
subsidence by working minerals, in case of, **10,** 310 n.
work and labour, through delay in executing contract for, **10,** 339
detinue, recoverable in, **10,** 345; **27,** 908—912
dilapidations, for, liability of tenant for life, **25,** 606, 607
diminution of, **10,** 335; **21,** 484
directness of, **10,** 310
discovery in relation to, **11,** 50 n., 52, 53 n., 67 n., 71
distress, excessive, for, **11,** 181, 207
illegal warrant of, for imprisonment under, **11,** 225
rescue or poundbreach, for, **11,** 194
sheriff acting under, damages recoverable from, **11,** 178
wrongful, for, **10,** 342; **11,** 147, 204—207
sale under, for, **11,** 181
divorce proceedings, in, **16,** 470, 500, 542, 543
apportionment of, **16,** 579, 580
assessment of, **13,** 432; **16,** 542
assignee of damages, intervention by, **16,** 579
condonation, effect of, on damages, **16,** 543
conduct of husband, effect of, **16,** 543
conduct of wife, effect of, **16,** 543
co-respondent, knowledge of, **16,** 542
means of, **16,** 543
death of party, effect of, **14,** 313
decree absolute, after, **16,** 593
enforcement of, **16,** 546
husband and wife living apart, **16,** 543
measure of, **16,** 543
order for, **16,** 546
petitioner, extra costs paid out of damages, **16,** 579, 582
when paid to, **16,** 580
respondent not guilty, co-respondent guilty, **16,** 543
taking damages out of registry after decree, **16,** 593
with or without other relief, **16,** 500
dog, for injury to cattle by, **1,** 397
dower, recoverable in, **13,** 42
earnings, loss of, for, **21,** 483
easement, for disturbance of, **11,** 297, 333—335
electrical undertakers, recoverable by, **12,** 613

DAMAGES—*continued.*
Employers' Liability Act, under, **20,** 146, 147
joinder of claims for, **20,** 153
judgment for, **20,** 152
engineer on building contract, recoverable from, **3,** 297, 298
equity jurisdiction as to, **13,** 67
escape of prisoner, in case of, **25,** 820
estoppel, effect of, **13,** 334 n., 335, 336 n., 337 n., 338, 385. *See* ESTOPPEL.
excessive, Court of Appeal's powers as to, **10,** 350; **23,** 205
new trial, on ground of, **10,** 350; **16,** 277; **18,** 720; **23,** 205
exemplary, when awarded, **10,** 306—308; **21,** 483, 559; **27,** 858
false imprisonment, for, **27,** 884, 885
estoppel, as, in case of action for malicious prosecution, **13,** 338
farthing usually contemptuous, **10,** 305
Fatal Accidents Act, under, **20,** 147; **21,** 455—463
ferry, for disturbance of, **14,** 561 n.
fire, negligent destruction of premises by, in case of, **18,** 520
fixed by statute or agreement, **10,** 309
food, for wrongful seizure of, **15,** 41 n., 43
fraudulent misrepresentation, in action for. *See* FRAUDULENT MISREPRESENTATION.
friendly society, expulsion from, for, **15,** 157
violation of rules of, for, **15,** 149
fright, for, **10,** 321
game, for injury caused by, **15,** 218 n.
game rights, trespass on, for, **15,** 225
gas undertakers, injury by, for, **15,** 307, 339 n.
procedure for recovery of, **15,** 373—375
general, *defined*, **10,** 303; **21,** 482
collision at sea, for, **26,** 537
negligence, for, **21,** 482
pleading with respect to, **10,** 346; **22,** 429 n.
guarantee, under, surety's right to recover, **15,** 520, 523
health, injury to, for, **21,** 483
high bailiff, recoverable against, **17,** 638
claim for, **17,** 635, 636
highway, extraordinary traffic on, for, **16,** 180
injury to, by mine, for, **20,** 508 n., 582
nuisance to, for, **16,** 159
hospitality, for loss of, **10,** 324
illness, for causing, **10,** 321, 324
inadequacy of, as ground for injunction, **11,** 334; **13,** 50; **17,** 207, 208, 214, 215, 219
indemnity, distinguished from, in relation to costs, **15,** 486 n.
recoverable under, **10,** 328; **15,** 485, 486
infant, recovered by, **17,** 138 n.
infection, for, by diseased cattle, **10,** 342
injunction, in addition to, **11,** 333; **13,** 51; **17,** 212, 214
in lieu of, **11,** 333; **13,** 51; **17,** 212—215; **27,** 490
inadequacy of damages as ground for, **11,** 334; **13,** 50; **17,** 207, 208, 214, 215, 219. *See* INJUNCTION.
undertaking on application for, **16,** 455; **17,** 222, 284—286. *See* UNDERTAKING.
inspection of documents, as to, **11,** 67 n.
interest payable as. *See* INTEREST ON MONEY.
interpleader proceedings, in, effect of claim for, **17,** 585
high bailiff, when awarded against, **17,** 638

DAMAGES—*continued.*
interpleader proceedings—*continued.*
particulars of claim for, **17,** 630, 635, 636
sale under order, **17,** 606
interrogatories as to, **11,** 94, 99
judgment for, date of, **18,** 205
entry of, **18,** 185—187; **22,** 452
judicial separation, in suits for, **16,** 500
land, for injury to, by negligence, **21,** 486
lease, breach of covenants in, for. *See* covenant, breach of, *supra.*
ultra vires, for grant of, by mortgagor, **21,** 165
libel and slander, in, aggravation of, **18,** 723
assessment of, **18,** 719—721
malice, effect of, **18,** 717
mitigation of, **18,** 724—728. *See* MITIGATION OF DAMAGES.
new trial, excessive damages as ground for, **18,** 720
licence, for wrongful revocation of, **18,** 339
lien for, **19,** 16, 17; **25,** 410
limitation of action for, **19,** 40, 49—52, 174
limitation of liability for, in Admiralty action, **1,** 108—111; **26,** 290, 291, 521, 612, 617. *See* LIMITATION OF LIABILITY ACTION.
liquidated, **10,** 328—331. *See* LIQUIDATED DAMAGES.
Lord Cairns' Act, under, claim for, **17,** 214
lunatic, recovered by, application of, **19,** 466
magistrate's jurisdiction respecting, **19,** 605; **23,** 732, 733
malicious
arrest, for, civil process, on, **13,** 588; **19,** 695
ship, of, **19,** 698
civil proceedings, for, **19,** 690
execution, for, **14,** 29; **19,** 695
prosecution, for, **10,** 307, 340; **19,** 670 *et seq.*
marine insurance policy, failure to effect, for, **17,** 358
recoverable under, **17,** 502, 504
market, for disturbance of, **20,** 8, 44, 46 n.
marriage settlement, for failure to execute, **25,** 547
married woman, recovered by, nature of, **16,** 454
undertaking by, as to, **16,** 455
Mayor's Court, London, assessment in, **20,** 295
measure of. *See* MEASURE OF DAMAGES.
medical and nursing expenses, for, **21,** 483
medical practitioner, recoverable from, **20,** 333
Metropolis Management Acts, under, recovery of, **20,** 464
mine, infringement of rights in working, for, **10,** 307, 310; **20,** 542, 581—589
minerals, wrongful taking of, for, **10,** 343; **19,** 49; **20,** 538, 540—544
misrepresentation, authority, of, for, **20,** 723
defence to action for damages, as, **20,** 755
misrepresentation, for, agent's representation for own purpose, effect of, **20,** 732
agreement to waive inquiry, effect of, **20,** 727—730
assessment of damages in action for, **20,** 733—735
avoidance of contract, effect of previous, **20,** 730
defences to action, **20,** 725—732
elements necessary to action, **20,** 658, 724—725
innocent, for, when recoverable, **13,** 15; **20,** 721, 723, 724

DAMAGES—*continued.*
misrepresentation—*continued.*
knowledge of truth, effect of, **20,** 726
Lord Tenterden's Act, effect of, **20,** 731
prospectus, in, **5,** 127, 132—136; **13,** 67 n.
reduction of damages, grounds for, **20,** 735
third person's credit, as to, **20,** 731
mistake, as defence to action for, **21,** 25
refusal of specific performance on ground of, **21,** 25; **27,** 106
mitigation of, **10,** 325; **18,** 724—728. *See* MITIGATION OF DAMAGES.
moral culpability as ground for increasing, **21,** 361
mortgagee, premature entry of, for, **27,** 869
mortgagor, recoverable from, for granting lease *ultra vires,* **21,** 165
negligence, for, breach of contract, constituting, **21,** 481
act complained of must result from, **21,** 481
aggravation of, damages by, **21,** 483
assessment, difficulty of, does not render damage too remote, **21,** 489
chattel, causing injury to, **21,** 485
crowd, by collection of a, **21,** 489
diminution of damages, grounds for, **21,** 484
elements necessary to obtain damages, **21,** 481
exemplary, **21,** 483
general, **21,** 482
land and buildings, causing injury to, **21,** 486
loss of profits, recovery of, **21,** 483, 485
measure of. *See* MEASURE OF DAMAGES.
reduction of, **21,** 484
remoteness of, **21,** 486—490. *See* REMOTENESS OF DAMAGE.
reversioner, recoverable by, **21,** 486
special, **21,** 482
negotiable instrument, in action by holder of, **2,** 523—526
nervous shock, for, **21,** 488
nominal. *See* NOMINAL DAMAGES.
non-delivery, for, sale of goods, on, **10,** 317, 333; **25,** 271
shares, of, **10,** 332
nuisance, **16,** 159; **21,** 558—560
assessment of, **21,** 559
continuing, **21,** 560
highways, to, **16,** 159
pail from mines, for tipping, **20,** 584
pain and suffering, for, **4,** 58; **10,** 302 n., 323; **21,** 488
passing-off, for, **27,** 772
patent, for infringement of, **22,** 223
pawn, for loss of, **22,** 243
penal, when awarded, **10,** 306—308; **21,** 483, 559
perilous alternative, caused by adoption of, **10,** 312
personal injury, for, **10,** 323; **21,** 483; **27,** 874
pleading with respect to, **10,** 346—348; **22,** 425, 426, 429 n., 430, 446, 455 n., 458 n.
possibility of damage as affecting, **10,** 322
power, for defective execution of, **23,** 21
principles in awarding, **10,** 302
profits, for loss of, **10,** 324; **21,** 485
sale of goods, in case of, **25,** 268, 269, 270
sale of land, in case of, **25,** 410
promise of marriage, for breach of, **10,** 323; **16,** 277
proof of, **10,** 347, 348
prospective, *defined,* **10,** 306
assessment of, **10,** 309, 310
punitive, **10,** 306

DAMAGES—*continued.*
pupil from school, for removal of, **12,** 123
Railway and Canal Commissioners, jurisdiction of, respecting, **23,** 757
railway
company, recoverable from, minerals, for wrongfully taking, **20,** 542
passenger, by, **4,** 56, 58—60. *See* MEASURE OF DAMAGES.
Railways Clauses Consolidation Act, 1845, under, **23,** 732, 733, 735
procedure, **23,** 733
reduction of, consent of counsel to, **2,** 398
conversion, in, by acceptance of proceeds, **27,** 912
Court of Appeal, by, **10,** 350
evidence of character in, **13,** 454, 455
negligence, in, **21,** 484
sale of goods, on breach of contract for, **10,** 335; **25,** 268 n., 271 n.
remoteness of. *See* REMOTENESS OF DAMAGE.
renunciation of contract, on, **10,** 335; **25,** 267, 269
replevin action, recoverable in, **10,** 345; **11,** 203
restitutio in integrum, principle of, **10,** 302
restraint of trade, for breach of covenant in, **27,** 580—582
reversioner, recoverable by, for nuisance, **21,** 486, 559
right of action for, bequest of, **28,** 522
not assignable, **4,** 369, 402; **20,** 736; **27,** 491
sale of goods, on, buyer's liability for, **10,** 335; **25,** 236, 237, 267, 268
seller's liability for, **10,** 333, 334, 336; **25,** 268—279
breach of warranty, for, **10,** 336; **25,** 274—277
detinue or trover, in, **25,** 273
non-delivery, for, **10,** 333, 334; **25,** 268—272
special damages, **25,** 277, 278 n.
valuation, damages for preventing, **25,** 148
sale of land, on, breach of contract for, purchaser's liability, **10,** 337; **25,** 409
vendor's liability, **10,** 338; **25,** 409—412
breach of covenant, for. *See* covenant, breach of, *supra.*
schoolmaster, recoverable by, for removal of pupil, **12,** 123
seduction, for, **10,** 324; **20,** 273
servant, breach of contract by, for, **20,** 107
inducing, for, **20,** 270
negligence of, for, **20,** 125
recoverable by, for dismissal without notice, **20,** 112
tort by, for, **20,** 276—278
set-off, in relation to, **25,** 488—492, 496, 497, 500
shares, breach of contract in respect of, for, **10,** 332; **27,** 249—254
wrongful detention of, for, **10,** 333; **27,** 255, 256
sheriff, recoverable from, **10,** 345; **11,** 178
sheriff's court for assessment of, **9,** 119; **25,** 807 n., 808
small holding, in respect of claim to, **26,** 691
solicitor, recoverable from, malicious bankruptcy petition, for, **19,** 697
negligence, for, **10,** 346; **19,** 697; **21,** 486; **26,** 754
special. *See* SPECIAL DAMAGE.

DAMAGES—*continued.*
special circumstances affecting, contract, in, **10,** 311, 313—317
notice of, when necessary, **10,** 314
sale of goods, in case of, **25,** 277
tort, in, **10,** 311, 317; **27,** 467—470, 471
specific performance, addition to, in, **13,** 67; **18,** 381; **27,** 105—107
lieu of, in, **13,** 67; **18,** 381; **27,** 105—107
refusal of damages on, **27,** 106
sufficient remedy to bar, damages as, **27,** 13—17
statement of claim relating to, amendment of, **10,** 348; **22,** 452 n.
statutory, *defined,* **10,** 305
duty, for breach of, **10,** 305, 306; **27,** 192
stockbroker, recoverable from, breach of contract, for, **27,** 249, 250
closing account, for, **27,** 249, 250
subsidence, for, **11,** 325
brine pumping, from, **20,** 581
mining operations, from, **20,** 581—583
summary jurisdiction in respect of, **19,** 605
tenant for life, recoverable by, for trespass to minerals, **20,** 543
recoverable from, for waste, **25,** 606, 607
right of, to, **25,** 607, 608 n., 664 n.
third party, recovery of damages from, **10,** 312
tort. *See* TORT.
recoverable in, **10,** 317, 340; **27,** 472, 490
malice, effect of, **10,** 340; **27,** 467
special circumstances affecting, **10,** 311, 317; **27,** 467—470, 471
trade mark, for infringement of, **27,** 720, 772
treble, recovery of, in distress, **11,** 194
tree, overhanging poisonous, for, **21,** 396 n.
trespass, for, aggravation of, **10,** 325; **27,** 858
cattle, by, **1,** 376; **10,** 342; **27,** 869 n.
continuing, for, **27,** 847
game rights, to, **15,** 225
goods, to, **10,** 342, 343; **27,** 868
land, to, **10,** 340—342; **27,** 858
foreign, to, **6,** 200
measure of, **27,** 858
mine and minerals, to, **10,** 343; **20,** 538, 540—544
lessee, recoverable by, **20,** 542
mining operations, by, **20,** 587
mitigation of, **10,** 325; **27,** 858
person, to the, **27,** 872, 874, 884
trover, for, **27,** 908—912. *See* MEASURE OF DAMAGES.
payment of, effect of, **27,** 916
into court, effect of, **27,** 916
specific delivery in lieu of, **27,** 917, 918
trust, not given for breach of, **13,** 67; **28,** 186
undertaking as to, on applying for injunction, **16,** 455; **17,** 222, 284—286. *See* UNDERTAKING.
unliquidated, **10,** 305. *See* UNLIQUIDATED DAMAGES.
unusual advantage or loss, notice must be given of, **10,** 316
vindictive, **10,** 306—308; **18,** 723; **21,** 483, 559
warranty, authority, of, for breach of, **1,** 222; **27,** 223
breach of, for, **10,** 336, 337; **25,** 274
horse, on sale of, **1,** 391
waste, for, **18,** 500; **25,** 606, 607
water, pollution of, for, **28,** 435

DAMAGES—*continued.*
water supply, recovery by undertakers for waste and misuse of, **28,** 324, 325
undertaker's failure in respect of, for, **28,** 306, 307
watercourse, for injury to, by mine, **20,** 589
way, for infringement of right of, **11,** 297; **20,** 587, 588
will, for breach of contract to make gift by, **28,** 514, 515
witness, malicious arrest of, for, **13,** 588; **19,** 695
non-attendance of, for, **13,** 588, 590
work, for non-completion of, **10,** 338; **25,** 490
wounded feelings, for, **10,** 323
writ of inquiry for assessment of, **9,** 119; **25,** 807 n., 808
wrongful
dismissal, for, **10,** 339; **20,** 111—113
distress, for, **10,** 342; **11,** 204—207
removal under distress, for, **11,** 178

DAME,
right of baronet's wife to prefix of, **22,** 284

DAMNUM ABSQUE INJURIA,
Act of parliament, act authorised by, **1,** 14
act of state, **1,** 14
common peril, defence against, **1,** 12
defamatory statements, privileged, **1,** 12, 13
fatal injuries, **1,** 12; **21,** 454
intention, **27,** 470
malicious, **1,** 13; **27,** 467
land, user of, **1,** 10
legal proceedings unfounded, **1,** 13
legal rights, erroneous view of, **27,** 470
name, use of, **1,** 11
nuisance, effect on action for, **21,** 508
remoteness of damage, **1,** 16
seduction, **1,** 11
trade rivalry, **1,** 11
volenti non fit injuria, effect of, **1,** 15

DAMP,
party wall, in, **20,** 492 n.

DAMPING,
sale of land, on, auction, by, **1,** 512
specific performance, effect on, **27,** 38 n.

DANCER,
restrictive covenant with respect to, **27,** 585

DANCING,
circus, whether licence necessary for, **27,** 416
closing hours of premises for, **27,** 417
licence for, authorities for grant of, **27,** 417
duration of, **27,** 418, 419
grant and renewal of, **27,** 418, 419
local Acts, under, **27,** 419
premises for which required, **27,** 415—417, 418
Public Health Acts Amendment Act, under, **27,** 418
variation in law as to, **27,** 415
music licence does not authorise, **27,** 418
offences relating to, **27,** 422, 423
trade, is not a, **27,** 509 n., 531 n.

DANGER. *See* DANGEROUS.
aversion of, as defence in tort, **27,** 499
employer's liability for work involving, **20,** 131; **21,** 474, 475

DANGER—*continued.*
general average in relation to, **17,** 449 *et seq.*; **26,** 316 *et seq.*
negligence, effect on liability for, **21,** 449, 452
licensee, of, causing, **21,** 394
notice as affecting liability for, **21,** 371, 372, 390
poisoned grain, from, **1,** 285
public, to, defect in electricity undertaking, from, **12,** 603
light railway scheme, effect on, **27,** 825
quia timet, as ground for relief by, **13,** 52
salvage, necessary to constitute, **26,** 558, 559, 562, 567
effect on award of, **26,** 576, 578
sea regulations, justifying departure from, **26,** 370
ship, to life or limb on, **26,** 558

DANGEROUS. *See* DANGER.
animals. *See* ANIMAL.
article, negligence in relation to, **21,** 365, 370, 407—409
passenger carrying, **4,** 46
post, sending by, **22,** 662
building. *See* BUILDING.
business, provisions relating to, **20,** 494
canal, places on, jurisdiction of London County Council as to, **20,** 396; **23,** 782, 783
power of metropolitan borough councils as to, **20,** 405; **23,** 782, 783
cargo. *See* CARGO.
crossing, street refuges at, **16,** 254
dogs, statutory provisions as to, **1,** 372, 373, 399
driving, carriage, **27,** 277, 278
motor car, **27,** 324, 325
employment, master's duty towards servant in, **20,** 131; **21,** 366
liability in case of, **20,** 131; **21,** 474, 475, 515
servant's rights in case of, **20,** 99, 102
explosive, **14,** 356. *See* EXPLOSIVES.
factory, prohibition of use of, **14,** 471, 472
fences, **3,** 127, 128; **16,** 115, 169; **21,** 515
gifts, **15,** 427
goods, care required in case of, **21,** 365, 407—409
carriage of, **4,** 27, 85
negligence in relation to, **21,** 365, 370, 407—409
passenger, by, **4,** 46
sea, by, **26,** 79, 345
tramways, on, **27,** 808
warranty as to, when implied, **21,** 371 n.
lender or giver's liability for, **21,** 408, 409
sale of, **21,** 370, 408, 409; **25,** 112, 163
industries, list of, **14,** 479 n.—481 n.
provisions regulating, **14,** 483—487
as applied to docks, **14,** 483, 484
railways regulated as, **14,** 485, 486
Secretary of State's powers as to, **14,** 479—483
statutory provisions as to, **14,** 476—479
infectious disease, *defined*, **3,** 550; **23,** 449 n.
machinery. *See* MACHINERY.
matter, children, duty to guard, from, **21,** 373, 394 n.
nature, by, duty as to, **21,** 407
negligence in allowing escape of, **21,** 466
nuisance, storage as a, **21,** 528, 529
post, sending by, **22,** 662
mines, accumulation of water, provision relating to, **20,** 616
inspector's duties with regard to, **20,** 609
withdrawal of workmen from, **20,** 614

DANGEROUS—*continued.*
negligence in relation to dangerous articles. *See* NEGLIGENCE.
operations, duty of persons engaged in, **21,** 365, 407
responsibility in case of, **20,** 332, 333
performance by children, **9,** 626; **17,** 153.
pits and holes, fencing of, **7,** 259; **12,** 575; **16,** 111
premises. *See* BUILDING; PREMISES.
property as nuisance, **21,** 515, 530
railway company's liability in respect of, **23,** 727, 728
riding, **27,** 277, 278
shafts, fencing of, **7,** 259; **16,** 169; **20,** 550, 585, 628, 630
things to neighbours, liability of owner of land for, **27,** 849
vessel, precautions to be taken as to, **26,** 493, 494
voyage, crew not bound to proceed on, **20,** 84 n.
weapons, duty to observe caution, **21,** 365
works, Thames, in, repair of, **28,** 409

DANUBE,
navigation of, rules for, **26,** 481

DARTMOUTH,
local court of, **9,** 156

DATE,
acknowledgment of debt, of, **19,** 59
assignment of chose in action, wrong statement in notice of, **4,** 372
bill of exchange, of, **2,** 466, 486, 563
acceptance of, of, **2,** 486
conflict of laws as to, **2,** 563; **6,** 247
incorrect, **2,** 466
omission etc. of, **2,** 466, 486
bill of sale, of, affidavit as to, **3,** 48
birth, of, evidence as to, **11,** 687 n.; **13,** 533, 537
posthumous, **11,** 19
bond, of, **3,** 84
charterparty, in provisions of. *See* CHARTER-PARTY.
colonial law, of operation of, **10,** 542
conversion, of, equity, in, **13,** 107, 108
completion, for, on sale of land, **25,** 332
death, of, affidavit on applying for probate or administration, **14,** 169
presumption of, **13,** 500—503; **14,** 170
deed, of, **10,** 382, 445
false, **9,** 712 n.
document, of, parol evidence to prove, **10,** 445
rectification of mistake in, **21,** 15
judgment, of, **18,** 204—207
order, of, **18,** 205—207
patent, of, **22,** 179
payment, for, object of inserting in mortgage, **21,** 114
perpetuity period, for reckoning, **22,** 332
statute, of, **27,** 118

DAUGHTER,
abduction of, **9,** 620, 621—623
carnal knowledge of, father, by, **9,** 617
parent's liability for permitting, **9,** 617
coparcener, takes realty as, **11,** 10
father's right to custody of, determination of, **17,** 105
portions for. *See* PORTION.
provision in settlement for. *See* SETTLEMENT.

DAUGHTER—*continued.*
seduction of, **20,** 270—275. *See* SEDUCTION.
succession to property of. *See* DESCENT; COPARCENER.

DAVENTRY,
local court of, jurisdiction of, **9,** 157

DAY,
defined, **15,** 228 n., 239 n.; **26,** 123; **27,** 439
business, *defined,* **2,** 527 n.
bill, in relation to, **2,** 477, 478 n., 527, 532, 538, 546
charterparty, in, **26,** 122—124
demurrage, **26,** 122. *See* DEMURRAGE.
discharge of cargo, for, **2,** 121, 122
lay, **26,** 121. *See* LAY-DAYS.
running, **26,** 122
working, **26,** 122, 123
fair, for holding, **20,** 15—18
fractions of, **26,** 123; **27,** 454
included or excluded in computing time, **9,** 571 n.; **27,** 440, 446, 458
judicial notice of almanack as to, **13,** 492
market, for holding, **20,** 15—18
working days, *defined,* **26,** 122, 123

DAY INDUSTRIAL SCHOOL,
defined, **12,** 79
certification of, **12,** 79
court's power to send child to, **12,** 58
establishment of, **12,** 79
expenses of, how defrayed, **12,** 80, 81
inspection of, **12,** 79
local powers relating to, **12,** 80
maintenance of child in, **12,** 80, 81

DAY-WORK,
building contract, in, **3,** 176

DAYS OF GRACE,
bills of exchange, for payment of, **2,** 477, 478
bills payable on demand not subject to, **2,** 475
limitation of actions, effect on, **19,** 45
insurance, fire, in, **17,** 526
life, in, **17,** 555
rent, for payment of, **11,** 123 n.; **18,** 471 n.

DE ADMITTENDO,
writ of, **9,** 115

DE BENE ESSE,
depositions taken under, **13,** 46, 618 n.
equitable jurisdiction as to suits of, **13,** 42, 46
order to examine witnesses, contents of, **13,** 618 n.

DE BONIS ECCLESIASTICIS,
writ of, **14,** 17

DE BONIS INTESTATI,
writ of, *defined,* **14,** 41
execution against personal representative, **14,** 15, 41

DE BONIS NON,
administration, **14,** 196

DE BONIS PROPRIIS,
execution against personal representative, **8,** 546; **14,** 15, 332

DE BONIS TESTATORIS,
defined, **14,** 41
execution against personal representative, **8,** 546; **14,** 15, 41, 332
judgment of, charging order will not be made on, **14,** 104 n.
writ of, **14,** 41

DE CONTUMACE CAPIENDO,
writ of, **11,** 532, 533

DE CORONATORE ELIGENDO,
writ of, **8,** 215, 216, 226, 252

DE CORONATORE EXONERANDO,
writ of, **8,** 216, 252

DE CURSU,
writ of, **1,** 32

DE DONIS,
statute, conditional fee, effect on estate of, **24,** 172, 241
estate tail created by, **24,** 242, 243
effect on alienation of, **24,** 247

DE DOTE UNDE NIHIL HABET,
action of, **1,** 33

DE EJECTIONE FIRMÆ,
action for trespass, **1,** 34; **3,** 116 n.

DE ESSENDO QUIETUM DE THEOLONIO,
writ of, **20,** 41 n.

DE EX COMMUNICATO CAPIENDO,
writ, **11,** 532, 539 n.

DE FACTO POSSESSION,
defined, **22,** 391

DE FUTURO,
representations as to matters, how regarded, **20,** 661, 664

DE MINIMIS NON CURAT LEX,
application of maxim, **1,** 16
easement of support, in respect of, **11,** 325
sale of goods, excess delivery on, in respect of, **25,** 213 n.

DE PARTITIONE FACIENDA,
writ of, **21,** 834 n., 839 n.

DE PREROGATIVA REGIS,
statute of, lunatics, in respect of, **6,** 475 n.; **9,** 94; **19,** 395
royal fish, in respect of, **7,** 215 n.; **14,** 580

DE RESTITUTIONE TEMPORALIUM,
writ of, **11,** 408

DE VENTRE INSPICIENDO,
writ of, **11,** 11 n.

DEACON,
admission to priesthood, **11,** 552
age of, **11,** 550
duration of office of, **11,** 552
functions of, **11,** 552

DEACON—*continued.*
holy communion, duties with respect to, **11,** 689—691
marriage, consent to place of, **16,** 301, 302 n.
power to solemnise, **11,** 376 n., 552
ordination of, **11,** 401, 549—552

DEAD,
animals, larceny of, **1,** 369, 371
body. *See* CORPSE.
fish, larceny of, **14,** 590
person, gift by deed to, **15,** 405
gift by will to, **15,** 405; **28,** 538. *See* LAPSE.
intoxicating liquor licence, grant to, **18,** 57
voters' list, name on, **12,** 202, 204
prayers for, **11,** 672

DEAD FREIGHT,
defined, **26,** 101 n., 209
lien for, **26,** 134, 285

DEAD RENT,
distress for, **11,** 124; **20,** 565
mining leases, in, **20,** 556, 559, 565
reservation of, **11,** 124

DEAD SLOW,
ship's justification for going, **26,** 423, 424

DEADLY WEAPON,
justification for use of, **9,** 609

DEAF CHILD,
defined, **12,** 41
education of, compulsory, **12,** 55, 60
effect on parent's franchise, **12,** 143
expenses of, **12,** 44
grants for, **12,** 11 n., 12, 45, 49, 50
guardians' powers as to, **12,** 83
parent's responsibility with respect to, **12,** 44, 60
religious instruction, **12,** 43
special provisions for, **12,** 17, 18 n., 25, 40, 41

DEAF MUTE,
evidence by, **9,** 400; **13,** 569
gift, capacity to make, **15,** 403
marriage of, **16,** 283
presumption of idiocy of, **6,** 475 n.; **19,** 394, 403
will, capacity to make, **19,** 403

DEAL,
local court of, jurisdiction of, **9,** 157

DEALER,
beer, in. *See* BEER.
game, in. *See* GAME DEALER.
manufacturer, distinguished from, **27,** 578
restrictive covenant of, **27,** 586
retail. *See* RETAIL DEALER.
stocks and shares, in, **27,** 216. *See* STOCKJOBBER.
wholesale, licence for, beer, in, **18,** 11, 12, 20; **24,** 650
spirits, in, **18,** 11, 12, 20; **24,** 667—669
sweets, in, **18,** 11, 12, 20; **24,** 676
wine, in, **18,** 11, 12, 20; **24,** 680

DEAN,
defined, **11,** 416
appointment of, **11,** 417
benefice may be held by, **11,** 419, 634

DEAN—*continued.*
bishop acting as, **11,** 417
canonry, vacation of, on appointment as, **11,** 419
chapter, and. *See* DEAN AND CHAPTER.
without, **11,** 424
college, of, elections by, **4,** 248
cure of souls of, **11,** 420
dignitary, is a, **11,** 439 n.
duties of, **11,** 416 n., 419
honorary, **11,** 416
hospital, of, elections by, **4,** 248
incapacity of, inquiry as to, **11,** 421, 422
income of, **11,** 418
installation of, **11,** 419
fees payable on, **11,** 419 n.
kinds of, **11,** 416
leases by, execution of, **11,** 760
lunacy of, **11,** 422
offices prohibited to, **11,** 420
old and new foundations distinguished, **11,** 418 n.
patronage of, **11,** 579
pension of, **11,** 421
preaching by, **11,** 419
qualifications for, **11,** 417
rank of, **11,** 421, 439
reading in of, **11,** 420 n.
residence of, **11,** 419
resignation of, **11,** 421
rural, **11,** 440—442. *See* RURAL DEAN.
sees without a, **11,** 417
style of, **11,** 421, 439 n.
sub-dean, office of, **11,** 421
vestments of, **11,** 420
visitation by, **11,** 410, 419

DEAN AND CHAPTER,
alienation of church property by, **11,** 760
corporation aggregate, a, **11,** 423, 426
dean, head of chapter, as, **11,** 416, 417, 424
powers of, **11,** 424
guardian of the spiritualities, as, **11,** 390
mines, cannot work, **20,** 519
Newcastle, of, **11,** 418 n.
property of, **11,** 425
Truro, of, **11,** 418 n.
Westminster, of, claim at Coronation of, **6,** 332

DEAN OF THE ARCHES,
appointment of, **11,** 386
ecclesiastical judge, as, **11,** 509

DEANERY,
cession of canonry by accepting, **11,** 419
preferments annexed to, **11,** 422
vacancy in, **11,** 421

DEATH,
accident, caused by, **14,** 398, 473 ; **20,** 608 ; **21,** 454—463 ; **23,** 748. *See* FATAL ACCIDENTS ACT.
action, extinction of right of, by, **1,** 31
judgment, after, **14,** 9, 229
party to, of, **14,** 228, 229 ; **19,** 55, 78 ; **23,** 108
county court, in, **8,** 511
Inclosure Act, under, **4,** 559
administrator, of, **14,** 141
advowson, of person seised of, **14,** 230
affiliation proceedings, in, bastard, of, **2,** 441, 443, 449, 450
magistrate, of, **2,** 446 n.

DEATH—*continued.*
affiliation proceedings—*continued.*
party to, of, **2,** 443, 444, 448, 451
appeal, before, **2,** 453 n.
agency, in, agent, of, **1,** 234
principal, of, **1,** 233
appellant, of, **23,** 195
county court appeal, in, **8,** 608
effect of, **23,** 195
joint appeal, in case of, **9,** 48
quarter sessions, to, **19,** 645
summary proceedings, in, **19,** 645
apprenticeship, effect on contract of, **14,** 305 ; **17,** 71 ; **20,** 104
arbitration, of party to, **1,** 443, 450
arbitrator, of, **1,** 456, 460
Land Clauses Act, under, **6,** 78, 79
of building society, of, **3,** 382
architect, of, **3,** 285, 293, 305, 306
assignee of term, of, **14,** 306
bank, customer, of, **1,** 578, 580, 585, 607 ; **2,** 516
savings, of depositor in, **1,** 578, 580
bankrupt, of, **2,** 47, 51
benefice, avoidance by, **11,** 627
bill of exchange, of party to, **2,** 528, 533, 545
boxing, resulting from, **8,** 268 ; **9,** 582
breach of covenant, effect on, **14,** 225
breach of promise, effect on action for, **14,** 225, 305 ; **16,** 275
building contract, of, party in, **3,** 273, 293, 294, 305
building society, depositor in, of, **3,** 374, 375
member, of, **3,** 349, 353
officer, of, **3,** 346, 347
carrying over shares, effect on, **27,** 239
cause of, dying declaration as evidence of, **13,** 471
medical evidence as to, **8,** 268 ; **13,** 480
certificate of. *See* CERTIFICATE.
cestui que vie, of, burden of proof as to, **24,** 183
charity, donor, of, **4,** 130
relator, of, **4,** 325
trustee, of, **4,** 168, 184, 266
chemist, of, notification of, **20,** 354
choses in action, assignment of, by, **4,** 399
effect on notice of, **4,** 372, 382
class, of member of, effect on gift by will, **28,** 616, 716
commorientes, **13,** 503 ; **14,** 170
company, contributory, of, **5,** 490, 652 ; **14,** 307
director, of, **5,** 232 ; **14,** 313, 314
liquidator, of, **5,** 462, 576, 601
member, of, **5,** 308, 309, 491 ; **14,** 307
promoter, of, **5,** 56
shareholder, of, **5,** 168, 196
contract, of party to, **7,** 461, 502 ; **14,** 239, 305—312 ; **25,** 378, 537
joint, of party to, **14,** 308
marriage, in consideration of, of party to, **25,** 537, 546, 547
copyright, effect on, **8,** 140, 157 ; **14,** 227
county court, of party to action in, **8,** 511
date of, affidavit on applying for probate or administration, **14,** 169
presumption of, **13,** 500—503 ; **14,** 170
debtor, of, bankruptcy proceedings in, **2,** 47, 51
deceit, effect on action of, **5,** 135, 140 ; **14,** 226
defendant, of, **14,** 228 ; **19,** 78 ; **23,** 107, 108
dentist, of, notification of, **20,** 361 n.
deposit contributor, of, National Insurance Act, under, **28,** 974

DEATH—*continued.*
distress, effect on, **11,** 129, 130
domicil, effect on, **6,** 192
donee, of, effect on gift, **15,** 405
donor, of, effect on gift, **15,** 414, 425, 426
charity, to, **4,** 130
literary or scientific institution, to, **19,** 198
drugs, from, procure abortion, to, ground for charge of murder, as, **9,** 579
duties payable on. *See* DEATH DUTIES; DUTIES (Revenue); ESTATE DUTY; LEGACY DUTY; SUCCESSION DUTY.
dying declarations as evidence of cause of, **13,** 471
election, municipal, candidate, of, **12,** 350
commissioner, of, **12,** 488
parliamentary, agent, of, **12,** 267
candidate, of, **12,** 307
commissioner for, of, **12,** 464
notice of objection, **12,** 216
election petition, municipal, of petitioner or respondent in, **12,** 496, 508, 509
parliamentary, presentation after, **12,** 418
petitioner or respondent in, of, **12,** 435
engineer, of, **3,** 293, 305, 306
evidence of, burden of proof, incidence of, **13,** 435, 500, 501
shifting of, **13,** 435
certificate as, **13,** 533; **25,** 353
documentary, **13,** 533
friendly society, for purposes of, **15,** 151, 152, 154, 156
inscription on tombstone as, **13,** 565.
insurance claims, for purpose of, **17,** 564
presumption of law as to, **13,** 500—503
Probate Division, sentence of, not conclusive, **14,** 211
title to land, for purposes of, **25,** 353
executor, of, **14,** 141, 145
explosives works, by accident in, notice of, **14,** 398
factory or workshop, in, by accident, notice of, **14,** 473
fire insurance, effect on, **17,** 529
fishing boat, on, **14,** 633; **26,** 591
food, diseased or unwholesome, from, **15,** 35
fraudulent alienation, of grantor of, **15,** 90
friendly society, of officer of, **15,** 162, 191
payments by, on, **14,** 192; **15,** 151—156
trustee, of, **15,** 170
gift over on. *See* GIFT OVER.
guarantee, debtor in, of, **15,** 479 n., 491, 522 n., 572
partner in, of, **15,** 499, 501
surety in, of, **14,** 310; **15,** 494 n., 523, 533, 571, 573
guardian of infant, of, **17,** 127
habitual drunkard in retreat, of, **18,** 165
heriot payable on, **8,** 37—45. *See* HERIOT.
hospital, in. *See* HOSPITAL.
husband, of, effect on wife's authority, **16,** 428
Inclosure Act, of party to action under, **4,** 559
industrial and provident society, of member of, **14,** 192; **17,** 19
infant, father of, of, **17,** 108, 112, 115, 117
guardian of, of, **17,** 127
of, nursed for reward, **17,** 158
inquest after. *See* INQUEST.
intestate, *defined,* **14,** 136
joint-tenant, of, **18,** 343
judgment debtor, of, no appointment of receiver after, **14,** 121; **24,** 358

DEATH—*continued.*
juror, of, **18,** 254
King, of the, **6,** 325, 375; **11,** 30
land tax, of contractor for redemption of, **18,** 325
lapse of gift on, **28,** 538
legitimacy, determination of, after, **2,** 432
lessee, of, **14,** 306, 307; **18,** 577, 598, 599
licensee for intoxicating liquors, of, **18,** 28, 49
life insurance, of person insured before effecting policy, **17,** 554 n.
proof in case of, **17,** 564
limitation of action, as affecting, **19,** 53—55, 57, 78; **27,** 455
literary or scientific institution, donor of, **19,** 198
loan society, of debenture-holder in, **19,** 221
lunacy, of petitioner in, **19,** 417
lunatic, of, **19,** 434, 447, 457, 459
in institution, **19,** 525
magistrate, of, effect on warrant, **11,** 222; **19,** 600
manslaughter, in relation to, **9,** 580—586. *See* MANSLAUGHTER.
marriage contract, of party to, **25,** 537, 546, 547
master and servant, effect on relation of, **14,** 305; **20,** 94, 275
matrimonial suit, of party to, **14,** 228, 313; **16,** 537, 538
medical practitioner, of, notice of, **20,** 319 n.
mine, by accident in, notice of, **20,** 608
inquest on, **8,** 245, 246
misrepresentation in prospectus, effect on liability for, **5,** 135, 140; **14,** 313
mortgagee, of, **11,** 5; **14,** 234; **21,** 184, 316. *See* MORTGAGEE.
mortgagor, of, **21,** 146, 265, 279, 333. *See* MORTGAGOR.
murder, in relation to, **9,** 570—579. *See* MURDER.
negligence, caused by, **21,** 454—463. *See* FATAL ACCIDENTS ACT; NEGLIGENCE.
owner in possession, of, accrual of claim to land on, **19,** 114
parliament, of member of, **12,** 257; **21,** 789
partner, of, **14,** 221, 309, 310 **22,** 86
dissolution of partnership on, **14,** 221; **22,** 86
effect on contract of service, **20,** 94
joint covenant, effect on, **13,** 39
limited partnership, **22,** 111
service of writ and judgment, between, **22,** 46 n.
patent, of person applying for, **14,** 227; **22,** 129, 153
patentee, of, **22,** 190
pawner, of, **22,** 242
peerage, abeyance of, by, **22,** 273
personal
injury, effect on action for, **14,** 226, 227
property, alienation at, **22,** 408
representative, of, **14,** 140, 229, 230
plaintiff, of, **14,** 228, 229; **19,** 55, 78; **23,** 108
pleading, admission of contract in, of party making, **27,** 36 n.
portion, of person entitled to, **25,** 590, 593, 594
power, of person whose consent is necessary to, **23,** 20
power of selection, effect on, **14,** 226
presumption of, **13,** 435, 500—503; **14,** 169, 170; **17,** 564. *See* PRESUMPTION.
railway, by accident on, notice of, **23,** 748
receiver, of surety for, **24,** 372
registration of. *See* REGISTRATION OF DEATH.

DEATH—*continued.*
restraint of trade, effect on covenant in, **27,** 562
sale of land, in case of, **14,** 239 ; **25,** 378—381 ; **27,** 81
seaman, of, **26,** 51, 58, 59
sentence of. *See* CAPITAL PUNISHMENT ; SENTENCE.
servant, of, master's rights on, **20,** 275
set-off, effect on, **25,** 494 n., 498, 499
settlement, protector of, **25,** 692
trustee, of, **25,** 632, 710, 711 n.
shares, effect on option to take, **5,** 197 ; **14,** 226
sheriff, of, **25,** 796, 801, 802, 834, 841 n.
ship, on board, **26,** 658
master of, of, successor on, **26,** 40
small dwelling, of owner of, **26,** 698
small holding, of owner of, **26,** 689
solicitor, effect on retainer of, **26,** 739, 740, 742
of, effect on articles, **14,** 305 ; **26,** 714
Sovereign, of, **6,** 325, 375
specific performance, effect on right to, **14,** 307 ; **27,** 7 n., 81
statutory penalty, effect on liability for, **14,** 313
stockbroker's client, of, **27,** 219 n., 251
tenancy at sufferance, effect on, **18,** 438
tenancy at will, effect on, **18,** 437
tenant for life, of, **1,** 267 n. ; **14,** 226, 311 ; **25,** 601, 606, 612, 701, 702
tenant in common, of, **18,** 344 n.
tort, effect on liability for, **13,** 68 ; **14,** 312—314 ; **16,** 437 ; **20,** 275 ; **27,** 502
trade mark, of applicant for registration of, **27,** 736 n.
owner of, **27,** 720
trade union, of member of, **14,** 192 ; **27,** 627 n.
trust deed to take effect on, revocability of, **15,** 419
trustee, of, **14,** 312 ; **28,** 100, 101, 115
charity, of, **4,** 168, 184, 266
settlement, of, **25,** 632, 710, 711 n.
urban district council, of chairman of, **12,** 375
veterinary surgeon, of, notification of, **20,** 373
voters, of, removal from list, **12,** 198, 232
wager, of party to, effect of, **15,** 274
wife, of, effect on husband's liability, **16,** 437
will, witness to, of, **14,** 213 n.
workman, of, compensation for. *See* WORKMEN'S COMPENSATION.
writ of sequestration, of person issuing, **14,** 85
yacht, on, **26,** 660

DEATH DUTIES.

The title ESTATE AND OTHER DEATH DUTIES *is contained in Vol. XIII., pp.* 177 *et seq. See* ACCOUNT DUTY ; ESTATE DUTY ; LEGACY DUTY ; PROBATE DUTY ; SETTLEMENT ESTATE DUTY ; SUCCESSION DUTY.

abstract of title, discharge should be shown in, **25,** 346
account of, in relation to other property, **13,** 216
active service, remission on death arising through, **13,** 182
bastard, in case of, **2,** 440 ; **13,** 283 n.
legitimised by subsequent marriage, **2,** 437
capital, payable out of, **25,** 646 n.
certificate of discharge on payment of, **13,** 182
charity, legacy to, on, **4,** 206
communication respecting, how addressed, **13,** 181
commutation of, **13,** 224, 225, 258
composition of claims for, **13,** 181, 182, 225, 228

DEATH DUTIES—*continued.*

directions for payment of, effect of, **13,** 222 n.
exemption from, gifts for Irish charities, of, **4,** 207
gift made to avoid, **13,** 188
incidence of, generally, **13,** 180
interest on, **13,** 182 ; **21,** 39
jointress, exonerating, from, **23,** 81
kinds of, **13,** 180
lapse of twenty years, remission after, **13,** 182
legacy given subject to, effect of, **13,** 219 n.
management of, **13,** 181
oath as to, **13,** 216 n.
overpaid, repayment of, **13,** 228, 261, 262, 304, 318
power of appointment, in case of, **13,** 219 ; **14,** 222
disclaiming under, to avoid, **13,** 237 ; **28,** 601
proof of payment of, **25,** 355
public purposes, remission on gifts for, **13,** 182
recovery of, **10,** 19, 20
remission of, **13,** 182, 224, 258, 302 ; **19,** 214 n.
statutes imposing, scope of, **27,** 163
substance of transaction not the form regarded, **13,** 180 n.
trust property in case of, **13,** 193 ; **28,** 101

DEBATE,

House of Commons, in the, **21,** 678—681
House of Lords, in the, **21,** 636, 637

DEBENTURE,

defined, **5,** 36, 345 ; **28,** 710
act of bankruptcy, issued with notice of, **2,** 288
agreements to issue, **5,** 352
assignee of, position of, **4,** 387 ; **5,** 359, 360
assignment of, **4,** 377, 380, 387, 394. *See* transfer of, *infra.*
bearer, payable to, **5,** 346
bequest of, **28,** 710
bill of sale, as, **3,** 19, 20 ; **5,** 345, 365 n. ; **17,** 20 ; **21,** 130
bond, negotiability of, **2,** 568 ; **5,** 357 ; **27,** 247 n.
borrowing on, company, by, before starting business, **5,** 344, 345
building contract, payment under, by, **3,** 226
burial board, of, **3,** 479
capital money investment in, **25,** 646
charging order, not subject to, **14,** 102 n.
chose in action, as, **4,** 363 ; **5,** 359
club, of, **4,** 427, 428
commission for underwriting, **5,** 355, 367
Companies Clauses Acts, under, **5,** 731
nature of, **5,** 731
statutory form, in, effect of, **5,** 732, 733
compromises in respect of, **5,** 361
compulsory purchase, in, priority of rentcharge over, **6,** 59
conditions indorsed on, **5,** 347
contract to take, damages for breach of, **5,** 352 n. **10,** 332
specific performance of, **5,** 352 n. ; **27,** 73
drawback payable on certificate of, **24,** 698
duties payable on issue of, **5,** 362—364
enforcement of security of. *See* DEBENTURE HOLDER.
equitable mortgage of, **5,** 359
equities affecting, **5,** 359
equity of redemption of, clogging, **5,** 360 ; **21,** 143 n.
estoppel, irregularity of issue as, **13,** 381

DEBENTURE—*continued.*
floating charge given by, **5,** 348, 349. *See* FLOATING CHARGE.
foreclosure action, necessary parties to, **21,** 281, 282
forgery
of, **9,** 733
of transfer of, **5,** 195, 358
gift of, **15,** 413, 429 n.
guarantee in respect of, **5,** 389; **15,** 487 n., 566, 572 n.
holder of. *See* DEBENTURE HOLDER.
indorsement of certificate of registration on, **5,** 370
industrial society, investment of capital by, in, **17,** 21
of, **17,** 20
interest on, **5,** 376, 389; **15,** 566
proof in bankruptcy of guarantor of, **2,** 204; **5,** 389
issue of, **5,** 224, 353, 354
agreement for, **5,** 352
commission and discount on, **5,** 355, 367
discount, at, **5,** 354
duties payable on, **5,** 362—364
irregularity of, **5,** 351; **13,** 381
scrip certificates on, **5,** 354
kinds of, **5,** 346
land, when conferring interest in, **27,** 228
loan society, in, **19,** 221, 222. *See* LOAN SOCIETY.
local authority, of, **19,** 361; **21,** 62, 63
mortgage, of, **5,** 359
when not a, **24,** 338
mortgage debenture, *defined,* **5,** 346
charge in, **5,** 348
chose in action, as, **5,** 359
deed for, necessity of, **10,** 372
interest in land, confers no, **27,** 228
trust investment, as, **28,** 133
payment by instalments, **5,** 354
perpetual, **5,** 346; **22,** 364
personal estate, as, **14,** 288 n.; **22,** 389
priority of, **5,** 356
property, meaning of, in, **21,** 262 n.
prospectus, offering by, **5,** 354
statement in, as to, **5,** 122
provisions of, **5,** 345, 346, 348
purchase of, by company, **5,** 335
railway company, of, **23,** 632
receiver, appointment of, in respect of, **5,** 373, 375, 376—380; **24,** 337, 338, 343, 344. *See* DEBENTURE HOLDER.
redeemable, *defined,* **5,** 361
redemption of, **5,** 355, 359, 361
registered, **5,** 346, 358
duty on issue of, **5,** 363
registration of. *See* REGISTRATION.
registration, charge created by, of, **5,** 364, 365, 366, 367
re-issue of, **5,** 66, 355
modification of trust deed for, **5,** 356
stamp duty on, **5,** 355, 356
restrictions in, creation of floating charges, upon, **5,** 350
notice of, **5,** 350; **13,** 88 n.
rule against perpetuities in respect of, **5,** 346; **22,** 364
scrip certificate, issue of, **5,** 354
series, in, priorities in case of, **5,** 356
registration of charge with registrar in case of, **5,** 367
usually issued in, **5,** 346, 347

DEBENTURE—*continued.*
set off of calls against, **5,** 358
settlement, surrender not a, **2,** 276
shares, exchange for, **5,** 92, 354
special clauses in, **5,** 347
specific performance of contract to take, **5,** 352 n.; **27,** 73
stamp duty on, **5,** 355, 356, 362—364
stock. *See* DEBENTURE STOCK.
transfer of, **5,** 357—359, 579; **10,** 372
forgery of, **5,** 195, 358
registration of, **5,** 358
winding-up does not affect, **5,** 579
trust deed, modification clauses in, **5,** 356, 360
reference to, in, **5,** 347
stamping of, **5,** 362
trustees must sue on covenant in, **21,** 268
trustee's power to invest in, **28,** 136
winding-up, effect of, **5,** 361, 388, 389, 579

DEBENTURE HOLDER,
action by, commencement of, **5,** 384
costs in, **5,** 387, 388
declaration of charge in, **5,** 386
judgment in, **5,** 387
parties to, **5,** 385
practice in, **5,** 384—388
short cause, as, **5,** 386
special inquiries in, **5,** 387
balance sheet, right to, **5,** 357
Companies Clauses Acts, under, action by, **5,** 734, 735
default, on, **5,** 735
execution by leave of court, **5,** 736
foreclosure or sale, not entitled to, **5,** 732
judgment for, merger of bond debt in, **5,** 737
manager, not entitled to, **5,** 738
priority of, fund in court, over, **5,** 732, 733
distress, rights in case of, **5,** 350; **11,** 174
equitable rights of, **4,** 387; **15,** 339 n.; **17,** 614
execution creditors, rights as against, **5,** 350—352; **17,** 614
foreclosure or sale, remedy of, **5,** 382—384. *See* FORECLOSURE.
Companies Clauses Acts, not under, **5,** 732
garnishee order, effect of, **5,** 325, 351
injunction by, **5,** 349; **17,** 230 n.
inspection, right of, **5,** 357
interpleader by, **17,** 596, 614
irregularity of issue as affecting, **5,** 351
manager for, **5,** 380—382. *See* MANAGER UNDER THE COURT.
modification of rights of, **5,** 360, 361
notice to, of meeting of, **5,** 309
priorities of, **5,** 356
promoter, remedy against, **5,** 52
receiver appointed by court, appointment of, **5,** 376; **24,** 343, 344
Companies Clauses Act, under, **5,** 735, 736
notice to registrar of, **5,** 378
when made, **5,** 376; **24,** 356
discharge of, liquidation of company, on, effect of, **24,** 415—417, 419
duties of, **5,** 379
extension of receivership order, **24,** 366
judgment creditors, rights against, **24,** 380
land abroad, in respect of, **5,** 378
liability of, **5,** 379, 380
nominations of, competing, **24,** 364
official receiver as, **5,** 378
position of, **5,** 379

DEBENTURE HOLDER—*continued.*
receiver appointed by court—*continued.*
security given by, **5,** 377
uncalled capital, powers in respect of, **5,** 343, 379; **24,** 390
who may be, **5,** 377
receiver appointed out of court, agent of company, **5,** 373, 374; **24,** 338
debenture holder, agent of, **24,** 339
application of money received by, **24,** 340
appointment of, **5,** 373; **24,** 337, 338
determination of authority of, **24,** 341
express trustee, as, **24,** 339, 340
filing of account by, **5,** 374
getting in uncalled capital, **5,** 373
interference with, **24,** 387, 388
liability of, **5,** 374; **24,** 339, 402
limitation of action as affecting, **24,** 339
notice on ceasing to act as, **5,** 374
payment of preferential debts, **5,** 374
remuneration of, **5,** 374; **24,** 340
rights as against liquidator of, **21,** 266
trespass, liability for, **28,** 845 n.
trustee as mortgagee may appoint, **24,** 338
receiver and manager for, appointment of, directors' position on, **24,** 429
effect on contracts of service, **5,** 381; **20,** 95 n.; **24,** 429
when made, **5,** 380
continuation of gas or electricity for premises by, **5,** 282; **12,** 599 n.; **15,** 341 n.
director's appointment as, **5,** 381 n.
indemnification of, **5,** 381, 382
powers of borrowing, **5,** 381
register of, **5,** 357
remedies of, application to court, by, **5,** 375—388
security, under, **5,** 372—375
sale by, order of court as to, effect of, **5,** 383, 384
set-off against, **5,** 358
statutory rights of, **5,** 357
rights under, **5,** 383
trust deed, copy of, right to, **5,** 357
water company, of, no right to sale of undertaking, **28,** 258 n.
winding up, proof in, **5,** 389
petition by, **5,** 399, 400

DEBENTURE STOCK,
bequest of shares passing, **5,** 685 n.
borrowing by company on, **5,** 339
capital money, investment in, **25,** 646
certificate of, **5,** 348, 742
chose in action, as, **4,** 363
Companies Clauses Act, under, accounts in respect of, **5,** 741
application of proceeds of, **5,** 741
certificate of, **5,** 742
charge created by, **5,** 741
interest on, **5,** 742, 743
recovery by action of, **5,** 743
irredeemable, **5,** 731
issue of, **5,** 739, 740
borrowing powers, effect on, **5,** 731, 742
collateral security, as, **5,** 339
discount, at, **5,** 740
nature of, **5,** 741
priority of
interest on, **5,** 742
mortgages etc., **5,** 741, 742
receiver, appointment of, **5,** 743
register of holders of, **5,** 742

DEBENTURE STOCK—*continued.*
Companies Clauses Act—*continued.*
rights of holder of, **5,** 52, 741
special powers required, **5,** 731
debenture, included in term, **5,** 36; **28,** 710
industrial society may invest in, **17,** 21
irredeemable, **5,** 362, 731; **13,** 92 n.
railway company, of, **23,** 632
certificate for, indorsed declaration that powers not exceeded, **23,** 634
conditions of issue, **23,** 633
creation of, to cover special expenses, **23,** 752
division of, **23,** 630
rate of interest payable on, **23,** 634
restrictions as to issue of preferred or deferred, **23,** 630
trust deed securing, **5,** 347, 348
trustee's power to invest in, **28,** 136
winding-up, in, **5,** 348

DEBITOR NON PRÆSUMITUR DONARE,
maxim of, **13,** 137 n.

DEBT,
account stated based on, between principals, **7,** 493
accumulation for payment of, **22,** 376
act of bankruptcy, contracted with notice of, **2,** 198
action for, after act of bankruptcy, **2,** 184
defence to, **22,** 446
default in delivery of, **22,** 451—453
recovery of rentcharge by, **24,** 518
action of, **1,** 37
administration, in, order of payment of, **14,** 344. *See* ADMINISTRATION OF DECEASED'S ESTATE.
position of secured, **14,** 288—290, 346
real estate applied for payment of, **11,** 4; **13,** 34, 35
specialty and simple contract, **13,** 35, 36; **14,** 255; **15,** 522 n.
admission of. *See* ADMISSION.
advancement, provision of money for payment of debt not, **13,** 130 n.
antecedent, as consideration, **1,** 639; **2,** 497; **7,** 385, 387; **15,** 454
bill of exchange, for, **2,** 497
bill of sale, for, **3,** 31, 32
guarantee, for, **15,** 454
negotiable security, for, **7,** 385, 386
ante-nuptial. *See* ANTE-NUPTIAL.
assets, order of liability of, for payment of, **13,** 37, 144; **14,** 244, 245, 285—293. *See* ASSETS, MARSHALLING.
assignment of, **3,** 365; **7,** 497; **13,** 163 n.; **17,** 584, 628; **21,** 77, 78
bill of sale, as, **3,** 22
book, **2,** 118, 289; **3,** 22; **4,** 371 n., 375 n.
champerty not constituted by, **1,** 55
extent, after date of writ of, **10,** 16
future, **2,** 64; **3,** 268; **4,** 368, 375; **13,** 74
guaranteed, **15,** 507, 510, 562
interpleader in relation to, **4,** 374; **17,** 584, 628
mortgage of chattels, arising under unregistered, **3,** 22; **21,** 77, 78
notice necessary to complete, how far, **4,** 379 *et seq.*; **21,** 77, 78. *See* CHOSE IN ACTION
part of, **4,** 368, 375; **11,** 121; **13,** 103

DEBT—*continued.*
assignment of—*continued.*
set-off of debt acquired by, **13,** 163 n.; **25,** 496
settlement, by, **25,** 531
third person's, as security, **15,** 562 n.
unascertained, **4,** 368, 375
attachment of, **14,** 90—95. *See* ATTACHMENT OF DEBTS.
bankruptcy, effect of. *See* BANKRUPTCY.
bequest of, **28,** 522, 523
ademption of, **28,** 604
lapse of, **28,** 608
bill of sale as security for, **3,** 10, 11
bona vacantia, as, **11,** 28
bond, discharge of, agreement with creditor, by, **15,** 565 n.
book. *See* BOOK DEBTS.
building society, of, **3,** 399
charge for, power of sale implied by, **14,** 236; **23,** 12
charge on, partial equitable assignment, as, **4,** 375
chose in action, as, **4,** 362, 363
civil, *defined*, **19,** 609
costs recoverable as, **11,** 227
general district rate as, **11,** 216
summary jurisdiction for recovery of, **11,** 216, 224, 227; **19,** 609, 610
collector of, agent, is an, **20,** 66 n.
receiver as, **24,** 390
company, of, contracted in foreign state, **5,** 17
liability of members for, **5,** 160—162. *See* COMPANIES.
payment between petition and winding up, **5,** 486
unregistered, **5,** 651, 652
compound, trustee's power to, **28,** 140
contingency, effect of, on question of solvency of settlor, **2,** 276, 277
copyholds, liability of, for, **8,** 70
counterclaim for. *See* COUNTERCLAIM.
county court's jurisdiction where several items in, **8,** 451
Crown. *See* CROWN DEBT.
damages due to collision as, **26,** 520
defamatory statements in respect of, **18,** 626
discharge in bankruptcy, effect of, **2,** 6, 269, 270; **11,** 172
distress, effect of, on tenant's, **11,** 181
equity, when considered due in, **13,** 74
estate duty, allowances on payment of, **13,** 210, 211
execution in respect of. *See* EXECUTION OF JUDGMENT OR ORDER.
executor, duty to get in unsecured, **14,** 242
payment by, **14,** 244—261
powers as to payment of, **14,** 236, 254; **21,** 106
right of retainer of, **14,** 256—261. *See* RETAINER.
foreign judgment creating, **6,** 281
forgiveness of, evidence as to, **13,** 234; **14,** 270
gift by, **15,** 430
specific legacy, is a, **14,** 277
gaming. *See* GAMING.
general district rate as, **11,** 216
gifts *mortis causâ* subject to donor's, **14,** 224; **15,** 435
grant to secure repayment of, good under 13 Eliz. c. 5, **15,** 82

DEBT—*continued.*
grantor, of, evidence of fraud if considerable, **15,** 85
guarantee in respect of. *See* GUARANTEE.
heir as special occupant liable for, **24,** 181
husband and wife, liability as between, **16,** 410
husband's liability for wife's, **16,** 408, 409
imprisonment for, **2,** 337—355; **11,** 223; **19,** 610. *See* IMPRISONMENT FOR DEBT.
income tax, allowances on assessment of, **16,** 653
industrial society, due to, recovery of, **17,** 30
money payable to, is a, **17,** 30
of, individual members not responsible for, **17,** 19
infant, liability of, for trade, **17,** 73
heir or devisee, liability of, for deceased person's, **17,** 81
of, liability of father for, **17,** 115
information of, **10,** 7
innkeeper's liability for guest's, **17,** 323
insurable interest, constituting an, **17,** 545
interest on, **14,** 342, 345; **21,** 37 *et seq.* *See* INTEREST ON MONEY.
tenant for life must keep down, **14,** 282; **25,** 618
interpleader in respect of, **17,** 582, 584, 628
intestate, of, liability of real estate for, **11,** 4
joint, attachment of, **14,** 91 n.
bankruptcy, priority in, **2,** 219
retainer of, by representative, **14,** 258
set-off of separate debt, **15,** 508, 538 n.; **25,** 493, 494
judgment. *See* JUDGMENT DEBT.
legacy duty, when liable to, **13,** 234
lien for. *See* LIEN.
life policy as security for, **17,** 557, 559 n., 562, 564
local situation of, **13,** 309
lunatic, of, **19,** 440, 441
mixed fund, payable out of, **13,** 109 n.; **14,** 287
mortgage. *See* MORTGAGE DEBT.
of, **21,** 132
to pay, executor, by, **14,** 236; **21,** 106
trust property, of, **28,** 149
overseers, of, **22,** 530
paraphernalia, liability of, for husband's, **16,** 356
partner, authority of, as to, **22,** 28, 68
liability of, for, **22,** 35—38, 55. *See* PARTNER.
private debt of, bill given for, **22,** 26
release of debt by, **22,** 28
partnership, of dissolved, agreement as to, **22,** 98, 99
pawnee's right of action for, **22,** 245
payment of, ademption of legacy by, **28,** 604
agreement to give time for, as consideration, **15,** 97
evidence of, **13,** 562
executor's powers as to, **14,** 236, 244—256; **21,** 106. *See* PERSONAL REPRESENTATIVE.
joint creditors, to one of two, discharges, **13,** 64 n.
presumption as to, **13,** 441
priority of, **13,** 33—37; **14,** 247—251, 344
real estate available for, **11,** 4; **13,** 34, 35; **14,** 245, 246
penalty for non-payment of, equitable relief as to, **13,** 151
personal estate, is, **11,** 3
Postmaster-General, due to, **27,** 358 n.
power of appointment, property subject to, liability for, **16,** 389, 390; **23,** 44, 45

DEBT—*continued.*
priority, of. *See* PRIORITY.
administration in, **14,** 244—251. *See* CREDITOR.
bankruptcy, in. *See* PRIORITY OF DEBTS IN BANKRUPTCY.
probate duty, allowances in respect of, **13,** 313, 314
promise to answer for, of another, **7,** 362—364; **13,** 425; **15,** 439 *et seq.* *See* GUARANTEE.
proof of. *See* PROOF OF DEBTS.
administration of insolvent estates in, **14,** 346; **21,** 301 n.
bankruptcy, in, **2,** 67, 84, 197—235
winding up, in, **5,** 508—512, 579, 580
purchase of, to found bankruptcy petition, **2,** 60
receiver in respect of, **14,** 118, 119, 121, 123; **24,** 352, 359, 366, 390
record, of, priority in administration of, **14,** 247, 248
recovery by Crown, **10,** 4
recovery of,
distress and imprisonment in default, by, **11,** 221—227; **19,** 609, 610
imprisonment under Debtors Act, **2,** 337—345
statutory debts, **7,** 494; **27,** 192
release of, by will, **13,** 119 n.; **14,** 265; **28,** 643 n., 691 n., 692 n.
rentcharge, recovery of, by action for, **24,** 518
reputed ownership of, **2,** 173, 174, 179
restraint on anticipation, effect of, on liability for, **16,** 367—369
removal of, to pay, **16,** 373, 374
royal forces exempt from arrest for, **25,** 94
rule against perpetuities with respect to, **22,** 327—329
sale by executor to pay, **14,** 236
satisfaction of, legacy, by, **13,** 128, 136—139; **14,** 274. *See* SATISFACTION.
mitigation of damages, as, **27,** 911
separation deed, covenant of indemnification in, against, **16,** 445
sequestration for, **11,** 616—627. *See* SEQUESTRATION.
set-off in case of, **13,** 161—164; **25,** 482—504; **28,** 159. *See* SET-OFF.
settled chattels, sale of, to discharge, **25,** 659 n.
settlement of, form of, **25,** 531
special indorsement of claim for, **23,** 111, 112
specific performance in respect of purchase of, **27,** 7 n.
statute-barred. *See* STATUTE-BARRED DEBTS.
statutory, recovery of, **7,** 494; **27,** 192
summary jurisdiction, recoverable in court of, **11,** 216, 224, 227; **19,** 609, 610
tenant for life must keep down interest on, **14,** 282; **25,** 618
trade, liability of infant for, **17,** 73
trust for payment of, election in respect of, **13,** 119 n.
perpetuity with respect to, **22,** 327—329
vesting of legal estate on, **28,** 99
unemployment insurance contributions as preferential, **28,** 891
Unfunded, **24,** 756. *See also* NATIONAL DEBT.
wife's liability for, **16,** 390, 391, 407, 410
effect of power of appointment on, **16,** 389, 390
will, authority to pay in, effect of, **14,** 237
direction to pay in, effect of, **13,** 234; **14,** 237
winding-up company for, **5,** 395—397. *See* WINDING-UP.

DEBTOR,
absconding. *See* ABSCONDING DEBTOR.
acknowledgment by, statutes of limitation, under. *See* ACKNOWLEDGMENT UNDER STATUTES OF LIMITATION.
agreement not to sue, effect on limitation of action, **19,** 173
alienation, involuntary, by, **22,** 408
appropriation of payments by, **7,** 419, 449—452; **15,** 536; **19,** 69
assignment of debts, on, protection of, **4,** 374
attachment of, **7,** 298—302, 308 n.
Crown debt, for, **7,** 302
evidence on application, **7,** 311
solicitor, of, **7,** 301, 302
trustee or fiduciary person, of, **7,** 299—301; **28,** 189
bankruptcy of. *See* BANKRUPT; BANKRUPTCY.
charitable purpose, relief as a, **4,** 108
co-debtor. *See* CO-DEBTOR.
committal of, **7,** 307—325. *See* COMMITTAL.
composition, effect of, **2,** 83; **14,** 100 n.; **15,** 566
consent order, unregistered, effect of, **14,** 7; **18,** 189
co-respondent as, effect of order against, **2,** 26, 36, 83; **16,** 546
death of, creditor has no right to body on, **3,** 406
effect of adjudication order after, **2,** 90
discharge of, assignee, by, **4,** 393; **7,** 496
disentailing deed by, not within 13 Eliz. c. 5, **15,** 80
estoppel affecting bankruptcy trustee's separate action against, **13,** 346 n.
examination of, bankruptcy, in, **2,** 71—74. *See* BANKRUPTCY; EXAMINATION OF WITNESS.
county court, in **8,** 430, 551
High Court, in, **14,** 126
execution as binding title to goods of, **25,** 203
executor, appointment as, **13,** 98 n.; **14,** 269, 270
fraudulent, **2,** 345—355. *See* FRAUDULENT DEBTOR.
conveyance by, **15,** 78—92. *See* FRAUDULENT CONVEYANCE.
guarantee, position in respect of. *See* GUARANTEE.
imprisonment of, **2,** 337—355; **11,** 223; **19,** 610. *See* IMPRISONMENT FOR DEBT UNDER DEBTORS ACT.
injunction against, restraining parting with property, **17,** 268
insurable interest of creditor in life of, **17,** 545, 547
interpleader, in, relief to, **17,** 587. *See* INTERPLEADER.
joint, bankruptcy notice against one, **2,** 28
bond, on. *See* BOND.
co-surety distinct from, **15,** 569
executor, effect of appointment as, **7,** 456
judgment against, attachment in case of, **14,** 91 n.
effect of, **7,** 459, 460
execution on, **14,** 10, 18
negotiable instrument, on, effect of discharge, **2,** 558
public examination in bankruptcy, when dispensed with, **2,** 72
release of, **15,** 569 n.
judgment. *See* JUDGMENT DEBTOR.
legacy to, general, when debt must be brought into account, **14,** 268, 269; **15,** 505
satisfaction of debt by, **13,** 128, 136—139; **14,** 274

DEBTOR—*continued.*
life policy by, as security, **17,** 547 n.
rule against accumulations as applied to, **22,** 380 n.
notice to, assignment of debt, of, **4,** 379—386; **13,** 98; **21,** 77
payment to assignor, after, **4,** 380
private books of, as evidence against surety, **15,** 479 n.
quia timet action against, **13,** 51
receiver, against, **24,** 352
future earnings, of, **24,** 366
position after appointment of, **24,** 378, 379
when not appointed at instance of, **24,** 359
receiving order against, rights of assignee of a debt after, **2,** 64
residence as affecting jurisdiction as to simple contract debt, **27,** 163 n.
sheriff, action against, by, **25,** 812
arrest by, **25,** 813, 814
surety, compounding by, effect of, **15,** 524
trust deed for creditors, position on executing, **2,** 327 *et seq.*; **28,** 38, 39

DEBTORS ACTS,
imprisonment for debt under. *See* IMPRISONMENT FOR DEBT UNDER DEBTORS ACTS.
procedure under. *See* JUDGMENT SUMMONS.

DECEASED PERSON,
administration of estate of. *See* ADMINISTRATION OF ESTATE OF DECEASED PERSON.
administrator of. *See* ADMINISTRATOR.
right of sheriff to enter house of, **25,** 814
claim against estate of, evidence required on, **13,** 604
declarations of, as evidence. *See* DECLARATION; DYING DECLARATION; HEARSAY.
equitable jurisdiction as to, **13,** 10
estate of, extent of liability for injury to, **21,** 455
executor of. *See* EXECUTOR; PERSONAL REPRESENTATIVE.
Finance Acts, under, *defined,* **13,** 183 n.
gift by
deed to, **15,** 405
will to, **28,** 538
representatives of, **28,** 538, 609
official receiver as trustee of insolvent, **2,** 102
partner. *See* PARTNER.
receiver in respect of estate of, **14,** 202; **24,** 349, 353
representative of, particular cause, in, appointed by court, **23,** 103
personating, felony, **9,** 707
voters' list, removal of names from, **12,** 232

DECEASED WIFE'S SISTER,
application of statute to divorced wife, **16,** 594
incestuous adultery with, **16,** 480
marriage of, clergyman's rights as to, **11,** 694; **16,** 285 n.
saving of rights on, **16,** 285
validity of, **16,** 284, 285
rights of property, how affected by Act of 1907, **16,** 285

DECEIT. *See* FRAUD; FRAUDULENT MISREPRESENTATION.
defined, **20,** 687 n.
action of, **1,** 40; **20,** 724—737

DECEIT—*continued.*
action of—*continued.*
company, against, shareholder cannot bring, **20,** 736, 737
damages for, assessment of, **20,** 732—735
royal grants void for, **6,** 482

DECENCY,
burial, at, necessity to observe, **3,** 404, 426, 427. *See also* INDECENT BEHAVIOUR ETC.
offences against, **9,** 537, 553

DECIES TANTUM,
action of, **1,** 41

DECIMÆ,
defined, **11,** 779

DECISION. *See also* JUDGMENT.
appeal from. *See* APPEAL.
arbitrator, of. *See* AWARD.
benchers of Inns of Court, of, appeal from, **2,** 361, 362
courts will not question, **2,** 362
co-ordinate courts, of, **18,** 211
county court, of, when not subject of appeal, **8,** 603
Court of Appeal, of, **18,** 203, 210. *See* JUDGMENT.
courts of first instance, of, **18,** 210
divisional courts, of, **18,** 199, 210. *See* JUDGMENT.
foreign and colonial courts, of, **18,** 212 n.
General Medical Council, of, **20,** 317
House of Lords, of, **18,** 210; **21,** 633, 634, 649. *See* JUDGMENT.
Irish courts, of, **18,** 212
judgment *in rem,* operating as, **1,** 48
judicial, agreement to be bound by, does not make judge arbitrator, **1,** 442
as authority, **18,** 210—212
construction of will, effect on, **28,** 663, 664
followed for long time, **18,** 211
magistrates, of, **19,** 601
official referee, of, how announced, **1,** 490
time for giving, **1,** 489
verdict, equivalent to, **1,** 490
privy council, of, **10,** 579; **18,** 212. *See* JUDGMENT.
ecclesiastical cases, in, how far binding, **11,** 665, 669 n.
ratio decidendi alone binding, **18,** 210
referee, of, in form of award, **1,** 490
revising barrister, of, appeal from, **10,** 109; **12,** 137, 145 n., 248—257
absence of parties on hearing of, **12,** 253 n.
consolidated, **12,** 251—253
costs of, **12,** 254 n., 255
hearing of, **12,** 253
judgment on, **12,** 256, 257
preliminary objection, on, **12,** 254
waiver of notice, effect of, **12,** 251 n.
question of fact, on, final, **12,** 142, 161, 169, 172, 248
Scottish courts, of, **18,** 212

DECK,
cargo on. *See* DECK CARGO.
lines, marking of, **26,** 78
lower passenger, *defined,* **26,** 332
shelters on, **26,** 336
upper passenger, *defined,* **26,** 332

DECK CARGO,
defined, **26,** 79
emigrant ship, on, **26,** 80
foreign ships, on, **26,** 12
jettison of, **26,** 74, 317, 318
ship's registered tonnage, as part of, **26,** 80
usage of trade in respect of, **10,** 281 ; **26,** 205
when shipowner may carry, **26,** 80, 205
wood goods as, **10,** 281 ; **26,** 80

DECLARATION,
action for, **18,** 183, 184
alien, on naturalization of, **1,** 314, 315
alienage, of mode of making, **1,** 318 ; **6,** 341
persons entitled to make, **1,** 317, 318 ; **6,** 340, 341
animals, as to places infected with disease of, **1,** 425, 426, 427
bailiff, by, on appointment, **25,** 800 n., 803
call to the bar, on, **2,** 365, 366
canon, by, before collation, **11,** 429
commissioner for oaths, before, **11,** 221 n. ; **13,** 626 ; **15,** 40 n.
corporate officer, by, **19,** 296
counterclaim, as subject of, **25,** 483 n., 507
court, by, non-committal of act of bankruptcy, as to, **2,** 32
death sentence, as to execution of, **25,** 825
debtor, of, acknowledgment under statutes of limitation, as to, **19,** 67
deceased person, by, as evidence against interest, **13,** 463, 464 ; **19,** 71. *See* HEARSAY.
boundaries, as to, **3,** 141 n., 142
course of duty, in the, **13,** 464—467
dying, when, **9,** 393, 589—591 ; **13,** 425, 471. *See* DYING DECLARATION.
lost documents, in case of, **13,** 423
pedigree, as to, **13,** 469—471
private rights, as to, **13,** 468
public rights, as to, **13,** 467—469
testator, when, **13,** 471, 472 ; **28,** 551, 646
distiller, by, as to worts, **18,** 149, 150
dividend, of, **5,** 276
by liquidator, **5,** 527, 528
doctrinal, by sovereign, **6,** 323 ; **11,** 382
dower, to bar, **24,** 194
dutiable goods, in respect of, penalty for false, **24,** 589
duty, in the course of, **13,** 464—467
dying, when admissible as evidence, **9,** 393, 589—591 ; **13,** 425, 471. *See* DYING DECLARATION.
ecclesiastical, archdeacon, by, **11,** 437
benefices, as to holding, **11,** 634
on admission to, **11,** 601
churchwarden, by, **7,** 27 n. ; **11,** 465
dissenting minister, by, **11,** 813
ordination, on, **11,** 551
pension, of, **11,** 630
sidesman, by, **11,** 474
stipendiary curate, by, **11,** 639
election, municipal, expenses of, as to, **12,** 351, 352
result, of, **12,** 351, 355, 374, 381, 385
parliamentary, candidate, of, **12,** 264—266
expenses, as to, **12,** 298, 336—338, 405—407
result, of, **12,** 331
revising barrister, on consolidated appeal to, **12,** 252
secrecy of ballot, as to, **12,** 318

DECLARATION—*continued.*
election—*continued.*
vote, on lodger's claim to, **12,** 207
voters' list, on misdescription in, **12,** 206, 208, 226
evidence of state of mind, as, **13,** 450
friendly society, by, investment in National Debt, on, **15,** 168
government department, in, instead of oath, **7,** 27 n.
highways, on dispute as to repair of, **16,** 139
substituted for oath in matters relating to, **7,** 28 n.
Income Tax Act, under, untrue, **16,** 687
injunction, of right on application for, **17,** 209
insolvency, of, effect on contract, **7,** 440
is act of bankruptcy, **2,** 24
insurance, accident, in, **17,** 566, 570 n.
guarantee, in, **17,** 572
life, in, **17,** 550—554, 557
marine, in, **17,** 362
rectification of, **21,** 13
judgment, declaratory, **18,** 183, 184. *See* DECLARATORY JUDGMENT.
jury, by summoning officer of, **18,** 239
Land Clauses Act, under, arbitrator or umpire, by, **6,** 81
surveyor, by, **6,** 95, 96
Law of Distress Amendment Act, 1908, under, **11,** 146
legitimacy, of, appeal as to, **16,** 559
collusion in obtaining, **2,** 435
conditions for, **2,** 434 ; **6,** 275 ; **16,** 315
conflict of laws as to, **6,** 275
costs of, **2,** 434
effect of, **2,** 435 ; **16,** 315, 316
infant, application by, **2,** 434
petition for, **2,** 433, 434 ; **16,** 501
costs on, **2,** 434, 435
procedure for, **2,** 434 ; **16,** 316
question not dealt with on proceedings to vary, **16,** 575, 576
who may apply for, **2,** 433
marriage, accompanying notice of, **16,** 290, 296
ceremony of, at, by parties, **16,** 302
validity of, as to, **2,** 433—435 ; **16,** 315. *See* legitimacy, of, *supra.*
Mayor's Court, London, in pleading in, **20,** 292
Naturalization Act, under, **1,** 314, 315, 317, 318
oath, included in term, **15,** 40 n.
passenger ship, of survey of, **9,** 107 ; **26,** 333
patent, amendment of specification of, as to, **22,** 171, 172
on application for, **22,** 131, 153
pawn-ticket, as to loss of, **22,** 253
peace, of, Cabinet, by, **7,** 5
Crown's prerogative with respect to, **6,** 386, 427, 428, 444
pedigree, as evidence of, **13,** 469—471 ; **22,** 281
provisional licence, by justices of finality of, **18,** 30, 31
railway company, indorsement on security given by, **23,** 634
right, of, action for, **18,** 183, 184
claim for, will not extend statutory period under Public Authorities Protection Act, **23,** 347
in lieu of injunction, **17,** 209
right of customary tenants, of, **8,** 52
sale of goods, on, by buyer affecting acceptance, **25,** 131

DECLARATION—*continued.*
sheriff, by, on appointment, **25,** 793, 799, 802
special constable, on appointment of, **22,** 493
statutory. *See* STATUTORY DECLARATION.
testator, of, as evidence, **13,** 471, 472; **28,** 551, 646
title, of, by mortgagee on foreclosure, **21,** 284, 285
trade union members, by court as to expulsion of, **27,** 619 n., 620 n.
trespass, in action for, as to rights, **15,** 225; **17,** 209; **27,** 859, 869
trust, of. *See* DECLARATION OF TRUST.
undersheriff, by, on appointment, **25,** 799
urban district councillor, by, **19,** 264
use, of, under Statute of Uses, **24,** 276, 277
value, of, carriage of
animals, on, **4,** 36, 37
goods, on, **4,** 21, 22, 24
war, of, Cabinet, by, **7,** 5
Crown's prerogative with respect to, **6,** 386, 427, 428
effect of, **6,** 443, 444; **7,** 432
Foreign Enlistment Act, in case of offences under, **6,** 442 n.
state of war, as necessary to constitute, **6,** 442

DECLARATION OF LONDON, 23, 281 n.

DECLARATION OF TRUST,
approval of draft trust instrument not a, **28,** 11 n.
assignment of contract rights by, **7,** 498; **10,** 418
bankruptcy, after, **28,** 10
bill of sale
effected by, **3,** 8, 9; **28,** 12
incorporation in, **3,** 9, 43
chose in action, of, equitable assignment, **4,** 377; **13,** 98
construction of, **28,** 40
creation of, **28,** 10
future fund, of, **28,** 18
husband in favour of wife, by, **16,** 393, 394
imperative, should be, **28,** 13
incomplete
assignment will not operate as, **7,** 499
gift as a, **13,** 98; **15,** 414; **28,** 13
land, of, necessity for writing, **10,** 422; **28,** 10
language amounting to, **28,** 12, 13
limitation of interests by way of, **28,** 23
married woman, by, copyholds, of, **8,** 108
land, of, acknowledged, **28,** 11
power of attorney as, **28,** 11 n.
requisites of, **15,** 414; **28,** 10
tenant in tail, by, **24,** 255 n.; **28,** 12
testamentary instruments, in, **28,** 13, 14
transfer of property, on, **28,** 12
without, **28,** 11

DECLARATORY JUDGMENT,
defined, **18,** 183
action for, justification for, **18,** 184
enforceable, opposed to, **18,** 183
power of court to make, **18,** 183, 184

DECORATION,
church, of, **11,** 668, 669. *See* ORNAMENT.
churchwarden's duty as to, **11,** 735, 736
foreign, regulations respecting, **22,** 290

DECOY,
child, of, **9,** 620. *See* ABDUCTION.
Pacific islanders, of, **9,** 527, 528. *See* KIDNAPPING.

DECREE,
Admiralty action, in county court, **1,** 137
in rem, **1,** 103
limitation of liability, for, **1,** 137
possession, of, **1,** 123
ecclesiastical, consecration, of, **11,** 728—732
enforcement of, **11,** 531—533
foreign court, of. *See* FOREIGN DECREE.
judgment, included in term, **18,** 177 n.
matrimonial cause, in, **16,** 544. *See* DECREE ABSOLUTE; DECREE NISI.
details of, **16,** 544
embodiment of orders in, **16,** 545, 546
final nature of, **16,** 544
former cause, in, as evidence, **16,** 476, 477
jactitation of marriage, in suit for, **16,** 544, 595
judicial separation, appeal from grant or refusal, **16,** 558
bar to suit for divorce, as, **16,** 486
clergyman, against, certificate of, sent to Bishop of London, **16,** 552
divorce proceedings after, **16,** 498
finality of, **16,** 544
foreign divorce decree after, effect, **16,** 595
limited effect of, **16,** 595
reversal of, **16,** 562
mistake in, rectification of, **16,** 544
nullity, of, **16,** 544, 565, 591—593. *See* DECREE ABSOLUTE; DECREE NISI.
restitution of conjugal rights, for, **16,** 544, 545, 569
possession, of, Admiralty jurisdiction as to, **1,** 63, 64, 123
prize court, of, appeal from, **23,** 290, 293
application for, claims for bounty, on, **23,** 291, 293; **27,** 537, 538
condemnation, of, **23,** 277, 284, 285
enforcement of, **23,** 291

DECREE ABSOLUTE,
adultery between decree *nisi* and, effect of, **16,** 496
amendment of, **16,** 594
appeal from, **16,** 558
application to make, practice, **16,** 592
death of party to suit before, **14,** 228; **16,** 537
dissolution of marriage, conclusive only as to, **13,** 342
estoppel, as, **13,** 328; **16,** 485
impeached by third party, cannot be, **16,** 485
maintenance as a condition to grant of, **16,** 565
nullity suit, in, application for, **16,** 592, 593
suspension by court, **16,** 565, 593
takes effect, when, **16,** 593
rights of petitioner and respondent as to, **16,** 592, 593
showing cause against, **16,** 554
King's Proctor, by, **16,** 555, 556
member of public, by, **16,** 556
status of wife, effect on, **18,** 219
suspension of, enforcement of order by, **16,** 585, 593
taking out, costs after, **16,** 593
damages after, **16,** 593
when taking effect, **16,** 593, 594

DECREE NISI,
adultery after, effect of, **16,** 496
amendment of, **16,** 594
appeal from, **16,** 557
covenant to settle after-acquired property, effect on, **25,** 551
death of party to suit after, **14,** 228; **16,** 537
estoppel, as, **13,** 326
evidence of adultery, as, **16,** 479
intervention of
King's Proctor after, **7,** 79; **16,** 555, 556
member of public after, **16,** 554
nullity suit, in, **16,** 544
time for making absolute, **16,** 591
pronouncement of, **16,** 544
when made absolute, **16,** 591, 592

DECRETALES EXTRAVAGANTES, **11,** 378
communes, **11,** 378

DECRETALS,
Papal, **11,** 378

DECRETUM MAGISTRI GRATIANI, **11,** 378

DEDICATION. *See* CONSECRATION.
bridge, of, to public, **16,** 37, 45
chapel, of, **11,** 719, 729
chapel of ease, of, **11,** 730
church, of, **11,** 729
consecration necessary to give legal effect to, **11,** 728
churchyard, of, **11,** 730
cul de sac, of, **16,** 11, 12, 39
footpath, of, **16,** 181, 182
highway, of, acceptance by public, of, **16,** 34
animus dedicandi on, **16,** 33
building lease, in case of a, **16,** 35
capacity for, **16,** 34
company, by, **16,** 36, 38
incompatible with object of, **16,** 37, 38
copyholders, by, **16,** 34
Crown, by the, **16,** 35
diversion, subject to right of, **16,** 70
existing roads, **16,** 44
extension of, **16,** 11
gift for, **15,** 404
Highway Act, 1835, under the, **16,** 92, 93
highway authority, inference by user by, **16,** 42
Housing of the Working Classes Acts, under, **16,** 94
intention as to, **16,** 33 *et seq.*
established cases of, in, **16,** 37
presumption of, **16,** 34, 35, 36, 37
rebuttal of, **16,** 38—43
lessee, by, **16,** 35
market rights, subject to, **16,** 46; **20,** 22
mortgagor, by, **16,** 36
nature of *locus in quo* as affecting, **16,** 38, 39
obstructions, subject to, **16,** 45—47, 168
ownership of soil after, **16,** 51
Public Health Act, under, **16,** 93
public rights on, **3,** 123; **4,** 565; **16,** 10, 11, 66, 67
repair, as affecting liability for, **16,** 85, 92, 93, 94
reputation, evidence of, **16,** 43

DEDICATION—*continued.*
highway—*continued.*
restrictions on, **16,** 12, 44—47, 102
proof of, highway offences, as defence to charge of, **16,** 168
roadside waste, of, **3,** 123; **4,** 565; **16,** 67
settlement, by limited owners of land under, **16,** 35, 36; **25,** 664
statutory corporations, by, **16,** 36, 37
sub modo, **16,** 70
tenant for life, by, **16,** 35, 36; **25,** 664
term, cannot be for, **15,** 405; **16,** 35
theory of, **16,** 33
toll, subject to, **16,** 47
trustees of public land, by, **16,** 36
Turnpike Act, on expiration of, **16,** 15, 87
user, as inference from, **15,** 404; **16,** 38—44
interruption of, effect of, **16,** 41, 42
which does not raise presumption of, **15,** 404; **16,** 40
width of *via trita* after, **16,** 69
invention, of, to public, **22,** 144
settled land, of, tenant for life, by, for use of residents, **25,** 664

DEDIMUS,
writ of, **7,** 11 n., 16
fees under, **7,** 237 n.

DEDUCTION,
bill of sale, as included in consideration for, **3,** 33
building contract, under, **3,** 223, 247, 248
compulsory purchase, of costs on, **6,** 94, 102
damages, from, under the Fatal Accidents Acts, **21,** 462
estate duty, allowed on payment of, **13,** 210—212
general average adjustment, in, **17,** 510, 511
improvement of land charges, in respect of, **18,** 281
income tax, in respect of. *See* ALLOWANCE (income tax).
increment value duty, in respect of, **24,** 551, 562
minerals, on, in respect of, **24,** 552, 569, 570
jointure, exoneration of, from, **23,** 81
legacy duty, allowed on payment of, **13,** 249
marine insurance, liability for partial loss under, from, **17,** 467, 468
mineral rights duty, in respect of, **24,** 581, 582
national health insurance, from wages for, **28,** 913—915
probate duty, allowed on payment of, **13,** 313, 314
rateable value, in ascertaining, **24,** 25, 26, 29
brickfield, of, **24,** 43
canals, of, **24,** 39
cemeteries, of, **24,** 44
harbour or dock, of, **24,** 40, 41
licensed property, of, none for compensation levy, **24,** 41 n.
mine, of, **24,** 43
public undertakings, of, **24,** 36
railway, of, **24,** 32, 33
sporting rights, of, **24,** 44 n.
tithe rentcharge, **24,** 45
rent, from, abatement of nuisance, for expenses of, **18,** 478, 489, 492
agricultural compensation, in respect of, **1,** 256; **11,** 159; **18,** 479
allowed by mistake, distress, in case of, **11,** 158
copyhold rentcharges, in respect of, **18,** 479

DEDUCTION—*continued.*
rent—*continued.*
distress in respect of, **1,** 256; **11,** 157—159; **18,** 474—477
drainage and paving expenses, for, **16,** 225; **18,** 477, 478, 489
income tax, for, **11,** 158, 219; **16,** 632—634, 661 n., 662, 686; **18,** 476, 477, 489
Land Improvement Act, for expenses under, **18,** 298
land tax, for, **11,** 158; **18,** 309, 310, 477
licensing compensation, in respect of, **18,** 74, 75, 479
lodger, of, payment to superior landlord, for, **11,** 147, 148
London Building Acts, expenses under, for, **20,** 479
mine, of, rates, for, **24,** 21
party wall, for expenses in respect of, **18,** 479
paving expenses, for, private streets, of, **18,** 478
poor rate, of, **18,** 489, 490; **24,** 19
Public Money Drainage Acts, charges under, of, **18,** 305 n.
rateable value, in assessing, **24,** 25, 26, 29
rates and taxes, of, paid by tenant for landlord, **11,** 158; **18,** 489, 490, 491; **24,** 19
set-off, distinction from, **18,** 474
sewers rate, of, **11,** 158; **18,** 478
sporting rights, rates in respect of, for, **24,** 21
statutory charges of local authority, of, **11,** 158 n.
tithe rentcharge, for, **11,** 158
underlessee, by, **18,** 475, 476
undertenant, of, payment to superior landlord, for, **11,** 148
reversion duty, in respect of, **24,** 572, 573
royal forces, from pay of member of, **25,** 47
salvage, allowed on valuation for, **26,** 587, 588
seaman, from wages of, **26,** 50
set-off in respect of, **18,** 474; **20,** 91; **25,** 485 n., 489, 501, 503
succession duty, allowed on payment of, **13,** 289—292
Truck Acts, under. *See* wages, *infra,* and TRUCK ACTS.
undeveloped land duty, in respect of, **24,** 576
unemployment insurance, from wages for, **28,** 889
wages, from, contract for, **14,** 521, 522; **20,** 119 n.; **25,** 501
damaged goods, for, **14,** 522
debt due to master, of, **14,** 514 n.; **25,** 501
education expenses, for, **14,** 521
exemption from provisions respecting, **14,** 523
fines, for, **14,** 521, 522
friendly society etc., contributor's advances to, for, **14,** 520 n.
fuel, for, **14,** 520
hosiery trade, in respect of, **14,** 524
materials, tools etc., used or supplied, for, **14,** 520, 521
medical attendance, for, **14,** 520, 521; **20,** 119
club contributions, for, **14,** 520 n.
miner, of, **14,** 520; **20,** 597, 598
minimum rate of wages, in case of, **27,** 523
money advanced, for, **14,** 520
national health insurance, for, **28,** 913—915
nominal, from, not illegal, **14,** 520
provender, for, **14,** 520, 521

DEDUCTION—*continued.*
wages—*continued.*
royal forces, of, **25,** 47
seaman, of, **26,** 50
servant in husbandry, of, **14,** 517, 520
set-off in respect of, **20,** 91; **25,** 501
tenement, rent of workmen's, **14,** 520
trade union fine, for, **27,** 624 n.
unemployment insurance, for, **28,** 889
victuals, for, **14,** 520
when allowed, **14,** 520, 521
when not allowed, **14,** 516, 521, 522; **20,** 91, 597
wrongful, penalty for, **14,** 523
recovery of, **14,** 521, 523
workman's compensation, effect on term earnings in, **20,** 202
from, costs, of, **20,** 196, 220, 241, 242
Fines under Factory Act, of, **20,** 209
maintenance, of, **20,** 188 n.
overpayment, of previous, **20,** 209, 231 n., 234 n.; **25,** 501
rent of, **20,** 209

DEED.
The title DEEDS AND OTHER INSTRUMENTS *is contained in Vol. X., pp.* 355 *et seq.*
For deeds in respect of particular subjects, see main word relating to such subjects.
defined, **10,** 357
accruer clause in, construction of, **25,** 575 n.
acknowledged. *See* ACKNOWLEDGED DEED OF MARRIED WOMAN.
acknowledgment of, public notary, by, enrolment, for purpose of, **21,** 501
act and, meaning of, **10,** 357, 383
agent, executed in name of, does not bind principal, **1,** 208, 221
personal liability in case of, **1,** 221
ratification by principal, in case of, **1,** 178
to execute must be appointed by deed, **1,** 154, 168, 169; **10,** 363. *See* POWER OF ATTORNEY.
alienation of chattels by, **10,** 397; **15,** 410; **22,** 406
alteration of. *See* ALTERATION.
ambiguity in, **10,** 453, 454
evidence in explanation of, **13,** 428, 435, 568; **21,** 25—27
recitals, explained by, **10,** 459—464; **25,** 528, 529, 548, 549
annuity, usually necessary to create, **24,** 479, 485
appointment by, **10,** 421, 422; **23,** 18
apprenticeship to sea service, necessity for, **10,** 373
arbitration, submission to, by, **1,** 440
arrangement, of, with creditors. *See* DEED OF ARRANGEMENT.
assignment by, chattel interest, of, must be by, **10,** 368; **18,** 582; **21,** 174
chose in action, of, effect under Judicature Act, 1873, **4,** 371
gratuitous gift of chattels not delivered, **10,** 364; **15,** 410; **22,** 406
incorporeal hereditaments, in case of, **10,** 361
patent, of, **4,** 396; **10,** 364; **22,** 184
right of entry, in case of, **4,** 397; **24,** 289
attestation of, **10,** 386. *See* ATTESTATION.
avoidance of. *See* AVOIDANCE.

DEED—*continued.*
bargains and sales of freeholds must be by, **10,** 364; **24,** 294
bill of sale, inclusion of deeds in, **3,** 22
charge to secure debentures not a, of, **3,** 20
must be by, **1,** 154; **3,** 34; **10,** 372
boundary conveyed by, **3,** 110, 111
British ship, mortgage or transfer of, must be by, **1,** 154; **10,** 372
burial, sale of exclusive right of, must be by, **3,** 474
board, mortgage of rates by, must be by, **3,** 477
cancellation of, **10,** 409—411; **13,** 52—54
Chancery Court, by, **9,** 61
carrier's liability for loss of, **4,** 23, 41
charitable uses, assurance *inter vivos* for, must be by, **4,** 127; **10,** 365
chattel, as, **3,** 22
common law, when required by, **10,** 361—364; **24,** 293
condition in defeasance of freehold must be by, **10,** 362
consideration in, **10,** 357—359, 446. *See* CONSIDERATION.
construction of. *See* CONSTRUCTION OF DOCUMENTS.
contingent interests in land, alienation of, must be by, **10,** 369
contracts required to be by, **1,** 154; **7,** 360; **10,** 361 *et seq.*
conversion directed by, **13,** 107, 110
conversion of, **27,** 892 n., 896 n., 898 n., 904
Conveyancing Acts, when required under, **10,** 370
copyholds, dispositions of equitable estate in, must be by, **10,** 365
corporation, by, contract of, **1,** 154, 155; **8,** 309, 380; **10,** 364, 391; **20,** 77
execution of deed by, **10,** 390; **13,** 510
presumption as to due sealing by, **8,** 310
corporeal hereditaments, conveyance of, necessity for, **10,** 367; **24,** 294
counterpart of, **10,** 381; **18,** 394—400. *See* COUNTERPART.
covenants in, **10,** 475—497
title, for, **10,** 370
Crown lands, relating to, enrolment of, **7,** 171—175, 254. *See* ENROLMENT OF DOCUMENTS.
cy-près doctrine not applicable to, **22,** 367
date of, **10,** 382, 445; **13,** 366 n., 505
false, constitutes forgery, **9,** 712 n., 733 n.
delivery of. *See* DELIVERY.
delusion of person executing, invalidation in case of, **19,** 396
deposit of, equitable mortgage, by, **21,** 78—83. *See* EQUITABLE MORTGAGE.
disclaimer. *See* DISCLAIMER.
disentailing assurance must be by, **10,** 365, 366; **24,** 255. *See* DISENTAILING ASSURANCE.
duplicate of, **10,** 381; **18,** 394—400. *See* COUNTERPART.
easement, grant of, must be by, **10,** 361; **11,** 246
ecclesiastical leases must be by, **10,** 364, 367
equity, in, necessity for, **10,** 373—378
escrow, as. *See* ESCROW.
estoppel by, *defined*, **13,** 323. *See also* ESTOPPEL BY DEED.
action not founded on deed, in case of, **13,** 372
ambiguity, must be without, **13,** 366
anterior deed, effect of recitals in, **13,** 367

DEED—*continued,*
estoppel by—*continued.*
attorning tenant, doctrine applicable to, **13,** 367 n.
bill of sale, in respect of, **13,** 370
binding, upon whom, **13,** 368
bond, recitals in, in respect of, **3,** 90, 97; **13,** 372
consideration money, receipt for, operating as, **13,** 371, 372
conveyance, operative words of ordinary, create no, **13,** 367
corporation, in respect of, **13,** 371
covenant of power to convey, in case of, **13,** 372
date of deed creates no, **13,** 366
deed-poll, in respect of, **13,** 323, 365 n.
devise, recital of, gives rise to, **13,** 366 n.
exceptions to creation of, **13,** 369—371
execution of deed necessary to raise, **13,** 366 n.
false representation of contents, effect of, on, **13,** 369
fraud, effect of, on, **13,** 369
illegality, effect of, on, **13,** 369, 370
implication, none by, **13,** 367
infant, none against, **13,** 370
interest in land, creation of, by, **13,** 373
grant of, larger than possessed, effect of, **13,** 373
lease, creation of, by, **13,** 373
grant of larger interest than possessed, of, effect of, **13,** 373
marine insurance, constructive total loss in, in case of, **13,** 372 n.
married woman, when bound by, **13,** 371
mistake in deed will not create, **13,** 370
mutuality of, depends on construction of deed, **13,** 325
principal and agent, as affecting, **13,** 368
principle of, **13,** 365
receipt for consideration money, in case of, **13,** 371, 372
recitals, by, **3,** 90; **13,** 366, 368, 372
release under seal, in respect of, **13,** 371 n.
remainderman, as affecting, **13,** 374
tenant for life, privies in estate of, in case of, **13,** 374
title, subsequent acquisition of, effect of, on, **13,** 373
trustee for public purpose, in respect of, **13,** 371
truth
appearing by same deed, effect of, **13,** 367
person knowing, when unable to set up, **13,** 367
exceptions in, **10,** 441, 471. *See* EXCEPTION.
exchange of land must be by, **10,** 368; **24,** 295
execution of, **10,** 382—404. *See* EXECUTION OF INSTRUMENT.
fish, licence to take, must be by, **14,** 584
fishery, lease of, necessity for, **4,** 492; **14,** 584
forgery of, **9,** 712 n., 733
under Acts for registry of, **9,** 740
form of, **10,** 378—382
formal parts of, **10,** 381
framing, method of, **10,** 382
gift by, **15,** 410—412
gift without delivery must be by, **10,** 364; **15,** 412; **22,** 406
Glebe Exchange Act, 1815, conveyances under, must be by, **10,** 365

DEED—*continued.*
gratuitous promises, enforceable, must be by, **10,** 358
guardian, appointment of, must be by will or, **10,** 365; **17,** 123
habendum in, **10,** 381, 473; **18,** 456; **25,** 425. *See* HABENDUM.
holy orders, relinquishment of, must be by, **10,** 372
incorporeal hereditament, conveyance of, necessity for, **10,** 361; **11,** 246; **15,** 219; **20,** 13; **24,** 294
lease of, effect when not under, **4,** 492; **14,** 584 n.
indenture. *See* INDENTURE.
infant, of, **13,** 370; **15,** 402; **17,** 78, 79
escrow, as, **10,** 390
execution of, **17,** 70
necessaries, for supply of, in regard to, **13,** 371
voidable nature of, **10,** 360, 370; **15,** 402; **17,** 78, 79
inspectorship, of, **2,** 326, 329, 332; **24,** 340
interpleader with reference to title to, **17,** 582 n.
interpretation of, **10,** 433 *et seq.* *See* CONSTRUCTION OF DOCUMENTS; INTERPRETATION OF WORDS.
Land Transfer Act, transactions for registration under, must be by, **10,** 371
larceny of, **9,** 637
lease, assignment of, deed necessary for, **18,** 582
for life, must be by, **18,** 460
sporting rights, of, must be by, **18,** 575
when necessary for, **1,** 154; **10,** 368; **18,** 384
Leasing etc. Act (Ireland), 1855, leases under, must be by, **10,** 369
lunatic, of, presumption as to, **19,** 408
Malins's Act, dispositions under, must be by, **10,** 369
market, transfer of rights, necessity for, **20,** 13
married woman, acknowledged deed of. *See* ACKNOWLEDGED DEED OF MARRIED WOMAN.
disclaimer of, must be by, **10,** 369
dispositions by, under
Fines and Recoveries Act must be by, **10,** 366
Malins's Act must be by, **10,** 369
liability of, when party to, **16,** 412
memorandum added before execution is part of, **18,** 395 n.
mistake in. *See* MISTAKE; RECTIFICATION OF INSTRUMENT.
mortgage. *See* MORTGAGE DEED.
legal, must be by, **21,** 118, 248
necessity for, common law, at, **10,** 361—364
equity, in, **10,** 373—378
statute, by, **10,** 364—373
notary public's functions in respect of, **21,** 499
old, evidence, as, **13,** 469
operative words in, **10,** 381; **25,** 423
parcels in, **10,** 381; **25,** 423. *See* PARCELS IN DEED.
partition must be made by, **10,** 367
patent, assignment of, deed necessary for, **4,** 396; **10,** 364; **22,** 184
licence to use, should be granted by, **22,** 192
poll. *See* DEED POLL.
position of party after executing, **10,** 357
power, disclaimer of, by, **10,** 370, 371
execution of, by, **10,** 394—396; **23,** 18. *See* EXECUTION OF POWER.
necessary to creation of, **23,** 5
DEED—*continued.*
power of appointment by, **10,** 395; **23,** 26
premises in, **10,** 381, 473
presumptions as to, **13,** 505; **19,** 408
production of, acknowledgment of right of, **25,** 337, 338
profit à prendre, necessary to grant of, **4,** 492; **10,** 361; **11,** 341; **15,** 219
protector of settlement, consent of, must be by, **10,** 366
ratification of, **1,** 178. *See* CONFIRMATION.
receipt clause in, **10,** 464; **13,** 371; **25,** 437, 439; **26,** 744
recitals in, construction of, **10,** 459—462; **27** 570 n.
estoppel by, **3,** 90, 91; **7,** 333; **13,** 366—368, 372
evidence supporting title, of, **25,** 422
formal part of conveyance, as, **10,** 381
rectification of, execution of conveyance unnecessary, **21,** 28
precise form of alteration to be shown, **21,** 22
reddendum in, **10,** 381
registration of. *See* REGISTRATION.
release, necessary in case of, **10,** 363; **11,** 277, 346 n.
rentcharge, necessary to creation of, **24,** 471, 472
repugnancy in, **10,** 456, 457. *See* REPUGNANCY.
right of
common, grant must be by, **4,** 483, 492
entry on land, necessary to confer, **10,** 362, 369
sale of goods by, **25,** 186
sculpture copyright, assignment of, must be by, **1,** 154; **8,** 207; **10,** 372
sealing of, **10,** 382—384. *See* SEAL.
separation, of. *See* SEPARATION DEED.
Settled Estates Act, lease under, must be by, **10,** 370; **25,** 676, 677
Settled Land Acts, leases under, when required to be by, **10,** 371; **25,** 654
settlement, of, company, of, **5,** 39, 43, 332, 333
London Stock Exchange, of, **27,** 215
shares, transfer of, necessary for, **1,** 154; **10,** 372; **27,** 237
signing of, **10,** 384, 385, 395
solicitor, order by court to, to deliver up, **23,** 191; **26,** 840
surrender required to be by, when, **10,** 368; **18,** 546; **24,** 293
taking effect, when, **10,** 382; **13,** 366 n.
testatum in, **10,** 381
title. *See* TITLE DEEDS.
trustee, new, appointment of, when required to be by, **10,** 371
uncertainty, when void for, **10,** 457—459. *See* UNCERTAINTY.
urban authority, contract by, when necessitating, **1,** 156; **8,** 386; **10,** 372; **19,** 268; **20,** 78
variation of, **10,** 444. *See* VARIATION.
voluntary. *See* VOLUNTARY CONVEYANCE.
will in form of, effect of, **28,** 546
writing of, manner of, **10,** 378, 379
paper or parchment, must be on, **10,** 378

DEED OF ARRANGEMENT,
defined, **2,** 329
act of bankruptcy, as, **2,** 15, 20, 332
affidavit verifying, **2,** 330
appeal by trustee under, **2,** 302
assent by creditors to, **2,** 334, 335

DEED OF ARRANGEMENT—*continued.*
assignment to trustee, by way of, **2,** 327, 329
avoidance of, as fraud on creditors, **2,** 336, 337
bankruptcy supervening on, **2,** 186, 288, 332, 333. *See* BANKRUPTCY.
proof by creditors on, **2,** 336
benefit of debtor, for, unnecessary, **2,** 329 n.
binding, persons on whom, **2,** 335, 336
composition, by way of, **2,** 326, 327, 335, 337, 351. *See also* COMPOSITION.
creditors, must be for benefit of, **2,** 336
rights of, under, **2,** 334—337, 351; **19,** 55
criminal liability unaffected by, **2,** 351
deed of inspectorship, by, **2,** 326, 329—332; **24,** 340
default in payment under, **2,** 337
determination of questions under, **2,** 333
enforcement of terms of, **2,** 328, 333
execution of, by creditor, **2,** 335, 336
insolvent debtor, by, **2,** 325—337
interpleader by trustee under, **17,** 596
interpretation of, **2,** 337
limitation of actions with reference to, **2,** 337; **19,** 55
loss of benefit under, **2,** 335
misrepresentation, obtained by, **2,** 335
nature and object of, **2,** 325, 326
partnership, by, effect of, **22,** 5, 121
registration of, **2,** 329—332; **8,** 623; **21,** 346; **25,** 357, 360
act of bankruptcy by, **2,** 332
Bills of Sale Acts, not required under, **2,** 332; **3,** 6, 16
certificate of, **2,** 330
evidence of, **2,** 331
filing copy of, county court, in, **2,** 330, 331
foreign instrument, in case of, **2,** 330 n.
inspection of register, **2,** 331; **25,** 360
instruments subject to, **2,** 329
Land Charges Act, 1888, under, **2,** 332
necessity for, **2,** 329
place of, **2,** 331
procedure on, **2,** 330
rectification of register, **2,** 331
returns of, Board of Trade, to, **2,** 331
subsequent bankruptcy, effect of, **2,** 332
time for, **2,** 329, 330
extension of, **2,** 331
release under, effect on proof in bankruptcy, **2,** 211
securities and sureties, effect on, **2,** 336
revocation of, **2,** 328; **15,** 419
secret bargain, by, effect of, **2,** 335, 336
setting aside of, position of trustee upon, **2,** 186, 187
stamp on, **2,** 329; **24,** 706
lack of, effect on subsequent bankruptcy, **2,** 332
trustee under, **2,** 332—334
accounts of, **2,** 334
inspection of, **2,** 336
charges and expenses of, **2,** 333
duties and liability of, **2,** 332, 333
validity of, **2,** 334—337

DEED POLL,
defined, **10,** 379
benefit under, who may take, **10,** 379
bond usually is, **3,** 81
change of name by, **21,** 352, 354

DEED POLL—*continued.*
compulsory purchase, commonable rights, of, **6,** 141, 142
charge on lands, release of, on, **6,** 147
enfranchisement of copyholds on, **6,** 138; **8,** 130
land, of, **6,** 108, 111
mortgagee's interest, of, **6,** 143, 145
rights in soil, of, **6,** 139
estoppel in respect of, **13,** 323, 365 n.
mistake in, rectification of, **21,** 12
rentcharge may be created by, **24,** 472
settlement may be created by, **25,** 528

DEEMSTERS,
Court of Tynwald, members of the council of, **10,** 577

DEER,
defined, **15,** 262
beasts of forests, are included in term, **15,** 215
close time for, no, **15,** 210, 262
damage to crops by, compensation for, **15,** 224, 262
deerkeeper, assault upon, **15,** 263
authority of, **15,** 263
devolution of, as part of inheritance, **11,** 4 n.
distress upon, **11,** 138
firearms etc., seizure of, when used for wrongful hunting of, **15,** 263
franchise to hunt, **15,** 215
game, as, **15,** 208, 247, 262
game licence required for killing, when, **15,** 208, 262
heirlooms, as, **24,** 240
hunting, gamekeeper's right to interfere with, **15,** 243 n., 245
trespass, right to, in course of, **15,** 230
with hounds, of, game licence not required for, **15,** 249, 262
inclosed, game licence not required for killing of, **15,** 248
larceny of, **15,** 262
offences with regard to, **1,** 371, 372; **15,** 262, 263, 264
ownership of, **1,** 366, 367; **15,** 262
personal estate, when, **11,** 4 n.; **15,** 262
possession, wrongful, of, **15,** 264
real estate, when, **11,** 4 n.
snares or engines for, setting, **15,** 263, 264
wild, statutory protection of, **15,** 262

DEFACING,
coin, criminal offence of, **9,** 518
wreck, mark on, liability for, **26,** 556

DEFAMATION. *See also* LIBEL; SLANDER.
The title LIBEL AND SLANDER *is contained in Vol. XVIII., pp.* 603 *et seq.*
action for, burden of proof in. *See* BURDEN OF PROOF.
defence to. *See* DEFENCE (Pleading).
nature of, **18,** 605, 606
jury's duty in, **13,** 431; **18,** 685 n., 707, 715—717; **19,** 680
on the case, **1,** 12, 13; **18,** 611, 719, 736
parties to, **18,** 610—618
administrator's right to sue for, **18,** 613
agreement to indemnify against costs of action for, unenforceable, **1,** 54
alien's right to sue for, **18,** 611

DEFAMATION—*continued.*
apology in action for, **18,** 726, 727
bankrupt's right to sue for, **18,** 611
civil and criminal, differences of, **9,** 569 ; **18,** 605, 606, 669, 739, 743
common interest, in case of, **18,** 686—693
company, liability of, for, **5,** 294 n., 309—312, 430 ; **18,** 617, 663 ; **27,** 677 n.
right to sue for, **18,** 612
consolidation of actions for, **18,** 729, 730
contempt of court, defamation of judge as, **7,** 284, 285 ; **8,** 615 ; **9,** 502 ; **26,** 828
party to action, defamation of, as, **7,** 285
corporation, liability of, for, **8,** 387 ; **18,** 617
right of, to sue for, **8,** 390 ; **18,** 612
county court, action remitted to, **8,** 442
apology in, **8,** 487
justification in, **8,** 486
mitigation of damages, as to, **8,** 486
no original jurisdiction in, in respect of, **8,** 432
notice of defence in, **8,** 442
criminal, **18,** 737—746. *See* CRIMINAL LIBEL.
damages for
consortium, loss of, **18,** 731
facts to be considered by jury in assessing, **18,** 720
jury fixes amount of, **18,** 719
malice as affecting, **10,** 324 ; **18,** 721—724. *See* MALICE.
mitigation of, **18,** 724—728. *See* MITIGATION OF DAMAGES.
new trial, excessive damages, for, **18,** 720
inadequate damages, for, **18,** 720
plaintiff's conduct as affecting, **18,** 721
special damage as affecting recovery of, **10,** 324 ; **18,** 718, 719
death of plaintiff in action for, effect of, **18,** 613
defence to action for, **18,** 669—717
fair comment as, **18,** 669—711. *See* FAIR COMMENT.
justification as, **18,** 669—677. *See* JUSTIFICATION.
malice, absence of, as, **18,** 711—717. *See* MALICE.
privilege as, **18,** 677—699. *See* PRIVILEGE.
destruction of picture which is scandalous, damages for, **27,** 869 n.
discovery in action for, **11,** 51, 82 n. ; **18,** 665
executor's right to sue for, **18,** 606 n., 613
fair comment as defence to action for, **18,** 699—711. *See* FAIR COMMENT.
falsity of statement must be pleaded in action for, **18,** 608 ; **22,** 431 n.
habitual intemperance, accusation of, actionable, **18,** 635 n.
husband, liability of, for, **18,** 617
husband and wife, joint claim by, in respect of, **18,** 614
infant's liability for, **17,** 74 ; **27,** 478
injunction to restrain publication of, **17,** 260 ; **18,** 733—737
innuendo in, **18,** 645—652
intention in, how far material, **18,** 609, 611, 643
interrogatories in action for, **11,** 99
joint claims in respect of, **18,** 615
judge and jury, functions of, in, **13,** 431 ; **18,** 652—654
jury, meaning of words decided by, **18,** 639
right to, in action for, **23,** 171

DEFAMATION—*continued.*
justification as defence to action for. *See* JUSTIFICATION.
limitation of action for, **19,** 38, 52 ; **27,** 502
Lord Campbell's Act, 1883, defences under, **18,** 726, 727
malice as affecting action for, **18,** 608, 711—717, 721—724 ; **27,** 467 n. *See* MALICE.
married woman, liability of, for, **18,** 617
right of, to sue for, **18,** 613
money difficulties, statement imputing, how far defamatory, **18,** 626, 627
newspaper, in case of. *See* NEWSPAPER.
opinions as evidence as to meaning of words in, **13,** 483, 607
parliamentary candidate, of, **12,** 540 ; **18,** 737
particulars in action for, **18,** 644, 673, 674, 728 ; **22,** 455 n.
partner's right to sue for, **18,** 614
payment into court in action for, **8,** 495 ; **18,** 728 ; **23,** 147
performer, name of, in wrong order on bill as, **27,** 411 n.
pleading in action for, **18,** 669 *et seq.* ; **22,** 455
postcard, by, **18,** 661
privilege as defence to action for, **18,** 677—699. *See* PRIVILEGE IN DEFAMATION.
publication in respect of. *See* PUBLICATION.
repetition of, **18,** 666—668. *See* REPETITION.
seditious, **9,** 461
sermon, by means of, **11,** 556
servant, by, liability of master for, **18,** 662, 663 ; **20,** 257
special damage in respect of, **1,** 12 ; **18,** 609, 610, 730—733. *See* SPECIAL DAMAGE.
statement of claim in action for. *See* STATEMENT OF CLAIM.
statutory, **9,** 463. *See* CRIMINAL LIBEL.
telegram, by, **18,** 661
title, in respect of, **27,** 672, 675. *See* SLANDER OF TITLE.
tort, as a, **27,** 475
trade, affecting person in his, **27,** 675, 681. *See* TRADE LIBEL.
trade union, liability of, for, **27,** 665 n., 667 n.
right to sue for, **1,** 52 ; **27,** 630
who may
be sued for, **18,** 616—618
sue for, **18,** 610—616
written and spoken, distinction between, **18,** 609, 610

DEFAMATORY STATEMENT. *See* DEFAMATION ; SLANDER.
defined, **18,** 606
actionable *per se*, *defined*, **18,** 607, 608
classification of, **18,** 633, 634
distinguished from ordinary, **18,** 633—635
imputation, crime, of, **18,** 636—639
unchastity, of, **18,** 620, 641
venereal disease, of having, **18,** 621 n., 640
office of honour, in case of, **18,** 635
office of profit, in case of, **18,** 627—632, 635
right of action, effect on, **18,** 633
character, in, liability of master in respect of, **20,** 122
damnum absque injuriâ constituted by, **1,** 12
disparaging, must be, **18,** 619
hatred, contempt or ridicule, exposing person to, actionable nature of, **18,** 619, 620, 623

DEFAMATORY STATEMENT—*contd.*
imputing
attempt or solicitation to commit crime, **18,** 639, 640
commission of crime, **18,** 636, 637
fraud, **18,** 620
hypocrisy, malice, uncharitableness and falsehood, **18,** 623
immoral conduct, **18,** 620
incontinence, **18,** 621
ingratitude, **18,** 623
intemperance, **18,** 621
mental incapacity, **18,** 624
pecuniary difficulties, **18,** 626
society, unfitness for general, **18,** 624
unchastity, **18,** 620, 641
venereal disease, **18,** 621 n., 640
injunction to restrain publication of, **17,** 260; **18,** 733—737
innuendo in case of, **18,** 642, 645—652. *See* INNUENDO.
judge and jury, functions of, with respect to, **13,** 431; **18,** 618, 652—655
nature of, to be actionable, **18,** 618
parliamentary candidates, concerning, **12,** 540; **18,** 737
plaintiff, burden of proof on, in case of, **18,** 641
must be of and concerning, **18,** 618
primâ facie, **18,** 645, 646
privileged, **1,** 12; **18,** 677—699. *See* MALICE; PRIVILEGE.
profession, as to, what constitutes, **18,** 627—632, 636 n., 637 n.
proof of actual words used must be given in action for, **18,** 643, 644
reflecting on person in way of his business or calling, **18,** 627—632
barrister, alteration of fees by, **2,** 390
office, **18,** 627—632
profession, **18,** 627—632
trade, **18,** 618, 627—632; **27,** 675—681. *See* TRADE LIBEL.
repetition of, **18,** 666—668. *See* REPETITION.
test as to whether a statement is a, **18,** 619

DEFAULT. *See also* FAILURE.
defined, **5,** 265 n.; **21,** 456 n.
Admiralty action, county court, in, appearance, of, **1,** 131
pleading, of, **1,** 134
High Court, in, *in personam*, appearance of, **1,** 107
pleading, of, **1,** 107
statement of claim in, **1,** 95
in rem, appearance, of, **1,** 99
bail, of, after *caveat* warrant, **1,** 84, 100
evidence by affidavit, in, **13,** 622
pleading, of, **1,** 100
agent, liability of, for, **1,** 197, 217; **28,** 144
co-agent, for, **1,** 193
sub-agent, for, **1,** 193
appearance, of. *See* APPEARANCE.
bankruptcy, in regard to. *See* BANKRUPTCY.
costs of representative in, **14,** 349
counterclaim, in pleading to, **25,** 515, 516
defence, in delivery of, **11,** 57, 58; **18,** 186—188; **22,** 451—453
action for recovery of land, in, **18,** 187; **24,** 329, 330
infant, in case of, effect of, **17,** 142
master's order on, obtaining, **18,** 189

DEFAULT—*continued.*
defence—*continued.*
partition action, in, **21,** 847
practice in case of, **18,** 187
probate action, in, effect of, **14,** 176
reply to counterclaim, on failure to, **18,** 187
setting aside judgment in default of, **11,** 57, 58; **18,** 214, 215
judgment by, appearance, for want of, **18,** 184—186, 197. *See* APPEARANCE.
bankruptcy notice, as foundation for, **2,** 27
defence, for delivery of, **11,** 57, 58; **18,** 186—188
discovery or inspection of document, of complying with order for, **11,** 57; **18,** 188
estoppel, as, **13,** 327, 357, 358
interrogatories, in answering, **18,** 188
matrimonial causes in, none, **16,** 484
motion for, when necessary, **18,** 187
Order XIV., under, **18,** 191. *See* ORDER XIV.
probate, in, **14,** 332
setting aside, **11,** 57, 58; **18,** 214, 215, 217
statement of claim, in not delivering, **18,** 188
surety bond stipulating that action be defended, in case of, effect of, **15,** 481
Mayor's Court, London, procedure in, **20,** 289, 290 n.
reply, in delivery of, **22,** 459
statement of claim, in delivery of, **18,** 188; **22,** 445
Stock Exchange, on. *See* DEFAULTER (Stock Exchange).
summons. *See* DEFAULT SUMMONS.

DEFAULT SUMMONS,
assignee of debt not entitled to, **8,** 466
county court, in, judgment by instalments, request for, **8,** 466
defence to, **8,** 487, 488, 495
notice of, **8,** 495
exchange of, for ordinary summons, **8,** 474
extension of, **8,** 473
failure to return within twelve months, effect of, **8,** 474
instalments, payment by, request for, on, **8,** 466
issue of, **8,** 465, 466
judgment on, county court, in, **8,** 465, 466, 537
instalment, by, request for, **8,** 466
need not be drawn up or served, **8,** 5—37
non-appearance of either party to, **8,** 527
notice of intention to defend, on, **8,** 487
payment into court on, effect of, **8,** 495
service of. *See* SERVICE IN COUNTY COURT.
striking out, **8,** 474
successive, **8,** 472, 473
transferred action, in case of, **8,** 484
workman, against, **8,** 466

DEFAULTER (STOCK EXCHANGE, ON),
defined, **27,** 217
act of bankruptcy by, in regard to, **27,** 258
broker as, **27,** 256
cessio bonorum on member becoming, **27,** 257
jobber as, **27,** 257
liquidation of estate of, **27,** 257, 258
Stock Exchange loan, liability on, **27,** 232

DEFEASANCE,
bill of sale, of, *defined*, **3,** 40, 44
avoidance of bill for non-registration of, extent of, **3,** 45

DEFEASANCE—*continued.*
bill of sale—*continued.*
collateral security not amounting to, **3,** 44, 45
guarantee by third party not amounting to, **3,** 45
must be incorporated in bill of sale, **3,** 40 n., 43
registration avoided for non-inclusion of, **3,** 43, 44
statutory form, permitted in, **3,** 39, 40
unregistered, effect of, **3,** 54
what may be, **3,** 44
bond, of, **3,** 80
interests operating in defeasance of prior interests are executory, **24,** 234, 235

DEFEASIBLE INTEREST,
insurable interest, as an, **17,** 368

DEFECT,
building contract, under, acquiescence in, **3,** 204
approval of plans and specifications, effect of, **3,** 297
clauses as to, **3,** 236, 237
deductions for, **3,** 242
design, in, architect's liability for, **3,** 289, 297, 302
effect on employer's approval, **3,** 204
liability for, **3,** 188, 189, 236, 237, 241, 242
notice by employer to remedy, **3,** 237, 238
reduction of price payable, **3,** 240
remedy of employer for, **3,** 241, 242
soil, in, as excuse for non-performance, **3,** 194
sub-contractor, by, assignment of contractor's rights in respect of, **3,** 275
liability for, **3,** 277
bye-laws or rules, in, employer's liability for injury caused by, **20,** 144
chattel, in, concealment of, where agreement to take with faults, **20,** 729, 730. *See* ALL FAULTS.
liability of
hirer for, **1,** 544
owner of hired chattel for, **1,** 550, 551
notice of, duty to give, **21,** 370, 375, 390, 393
position of gratuitous lender as to, **1,** 539; **21,** 375, 393
common carrier's liability for damage to thing carried in case of inherent, **4,** 10
demised property, in, landlord's liability for, **18,** 501 *et seq.*
tenant's liability for, **18,** 504 *et seq.*
design, in, architect's liability for, **3,** 297
drain, in, furnished house, in case of lease of, **18,** 569
liability in metropolis for, **25,** 761
local authority's powers as to, **25,** 754, 756, 758, 759
misrepresentation as to, **20,** 706 n.
nuisance from, **21,** 529 n.; **25,** 762 n.
abatement of, **21,** 538
proceedings in respect of, **25,** 737
substitution of new metropolitan sewer in case of, **25,** 754
employer's liability for injury caused by, bye-laws or particular instructions, in, **20,** 144
ways, works, machinery and plant, in, **20,** 138, 139
premises, in, adjoining highway, liability for, **21,** 361 n., 399

DEFECT—*continued.*
sale of goods, on, *caveat emptor* as applied to, **25,** 157
express warranty, in case of, **25,** 164
sale of land, on, *caveat emptor* as applied to, **25,** 297, 298
duty of vendor to disclose, **25,** 297—299, 332; **27,** 51 n.
specific performance of contract, as a bar to, **27,** 50
title, in. *See* TITLE TO LAND ON SALE.

DEFECTIVE CHILDREN. *See also* BLIND CHILD; DEAF CHILD; DUMB PERSON; EPILEPTIC CHILDREN.
defined, **12,** 41
ascertainment of, local education authority, by, **12,** 42
certified school for, attendance at, **12,** 55
certificate of, annual, **12,** 45
conditions of grant of, **12,** 44
inspection of, **12,** 44
maintenance of, **12,** 44
visitors to, **12,** 44
education of, compulsory, **12,** 55, 60
expenses of, **12,** 44
guardians' contributions towards, **12,** 51, 82
parents' contribution towards, **12,** 44, 51
grants in aid of, **12,** 11 n., 12, 45, 49, 50
guides and conveyances in respect of, **12,** 21
local education authority, duty of, as to, **12,** 25, 40—43
may contribute to another for, **12,** 43
means of providing for, **12,** 42
religious instruction, on, **12,** 43
examination of, parent's duty as to, **12,** 42
periodical, local education authority, by, **12,** 42
school for, attendance at, counts as school attendance, **12,** 45
certification of, **12,** 44
guardians' contributions towards, **12,** 82
report of Board of Education as to, **12,** 45

DEFENCE. *See also* PROTECTION.
assault, as justification for, **9,** 609
child, of, by parent, **9,** 609; **17,** 114; **27,** 498 n.
club, before expulsion from, opportunity must be given for, **4,** 415, 416
encroachments of sea, against, **28,** 382—384
legal proceedings, against. *See* DEFENCE (Matters of).
master, of, by servant, **9,** 609; **20,** 278; **27,** 498 n.
parent, of, by child, **9,** 609
pleading, as. *See* DEFENCE (Pleading).
property, of, force justified in, **9,** 609; **27,** 498—500
servant, by, **20,** 278
realm, of. *See* DEFENCE OF THE REALM.
self, **27,** 498—500. *See* SELF-DEFENCE.
servant, of, by master, **9,** 609; **20,** 276; **27,** 498 n.
tort, against, **27,** 498—500
wife, of, by husband, **9,** 609; **27,** 498 n.

DEFENCE (MATTERS OF). *See also* PLEA.
abatement, no plea allowed in, **22,** 449
accord and satisfaction, specific pleading of, **22,** 447 n.; **25,** 484. *See also* ACCORD AND SATISFACTION.

DEFENCE (MATTERS OF)—*continued.*
acknowledgment under Statutes of Limitation, **22,** 449 n.
acquiescence. *See* ACQUIESCENCE.
act of God as a, **21,** 467—471; **27,** 493—495; **28,** 383. *See* ACT OF GOD.
action brought, arising after, **22,** 450; **25,** 508
affirmative, in action for fraudulent misrepresentation, **20,** 725—732
assault, to action for, **27,** 874—877
authority, pleading want of, **22,** 447 n.
breach of promise of marriage, in action for. *See* BREACH OF PROMISE OF MARRIAGE.
calls, to action for, misrepresentation in prospectus as, **5,** 127
common employment as, to action by servant, **20,** 132
concealed fraud, by reason of, **22,** 447 n. *See* CONCEALED FRAUD.
condition precedent, by non-fulfilment of, **22,** 427. *See* CONDITION, precedent.
contributory negligence as, **24,** 445—454. *See* CONTRIBUTORY NEGLIGENCE.
counterclaim, practice as to raising, **25,** 483, 509, 510
is not a ground of, **25,** 483
judgment for balance on, **25,** 488, 517
should be specially pleaded in, **25,** 509
to, arising after delivery of defence or reply, **22,** 459
form of, **25,** 512 n.
how pleaded, **25,** 512, 513
misrepresentation as, **20,** 755 n.
point of law, raising of, **25,** 513
reply, to be contained in, **22,** 459
county court, in, bankruptcy, of, discharge in, **8,** 486
Bills of Exchange Act, under, **8,** 489
contribution, of, **8,** 491
counterclaim, of, **8,** 491
coverture, of, **8,** 486
defamation, in action for, **8,** 486
default summons, to, **8,** 487
disclaimer of interest, of, **8,** 488
ejectment, in, by interested person not a defendant, **8,** 488
limitation of, **8,** 489
equitable, **8,** 487
Gaming Acts, under, **8,** 485—487
indemnity, of, **8,** 491
infancy, of, **8,** 486
jurisdiction under Judicature Act, as to, **8,** 432
notice of, **8,** 485 *et seq.*
where action transferred to another court, **8,** 484
objection to jurisdiction, of, **8,** 489—491
plaintiff suing in representative capacity, in case of, **8,** 487
set-off, of, **8,** 486, 491
Statute of Limitations, under, **8,** 485, 486
statutory, **8,** 485, 486
tender, of, **8,** 487
payment into court with, **8,** 495
criminal proceedings, in, accident, of, **9,** 236, 608
coercion of wife by husband, of, **9,** 244; **16,** 436
consent, assault, in, **9,** 607, 608
infant, of, **9,** 239, 608, 619
menaces or duress, obtained by, **9,** 612
ignorance, of, **9,** 236
innocence of intention, of, **9,** 236, 237
procedure in, **9,** 367—369

DEFENCE (MATTERS OF)—*continued.*
damages put in issue by, **22,** 446
debt, to action for, **22,** 446
defamation, to action for, **18,** 669—717
fair comment as, **18,** 699—711; **22,** 447. *See* FAIR COMMENT.
justification as, **18,** 669—677. *See* justification, *infra.*
malice, absence of, as, **18,** 686, 711—717; **22,** 431 n. *See* MALICE.
privilege as, **18,** 677—699. *See* PRIVILEGE IN DEFAMATION.
delay. *See* DELAY; LACHES; LIMITATION OF ACTIONS.
delirium tremens as, to criminal act, **9,** 242
denial of liability, payment into court with, **23,** 148
Dentists Act, to prosecution under, **20,** 357, 358
design, to action for infringement of, **27,** 743
discovery for purposes of, **11,** 37
divorce proceedings, in. *See* matrimonial cause, *infra.*
easement, release of, as, to claim by prescription, **11,** 277
Employers' Liability Act, under, **20,** 135—138
equitable, acquiescence, of, **13,** 166—168. *See* ACQUIESCENCE.
laches, of, **13,** 168—174. *See* LACHES.
pleading of, **22,** 447 n., 449 n.
release, of, **13,** 164. *See* RELEASE.
set-off, of, **13,** 161—164; **25,** 482—504. *See* SET-OFF.
Statutes of Limitation, of analogy of, **13,** 175
waiver, of, **13,** 165
false imprisonment, to action for, **27,** 885
foreign judgment as, **6,** 290, 291
fraud, special pleading of, **22,** 427, 447, 456
frivolous or vexatious, bankrupt, by, as affecting order of discharge, **2,** 258
Gaming Act as a, **8,** 486, 487; **15,** 271 n.
special pleading of, **22,** 447
general issue, by statutory plea of, **22,** 448, 449
illegality of, **22,** 447, 448 n.
inevitable accident, of, **21,** 470. *See* INEVITABLE ACCIDENT.
injunction, to action for, to restrain breach of contract, ineffectual defences to, **17,** 238
interpleader issue, in trial of, **17,** 614
judgment recovered, of, **13,** 334, 335; **22,** 449 n.
jurisdiction, objections to, **22,** 447
justification in defamation action, of, **18,** 605, 606, 669—677
affirmative plea of, **18,** 669
confession and avoidance, by, **18,** 670
embarrassing plea in, **18,** 674; **22,** 431 n.
innuendo, as to, **18,** 671
particulars as to, sufficiency of, **18,** 673, 674; **22,** 457
separate plea of, **18,** 670
laches. See DELAY; LACHES.
leave and licence, of. *See* LEAVE AND LICENCE.
libel action, in. *See* defamation, *supra.*
limitation, special pleading of statutes of, **22,** 448 n.
liquidated demand, to action for, **22,** 246
lunacy as, misconduct in matrimonial suit, to charge of, **19,** 402
negligence, to action for, **21,** 463
tort, to action for, **19,** 403; **27,** 478, 479
matrimonial causes, in, co-respondent, by, **16,** 514
respondent, by, **16,** 514

DEFENCE (MATTERS OF)—*continued.*
medical fees, to action for, negligence as, **20,** 334
misrepresentation, to action for damages for agent acting for personal benefit, **20,** 732
agreement to
take with faults as, **20,** 728
waive inquiry as, **20,** 727
Lord Tenterden's Act as, **20,** 731
previous avoidance of contract as, **20,** 730
representatee's knowledge of truth as, **20,** 726
misrepresentation as a ground of, **20,** 657, 738, 739, 754, 759
pleading of, **22,** 425
mistake as, to action for specific performance or damages, **21,** 24, 25; **27,** 47—50
Money-lenders Act, 1900, special pleading of, **22,** 448 n.
negligence, to action for, act of God as, **21,** 467—471. *See* ACT OF GOD.
contributory negligence as, **21,** 445—454. *See* CONTRIBUTORY NEGLIGENCE.
imminent personal risk as, **21,** 479
independent contractor, of, **21,** 471—475
inevitable accident as, **21,** 467—471. *See* INEVITABLE ACCIDENT.
infancy as, **21,** 463
lunacy as, **21,** 463
power, act done under statutory, **21,** 464—467
reliance on others as, **21,** 479, 480
statutory authority as, **21,** 464—467, 471
volenti non fit injuria as, **21,** 476—478
non est factum, special pleading of, **22,** 448 n. *See also* NON EST FACTUM.
non-joinder of parties as, **22,** 448 n, 449 n.
not guilty by statute, pleading of, **22,** 449
nuisance, to action for a, **21,** 562—564
matters not a, **21,** 564
particulars of, **22,** 453—458
partition action, to, **21,** 847
partnership firm, denial of constitution of, **22,** 446
passing off, in action for, acquiescence, effect of, **27,** 774
fraudulent trading, effect of, **27,** 774
general user, effect of, **27,** 777
misrepresentation as ground for, **27,** 775, 776
patent, to action for infringment of, **22,** 217, 218
payment into court with, **23,** 148
personal representative, available in action against, **14,** 330—333
pleading of matters of. *See* DEFENCE (Pleading); PLEADING.
pleadings, order for trial without, effect on, **23,** 162
possession, plea of, **22,** 449
Public Authorities Protection Act, under, **23,** 338—350. *See* PUBLIC AUTHORITIES PROTECTION ACT.
recovery of land, county court action, in, **8,** 489
High Court action, in, **22,** 449. *See also* RECOVERY OF LAND.
reply, arising after, **22,** 459
representative capacity of plaintiff, denial of, **22,** 446, 448 n.
res judicata as, **13,** 330, 332, 334; **22,** 448 n.
demurrer to plea of, **13,** 354
when available, **13,** 330—334
rescission of contract, to action for, **20,** 746—752. *See* RESCISSION.
Sale of Goods Act, special pleading of, **22,** 448 n.
servant, of, tort, in action for, **20,** 277

DEFENCE (MATTERS OF)—*continued.*
set-off as, **22,** 451; **25,** 483
alternative with payment, **25,** 484 n.
equitable, **13,** 161—164
facts alleged by way of, **25,** 511
how raised, **22,** 459; **25,** 494, 512, 513
independent action, is not, **25,** 483 n., 510 n.
judgment when defence established, **25,** 517
pleading, in same, **25,** 509
point of law, may raise, **25,** 513
practice as to, **22,** 459; **25,** 494
special pleading of, necessity for, **25,** 509
to, **25,** 494
how pleaded, **25,** 512, 513
settled account, of, **22,** 427. *See* ACCOUNT STATED.
slander, in action for. *See* defamation, *supra.*
special matters to be pleaded in, **22,** 446, 447
specific performance, to action for
condition precedent, non-performance of, **27,** 52—59
contract, rescission or variation of, **27,** 64—67
defect in subject matter of contract, **27,** 50, 51
fraud as, **20,** 720; **27,** 22, 42—44
illegality of contract, of, **27,** 36
impossibility of performance, **17,** 246; **25,** 548 n.; **27,** 61—64
material terms omitted, of, **27,** 27, 28
misrepresentation, fraud, of, **27,** 42—47
mistake, of, **21,** 24, 25; **27,** 47—50. *See* MISTAKE.
non-concluded contract, of, **27,** 19—21
oppressiveness of contract, of, **18,** 379; **25,** 408; **27,** 37—42
repudiation by plaintiff, **27,** 59
Statute of Frauds, non-compliance with, of, **27,** 28—36. *See* STATUTE OF FRAUDS.
title, effect of not denying, **27,** 87 n.
uncertainty of contract, of, **18,** 378; **23,** 680; **25,** 547; **27,** 14, 21—26
specific pleading, matters to be raised by, **22,** 446, 447
state, by act of, **27,** 495. *See* ACT OF STATE.
statement of claim, default in application for, as affecting, **23,** 162
Statute of Frauds, special pleading of, **22,** 448 n.
statutes of limitation, plea of, **19,** 182, 183, 187; **27,** 501, 863
striking out, **11,** 57; **18,** 674; **22,** 434—436
summary proceedings, in, judgment where no, **19,** 598
surety, by, co-sureties, between, as, **15,** 534
creditor's claim, to, rights as to, **15,** 524
surprise, plaintiff must not be taken by, **22,** 446
tender, of. *See* TENDER.
title of plaintiff to sue, special pleading of, **22,** 448 n.
tort, to action for, act of God as, **21,** 467—470; **27,** 493—495; **28,** 383
bankruptcy as, **27,** 502
contributory negligence as, **27,** 501
death of either party as, **27,** 502
leave and licence as, **27,** 500
protection of person or property, as, **27,** 498—500
release as, **27,** 500
Statute of Limitations as a, **27,** 501 n.
statutory authority, as, **27,** 495—497
volenti non fit injuria as, **21,** 476—478; **27,** 501
waiver as, **27,** 500

DEFENCE (MATTERS OF)—*continued.*
Trade Disputes Act as, pleading of, **27,** 668
trade name, to action for infringement of, **27,** 769, 770, 774—777
trespass to goods, to action for, **27,** 869, 871
trespass to land, to action for, accident as, **27,** 862
claim of right as, **27,** 860
denial of entry as, **27,** 859
jus tertii as, **27,** 859
leave and licence as, **27,** 860, 861
legal right, exercising, as, **27,** 861, 862, 863
Statute of Limitations as, **27,** 863
statutory authority as, **27,** 863
tender of amends as, **27,** 863
trover, to action for, **27,** 913, 914
unconditional leave to set up, **18,** 192, 193
volenti non fit injuria as a, **20,** 120; **21,** 476—478; **27,** 501
warranty, of, in respect of food or drugs, **15,** 25—29. *See* WARRANTY ON SALE.
Workmen's Compensation Act, under, serious and wilful misconduct, of, **20,** 177—179
wrongful distress, to action for, **11,** 205

DEFENCE (PLEADING). *See also* PLEADING.
Admiralty action, in, *in personam,* **1,** 106, 107
in rem, **1,** 95
amendment of, **22,** 438, 450
counterclaim, in case of, **25,** 508
leave for, **22,** 438 n.
Commercial Court, in, **22,** 420 n.
confession of further defence in, **22,** 450, 451
costs caused by improper, order for payment of, **22,** 446
counterclaim, pleading of, **25,** 509, 511
to, **22,** 459; **25,** 512
county court, in, **8,** 485—491. *See* COUNTY COURT ACTION.
Admiralty action, in, **1,** 133
amendment of, **8,** 508
damages, need not contain plea as to, **22,** 446
debt, in action for, mere denial inadmissible, **22,** 446
default in delivery of, **22,** 451—453
infant, by, **17,** 142
motion for judgment in case of, **11,** 58; **22,** 453
delivery of, counterclaim or set-off, in case of, **25,** 511
default of appearance, in case of, **22,** 450
defence to counterclaim or set-off arising after, **22,** 459
order, pursuant to, **22,** 450
specially indorsed writ, in case of, **22,** 449, 450
time for, **22,** 449, 450
denial to allegations must be specific in, **22,** 445, 446
discovery after delivery of, **11,** 50
evasive, pleading must not be, **22,** 445, 446
fresh issues of fact in, **22,** 446
frivolous or vexatious, **22,** 436
further, delivery of, **22,** 450
leave for, **22,** 450
general issue, indorsement in case of plea of, **22,** 448, 449,
ground of defence arising after action brought, in case of, **22,** 450
husband and wife, of, in action for tort, must not be inconsistent, **16,** 438
improper denials or non-admission in, liability for, **22,** 446

DEFENCE (PLEADING)—*continued.*
indorsement on, counterclaim, in case of, **25,** 512 n.
infant, by, **17,** 142, 143
full age, on attaining, **17,** 143
material facts, pleading of, **22,** 423 n.
non-denial of, contract, in case of, **27,** 36
lunatic, by, effect of, **19,** 465; **22,** 429
part of cause of action, in respect of, **22,** 453
particulars of statements in. *See* PARTICULARS.
partnership, in action against, **22,** 45
payment into court before or after. *See* PAYMENT INTO COURT.
pleading in, set-off or counterclaim, in case of, **25,** 509
special matters, of, **22,** 446, 447
pleadings, included in definition of, **22,** 419
pleas in. *See* PLEA.
reply to, **22,** 459. *See* REPLY.
service of, counterclaim, in case of, **25,** 511
set-off to be pleaded in, **22,** 421 n.
special
damage, in case of claim for, **22,** 446 n.
matters to be pleaded in, **22,** 446, 447
specially indorsed writ, in case of, **22,** 449, 450
leave to deliver, **18,** 191—194
specific, allegations must be, **22,** 445, 446
statement of claim, application for by defendant, effect of, **23,** 162
striking out, **22,** 434—436
discovery, for non-compliance with order for, **11,** 56—58
embarrassing, as, **18,** 674; **22,** 435
third party, service on, **25,** 511, 512
title of, additional, counterclaim, in case of, **25,** 510, 511
traverses must be specific, **22,** 445, 446

DEFENCE OF THE REALM,
compulsory acquisition of land for, **6,** 6, 448; **25,** 99, 100
Defence Act, 1842, Crown lands, application to, **7,** 202
Cornwall, Duchy of, application to, **7,** 257
Lancaster, Duchy of, application to, **7,** 222, 237
Secretary for War, actions by, under, **7,** 96
highways, powers in respect of, **16,** 80
inclosure for purpose of, **4,** 512
powers of Secretary of State for, **6,** 448

DEFENDANT. *See also* PARTIES TO PROCEEDINGS.
For defendant in relation to particular matters, see main words denoting such particular matters.
defined, **11,** 44 n.
abroad, limitation of action as affecting, **19,** 56
acquittal, right to copy of record on, **9,** 374 n.; **19,** 683 n.
address of, when required, **23,** 125
appearance of, **23,** 124—126. *See* APPEARANCE.
business name, may be sued in, **8,** 456
co-defendant, representation by counsel of, **2,** 411, 412
probate action, in, **14,** 181
contract, to action of, **23,** 102
contribution between, *inter se,* **23,** 165
costs of successful, discretion of the judge as to, **23,** 178
counterclaim by. *See* COUNTERCLAIM.

DEFENDANT—*continued.*
counterclaiming, is not constituted a plaintiff by, **11,** 44 n.
county court, in, **8,** 454
criminal proceedings, in, cross-examination of, **9,** 404
joinder of, **9,** 342
witness, as, **9,** 367, 388, 401—405
husband of, **9,** 405
wife of, **9,** 405
death of, effect of, **23,** 107
defence, grounds of. *See* DEFENCE (Matters of).
discovery, for purposes of, **11,** 46
equitable
jurisdiction, limit of, in respect of, **13,** 66
right, to action founded on, **13,** 62; **23,** 102
infant as. *See* INFANT.
joinder of, **9,** 342; **23,** 102, 104—106; **24,** 327. *See* JOINDER OF PARTIES.
legal personal representative as, **14,** 330—333
beneficiaries, as representing, **14,** 330
non-joinder of, effect of, **23,** 105
tort, in case of, **23,** 102
partnership, in case of, **20,** 291 n.; **22,** 44, 45; **23,** 125 n.
payment into court by, effect of, **23,** 147, 148
rights as to costs on, **23,** 150
persons who may be, **23,** 101
pleading by. *See* DEFENCE (Pleading).
receiver, application for appointment of, **24,** 347
death of defendant as affecting, **24,** 347
recovery of land, to action for, **23,** 102
defence when in possession, **24,** 329
representative
action, in. *See* REPRESENTATIVE ACTION.
capacity, in, **14,** 330—333; **23,** 103, 104
set-off by. *See* SET-OFF.
statement of claim, right to apply for, **23,** 162
summary proceedings, in, discharge of, **19,** 610
pleas by, **19,** 597, 598
tort, to action of, **23,** 102
trustee, beneficiaries represented by, **28,** 172
who should be made, **23,** 101, 102, 104
witness, as, in affiliation proceedings, **2,** 449

DEFENDER OF THE FAITH,
royal title of, **6,** 360

DEFERRED
annuity
fund. *See* DEFERRED ANNUITY FUND.
income tax allowance in respect of, **16,** 671
dividend or interest on company shares, **5,** 682
ordinary stock, railway company, of, restrictions on issue of, **23,** 630
pay, pledge of, invalidity of, **22,** 237
shares of company, *defined*, **5,** 90 n.
prospectus, number to be stated in, **5,** 121

DEFERRED ANNUITY FUND,
management of, **12,** 129
national health insurance, contributions by teacher to, credited to, when, **28,** 994
teachers, annuities to, out of, **12,** 128, 129

DEGREE (AMOUNT).
care, of, ordinarily required, **21,** 362 *et seq.* *See* CARE, standard.
criminal liability, of, **9,** 246—264

DEGREE (AMOUNT)—*continued.*
prohibited, marriage, of, **16,** 283—286
churchwarden's duty as to, **11,** 472
skill, of, in various cases. *See* SKILL.
university's power to confer, **12,** 91

DEGREE (TITLE).
Archbishop of Canterbury may confer, **11,** 387
medical, entitling to the style of doctor, **20,** 311
university may confer, **12,** 91

DEL CREDERE AGENT,
defined, **1,** 153
agency of, distinguished from sale, **25,** 178 n.
agreement to be, may be inferred, **15,** 463 n.
guarantee by, **15,** 463
insurance broker as, **17,** 348 n., 350
personal liability of, **1,** 184
set-off by, **25,** 496
Statute of Frauds not applicable in case of, **1,** 153; **7,** 363; **15,** 463

DELAY. *See* LACHES.
action, in bringing. *See* LACHES.
administration, in rendering accounts in, effect of, **14,** 347
agent, liability of, for unreasonable, **1,** 186
bill of exchange, with regard to. *See* BILL OF EXCHANGE.
building contract, under, damages for, **3,** 213, 240, 243, 244
effect of, **3,** 220, 257, 281
delivery, in, abstract of title, of, **25,** 322, 323
carrier, by, **4,** 14, 15, 17—20, 23, 33; **10,** 334. *See* DELIVERY.
sale of goods, on, **25,** 190, 270, 271
demurrage, railway company's liability for, on, **4,** 84
shipowner's right to, for consignee's, **26,** 271
equitable jurisdiction in respect of. *See* LACHES.
estoppel, as creating. *See* ESTOPPEL BY CONDUCT.
injunction, application for, in making, **8,** 166; **16,** 159; **17,** 248
in drawing up order for, **17,** 283 n.
waste, in applying to restrain by, **17,** 233
limitation of action, in respect of. *See* LIMITATION OF ACTION.
loading of cargo, in, **26,** 178
matrimonial causes, in, adultery, suits on ground of, effect of husband's delay in bringing, **16,** 492
Divorce Division, in prosecuting suit in, by pauper husband, effect of, **16,** 505
judicial separation, in suit for, **16,** 492
nullity, in suits for, effect of, **16,** 491, 492
poverty, on account of, no bar to decree for restitution, **16,** 492
reasons for, instances accepted by the court, **16,** 492, 493
unreasonable, when a bar to decree for dissolution, **16,** 492, 493
railway company's liability for, **4,** 17—21, 35, 56, 59, 60, 84
ship, of, charterer's responsibility for, **26,** 93, 184
on voyage, damages for, **26,** 289
shipowner's liability for, **26,** 93, 178, 179
work and labour, in executing contract for, damages for, **10,** 338

DELEGATES,
Court of, **11,** 501. *See also* AGENCY; AGENT; AUTHORITY; POWER OF ATTORNEY; SUB-CONTRACTOR.

DELEGATION,
defined, **26,** 674 n.
agency, of, *defined*, **1,** 169
body acting through committee, position as regards, **1,** 172
custom, by, **1,** 170
emergency, in case of, **1,** 171
general rule against, **1,** 169
implication of authority for, **1,** 170, 171
memorandum of sale, to sign, not usually permissible, **7,** 379; **25,** 137 n.
ministerial acts, in case of, **1,** 170
personal element, effect of, on, **1,** 169
principal's acquiescence in, **1,** 170
sub-agent's position on, **1,** 171—173
allotment, of powers in respect of, county council, by, **1,** 342
committee, of powers of, **26,** 676
arbitrator, by, as ground for setting aside award, **1,** 480
powers of, **1,** 458, 459
architect, of duties by, **3,** 293
auctioneer's authority, of, not permissible, **1,** 502
borrower, by, in gratuitous loan for use, **1,** 540
calls on shares, of power to make, **5,** 165
charitable trust, of power to determine object of, **4,** 166
charity, of visitatorial power in respect of, **4,** 289
charterparty, of execution of, **1,** 270; **26,** 88—90
contract, in case of. *See* CONTRACT.
time is of the essence, when, **7,** 413—415; **27,** 67—69. *See* CONTRACT; TIME,
Crown prerogatives, of, to colonial governors, **6,** 372, 404, 423, 425
delegatus non potest delegare, application of maxim, **1,** 169, 170
directors, by, of powers, **1,** 169; **5,** 165, 224, 225, 302
distrain, of authority to, **11,** 160
distress warrant, of authority to execute, **11,** 225 n.
education authority, of powers of local, to education committee, **12,** 20
school, in respect of management of, **12,** 46
King's pardon, of right of, to colonial governors, **6,** 372, 404
liquidator, of appointment of, to creditors, **5,** 572
mandatary, by, usually not permissible, **1,** 537
when permissible, **1,** 537
master, by, care of machinery and plant, of, **20,** 130, 131
liability for, **20,** 253
liability for improper, **28,** 122, 123
master of ship, by, signature of charterparty, **1,** 170
salvage agreement, making of, **26,** 572 n.
power, of, generally, **23,** 15, 16
appointment in default of execution of delegated power is good, **23,** 51
power of attorney, by. *See* POWER OF ATTORNEY.
railway company, by, statutory powers, of, **23,** 703
school, of management of, **12,** 20, 46
schoolmaster, to, parent's authority, of, **12,** 123
power to inflict corporal punishment, of, **12,** 124

DELEGATION—*continued.*
shipowner, by, execution of charterparty, of, **26,** 88—90
small holdings, county council's powers, of, as to, **26,** 674, 675
committee, of powers of, **26,** 676
solicitor, of authority of, **26,** 758
specific performance, when a bar to, **27,** 67—70
statutory
authority, of, **27,** 123, 124
duties, of, **27,** 176
trustee, by, how far allowed, **1,** 171; **28,** 122
weights and measures, of Board of Trade powers in respect of, **28,** 479
will, of power to revoke, testator cannot make, **28,** 565
work and labour, of contract for hire of, **1,** 560, 561

DELEGATUS NON POTEST DELEGARE,
application of maxim, **1,** 169, 170

DELINEATION,
Roman Catholic Church, in, as church decoration, **11,** 668

DELIRIUM TREMENS,
criminal act, as a defence to, **9,** 242

DELIVERY. *See* DELIVERY UP; SERVICE OF DOCUMENTS; SERVICE OF PROCESS.
defined, **22,** 404; **27,** 905 n.
abstract of title, of, **25,** 322, 323
delay in, purchaser's rights, **25,** 322, 323
failure to make, rescission, **25,** 323
specified time, within, **25,** 322, 323
act and deed as, **10,** 385
auctioneer's liability for, of goods sold, **1,** 518
bailee, by, wrongful, remedies for, **27,** 899
bill of costs, of, solicitor, by, **26,** 774—779. *See* BILL OF COSTS.
bill of exchange, of, **2,** 463, 480—484. *See* BILL OF EXCHANGE.
bill of lading, of. *See* BILL OF LADING.
under. *See* sale of goods, *infra*; BILL OF LADING.
bill of sale, under, of chattels, effect of, **3,** 6, 7, 22
bond, of, **3,** 84
building contract certificate, of, prevention of, **3,** 220
cargo, of, **26,** 264—279. *See* CARGO.
carrier, by, consignee not at address given, effect of, **4,** 12
refusal by, of, **4,** 12
delay in, **4,** 14, 15, 17—20, 23, 33; **10,** 334
measure of damages for, **4,** 17—20; **10,** 334
refusal to deliver not within exemption clause for, **4,** 33
duty when not taken, **4,** 12, 93, 94
liability of carrier continues until, **4,** 11
misdelivery, liability for, **4,** 13
notice of arrival of goods, on, **4,** 12
place of, **4,** 11
alteration of, **4,** 13
refusal by consignee of, **4,** 12
stoppage in transit, in respect to right of, **4,** 96—99; **25,** 252
termination of transit by, **4,** 96; **25,** 252

DELIVERY—*continued.*
carrier—*continued.*
delay in—*continued.*
time for, **4,** 14, 15
wrong goods, of, damages for, **4,** 20
to, seller, by, effect of, **4,** 94, 95; **25,** 133, 170, 222
chattel, of, alienation by, **22,** 404—406
detinue, as remedy in, **27,** 916—918
enforcement of, **13,** 12; **25,** 272; **27,** 4, 5, 14, 15, 917, 918 n.
hired, implied warranty of fitness by, **1,** 550, 551
specific performance of contract for, **27,** 14, 15
choses in action passing by, **15,** 413, 432
company, in case of, registrar, to, documents of, **5,** 61
compulsory acquisition of land, of possession by sheriff in case of, **6,** 102
conditional, bill of exchange, of, **2,** 482, 483, 505
parol evidence to prove, **7,** 528
bond or deed, of, **3,** 84; **10,** 387, 388
constructive, methods of, **15,** 413, 432; **22,** 405; **25,** 206, 210, 225—227
counterclaim, of, **25,** 511
debenture transferred by, **5,** 357, 358
deed, of, corporation, by, **8,** 309; **10,** 391
escrow, as, **3,** 84; **10,** 386, 387—389, 391. *See* ESCROW.
essentials for, **10,** 386
evidence of, **13,** 510
how made, **10,** 385, 386
proof of sealing infers, **10,** 386
takes effect from, **10,** 382, 445; **18,** 386
defence, of, confession of, **22,** 450
default in, **22,** 451—453. *See* DEFAULT.
default of appearance, in case of, **22,** 456
further, **22,** 450
ground of defence arising after action, **22,** 450
part, in, **22,** 453
specially indorsed writ, in case of, **22,** 450
time for, **22,** 449, 450
demand, on, effect of failure of, **27,** 894
documents, of, **22,** 434
service, distinguished from, **22,** 434 n.
donatio mortis causâ, of, **15,** 431—435
escrow, as, of instrument under seal, **3,** 84; **10,** 387, 388, 389
effect, **10,** 389, 390
gift, of, chose in action, of, **15,** 413
constructive, **15,** 413, 432
essential to, when no deed, **15,** 412; **22,** 406
mode of, **15,** 412, 413
mortis causâ, **15,** 431—435
infant, payment of money by, on, is valid, **17,** 80
instalments, by, **7,** 439. *See* sale of goods, *infra.*
judgment, of, criminal proceedings, in, **9,** 376
House of Lords, in, **21,** 649, 650
Lancaster, Duchy of, grants under seal, do not require, **7,** 219
letter, of, posting as evidence of, **13,** 556
life insurance policy, of, property passes by, **17,** 558 n.
pawn, of, as essential to contract, **22,** 238
pawnbroker's failure to make, **22,** 255
stolen goods, of, order for, **22,** 254, 255
time for, **22,** 238
personalty, alienation of, by, **22,** 404, 405
of, constructive, **22,** 405
pleadings, of, as distinguished from service, **22,** 434
fees on, **26,** 801

DELIVERY—*continued.*
pleadings—*continued.*
matrimonial cause, in, practice, as to, **16,** 511
procedure as to, **22,** 433, 434
possession of lease, of, surrender by, **18,** 548, 549
postal packets, of, order of, **22,** 643
receiver, to, possession, of, effect, **24,** 375—379, 384
interest in land, of, **14,** 125
obstruction of, **6,** 207; **24,** 387—389
order for, **24,** 376, 379
property abroad, court will not effect, **6,** 207; **24,** 379
sale of goods, on, *defined*, Sale of Goods Act, under, **25,** 119
approval, on, effect of, **25,** 178—180
bill of lading and other documents, by, **25,** 225—228
time of, **25,** 227, 228
transfer of, as effecting, **25,** 225, 226
carrier, to, seller, by, **4,** 94, 95; **25,** 133, 170, 222
delay in, damages for, **25,** 270, 271
risk attaching on account of, **25,** 190
deterioration of goods, risk as to, during transit, **25,** 223, 224
expenses of
making and taking, by whom paid, **25,** 211
putting into fit state for, by whom payable, **25,** 211
failure to make, buyer's rights on, **25,** 265, 268, 269
goods at time of sale
in possession of third party, where, **25,** 210, 211
mixed with others not contracted for, **25,** 213
impossible, duty of buyer, **25,** 271 n.
instalments, by, **25,** 215—221
agreement to accept, when inferred, **25,** 215, 216
average or about equal instalments, by, **25,** 218
breach of contract in case of, **7,** 439; **25,** 218, 220, 221
excess instalment, acceptance of, effect of, **25,** 218
how far a separate contract, **25,** 216
lien, as affecting right to, **25,** 243
payment of price as a condition precedent to, **25,** 219; **27,** 907
postponement of, **25,** 219
rejection of instalments received, **25,** 216
seller's right where mode optional, **25,** 217
insurance in respect of, **25,** 223, 224, 225
mistake, by, **25,** 257; **27,** 908
order for, *defined*, **25,** 225
possession not transferred by, **25,** 185, 186, 225
signing, as conversion, **27,** 890
payment, as concurrent condition, **25,** 204, 205
before, risk attaching where, **25,** 189
in exchange for, **25,** 182
made on, risk attaching where, **25,** 189
place of, **15,** 13 n.; **25,** 206—208, 229
when uncertain, **25,** 208
refusal to take, liability on, **25,** 232
shipping documents, by, **25,** 226
stoppage *in transitu*, **25,** 247—258. *See* STOPPAGE IN TRANSITU.

DELIVERY—*continued.*
sale of goods—*continued.*
stoppage *in transitu*—*continued.*
carrier's liability for, after notice of, **1,** 49; **4,** 99; **25,** 256. *See* carrier, *supra.*
right of, when terminated by, on board ship, **25,** 253, 254
time of, **25,** 208—210, 229; **27,** 907
trover arising out of failure in, **27,** 907, 908
what operates as a, **25,** 206
withholding, unpaid seller's right of, **25,** 258
wrong quantity of goods, of, **25,** 212, 213
seamen, of agreement with, to superintendent, **26,** 43
set-off, of, **25,** 511
specific performance of contract for, of chattels, **13,** 12; **27,** 4, 5, 14, 15
spirits from warehouse, of, account on, **24,** 602
statement of claim, of, **22,** 433, 434
amendment after, **22,** 437
default in, **18,** 188; **22,** 445
prisoner in custody, by, **23,** 253 n.
summons for, **23,** 162
stocks and shares, sale of, on, **27,** 242, 243
third person, for use of, of gift, **15,** 413
to, of bond or deed as escrow, **3,** 84; **10,** 388
preservation of lien by, **19,** 3 n.
transferor by, bill of exchange, of, **2,** 503, 521
writ of, absolute, **14,** 74, 75
condemnation of goods, enforcing, **10,** 13
detinue, in, order for, **27,** 917 n.
execution of, **14,** 74, 75
form of, **14,** 74
leave of court necessary for, **14,** 9
plaintiff's rights under, **14,** 37
rules governing issue of, **14,** 75
when issued, **14,** 74

DELIVERY UP,
bill of exchange, of, forged, by order of court, **2,** 512
payment, on, **2,** 530, 541
bill of sale, of, by grantee on payment, **3,** 74; **20,** 745 n.
chattels, of, county court's jurisdiction to order, **8,** 429
company's books and papers, of, by liquidator, **5,** 455
contract, of, equitable jurisdiction as to, **13,** 52—54; **20,** 744
debtor's property, of, to trustee in bankruptcy, offence of failing to make, **2,** 346
demised premises, of, **18,** 556
documents, of, equitable jurisdiction as to, **13,** 52
founded on illegal consideration, **13,** 73 n.
not ordered merely because unenforceable, **13,** 53
rescission, in action for, court's power to order, **20,** 744, 745
solicitor, by, **26,** 840, 841
void document, **13,** 53
goods, of, detinue constituted by unlawfully failing in, **27,** 888
metropolitan police magistrate's order for, **19,** 577
property of, power of the court to order, on payment into court, **23,** 143
public papers, of, mandamus to compel, **10,** 81
refusal of, when not conversion, **27,** 895
ship's registration certificate, of, when required, **1,** 65; **26,** 21
solicitor, by, of documents, **26,** 840, 841
trade union property, of, summary order for, **27,** 636

DELUSION,
defined, **19,** 393
criminal liability, as affecting, **9,** 241
insanity, when amounting to, **19,** 393
particulars as to, pleading, in, **22,** 455
will, when sufficient to invalidate, **19,** 396; **28,** 534

DEMAND. *See also* BEQUEST.
action, before, detinue, for, **1,** 23; **27,** 894
bill of exchange payable on demand, demand not necessary, **19,** 44
deposit account in bank, in case of, **19,** 47
detinue, in, **1,** 23; **19,** 50; **27,** 908
double value of premises held over, in case of, **18,** 554, 555
factor, against, for not accounting, **19,** 47
inspection of constable's warrant, for, **1,** 26
money paid under mistake, in case of, **1,** 23; **7,** 488; **21,** 31
paving expenses, to recover, **16,** 235; **19,** 43 n.
promise to do act, other than payment of a present debt, on demand, in case of, **19,** 43
suretyship contract which so stipulates, in case of, **15,** 488; **19,** 46, 78
trover, in, **27,** 894—896
allotment, for, county council's duty where there is a, **1,** 341, 343
bailment, in, generally, **1,** 565
joint bailors, in case of, **1,** 565
limitation of action, as affecting, **1,** 541, 565; **19,** 50
mutuum, **1,** 541
pro-mutuum, **1,** 542
bill of exchange
payable on, **2,** 475, 530, 531; **19,** 44
to fulfil contract to indorse, when necessary, **15,** 558, 559
bond, for payment or performance of condition, in, necessity for, **3,** 92
conversion constituted by failure to make delivery on, **27,** 894—897, 908
distress, before, rates, in case of, **11,** 211, 216; **24,** 109
rent, in case of, when necessary, **11,** 148
taxes, in case of, **11,** 218
friendly society, property of, for, from deceased officer's estate, **15,** 162
general district rate, of, service of, **24,** 91
time limit for payment after, **24,** 91
writing, must be in, **24,** 90
guarantee, on, action brought, before, when necessary, **15,** 488 n.
instruments payable on, **2,** 475
interest runs from date of, **21,** 38
land tax, of, time at which to be made, **18,** 318, 319
limitation of actions, in case of. *See* action, before, *supra*; time runs from, *infra.*
mistake, in case of, necessity for, before action brought, **21,** 31
note. *See* DEMAND NOTE.
poor rate, of, absence of, obligation to pay not affected by, **24,** 66
action, before, necessary, **11,** 211; **24,** 66
collection, before, not necessary, **24,** 66
possession, of, mortgagee, by, **21,** 157
rent, for, distress, before, **11,** 123, 124
tenancy at will, in case of, **18,** 436

DEMAND—*continued.*
time runs from, deposit account in bank, in case of, **19,** 47
promise to do an action, in case of, **19,** 43
promise to pay present debt on demand, time runs from promise, **19,** 43
surety, in some cases of, **19,** 46, 78; **15,** 488

DEMAND NOTE,
gas charges, for payment of, notice of provision indorsed on, **15,** 341 n.
general
district rate, for, **24,** 91
rate, for, in metropolis, **20,** 438 n.; **24,** 130
Light Railways Act, for rate under, must state proportion for light railway, **27,** 839 n.
poor rate, for, **24,** 66, 67
rates, for, City of London, in, **20,** 439
metropolitan borough councils, in, **20,** 441
taxes, for, non-payment after service of, is evidence of refusal to pay, **11,** 218 n.

DEMANDING
property, forged instrument, under, **9,** 762
menaces, with, **9,** 664

DEMESNE,
ancient. *See* ANCIENT DEMESNE.

DEMESNE LAND,
defined, **8,** 5
classification of, **8,** 5
common of pasture appendant in respect of, no, **4,** 451, 452
conveyance of, **8,** 21
Crown, of, **7,** 111
liability for tithes, of, **6,** 494
manor, of, classification of, **8,** 5
conveyance of, **8,** 21
devise of manor, passes on, **8,** 20
mines in, property in, **8,** 24
severance from, effect, **8,** 4

DEMISE. *See* LEASE.
charterparty, by, **26,** 85, 86
no lien for freight under, **26,** 283 n.
deed, use of word in, **18,** 387
covenants implied from, **10,** 480; **18,** 525—527
distress, essential to right of, **11,** 121
executory agreement, may be construed as, **18,** 368, 369
fixtures passing under the, **18,** 416
land, of, no implied warranty of fitness, **18,** 501
lease, agreement for, when operating as a, **18,** 369
licence distinguished from, **11,** 122
mortgage by, **21,** 121
rent, apportionment of, on, **18,** 484
ship, of. *See* charterparty, *supra.*
stoppage *in transitu,* effect on, **25,** 254
telegraphs and telephones as subject of, **27,** 395

DEMISE OF THE CROWN,
commission of the peace, new, not necessary on, **6,** 385; **19,** 537
Crown servants, effect on, **6,** 385
judicial commissions, effect on, **6,** 385; **12,** 137 n.
legal process, effect on, **6,** 385, 386
offices and appointments held under, effect on, **6,** 384, 385
Parliament, effect on, **6,** 384; **21,** 698, 699

DEMISE OF THE CROWN—*continued.*
Privy Council, effect on, **6,** 384; **7,** 52, 53
public seals, effect on, **6,** 384; **7,** 61

DEMOLITION,
building, of. *See* BUILDING.
obstructive, when, **23,** 532, 545. *See* DESTRUCTION.
riotous, criminal liability for, **9,** 473, 777
tenants, by, criminal liability for, **9,** 780
order, Housing Acts, under, **19,** 376; **23,** 530, 545
appeal against, **23,** 545
London Building Act, under, **20,** 480

DEMONSTRATIVE LEGACY,
abatement of, **14,** 277
nature and advantages of, **14,** 261, 262

DEMURRAGE,
defined, **26,** 121, 122
arrival of ship for purposes of, **26,** 181—184
ceasing of, **26,** 126
charterer not liable for, where default attributable to shipowner, **26,** 120
charterparty, exceptions in, effect on, **26,** 195
consignee or indorsee, duty to pay, **26,** 164, 165
days, *defined,* **26,** 122
charterer's right to, **26,** 124
delivery, on, consignee delaying, shipowner's right to, **26,** 271
lien for, **26,** 135
master's right in respect of cargo, **26,** 279
special contract required to create, **26,** 135, 285
railway company's liability for, **4,** 84
stevedore, employment of, as affecting, **26,** 206
underwriters, rights of, with regard to, **17,** 493
unsafe port, charterer naming, as affecting, **26,** 256, 257
usage as to, port of Odessa, in, **10,** 296, 298
when payable, **26,** 125, 126
when time begins to run, **26,** 126

DEMURRER,
argument on, one counsel allowed on, **2,** 413
certiorari for hearing of, **10,** 158
Divorce Division, in, **16,** 529
indictment, objection to, by, **9,** 355
old procedure on, **22,** 433 n.
proceedings in lieu of, **22,** 433 n.; **23,** 155 n.
Mayor's Court, applicable to, **20,** 289
Supreme Court, in, not now allowed, **22,** 433

DENBIGH,
local court of, **9,** 157

DENIAL,
entry, of, as defence to action for trespass, **27,** 859
liability, of, payment into court with, **23,** 147—151
pleadings, in, absence of, effect of, **22,** 429
bills and notes, in regard to, **22,** 446
contract, promise, or agreement, of, effect of, **22,** 431, 432
damages, not necessary as to, **22,** 430, 446
debt, of, mere denial insufficient, **22,** 446
evasive, must not be, **22,** 430
general, insufficient, when, **22,** 429
goods sold, in action for, **22,** 446
improper, effect on costs, **22,** 446
joinder of issue as, **22,** 431

DENIAL—*continued.*
pleadings—*continued.*
money had and received, in action for, **22,** 446
representative capacity of plaintiff, of, **22,** 446
right, of, interference with easement operating as, **11,** 332, 333

DENIZEN,
children of, disabilities of, **1,** 313
nationality of, **1,** 313
disabilities of, **1,** 313
letters of derogation, created by, **1,** 312
status of, **6,** 342

DENOMINATIONAL,
chapels, erection of, by burial authority, **3,** 468
gifts to, charitable, **4,** 114, 121
legacies to, payable to trustees, **4,** 185
ministers of, election of, **4,** 252—254
trustees must not convert to other uses, **4,** 272
trusts for, ascertainment of objects of, **4,** 163, 164
meaning of term in ecclesiastical law, **11,** 356
teaching in schools, **12,** 23, 24

DENOTING STAMP,
when document impressed with, **24,** 716

DENTIST,
alien, admission to register, of, **20,** 361
certificate of, examination for, **20,** 364, 365, 366
fitness to practise, grant of, by Royal College of Surgeons, **20,** 313
colonial and foreign, **20,** 359
company carrying on business of, **5,** 312; **20,** 358, 358 n.
conduct of, inquiry into, **20,** 362, 363
death of, notice by registrar of deaths of, **20,** 361 n.; **24,** 442
dental committee, General Medical Council, of, appointment of, **20,** 362
composition of, **20,** 363
operation, *defined*, **20,** 365
examiners, board of, appointment of, **20,** 313, 365
fees, certificates, on granting of, **20,** 364
registration, on, **20,** 361
right to recover, **20,** 365
General Medical Council's order to erase name of, as evidence, **13,** 342; **20,** 363
goodwill may be attached to practice of, **27,** 591
licentiate in dentistry, erasure from list of, **20,** 362
qualifying examinations, **20,** 364
registration of, **20,** 359, 360
restoration to list, **20,** 363, 364
qualification of, **20,** 359
examination for, **20,** 364, 365
examining bodies for, **20,** 364
General Medical Council and Privy Council, control by, of, **20,** 364
theory of dentistry, no restriction as to, on, **20,** 364
false assumption of, **20,** 358
register of, absence of name from, effect of, **20,** 360
admissibility as evidence of, **20,** 360
amendment of, **20,** 360
contents and form of, **20,** 359
entry in, **20,** 360
erasure of name from, **20,** 361,
fraud in relation to, **20,** 361

DENTIST—*continued.*
register of—*continued.*
General Medical Council's powers as to, **20,** 360
keeping, **20,** 361
local, **20,** 360
removal from, conviction, on, **9,** 431 n.
restoration of name to, **20,** 363
registration of, **20,** 357—361
appeal on refusal of, **20,** 359
application
for, procedure on, **20,** 360, 361
of fees payable on, **20,** 361
privileges and exemptions obtained on, **20,** 365, 366
restrictive covenants in respect of, **20,** 90 n.; **27,** 559 n., 578 n., 579 n., 585
summary jurisdiction over, **9,** 79 n.
surgeon, use of word, by, **20,** 344
unregistered person, fees recoverable by, **20,** 365
prevention of practice by, **20,** 357
titles prohibited to, **20,** 357
exemption from liability for using, **20,** 357
limited company using, **20,** 358
offence of using, **20,** 357
what amounts to using, **20,** 358
who may prosecute for using, **20,** 358

DEODAND,
defined, **7,** 108 n.
Crown's former rights as to, **7,** 108
filing, former practice as to, **8,** 279

DEPARTMENTS OF THE STATE, 7, 79—108.
See main words denoting the particular departments. See also GOVERNMENT DEPARTMENT.

DEPARTURE FROM REALM,
Crown's power to compel or restrain, **6,** 446
writ *ne exeat regno. See* NE EXEAT REGNO.

DEPENDANT,
Workmen's Compensation Act, under, *defined*, **20,** 186
agreement, right cannot be excluded by, **20,** 190
with, **20,** 224—228
allotment where total and partial dependency, **20,** 217 n.
amount of compensation payable to, **20,** 199
child as, **17,** 45; **20,** 186, 187
contracting-out scheme binds, **20,** 215
county court proceedings on behalf of, parties to, **20,** 217
deduction of sums received by workman from amount due to, **20,** 190
dependency must exist at time of death, **20,** 187, 199
devolution of right of, **20,** 189
employer pays compensation to, **20,** 190
independent nature of right to compensation, **20,** 196
partial, **20,** 188, 199
payment into court of money payable to, **20,** 185, 207
test of financial dependency of, **20,** 188
variation of award to, **20,** 208
wife not, when, **20,** 187

DEPENDENCIES,
The title DEPENDENCIES, COLONIES, AND BRITISH POSSESSIONS *is contained in Vol. X., pp.* 501 *et seq.*
defined, **10,** 503
civil courts, jurisdiction of, in, **6,** 281; **10,** 578, 579
Cyprus. *See* CYPRUS.
India. *See* INDIA.
protectorates. *See* PROTECTORATE.
Weihaiwei. *See* WEIHAIWEI.

DEPENDENT RELATIVE REVOCATION,
instances of, **28,** 573, 574

DEPONENT,
affidavit made by two or more deponents, **8,** 519; **24,** 709 n.
bankruptcy proceedings, in, admission by, **13,** 630
blind, procedure as to, **13,** 627
cross-examination of, **13,** 619, 621, 622; **17,** 278
description of, **13,** 625, 625 n.; **16,** 535
fresh evidence, giving orally, **13,** 620
illiterate, **13,** 627
production at trial of, **13,** 621

DEPORTATION. *See* EXPULSION.

DEPOSIT,
account. *See* DEPOSIT ACCOUNT.
advance freight is not in the nature of, **7,** 482
assurance companies, to be made by, **5,** 627—629
auctioneer, agent in respect of, as, **1,** 512
authority of, to receive, **1,** 503, 512, 513; **25,** 320, 399 n.; **28,** 59, 143
liability of, as regards payment of, **1,** 513; **25,** 317 n.
lien of, on, **1,** 517
loss while in possession of, **1,** 512
premature payment by, of, to wrong party, **1,** 512
stakeholder, as, **1,** 512; **7,** 480; **25,** 321
trustee, as, in respect of, **1,** 515; **28,** 59
bailment by, gratuitous, **1,** 525—534. *See* chattel, of, *infra*; BAILMENT.
valuable consideration, for, **1,** 543—550. *See* HIRE OF CUSTODY.
banker, trustee, as, of money on, **1,** 588, 634; **28,** 59, 90
valuables deposited with, **1,** 533, 627
betting purposes, for, offence of receiving, **15,** 272, 273, 275, 276, 292, 296—298
building, plans with reference to, **20,** 472, 474 n., 479, 489 n.; **23,** 421—425
charity, of deeds relating to, by trustees, **4,** 275
chattel, of, *defined*, **1,** 526
acceptance necessary to complete, **1,** 527
accidental, **1,** 527
banker, with, **1,** 533, 627
security, as, **1,** 533, 627—629
finding, in the case of, **1,** 528—531
involuntary, **1,** 528
mistake, by, **1,** 527
necessity, in case of, **1,** 527
obligations imposed on person holding, **1,** 531—534
place of, duty of person holding as regards, **1,** 534
receptacle containing, effect of opening, **1,** 534

DEPOSIT—*continued.*
chattel—*continued.*
return of chattel, **1,** 533
trader, with, **1,** 533
using chattel deposited, effect of, **1,** 534
compulsory purchase of land, on, **6,** 103. *See* COMPULSORY PURCHASE OF LAND.
deposited plans, **8,** 21—23
railway, in case of, **23,** 648—650
conservancy authority, with, of light railway plans etc., **27,** 822
contract of, **1,** 526—534. *See* chattel, of, *supra.*
contributor. *See* DEPOSIT CONTRIBUTOR.
fund of. *See* DEPOSIT CONTRIBUTOR'S FUND.
conversion of goods, accidental, of, **1,** 528
county court registrar, with, of judgment of Appeal Court, **8,** 610
cover, as, **1,** 635; **27,** 233
discovery, as security for, **11,** 54, 55
distinguished from
hire of custody, **1,** 543
mandate, **1,** 535
election petition, of, municipal, as security for costs of petition, **12,** 494, 495
parliamentary, as security for costs of petition, **12,** 419, 422
equitable mortgage by, **1,** 632—634; **13,** 92; **21,** 74, 78—83. *See* EQUITABLE MORTGAGE.
friendly society, with, **15,** 148
gaming transaction, of cover as security for, **15,** 275; **27,** 261
gas undertakers, by, provisional order, of, **15,** 316
special Act, of copies of, **15,** 319, 320
harbours, piers, quays etc., of plans and papers on application for provisional order for construction of, **28,** 415
interpleader, to be made by claimant in, **17,** 631—633
jury, payable on demand for, in county court, **8,** 521
negotiable securities, of, with bank, **1,** 635
nuisance, of injurious matter as a, **21,** 538
parliamentary. *See* PARLIAMENTARY DEPOSIT.
payment under contract, when recoverable, **7,** 482; **25,** 237
railway company, application on abandonment of, **23,** 774, 776, 778
by, of plans and sections, on application to Board of Trade, **23,** 624
promoting Bill in Parliament, **23,** 648—650
rates, of valuation list in respect of, **24,** 48—51
metropolis, in, **24,** 116, 117
receipt. *See* DEPOSIT RECEIPT.
replevin, amount required in proceedings for, **11,** 202
sale of goods, on, buyer's default must be taken into account on, **25,** 265
function of, **25,** 237
part of price may be payable as, **25,** 237
right to recovery of, **25,** 237, 238
seller's right to retain, **25,** 237
agent, as, **25,** 243
sale of land, on, auction, by, **1,** 503; **25,** 320
capital money, is, in case of settled land, **25,** 665 n.
forfeiture of, **25,** 320, 340, 341, 398—400
order on motion for, **27,** 97, 98
purchaser cannot terminate contract by, **25,** 400
when right arises, **25,** 399

DEPOSIT—*continued.*
sale of land—*continued.*
instalments of purchase money, not applicable to, **25,** 399
I.O.U. for deposit can be sued on, on, **25,** 399 n.
investment of, **25,** 399
purpose for which paid, **25,** 398
recovery of, **25,** 401, 402
interest, on, **25,** 401 n.
verbal contract, in case of, **25,** 402
when right arises, **25,** 401
resale, must be taken into account on, **25,** 341, 400, 409; **27,** 98
solicitor's position on receiving, **26,** 746
specific perfomance, questions arising in action for, as to, **27,** 95
Statute of Frauds, vendor pleading, effect of, on, **25,** 402
vendor's right to rescind and retain, **25,** 400
savings bank, in, Post Office, **1,** 579, 580
probate not necessary in case of, **14,** 192
trustee, **1,** 576—578
securities, of, advance by bank, to secure, **1,** 635, 636; **27,** 218, 231.
blank transfer in case of, **1,** 636; **5,** 191, 192, 197; **21,** 132, 133; **27,** 236—238. *See* BLANK TRANSFER.
foreclosure in case of, **5,** 197 n.; **27,** 235
pledge or mortgage, whether, **27,** 233
priority in case of, **27,** 235, 236
sale on default of payment, **21,** 246, 247; **27,** 234, 235
Stock Exchange loans, to secure, **27,** 232—238
sub-mortgage or repledge, in case of, **27,** 233, 234
stake, of, **15,** 272—276. *See* STAKE; STAKEHOLDER.
stoppage *in transitu* of goods in place of, **4,** 97
streets, of goods on, in metropolis, **27,** 287, 288
surety for security of, goods, of, **15,** 518 n.
money, of, **15,** 518
title deeds, of, **15,** 516
title deeds, of, by way of mortgage, **13,** 92; **21,** 78—83. *See* EQUITABLE MORTGAGE.
tramway provisional order, in case of, **27,** 786
compensation out of, **27,** 812
interest on, **27,** 811, 812
liquidator or receiver, paid to, **27,** 812, 813
return of, **27,** 811, 813
trust arising in case of, **28,** 59
wager, of stake to abide result of, rights of parties in respect of, **15,** 272—276. *See* STAKE; STAKEHOLDER.
water undertakers, of plans and sections by, **28,** 283
wharfinger, of goods with, lien attaching on, **28,** 422

DEPOSIT ACCOUNT,
assignment of money on, **1,** 589
cheques drawn on, **1,** 588
customer, constitutes depositor a, **1,** 590, 596
garnishee order in respect of, **1,** 588
infant, by, **1,** 590
lien in respect of, **1,** 589, 622
limitation of actions with reference to, **19,** 47
married woman, by, **1,** 590
receipt of money on, **1,** 588—590
set-off in respect of, **1,** 589, 622

DEPOSIT ACCOUNT—*continued.*
trustee, does not constitute banker a, **1,** 588; **28,** 59, 90
will, gift of ready money under, may include, **28,** 708

DEPOSIT CONTRIBUTOR,
National Insurance Act, under, *defined,* **28,** 943
administration of fund for, **28,** 931, 943
alien as, **28,** 988
approved society, joining, **28,** 974
person leaving, becoming, **28,** 974
certificated teacher as, **28,** 994
death of, **28,** 974
investment of funds of, **28,** 973
joining society abroad, **28,** 973
married woman as, **28,** 977
provisions of Act in respect of, only applicable until January 1st, 1915, **28,** 943
sickness, receiving wages during, **28,** 992
United Kingdom, ceasing to reside in, **28,** 974
voluntary contributor, becoming, **28,** 992

DEPOSIT CONTRIBUTOR'S FUND,
National Insurance Act, under, **28,** 931, 943, 973, 974, 992, 994

DEPOSIT RECEIPT,
assignment of, **1,** 589; **4,** 377; **13,** 98 n.
donatio mortis causâ of, **1,** 589; **15,** 433
fire insurance premium, in respect of, **17,** 517
gift of, **15,** 429 n., 433
loss of, **1,** 588
negotiable, not, **1,** 589
stamp duty, exempt from, **1,** 589
transfer of, **1,** 589

DEPOSITION,
holy orders, from, **11,** 526, 534, 539
King, of the, conspiracy to effect, is treason, **6,** 347
witness, of. *See* DEPOSITION (Evidence).

DEPOSITION (EVIDENCE).
abroad, taken, statutory provisions relating to, **13,** 527
admission, use as, against deponent, **13,** 547, 548
affiliation proceedings, by mother in, **2,** 445
bail, on application for, *certiorari* to bring up, **10,** 166
bankruptcy proceedings, in, **2,** 318, 354; **13,** 630
before issue joined, use of, **3,** 618
clerk of the peace, filed with, on conviction or dismissal of information, **19,** 586
coroner's inquest, at, **8,** 267
coroner's
duty to supply copies of, **8,** 224
failure in delivery of, **8,** 255
criminal proceedings, use in; of, **8,** 291; **9,** 366
evidence, as, **8,** 267, 291, 292
fires in the City of London, in case of, **8,** 297
reading of, **8,** 292
witness refusing to sign, power on, **8,** 267
written and signed, must be, **8,** 267
county court, in, before examiner, **8,** 516, 517, 518
criminal proceedings, in, child, of, **9,** 315 n., 328, 367; **17,** 170
copies of, right of accused to, **9,** 322
defendant, of, when evidence against him, **9,** 399

DEPOSITION (EVIDENCE)—*continued.*
criminal proceedings—*continued.*
how taken, **9,** 315
transmission of, to officer of court of trial, **9,** 321
trial, when read at, **9,** 365
witness dangerously ill, of, **9,** 327; **19,** 599 n.
attendance of prisoner, **23,** 251
use of, at trial, **9,** 328, 366
de bene esse, of witness, **13,** 612 n.
discretion of court in admitting evidence by, **13,** 618
evidence, as, **8,** 267, 291, 292
statutory provisions as to, **13,** 548
subsequent proceedings, in, **13,** 546
when may be given, **13,** 422
not admitted, **13,** 618
not put in, **13,** 599 n.
examiner, before, **13,** 609—618. *See* EXAMINATION OF WITNESS.
foreign, proved by authenticated copies, **13,** 527
forgery of, **9,** 739
fugitive offender, in proceedings for surrender of, **14,** 426
justices, taken before, putting in evidence, **13,** 595 n.
notice to read, at trial, **23,** 147
production, not privileged from, **11,** 75
receiver of wreck, on examination by, **26,** 550 n.
settlement, order for removal from, on, **22,** 596, 597
subsequent proceedings, as evidence in, **13,** 546
Workmen's Compensation Act, under, of injured seaman, **20,** 159

DEPRAVING THE BOOK OF COMMON PRAYER,
criminal offence of, **9,** 532; **11,** 654

DEPRECIATION,
damages for, conversion, in case of, **27,** 911
delay of carrier, by, **4,** 18
hired chattel, of, **1,** 553
subsidence by working minerals, in case of, **10,** 310 n.
work and labour, delay in executing contract of, **10,** 339
fraud, in case of, allowance for, in equity, **13,** 14
machinery, of, income-tax deduction in respect of, **16,** 654
rescission, of subject matter of contract as defence to, **20,** 751 n.
sale of land, on, pending completion, liability for, **13,** 99; **25,** 369
small holding, of land hired for, settlement of amount due by county council for, **26,** 683

DEPRECIATORY CONDITIONS,
sale by trustee subject to, **28,** 151

DEPRIVATION,
benefice or preferment, of, avoidance, by, **11,** 627, 635
Book of Common Prayer, for refusal to use, **11,** 536
corrupt ordination, for, **11,** 635
declaration of vacancy on, **11,** 537
disobedience to order, for, **11,** 537
doctrinal offence, for, **11,** 521
free pardon, effect of, on, **11,** 538
how imposed, **11,** 535

DEPRIVATION—*continued.*
benefice or preferment—*continued.*
inhibition, in case of, **11,** 536
offence
against morality, for, **11,** 537
other than against morality, for, **11,** 522 n., 523 n., 538
should be judicially proved, **11,** 536
priest's order, for not being in, **11,** 635
sentence of, **11,** 525, 537, 539
sequestration, in case of, **11,** 536
simony, for, **11,** 594, 635
Thirty-Nine Articles, for failure to read, **11,** 635
unlawful trading, for, **11,** 537
bishop, of, **11,** 407
bishopric, of, **11,** 407
canon, of, **11,** 432
peerage, of, how effected, **22,** 276

DEPUTY. *See title of office to which person is deputy.*

DERBY,
local court of, **9,** 157

DERBYSHIRE,
Barmote Court of, **9,** 140, 141; **20,** 640
High Peak, hundred of, **9,** 140..
lead mining, customs of, **20,** 639—645. *See* DERBYSHIRE LEAD MINES.

DERBYSHIRE LEAD MINES,
barmaster, functions of, **20,** 640 n., 641—644
Barmote Court in relation to, **9,** 140, 141; **20,** 640
buildings, for purposes of, **20,** 643
removal of, **20,** 643
customs relating to lead, **20,** 639—645
districts in which lead found, **20,** 634, 640
fencing of, **20,** 645
forfeiture in, **20,** 642, 643
incidental rights of miners in, **20,** 641, 642, 643
landowner and miner in, relations between, **20,** 641
lot and cope in, nature of duties of, **20,** 643
meer, provisions as to, in High Peak district, **20,** 641, 642
mining rights in, **20,** 641
ownership of property in, mineral duties, **20,** 640, 643
relievers, rights of, in, **20,** 644
sale of ore, measurement before, **20,** 642
search etc. in, right of, **20,** 641
statutory establishment of mining customs in, **20,** 640, 641
strict construction of rights and customs, **20,** 640
surface room, right to, **20,** 643
tithe ore in certain districts, **20,** 644
titles, creation and transfer of, **20,** 644
transfer of interests in mine, **20,** 644
trespass, penalty for, **20,** 642
way and water, rights of, **20,** 643

DERELICT,
defined, **26,** 549, 559, 560
Crown, right of, **7,** 210; **26,** 552
disputes as to, determination by Admiralty Division, of, **1,** 76
floating, reports to be made in respect of, **26,** 590
freight, recovery as affecting payment of, **26,** 589

DERELICT—*continued.*
sale of, foreign port, in, offence, **26,** 556
salvage of, **26,** 557, 559
contribution in respect of, **26,** 589

DESCENDANTS,
class of, ascertainment of, **28,** 746. *See* DESCENT.
limitation, as word of, **28,** 767
per capita, take, **28,** 746
representatives, gift to, may mean, **28,** 758, 759
testator, of, when included in term children, **28,** 744
to what ordinarily referring, **28,** 746

DESCENT. *See also* SUCCESSION.
The title DESCENT AND DISTRIBUTION *is contained in Vol. XI., pp.* 1 *et seq.*
defined, **8,** 87; **11,** 2
alien, in respect of, **1,** 307; **11,** 10 n., 28
ancestor, when traced from, **11,** 9—11, 20, 23
annuity not personalty for purposes of, **24,** 471
bastard, in case of, **2,** 439; **11,** 9 n., 10
borough English land, of, **11,** 3 n., 5, 12, 15; **24,** 155
brother, father inherits before, **11,** 10
traces his descent through father, **11,** 10 n.
chattels, of, as real estate, **24,** 238—241
collaterals, descent of land to, **11,** 11 n.
common law, descent of land according to, **11,** 3 n., 10 n., 11 n.
consanguinity, lineal or collateral, with reference to descent, **11,** 10, 11, 20—23
coparceners, of property held by, **11,** 10; **24,** 210
to, **11,** 8, 10; **24,** 210
copyhold land, of, **8,** 86—89; **11,** 12, 14; **13,** 94 n.
borough English tenure, of, **8,** 86; **11,** 3 n., 12, 14
breaking, **8,** 87; **11,** 14
common law, application of, to, **8,** 86, 87; **11,** 14
custom, by, **8,** 86
death of tenant, on, **8,** 86, 89; **11,** 6; **14,** 136
equitable estates, **8,** 88; **11,** 14
estate tail in, **8,** 71; **11,** 12
executory devise in case of, **8,** 87; **11,** 14
half-blood, to, **8,** 87
Inheritance Act applies to, **8,** 87
mortgage estates, **8,** 88
statute, by, **8,** 88, 89
trust estates, **8,** 88
trustee, on death of sole, **8,** 55, 88; **11,** 5, 6; **28,** 101
corrupt blood, from person of, **11,** 26 n.
Crown, of, accession on, **6,** 325, 326—338
common law, at, **6,** 320
statute, by, **6,** 321—324
statutory conditions as to, **6,** 324
custom, by, **8,** 87; **11,** 3 n., 12, 15
meaning word may assume in ascertaining, **8,** 87
customary freeholds, of, **8,** 86—89; **11,** 14
equitable estates, of, **11,** 7
copyhold, **8,** 88; **11,** 14
escheat is not, **11,** 23
on failure of heirs, **11,** 23—28. *See* ESCHEAT.
estate
pur autre vie, of, **11,** 12, 13; **24,** 180
tail, of, **11,** 12; **24,** 264
foreign immovables, of, **6,** 218
gavelkind land, of, **11,** 15; **24,** 152
half-blood, in case of, **11,** 11, 23

DESCENT—*continued.*
heirlooms, of, **24,** 240
Inheritance Act, application to copyholds, **8,** 87
intention of, as to, **11,** 8
intestacy *defined*, **11,** 2
limitation to heirs, in case of, **11,** 8
lineal
ancestors take on failure of lineal descendants, **11,** 10
descendants *in infinitum* represent ancestor, **11,** 10
males have priority over females, **11,** 9
merger of equitable and legal estate on, **11,** 9
order of, males or females, between, **11,** 10
paternal line has priority over maternal line, **11,** 10
peerage, claimant to, must prove, **22,** 279
of, **22,** 269
evidence of, **22,** 280, 281
personal estate, distribution of, **11,** 16—23. *See* DISTRIBUTION OF ASSETS.
posthumous child, to, qualified heir's rights in respect of, **11,** 11
property subject to rule of, **11,** 2
purchaser, failure of heirs of, on, **11,** 9
traced from, **11,** 7
qualified heir, meaning of, **11,** 11
real estate, property included in term, **11,** 3; **24,** 163
rules of, **11,** 7—12
tenancy in common, severance of, by, **24,** 210
title deeds, of, **24,** 240
trustees, devise to, in case of, **11,** 8

DESCRIPTION,
bill of sale, of parties and chattels under. *See* BILL OF SALE.
charterparty, in, cargo, of, **26,** 99, 100
ship, of, **26,** 91, 92
conveyance of land, on, of property, **10,** 465—470; **25,** 423, 424. *See* GENERAL, words; PARCELS IN DEED.
invention, of, on application for patent, **22,** 159—161
property, of, conveyed, false description, words of, **10,** 465—470
restriction, words of, **10,** 465
insured, how described, **17,** 336
lease, in, **18,** 374, 411
personal, in legal proceedings, **19,** 203
sale of land, on, **25,** 318, 319
conditions as to, **25,** 328—332. *See* MISDESCRIPTION.
sale of goods by, **25,** 154—156, 159
trade. *See* TRADE, description.
will, in. *See* DESCRIPTION IN WILL.

DESCRIPTION IN WILL,
adequate in part, effect of, **28,** 686
change of circumstances, effect on, **28,** 689, 690
construction, canons of, as to, **28,** 684, 685, 686 n., 713—735
donees, of, alternative donees, in case of, **28,** 728—735
ascertainable object, must relate to, **28,** 513
before named, as, **28,** 689 n.
begotten or to be begotten, as, **28,** 744
charity, of, where dissolved and replaced by similar institution, **28,** 618 n.
children of named person, as, **28,** 744, 745

DESCRIPTION IN WILL—*continued.*
donees—*continued.*
class, in case of gift to, **28,** 714—724. *See* CLASS GIFT.
considerations affecting, **28,** 713
correct, but name incorrect, effect of, **28,** 689
descendants, as, **28,** 746
eldest son, as, **28,** 748
en ventre sa mère, when including a person, **28,** 740—742
enumerating donees, **28,** 742—744
error of, must be proved before name prevails, **28,** 689
evidence, admissibility of, in case of equivocation in, **28,** 644
family, as, **28,** 747, 748
first son, as, **28,** 748
groups of individuals, in case of, **28,** 724
heir or heirs, as, **28,** 749—752
holder of an office, as, **28,** 757
husband, as, **28,** 761
illegitimacy, in case of, **28,** 735—738
individuals, as, refers to date of will, **28,** 681, 714
intimacy of testator with donee, importance in construing, **28,** 689 n.
issue, as, **28,** 752—754
male descendants, male heirs, or male issue, as, **28,** 755
name, by, **28,** 688, 689
next of kin, as, **28,** 755—757
nickname, by, **28,** 688
offspring, as, **28,** 755
particular, **28,** 744—762
relationship, by, **28,** 735—740, 757, 758
blood relationship, *primâ facie* means, **28,** 739, 740
representatives, as, **28,** 758
servants, as, **28,** 759
year's wages to, in case of gift of, **28,** 760
several individuals, applicable to **28,** 714
survivorship, in case of, **28,** 724—728
wife, as, **28,** 761
during widowhood, in case of gift to, **28,** 761, 762
wrong, context shows intention where, **28,** 685
enumeration of particulars in, **28,** 688
evidence, admissibility of, equivocation, in case of, **28,** 643, 644
construction of will, to aid, not admissible unless doubtful matter is one of, **28,** 646, 647
to identify subject, **28,** 637
falsa demonstratio non nocet cum de corpore constat, application of maxim, **10,** 465 ; **28,** 685 n.
false, when not affecting gift, **28,** 685
inaccuracy of, does not vitiate gift, **28,** 686
generally, **28,** 684—691. *See* MISDESCRIPTION.
mistake in, when evidence not admissible as to, **28,** 630, 641, 642
not strictly applicable to any person or thing, **28,** 688
property, of, accessories follow principal gift in, **28,** 693, 694
appertaining, as, **28,** 699
appurtenances, as, **28,** 699
bequest, as, **28,** 704
building, as, **28,** 702
business, as, **28,** 699
circumstances taken into account in construction of, **28,** 691—693

DESCRIPTION IN WILL—*continued.*
property—*continued.*
effects, as, **28,** 700, 701
ejusdem generis rule, **28,** 695
estate, as, **28,** 681, 701
examples as to, **28,** 686
funds, as, **28,** 701
general, all testator's interests included in, **28,** 694
what it includes, **28,** 694, 695
generic, accuracy of, **28,** 690
will speaking from death, application of rule to, **28,** 692
goods, as, **28,** 701
house, as, **28,** 702
insufficient, construction in case of, **28,** 690, 691
investments, as, **28,** 702
land, as, **28,** 702—704
legacy, as, **28,** 704
limitations applicable to one kind only, where, effect of, **28,** 695
living of church, as, **28,** 705
locality, by, documents, of, **28,** 696
effect of, **28,** 695—697
marriage gifts until, in case of, **28,** 698, 699
miscellaneous terms used in, **28,** 710, 711
money, as, **28,** 705—708
invested, as, **28,** 709
now owned, as, effect of, **28,** 693
particular, **28,** 699—711
ready money, as, **28,** 708
real estate, as, **28,** 703, 704
receptacle, in certain, effect of, **28,** 697
rents, in case of, **28,** 697, 699
residuary gifts, in case of, **28,** 712, 713
securities, as, **28,** 709, 710
shares, as, **28,** 710
specific, of, accuracy of, **28,** 691
stock, as, **28,** 710
unlimited gifts of income, in case of, **28,** 697—699
terms of, when not allowed to be enlarged, **28,** 684
time at which objects to be ascertained according to, **28,** 681
true
as to one subject, partly true as to another, effect of, **28,** 687
partly, as to several objects, effect of, **28,** 688
wrong, partly, applicable to one subject only, **28,** 686
wholly, but subject certain, **28,** 685

DESCRIPTIVE NAME,
trade name, as, **27,** 753
goods, of, **27,** 759, 763 n.

DESERTION,
army, from, aiding, offence of, **9,** 465 n.
compulsory transfer on account of, **25,** 39 n.
concealing, **9,** 464 n.
court-martial for, **25,** 43
death penalty for, **9,** 103
duration of liability for, **25,** 43
forfeiture of service on, **25,** 40 n.
reserve, from, **25,** 61
false representation of, **25,** 61
inducing, offence of, **25,** 62
bastard child, of, by mother, offence constituted by, **22,** 610

DESERTION—*continued.*
child, of, adoption of child on, **22,** 568, 569
certified school, guardians may send child to, **12,** 84
criminal liability for, **9,** 625 n.; **17,** 171
custody refused to parent, **17,** 109
expenses, recovery by guardians of, **22,** 570
child, of mother of, by father, does not terminate custody, **9,** 624 n.
constructive total loss, by master and crew as, **17,** 481
family, of, guardian's powers as to property of deserter on, **22,** 570, 571
offence constituted by, **22,** 610
soldier, by, **22,** 572
matrimonial cause, in, *defined*, **16,** 481
beginning of, **16,** 481, 482
conjugal rights, disobedience to decree of restitution of, as, **16,** 482, 490
constructive, **16,** 482
consummation not necessary to, **16,** 483
dissolution of marriage, coupled with adultery as ground for, **16,** 481
divorce petition preventing running of, **16,** 483
imprisonment, continuing during, **16,** 482
instances not amounting to, **16,** 482, 483
instances of, **16,** 481, 482
intermittent intercourse preventing, **16,** 483
judicial separation, decree of, effect on, **16,** 490
petition for, preventing running of, **16,** 483
petitioner, by, as bar to decree, **16,** 496, 497
reasonable excuse for, instances of, **16,** 481 n.
remedy for, **16,** 469, 481
Summary Jurisdiction (Married Women) Act, conviction of desertion under, as estoppel, **16,** 485
magistrate's order under, terminates, **16,** 484
relief under, for, **16,** 596
premises, of, recovery of possession on, **18,** 561
royal marine, of, **25,** 32
royal navy, from, court-martial in respect of, **9,** 98, 99
offence constituted by, **22,** 613
to enemy, death penalty for, **9,** 99; **25,** 15
seaman, of, agreement to divide wages among crew on, validity of, **20,** 83 n.
foreign country, in, **26,** 59
reciprocal powers with, in respect of, **26,** 62
foreign seaman, of, **26,** 60
harbouring seaman after, **26,** 61
inducing, **26,** 61
list to be kept by superintendents in respect of, **26,** 63
master, authority of, on, **26,** 59
duty of, to deliver account of expenses caused by, **26,** 49
punishment on, **26,** 61
slave, threat to sell as, when reasonable excuse for, **27,** 536 n.
unseaworthiness as an answer to, **26,** 62 n.
untrue confession of, **22,** 613
wages, deduction from, for expenses caused by, **26,** 49, 61
loss of, on, **26,** 49 n., 61
separation order as evidence of, **13,** 340 n.

DESERTION—*continued.*
Summary Jurisdiction (Married Women) Act, 1895, under, *defined*, **16,** 597
cohabitation in relation to, **16,** 597, 598, 600
question of fact, is a, **16,** 598
reasonable cause for, effect of, **16,** 598
relief, application for, where made, **16,** 598
bar to, adultery by wife as, **16,** 599
nature of, for, **16,** 598, 599
procedure to obtain, in respect of, **16,** 600—604
variation of order in respect of, **16,** 600
weekly allowance to wife, **16,** 599
territorial force, from, Army Act, application of, to, **25,** 76
discharge, effect on, **25,** 78
embodiment, failure to attend, may be, **25,** 77
repeated, proceedings in case of, **25,** 76
wife, of, credit of husband, wife's right to pledge, on, **16,** 426
protection order made on, **16,** 501
set-off by debtor of husband in respect of sum advanced for necessaries, **25,** 499
settlement, removal of, on, **22,** 595
workhouse, from, offence of, **22,** 562

DESIGN,
The title TRADE MARKS, TRADE NAMES, AND DESIGNS *is contained in Vol. XXVII., pp.* 683 *et seq.*
defined, **27,** 726
architect's liability for defective, **3,** 297
article in respect of, *defined*, **27,** 727
artistic merit as affecting registration of, **27,** 731, 732
assignment of,
copyright in, writing essential, **10,** 423
registered design, writing optional, **27,** 744
breach of faith, publication in, does not invalidate registration, **27,** 733
British possession, registration by persons in, **27,** 736
certificate of validity of, **27,** 742 n.
combination registrable as, **22,** 138, 139 n.; **27,** 731, 734 n.
construction of, **27,** 733—735
essential features, statement of, for, **27,** 733
principles guiding the court, **27,** 734
validity, favourable to, **27,** 735
convention, international, application for registration under, **27,** 736 n., 741 n.
copyright in, *defined*, **8,** 197; **27,** 727
registration of, of book containing design, includes, **8,** 155
essential features of, statement of, **27,** 733—734
evidence in respect of, **13,** 509
improvements in, **27,** 731
increased utility as constituting new, **27,** 732
infringement of, **27,** 738—740
account of profits, **27,** 742 n.
alternative remedies for, **27,** 741, 742
costs in action for, **27,** 743 n.
courts having jurisdiction in case of, **27,** 743
defence to action for, **27,** 743
injunction to restrain, **27,** 742
inspection in action for, **13,** 509; **27,** 743 n.
interrogatories in action for, **27,** 742
mala fides, effect of, **27,** 739
onus of proof as to, **27,** 739 n.
proof of, mode of, **13,** 509
what constitutes, **8,** 197

DESIGN—*continued.*
licence for, **27,** 744
marking articles subject of registered, **27,** 740
old, new application of, **27,** 729, 730
prior publication as affecting, **27,** 733
proprietor of, *defined*, **27,** 727
duty after registration, **27,** 740
protection of, expiration of, public right to use after, **27,** 761
period of, **27,** 736
public use of, invalidates subsequent registration, **27,** 733 n.
purpose of, **27,** 729
register of, inspection of, **27,** 728
offences in connection with, **27,** 744
purpose of, **27,** 728
rectification of, **27,** 728 n.
registrable, **27,** 729—733
registration of, appeals in respect of, **27,** 736, 737
application for, **27,** 733—736
foreign country, by applicant in, **27,** 736
textile classes, in, **27,** 736
cancellation of, **27,** 736, 737
effect of, **27,** 738—740
examples capable and not capable for, **27,** 730 n.
office procedure relating to, **27,** 737
Patent Office regulations, application of, to, **27,** 737
proprietor's duty after, **27,** 740
protection afforded by, **27,** 726—744
duration of, **27,** 736
extent of, **27,** 742 n.
public use of design invalidates subsequent, **27,** 733 n.
refusal of, **27,** 736
statutory protection of, **27,** 726
textile classes, in, **27,** 736
threats in respect of, **27,** 744

DESPATCHES,
neutral ship carrying, is liable to capture, **23,** 282

DESTITUTE
alien, expulsion of, **1,** 324
child, industrial school, reception in, **12,** 71
power of court in respect of, **17,** 165
persons, poor law relief in respect of, **22,** 567
seaman, provisions relating to, **26,** 56, 57

DESTRUCTION,
animal, captive wild, of, provisions relating to, **1,** 410
injured, of, by police, **1,** 419
bill of exchange, of, conversion by, **27,** 892 n.
protest in case of, **2,** 515
bond, of, equitable relief in case of, **13,** 35
boundaries, of, ploughing up, by, commission issued for relief, **3,** 117
sea encroachments, by, **3,** 119, 120
building, of, accident, by, liability as to rent, **13,** 27 n.; **18,** 481
explosives, by, as felony, **6,** 355; **9,** 776
public, by explosives, treason felony, by, **6,** 355
riotous, criminal offence of, **9,** 473, 777
tenant, by, criminal offence of, **9,** 780
building contract, of subject-matter of, contractor's liability in case of, **3,** 194, 199, 237
carcases in infected places, of, **1,** 426
carrier, by, of goods, measure of damages for, **4,** 17

DESTRUCTION—*continued.*
charterparty, of goods under, already on board, effect on loading remainder, **26,** 201
common property, of, co-owner, by, action of trespass for, **27,** 866
contingent remainder, of, **24,** 224, 225
contract, of, accidental, **7,** 426
of subject-matter of, as excusing performance, **7,** 427, 430; **28,** 870
conversion, of goods constituting, **27,** 892
copyright, of pirated copies in case of, **8,** 170, 171
debtor, of books by, offence of, **2,** 347
deed, of, **10,** 414
dog, of, mad, **1,** 400
police, by, **1,** 398, 400
private person, by, **1,** 395, 396
unmuzzled, during order, **1,** 400
worrying cattle or sheep, for, **1,** 128
document, of, **13,** 25, 26, 518
easement, of dominant tenement of, **11,** 280
fish, of, explosives, by, forbidden, **14,** 618
immature, **14,** 619
pollution of waters, by, **14,** 618, 619
unfit for human food, of, **14,** 618
food, of, wrongful, compensation for, **15,** 41, 43
of unwholesome, order for, **15,** 38, 39, 40, 42
market or fair, in, **20,** 33
highway, of, effect of, **16,** 70, 98
infected bedding, of, compensation for, **23,** 452
King, of, treason by compassing, **6,** 346; **9,** 451
malicious. *See* MALICIOUS DAMAGE.
negotiable instrument, of, **13,** 26
patent, of articles infringing, **22,** 224
pledge, of, liability of pawnbroker, **22,** 254
possession of chattel lost by, **22,** 397
register, of, births, deaths, marriages, burials, or cremations, of, criminal offence of, **3,** 561, 575; **9,** 741
right of common, of product as extinguishing, **4,** 527, 528
sale of goods, of goods on, price may be payable notwithstanding, **25,** 204
ship, of, act tending to, felony, **9,** 790
cessation of hostilities, after, action for, **26,** 533 n.
malicious, **9,** 789
attempted, **9,** 789
title deeds, of, relief in equity, **13,** 26
trade mark, of article infringing, **27,** 721
trees, of, **9,** 781, 782
trespass, by bailee as constituting, **27,** 866
by co-tenant constituting, **27,** 904
of goods constituting, **27,** 888
waste, equitable, by, **25,** 604
will, of, burden of proof as to, **28,** 572
cancellation does not amount to, **28,** 571
declaration by testator as to, effect of, **28,** 571
how effected, **28,** 569
incomplete, does not effect revocation, **28,** 570
mistake, by, **28,** 569, 574
partial, effect of, **28,** 571
presumption of intention to effect, **28,** 571, 572
revival of, no, **28,** 577
revocation by, **28,** 569—575
conditional, **28,** 572
dependent relative, **28,** 573
extent necessary to constitute, **28,** 570, 571
third party, by, **28,** 570

DESTRUCTION—*continued.*
winding-up company, on, of books by liquidator, **5,** 455
documents by officers, of, **5,** 313

DESTRUCTIVE INSECTS, FUNGI, AND PESTS,
Board of Agriculture's provisions as to, **1,** 280

DETAINER. *See* DETENTION.
Admiralty marshal, detainer of vessel by order of, **1,** 85
forcible, of lands, **9,** 475, 476; **18,** 557 n.
resisting distress is, **9,** 475

DETECTIVE,
departments, maintenance of, **22,** 506, 507

DETENTION. *See* DETAINER.
Borstal institution, in, **9,** 418. *See* BORSTAL INSTITUTION.
brothel, of woman in, **9,** 543
chattel, of, conversion, when not, **27,** 895, 896
child, of. *See* CHILD.
criminal appeal court, power to order detention of appellant as criminal lunatic, **9,** 436
goods, of. *See* CONVERSION OF GOODS; DETINUE; TROVER.
habitual
criminal, of, preventive, **9,** 415—417. *See* HABITUAL CRIMINAL.
drunkard, of, certified reformatory, in, **9,** 417
retreat, in, **9,** 418; **17,** 169
industrial school, in, **9,** 422; **12,** 71—81. *See* INDUSTRIAL SCHOOL.
lunatic, of. *See* LUNATIC.
naval or military forces, of member of, Army Act, under, **25,** 45
habeas corpus as remedy for, **25,** 90
Naval Discipline Act, under, **25,** 17, 18
no action for, when justified, **27,** 883
passengers, railway, of, when justified, **4,** 61
ship, of, by master, **26,** 329
tramway, of, when justified, **27,** 808
pauper, of, provision for, **22,** 561
pawn, of, by pawner, **22,** 257, 258
pawner, of, by pawnbroker, **22,** 257, 258
person, of the, action for false imprisonment as remedy for wrongful, **27,** 878—885. *See* FALSE IMPRISONMENT.
habeas corpus as remedy for wrongful, **6,** 319; **10,** 39—77. *See* HABEAS CORPUS.
preventive, convicts serving sentence of, treatment of, **23,** 254
prisons for, **23,** 235
prison, in. *See* CONVICT; PRISON; PRISONER.
property in dispute, of, court may order, **23,** 143
pupil, of, by schoolmaster, **12,** 124
reformatory school, in, **9,** 422; **12,** 71—81. *See* REFORMATORY SCHOOL.
securities, of, wrongful, **27,** 255, 256
ship, of, for purpose of marine insurance policy, **17,** 443. *See* ARREST.
collision, after, shipowner's right to damages for, **26,** 539, 540
demurrage claim for. *See* DEMURRAGE.
foreign, after causing injury, **1,** 71; **26,** 546
marine insurance policy, for purpose of, detention by British Government constitutes, **17,** 443
tugmaster, by, owner's liability for, **26,** 525 n.

DETENTION—*continued.*
ship—*continued.*
underwriter's liability for loss by, **17,** 439, 443, 444
unsafe, when, **26,** 81
Workmen's Compensation Act, under, **20,** 160, 223
appeal against, **20,** 223 n.
who may order, **20,** 223
youthful offender, of. *See* INDUSTRIAL SCHOOL; REFORMATORY; JUVENILE OFFENDER.

DETERIORATION,
goods, of, during transit, carrier's duty to check, **4,** 16
liability attaching on, **25,** 223, 224
shipowner's duty to check, **26,** 226, 227
sale of land, of property after, liability of vendor in possession for, **27,** 94

DETERMINABLE
contract, Statute of Frauds, may be within provisions of, **7,** 366
fee, disentailment, effect of, on, **24,** 259
executory interest, when an, **24,** 235
fee simple, enlargement into absolute, of, **24,** 171
nature of, **24,** 170, 171
perpetuity rule does not affect, **24,** 170
powers of owner of, **24,** 173
remainder, none in, **24,** 171
reverter expectant on, **24,** 171, 237
life interest under will, distribution where gift postponed to, **28,** 717
gifts creating, nature of, **28,** 774, 775
power of appointment, how exercised, **23,** 22, 23

DETERMINATION (DECISION). *See also* DECISION.
For DETERMINATION *in the sense of ending see* TERMINATION.
administration, without, of certain matters, **14,** 334
domicil, of, **6,** 184—193. *See* DOMICIL.

DETINUE,
The title TROVER AND DETINUE *is contained in Vol. XXVII., pp.* 887 *et seq.*
action of, churchwarden, dispute as to claim to office of, settlement by, **11,** 465 n.
county court, in, execution of judgment in, **8,** 569, 591
order for delivery in, **27,** 917 n.
payment into court, **8,** 493
demand and refusal as conditions precedent to, **1,** 23; **27,** 894
old form of, **1,** 41, 42
origin of, **1,** 41, 42; **27,** 888 n.
payment as bar to, **27,** 915
who may bring, **17,** 558 n.; **27,** 900
administrator, by, when action lies for, **27,** 900 n.
bailee, when liable in, **1,** 42; **27,** 899
buyer of goods, right of, to action on non-delivery, **10,** 344, 345; **25,** 273; **27,** 908, 910
county court jurisdiction in, **8,** 428, 569 n.; **27,** 917 n.
crops subject of, when, **27,** 889
damages, measure of, recoverable in, **10,** 345; **27,** 908—914
equitable remedy analogous to, **13,** 12, 13
fixtures subject of, when, **27,** 889

DETINUE—*continued.*
infant's liability in, **17,** 74
judgment in, property in goods, effect on, **18,** 209
satisfaction of, may operate as sale of goods, **25,** 123
limitation of action in respect of, **19,** 50; **27,** 899 n.
minerals subject of, when, **27,** 889
money subject of, when, **27,** 888
mortgagee, against, **27,** 907, 913
personal property subject of, when, **27,** 888
Poaching Prevention Act, 1862, wrongful seizure under, may be subject of, **15,** 238 n.
soil subject of, when, **27,** 889
timber subject of, when, **27,** 889
waiver in respect of, **27,** 915

DETONATING SIGNAL,
that cannot be mistaken for a distress signal, meaning of, **26,** 407
vessel's right to use, **26,** 406

DETONATOR,
defined, **14,** 362 n.

DEVASTAVIT,
defined, **14,** 316
bankruptcy, may be proved for in, **14,** 318
concurrence of plaintiff in, avoids liability, **14,** 318
co-representative, liability in case of, for, **14,** 320
county court, judgment in, form of, in case of, **14,** 333
jurisdiction of, in respect of, **8,** 445
debt, statute-barred, payment of, when a, **14,** 251, 258; **15,** 456
guarantee, payment under verbal, when, **15,** 456
limitation of action in respect of, **14,** 317, 318; **19,** 40, 161, 162
maladministration, by, **14,** 316
married executrix, liability of, **16,** 370, 439
negligence, by, **14,** 316, 317
person injured by, position of, **14,** 317
personal representative, personal liability of, for, **14,** 245, 308, 316
representative of, liability of, for, **14,** 318
relief afforded, in case of, **14,** 319
retainer of statute-barred debt by representative not a, **14,** 258
share liability, failure to provide for, is, **14,** 307, 308
Statute of Frauds, payment of debt barred by, is, **14,** 251
statutory jurisdiction of High Court in respect of, **14,** 318

DEVELOPMENT COMMISSIONERS,
Commissioners of Sewers, grants to, on recommendation of, **25,** 785 n.
Development Fund, grants out of, by, **24,** 763
open spaces, no power to acquire compulsorily, **21,** 580, 581
Road Board, compulsory purchase of land by, by order of, **16,** 49
Road Improvement Fund, deduction from grants to, by, **24,** 763

DEVELOPMENT FUND,
accounts of, examination and report upon, **24,** 542 n.
Consolidated Fund, charge on, of, **24,** 747

DEVELOPMENT FUND—*continued.*
grants out of Consolidated Fund to, **24,** 762, 763
objects of, **24,** 763 n.

DEVENERUNT,
information of, **10,** 5

DEVIATION,
building contract, from, measurement of, architect, by, **3,** 291, 300, 308
quantity surveyor to measure, authority for employment of, **3,** 310, 311
common carrier liable for, when, **4,** 7, 14
compulsory purchase, limit in case of, **6,** 21, 23; **23,** 650—653
drain, of, does not make it a sewer, **25,** 726 n.
harbour works, from plans of, limits of, **28,** 414
highway, from, right of, when road foundrous, **16,** 50, 51
marine insurance, in respect of, *defined,* **17,** 396, 397
change of voyage, distinguished from, **17,** 396, 500
consequences of, **17,** 396, 397
excusing causes of, **17,** 400—402
authorisation by policy, **17,** 400
barratry, **17,** 401, 445
circumstances beyond control of master and employer, **17,** 401
master's want of skill or ignorance, in case of, **17,** 401
necessary repairs, **17,** 401
resumption of course necessary to obtain benefit of, **17,** 402
safety of
cargo, **17,** 401 n.
human life, **17,** 401
subject matter, **17,** 401
expressio unius est exclusio alterius, maxim as applied to clause in policy as to, **17,** 399
notice to underwriter of, effect of, **17,** 397
ports of discharge, order of proceeding to, by failure to observe, **17,** 399
premium, additional, in case of, **17,** 397
not returnable as, **17,** 500
to touch and stay at any place for all purposes whatever, effect of clause on, **17,** 398, 399
railway construction, in, adjoining owners, rights of, on, **23,** 650, 651
arch, as to level of, **23,** 652
Board of Trade, functions of, in respect of, **23,** 652, 653, 674
canal, affecting, consent required for, **23,** 651
compulsory purchase, limits to be shown on plan in case of, **6,** 21, 23
curve, as to, **23,** 653
gasworks, affecting, consent required for, **23,** 651
gradient, as to, **23,** 652
highway or street, affecting, consent required in case of, **23,** 651
injunction against, when granted, **17,** 235; **23,** 651
lateral, how measured, **23,** 650
limits of, **23,** 650
line, from, **6,** 21; **23,** 652
navigation, affecting, consent required for, **23,** 651

DEVIATION—*continued.*
railway construction—*continued.*
notice of intended, duty of company as to, **23**, 651, 652
tidal river or channel, skirting, consent of Board of Trade required for, **23,** 674
town *defined* for purposes of, **23,** 650 n.
tunnel, as to, **23,** 653
level of, **23,** 652
vertical, limits of, **23,** 651
viaduct, as to level of, **23,** 652
waterworks, affecting, consent required for, **23,** 651
ship, of, *defined*, **17,** 396, 397 ; **26,** 95
barratry, when amounting to, **17,** 401, 445 ; **26,** 113
bill of lading, liberty under, **17,** 398 n. ; **26,** 150, 151
call at any port, liberty to, effect of stipulation on, **26,** 96
cargo, interests of, to be considered in justifying, **26,** 227
causes excusing, **26,** 83, 95, 96
charterparty, express stipulation in, as to, **26,** 96—98
shipowner's liability under, for, **26,** 94, 95
stipulation against deviation implied in, **26,** 83
danger, to avoid, **26,** 95
delay at port of call if reasonable does not amount to, **26,** 227
discharge of charterer from contract by, **26,** 93
fire policy, in relation to, **17,** 535 n.
marine insurance, effect on. *See* marine insurance, *supra.*
port of refuge, seeking, does not amount to, **26,** 223
repairs occasioned by, **26,** 83
save life or property, liberty to, effect of stipulation in charterparty on, **26,** 97
to, **26,** 95
sea regulations for prevention of collision, from, when allowed, **26,** 367
shipowner's liability for, under charterparty, **26,** 94, 95
stress of weather, through, **26,** 95, 96
tow, liberty to, effect of stipulation in charterparty on, **26,** 96
usage as justification of, **17,** 345 n., 395, 398, 399
trust, from terms of, trustee's liability for, **28,** 120
waterworks, from plans of, limits of, **28,** 284
way, right of, from, dominant owner's right in case of obstruction, **11,** 292

DEVISE. *See also* GIFT BY WILL.
defined, **28,** 508, 704
A, and after his decease to his children, to, **28,** 789
A and his children, to, **28,** 787, 788
A and his heirs, to, cannot be construed as substitutional gift, **28,** 730
various constructions of a, **24,** 245 ; **28,** 764, 839
A and his issue, to, **28,** 752, 752 n., 791
A and the heirs of his body, to, cannot be construed as substitutional gift, **28,** 730
A at specified age, to, with interim gift to B, **28,** 807

DEVISE—*continued.*
annuity, subject to, does not create a trust, **19,** 141
appertaining, of land, **28,** 699
appointment under special power not a, **23,** 40
appurtenances, of, **28,** 699
borough English land, of, **11,** 15, 16 ; **28,** 749, 750
charity with power to acquire land, to, **4,** 137 n.
class, to, **28,** 722, 723. *See* CLASS GIFT.
collective, to same set of persons, charge for payment of debts in case of, **14,** 290
condition, subject to, **28,** 583 *et seq.*
construction of. *See* CONSTRUCTION OF WILL.
conversion, upon trust for, estate taken by heir upon failure of, **11,** 8
copyhold, of, **8,** 109 ; **24,** 138 n. ; **28,** 519, 522
corporation, to, **8,** 368, 369, 371, 372 ; **28,** 544
description of, **28,** 684—762. *See* DESCRIPTION IN WILL.
dower, widow's right to, barred by, **24,** 194
easement, implication of, by, **11,** 252
eldest issue male, to, **28,** 752 n.
election in respect of. *See* ELECTION DOCTRINE OF EQUITY.
estate *pur autre vie*, of, **24,** 181 ; **28,** 520, 526
executors, to, to sell, power of sale on, **23,** 11
executory, **24,** 231—237. *See* EXECUTORY DEVISE.
failure of, appointments under special powers, no lapse in case of, **23,** 40
escheat upon. *See* ESCHEAT.
estate taken by heir upon, **11,** 8, 9
lapse on, **28,** 607—618. *See* LAPSE OF GIFT BY WILL.
family, to, presumption in case of, **28,** 747
for ever, use of words, passes fee simple, **28,** 774
gavelkind land, of, **11,** 15
general, Conveyancing Act, 1881, effect of, on construction of, **11,** 5 n.
how construed, **14,** 281 ; **28,** 702—704
mortgage estate passed by, when, **11,** 5 n.
personalty subject to general power of appointment not passed by, **23,** 31
power, operating as execution of, **28,** 618—622
personalty subject to, not passed by, **23,** 31
realty subject to general power of appointment passed by, **14,** 281
trust estate, when passed by, **11,** 5 n.
gift over,
on failure of issue indefinitely, in case of, implication from, **28,** 850, 851
presumptive heir-at-law, to, **28,** 847
subject to, Statute of Limitations, when time begins to run under, in respect of, **19,** 121
heir, to, ancestor, of, effect of, **11,** 9
equitable doctrine of election in case of, **13,** 119, 120
estate by purchase, is, **28,** 537
Inheritance Act, 1833, heir now takes as devisee under, **13,** 120 n.
testator, of, who takes under a, **11,** 15, 16 ; **28,** 749
heirs, female, to, **28,** 750 n., 765
lawfully begotten, to, **28,** 765, 766
male, to, **28,** 750, 765
particular character, of a, to, **28,** 750
indefinite, to trustees, with gift over, effect of, **28,** 97

DEVISE—*continued.*
intention affecting, **11,** 3 ; **28,** 672
issue, to person and his, **28,** 752, 791
joint tenancy may arise from, **24,** 200, 210
Land Transfer Act, application of, to, **28,** 583
lapse of. *See* LAPSE OF GIFT BY WILL.
life and his assigns, to a person for, passes life estate, **28,** 771 n.
limitation, without words of, **28,** 775, 776
manor, of, carries demesne lands, **8,** 19
mortgaged property, of, **21,** 183, 184 ; **28,** 704
where more than one devisee, debt to be borne rateably, **14,** 289
named place, in, **28,** 703
next heir male of testator, to, **28,** 750
non-charitable unincorporated association, to, invalidity of, **28,** 545
old and new law as to, **24,** 168 n.; **28,** 518 n., 702 n.
or construed as and when necessary in a, **28,** 751 n.
parish land, of particular, evidence regarding, **28,** 640 n.
personal representative, assent of, necessary for vesting of, **28,** 583
devolution of property on, **28,** 583
power, execution of, operating as, **28,** 618—626. *See* POWER OF APPOINTMENT.
of sale implied where provision for payment of debts out of, **23,** 7 n.
where devise to executor to sell, **23,** 11
property included in, **14,** 281 ; **28,** 702—704
purchase under option may deprive devisee of, **13,** 111
quality of estate altered by, when, **11,** 8
redeemed land tax, of, for augmentation of living, exempted from provisions of Statute of Mortmain, **18,** 328
rent or ground rent, of, *primâ facie* includes testator's whole interest, **28,** 699
representations, devisee obtaining by, forced to carry them out, **13,** 75
residuary. *See* RESIDUARY DEVISE.
reversion, of, **18,** 595
satisfaction, equitable doctrine of, in respect of. *See* SATISFACTION.
shifting, effect of, **24,** 235
event on which it operates, **24,** 235
future interest taking effect as, **24,** 234
operation of, **24,** 235
specific
legacy, of the nature of, **14,** 261
presumption against charge on, **14,** 291
representative must apportion rents on, **14,** 275
spiritual purposes, for, is for charitable use, **11,** 773
springing, **24,** 233
Statute of Limitations as affecting devise subject to annuity, **19,** 141
Statute of Uses applied by way of analogy to a, **23,** 5, 6 ; **24,** 281 n.
succession of interests, of, *cy-près* doctrine applied on, **28,** 787
successive estates tail, construed as gift of, **28,** 673
tail, in, expressions not annexing trust to, **28,** 15
trade union, to, **27,** 632
trustees, to, amount of estate taken, **28,** 94—99. *See* TRUSTEE.
breaking of descent by, effect of, **11,** 8

DEVISE—*continued.*
trustees—*continued.*
indefinite, followed by gift over, effect of, **28,** 97
trust which fails, on a, **11,** 3 ; **28,** 51—54. *See* TRUSTEE.
votes, intended to multiply, avoidance of, **12,** 153

DEVISEE. *See also* BENEFICIARY ; DEVISE.
defined, **14,** 246, 247 ; **28,** 508
acknowledgment under statutes of limitation, by, **19,** 74, 75
building contract, rights under, **3,** 273 ; **14,** 288 ; **15,** 426
company, as contributory to, **5,** 490, 491
contribution between devisees, limitation of action in respect of, **19,** 88
copyholds, of, admittance of, **8,** 98, 102, 103
creditor's statutory rights against, **14,** 246
de ventre inspiciendo, writ of, when granted to, **11,** 12 n.
debt, payment of, by, as binding personal representatives, **19,** 74
to estate by, need not be brought into account, **14,** 268
estate *pur autre vie*, of, heirs not special occupants in case of, **11,** 13
heir, when, takes as devisee, **13,** 120 n.
infant, sale or mortgage of interest of, to satisfy testator's debts, **17,** 81, 82
judgment against, registration of, for personal debts does not affect creditor's rights against devised land, **14,** 247
lands in hands of, as assets for payment of debt, **13,** 34, 35
limitation of action as to contribution between devisees, **19,** 88
Locke King's Acts, effect of, on estate of, **14,** 288
parol trust, cannot set up Statute of Frauds to avoid, **13,** 75
privy in estate to testator, is, **13,** 344
probate as evidence of title of, **14,** 212, 213
redemption of mortgage by, **21,** 140, 141
representations, obtaining devise by, ordered to carry them out, **13,** 75
residuary. *See* RESIDUARY.
sale of real estate devised, proceeds of, when devolving on, **14,** 239
seisin in law and in deed of, **24,** 216
title of, proved by production of probate grant, **14,** 212
trustee for heir-at-law, when, **11,** 3
voluntary grant not impeachable by purchaser from, **15,** 99
what term includes, **14,** 246, 247

DEVIZES,
local court of, **9,** 158

DEVOLUTION. *See* DESCENT ; SUCCESSION.
defined, **13,** 267 n.
advowson, of, **14,** 230, 231
annuity, of, as real estate, **24,** 470, 471
bastard, of property of, on intestacy, **2,** 439 ; **11,** 26
beneficial interest, of, succession duty in case of, **13,** 267. *See* SUCCESSION DUTY.
building contracts, of rights under, on death of employer or contractor, **3,** 273, 274

DEVOLUTION—*continued.*
capital money arising under the Settled Land Acts, of, **25,** 650, 651
chattel annexed to land, of, **11,** 3 n.; **14,** 218
chattels real, of, **14,** 230
chose in action, of, **14,** 224—229
company, of shares in, **5,** 196, 701
copyholds, of, **8,** 86—89; **11,** 6; **14,** 136. *See* DESCENT.
deer, of, **11,** 4 n.; **14,** 218
easements, of, **11,** 3 n., 237
estate *pur autre vie*, of, **14,** 231; **24,** 180
fixtures, of, **14,** 220, 221
foreign property, of, **6,** 218, 220—225
friendly society's property, of, **15,** 170
heirlooms, of, **11,** 3 n.; **14,** 218; **25,** 659—661, 703—706
heritable property, of, **11,** 3 n.
leaseholds, of, **14,** 230
legal estate, of. *See* LEGAL ESTATE.
mortgage security on death of mortgagee, of, **11,** 5; **14,** 234, 235; **21,** 182—185
partnership property, of, **11,** 4 n., 6, 7; **14,** 221; **22,** 55; **25,** 420
patent, of, on death of patentee, **22,** 190
perpetuity, of estate or interest void as, **22,** 351
personal estate, of, **11,** 6; **14,** 136, 218 *et seq.*; **28,** 583
beneficial interest in, of, **11,** 16—23. *See* DISTRIBUTION OF ASSETS, intestate, of.
real estate, beneficial interest in, of. *See* DESCENT.
effect of Land Transfer Act, 1897, on, **14,** 136, 238; **17,** 50; **28,** 583
sale of land, on, on death of purchaser before completion, **14,** 239; **25,** 380
settled personalty, of, **11,** 3 n.; **25,** 659—661, 703—706.
shares in company, of, **5,** 196, 701
title deeds, of, **24,** 240
trust property, of, **11,** 5, 25; **14,** 233, 235; **28,** 100, 101
trusteeship by, **28,** 81, 82, 154, 155

DEVON,
hedges and trees in, lopping, statutory provisions for, **16,** 114, 165
sand from foreshore, right to take, **28,** 379
Stannaries Court, jurisdiction of, extended to, **20,** 639
tin-bounding, custom of, in, **20,** 638

DICE,
club, found in, are evidence of gaming, **4,** 437
games played with, illegality of, **4,** 436; **9,** 546; **15,** 279 n., 280 n., 285

DICTIONARY,
copyright in, when compiler entitled to, **8,** 145 n.
evidence, as, meaning of words in will, of ordinary, **28,** 634, 635, 658
mercantile term, of, **17,** 344 n.
reference by court to, **10,** 449

DIE,
inland revenue, *defined*, **9,** 747 n.
discontinuance of use of, provision for, **24,** 701
offences relating to, **9,** 747
post office, offence relating to, **22,** 665

DIEM CLAUSIT EXTREMUM,
writ of, **10,** 18
loan to local authority, how repayment of, enforced by, **21,** 61

DIET,
convict in penal servitude, of, provisions as to, **23,** 263, 264
pauper lunatics, of, provisions as to, **19,** 517
prisoners, of, provisions as to, **23,** 255, 256

DIFFERENCES. *See also* DISPUTE.
adjustment of, Telegraph Acts, under, classes of, **27,** 377, 378
no appeal from Commissioner's decision, **27,** 380
procedure for, **27,** 378—381
tribunal for, **27,** 378
powers of, **27,** 379, 380

DIFFERENCES (STOCK EXCHANGE).
broker's right to, on carry over, **27,** 221, 223 n.
carry-over, payment on, **27,** 243
client's duty to provide funds for payment of, **27,** 250
contract for, when void as wager, **15,** 283, 284; **27,** 260, 261
hammer price, how dealt with in case of default, **27,** 243, 258

DIGGING,
minerals etc., for, right of, as a right of common, **4,** 471, 472
turves, for, right of, **4,** 464, 465

DIGNITY,
The title PEERAGES AND DIGNITIES *is contained in Vol. XXII., pp.* 261 *et seq.*
acquisition and creation of, **6,** 455
baronetcy, **22,** 283—285. *See* BARONET.
chattels settled to devolve with, may be sold by life-tenant, **25,** 659 n.
foreign, recognition in England of, **22,** 290
indictment, dignity of person injured should be named in, **9,** 336 n.
inheritable, is a hereditament, **24,** 160 n.
knighthood, **22,** 285—287. *See* KNIGHT.
lease, cannot be subject of, **18,** 341 n.
legitimacy, determination of, for establishing claim to, **2,** 432
patent creating, is an heirloom, **24,** 240
peer, of, **22,** 262. *See* PEERAGE.
tenement, may be included in term, **24,** 158

DILAPIDATIONS,
buildings in London, of, County Council's powers as to, **20,** 494
ecclesiastical, **11,** 767—772. *See* ECCLESIASTICAL DILAPIDATIONS; REPAIR.
leaseholds, to, **18,** 501—515. *See* REPAIR TO LEASEHOLDS.
settled estate, of, damages for, measure of, **25,** 606, 607
tenant for life, when liable to repair, **25,** 606, 607

DILIGENCE,
agent's duty to use, **1,** 185
partner, degree required from, **22,** 49

DILUTION,
liquor, of, with water, conversion by, **27,** 892 n.

DILUVION. *See* ACCRETION.
adjoining owner, when added land belongs to, **7,** 116; **28,** 362
Crown's right to land formed by, **7,** 116; **28,** 363
ownership of land formed by, **3,** 119; **28,** 362

DINNER,
public, right under occasional licence, to sell liquor at, **18,** 98

DIOCESAN ASSOCIATIONS,
defined, **11,** 802
chancellor, **11,** 412—416. *See* CHANCELLOR.
court, **11,** 505—508. *See* CONSISTORY COURT.
persons obtaining faculty in, injunction against, **17,** 227
registrar, copies of entries of burials to be annually sent to, **3,** 558, 560
synod, colonial church, as basis of, **11,** 494 n.
constitution and powers of, **11,** 494 n.

DIOCESE,
defined, **11,** 395
arch-presbyter of, dean as, **11,** 421
boundaries of, **11,** 383, 384, 395
cathedral is parish church of whole, **11,** 442
chancellor of. *See* CHANCELLOR.
changes in, how made, **11,** 395
list of dioceses as now constituted, **11,** 384
peculiars exempt from bishop's jurisdiction, **11,** 395, 411, 412
pre-Reformation dioceses, list of, **11,** 384
registrar of, copies of burial register annually sent to, **3,** 558, 560
copies of register of baptism sent to, **11,** 687
visitation of, **11,** 385, 409—412

DIPHTHERIA,
burial of person dying of, **3,** 549, 550
notification of, **20,** 338 n.; **23,** 445—448

DIPLOMA,
architect not bound to obtain, **3,** 160

DIPLOMATIC
agent, appointment of, **6,** 427
British, nationality of child of, born abroad, **1,** 303
foreign, nationality of child of, born within dominions of Crown, **1,** 303
officers, notarial acts may be done by, **21,** 497
privilege. *See* DIPLOMATIC PRIVILEGE.
representatives of foreign sovereigns, jurisdiction of English court over, **6,** 182

DIPLOMATIC PRIVILEGE,
Act relating to, **6,** 428 n., 430 n., 432, 433; **9,** 528 n.
arrest, from, **6,** 429, 430; **25,** 817
British subject, of, **1,** 20 n.; **6,** 431, 433
consular officer, of, **6,** 432, 438
distress, from, **1,** 252; **6,** 430; **11,** 133
droit de chapelle, **6,** 430 n.
embassy, right of asylum in, **6,** 430 n.
exterritoriality, doctrine of, **6,** 429, 430 n.; **9,** 451 n. *See* EXTERRITORIALITY.
forfeiture of, **6,** 430, 433
goods, seizure of, exemption from, **6,** 433
legal process, immunity from, **1,** 19, 20; **6,** 182, 428 n., 429, 430
criminal, **6,** 429; **9,** 245

DIPLOMATIC PRIVILEGE—*continued.*
legal process—*continued.*
execution, **14,** 10
injunction, **17,** 205
joint liability, on, **6,** 430 n.
punishment for prosecution, **6,** 430 n., 433; **9,** 528
subpœna, **6,** 431
tort, for, **27,** 479
treason, for, **9,** 451
omnis coactio abesse a legato debet, **6,** 429
persons
entitled to, **1,** 20; **6,** 428, 431, 432, 433; **9,** 451
ambassador's suite, **6,** 432
bona fides, **1,** 20; **6,** 431 n.
public minister, dismissal of, effect of, **6,** 431 n.
duration of immunity of, **6,** 431; **9,** 528 n.
jurisdiction of, over inmates of house, **6,** 430 n.
punishment for infringement of, **9,** 528
rates and taxes, as to, **6,** 430 n.; **24,** 17
reason of, **6,** 429 n.
registration of persons entitled to, **6,** 433; **9,** 528 n.
religious worship, freedom of, **6,** 430 n.
secretary of legation, of, **6,** 430, 431
service out of jurisdiction, as to, **6,** 431
Statutes of Limitations, effect as to, **6,** 431 n.
trade, engaging in, effect of, **6,** 430, 433; **9,** 528 n.
waiver of, **1,** 20; **6,** 431

DIPPING TANKS
for sheep, powers of local authorities to provide, **1,** 430

DIRECTION. *See* DIRECTIONS.
burial of deceased, as to, **3,** 405
charitable trust, for administration of, how obtained, **4,** 330
cremation of deceased, as to, **3,** 405, 571
testamentary, administration not necessarily ordered under, **28,** 506 n.
annuity, for payment of, form and effect of, **24,** 492—494
carry on business, to, **14,** 295
debts, as to payment of, charge implied by, **14,** 237
donee as testator's heir, effect of, **28,** 765
timber, as to produce of, in perpetuity, **22,** 380
to pay, *Andrews* v. *Partington* rule applied notwithstanding, **28,** 720
gift distinguished from, **28,** 811, 812

DIRECTION POST. *See* SIGNPOST.

DIRECTIONS. *See* DIRECTION.
conduct of action, as to, by interlocutory order, **18,** 179 n.; **23,** 135—137. *See* SUMMONS FOR DIRECTIONS.
county court, in, application for, **8,** 506
further, to officers of court, **8,** 507
Divorce Division, are inferred in, **16,** 528
master should give, where leave to defend granted under Order 14, **18,** 193, 194
summons for. *See* SUMMONS FOR DIRECTIONS.
voters, to, regulations as to, **12,** 315

DIRECTOR,
army finance, of, duties of, **7,** 94
bank, proof of appointment of, **13,** 443

DIRECTOR—*continued.*
building society, of. *See* BUILDING SOCIETIES.
company, of. *See* DIRECTOR OF COMPANY.
National Gallery, of, appointment of, **19,** 213
powers of, **19,** 214, 215
Public Prosecutions, of. *See* DIRECTOR OF PUBLIC PROSECUTIONS.

DIRECTOR OF COMPANY,
defined, **5,** 36, 209; **27,** 576
account, duty to, **5,** 226
acquiescence in act of, by company, **5,** 206; **13,** 172 n.
address of, prospectus must contain, **5,** 122
admissions by, evidence against company, as, **13,** 461
agent of company, as, **1,** 169; **5,** 220, 292; **15,** 470
alteration or destruction of company's books by, penalty for, **5,** 313; **9,** 660
appointment of, **5,** 209—212, 243
casual vacancies, to fill, **5,** 211, 212
defect in, **5,** 210, 211, 238
estoppel in respect of, **5,** 211
first, by articles, **5,** 209
when not appointed, **5,** 210
new, involves retirement of superseded directors, **5,** 212
other than first directors, **5,** 211, 212
validity of, presumed, **5,** 210
arrears of salaries may be paid to, without fresh consideration, **15,** 401, 402
attachment of, when company's contempt of court punishable by, **5,** 325, 326 n.; **7,** 303, 306; **17,** 292; **23,** 761
authority of, **5,** 220—222, 233
guarantee, to bind company by, **15,** 470, 471
balance-sheet, responsibility in respect of, **5,** 266
bankruptcy of, discharge in, when released from breach of trust by, **5,** 235
disqualification by, **5,** 240
board of, duration of office of original, **5,** 212
change in, notification of, **5,** 212
independent executive, as an, **5,** 53, 54
investment by, **5,** 226
joint and several liability of, **5,** 55, 232
bonus to, on sale, **5,** 336
books of company, when knowledge of, implied, **13,** 449
borrowing powers of, **5,** 234, 295, 338, 339
breach of trust by, **5,** 234, 235, 478. *See* BREACH OF TRUST.
calls on shares by. *See* CALLS ON SHARES.
chairman of company, as. *See* CHAIRMAN.
co-directors, contribution between, **5,** 139, 234, 235 n.; **14,** 313
exclusion of, **5,** 224
liability for acts of, **5,** 227
committee of directors, powers of, **5,** 224, 225
Companies Clauses Acts, under, annual election of, **5,** 707
appointment of, **5,** 706, 707
defect in, **5,** 714
casual vacancies in office of, **5,** 707
chairman of, **5,** 713
choice of, **5,** 714
committees of, rules as to, **5,** 709
contracts made by, **5,** 710—712
death of, **5,** 707
disqualification of, **5,** 707, 708

DIRECTOR OF COMPANY—*continued.*
Companies Clauses Acts—*continued.*
failure to hold shares, **5,** 709
meetings of, **5,** 712, 713
minutes of, **5,** 713
number of, **5,** 706, 707
increasing or decreasing, **5,** 707
pecuniary interest avoiding office of, **5,** 708
qualification of, **5,** 707, 708
quorum of, **5,** 707, 712, 713
removal of, **5,** 714
remuneration of, **5,** 709
resignation of, **5,** 707
retirement by rotation of, **5,** 714
tenure of office of, **5,** 707
validity of acts done by, **5,** 714
compensation for loss of salary of, **5,** 588; **15,** 401
consent of, to act, required, **5,** 71, 73, 74, 138, 209
transfer of share, required for, **5,** 188
conspiracy by directors, **5,** 141, 312, 313
contempt of court by company, when punishable by attachment of, **5,** 325, 326 n.; **7,** 303, 306; **17,** 292; **23,** 761
contract by, company, with, **5,** 229
cost-book company, of, **5,** 658
illegal, no specific performance of, **27,** 62 n.
interest in contract, effect of, **5,** 241; **13,** 158
contribution, right of, **5,** 139, 234, 235 n.
when available against estate of deceased co-director, **5,** 234; **14,** 313
control of company
by, **5,** 223
over, **5,** 223
creditor of insolvent company, as, position of, **5,** 230
remedy of, against, for *ultra vires* acts, **5,** 222
criminal offences by, **5,** 140, 141, 312—317; **9,** 655, 660
death of, liability of estate for director's acts, **5,** 232; **14,** 313, 314
de facto, validity of acts of, **5,** 211
delegation of powers by, when permissible, **1,** 169; **5,** 165, 224, 225
discharge in bankruptcy, when released from breach of trust by, **5,** 235
discovery in aid of execution, examination in, **14,** 126, 127, 127 n.
discretion of, **5,** 165, 166, 222
disqualification of, **5,** 240
distress by, justified as bailiff, **11,** 131, 162
duties and powers of, **5,** 220, 225
employment of company, is not a person in, **5,** 246
estoppel of, from impugning validity of own appointment as, **5,** 211; **13,** 389
exclusion of, by co-directors, **5,** 224
false statements by, liability for, **5,** 225, 226
fiduciary position of, **5,** 221, 226, 228; **13,** 156; **19,** 167; **28,** 59, 60. *See* FIDUCIARY RELATIONSHIP.
fraudulent reception of property by, **9,** 656
gifts from promoter, must account for, **5,** 54, 55
guarantee by, right to indemnity in respect of, **5,** 233
when binding on company, **15,** 470, 471, 478 n., 526
imprudence, liability for, **5,** 230, 231
income tax, deduction from, fees of, **5,** 220
indemnity, right to, **5,** 139, 233

DIRECTOR OF COMPANY—*continued.*
insolvent company, position as creditor of, **5,** 230
interest of, company, in, to be disclosed in prospectus, **5,** 124, 125
contract with company, in, effect of, **5,** 241
interrogatories, answers to, by, **11,** 77, 109
liability of, **5,** 225, 236
breach of trust, for, **5,** 232
civil, **5,** 57, 70, 72, 225—236, 306, 478—482
co-directors, for acts of, **5,** 227
company, to, **5,** 222
costs of patent action, for, **22,** 226
creditors of company, to, **5,** 222
criminal, **5,** 140, 141, 312—317; **9,** 655, 660
dissolution of company, when extinguished by, **5,** 235
estate of, after decease, **5,** 232; **14,** 313, 314
false reports to company, for, **5,** 226
false statements in prospectus, for, **5,** 225
joint and several, is, **5,** 232
managing director, as, **5,** 227
distraining, for, **11,** 162
misapplication of cheque, for, **5,** 227
negligence, for, **5,** 222, 230—232
negotiable instrument, on, **2,** 492
omission to claim debt due to company, for, **5,** 227
relief against, **5,** 232
retirement, after, **5,** 227
sub-agent's acts, for, **5,** 296
third persons, to, **5,** 233
unlimited, **5,** 70, 76, 235, 493
guarantee company, in, **5,** 77
notice of, **5,** 236
void allotment, for, **5,** 178
limitation of actions against, **5,** 235; **19,** 39
list of, must be filed on registration of memorandum and articles, **5,** 71—73
loan by, to company, **5,** 340
lunacy disqualifies, **5,** 240
managing, liability of, **5,** 227
distress, for levying, **11,** 162
meetings of, **5,** 236—239
absence from, without leave, **5,** 240
business at, **5,** 237, 238
irregularity at, **5,** 238
minutes to be kept of, **5,** 239
notice of, **5,** 237
order of business at, **5,** 239
quorum at, **5,** 238
ratification of acts done at informal, **5,** 237, 238
misappropriation by, **5,** 312, 313; **9,** 655
misfeasance proceedings against, on winding up, **5,** 478—485. *See* MISFEASANCE.
names of, prospectus should state, **5,** 122
registrar, must be returned to, **5,** 263, 264
negligence of, **5,** 230—232
creditors' remedy for, **5,** 222
estoppel of company's claim for, **5,** 232
nominee, remuneration of, **5,** 230
non-disclosure by, of interest in contract with company, effect of, **5,** 228, 229, 241; **13,** 158
notice, resolution, of, involving advantage to director, **5,** 253
to, when notice to company, **5,** 307
withdrawal of consent, of, **5,** 138
number of directors, **5,** 209
patent action, costs of, liability for, **22,** 226

DIRECTOR OF COMPANY—*continued.*
payment by, wrongful but *bonâ fide*, **5,** 227
payment of. *See* remuneration of, *infra.*
pension to, **5,** 220; **15,** 401 n.
personal representative not liable for tortious acts of, **14,** 314
powers of, **5,** 220—225
benefit, must be used only for company's, **5,** 221
control company, to, **5,** 223
delegation of, **1,** 169; **5,** 165, 224, 225
general, **5,** 223, 224
private company, of, position of, **5,** 73, 74
promoters, relation to, **5,** 53—55
payment to, by, **5,** 57
prosecution of, in voluntary winding up, **5,** 564, 592
prudence of, standard of, **5,** 225, 232
public examination of, **5,** 430—434
qualification, **5,** 213—217
defect in, effect of, **5,** 214
penalty for acting without, **5,** 214
shares of, condition precedent to holding office, **5,** 217
liability for, **5,** 214—216
trustee, held as, **5,** 216, 217
quorum of, **5,** 164, 165, 237, 238
rateable value, deduction from, of fees of cemetery company director, **24,** 44
ratification, acts of, by company, **5,** 220, 221, 296
business of informal meeting, of, **5,** 237, 238
rectification of register by, **5,** 153
register of, **5,** 212, 280, 281
relief of, against liability for breach of trust, **5,** 232
removal of, **5,** 239—242, 714
remuneration of, **5,** 119, 122, 217—220, 709
apportionment of, **5,** 219
arrears of, payment of, valid without fresh consideration, **14,** 313
capital, when payable out of, **5,** 119 n., 218
equitable execution on, **5,** 220
extra services, for, **5,** 220
fixed, how, **5,** 218
fraudulent preference, may be set aside as, **5,** 545
implied agreement for, **28,** 868
improperly paid, how recovered, **5,** 218
income tax in respect of, **5,** 220
nominee director, **5,** 230
payable, how, **5,** 218
proof in winding up for, **5,** 219
prospectus, must be stated in, **5,** 122, 218
settled estate, received as trustee of, treated as capital money, **25,** 610, 611
statutory company, of, **5,** 709
trustee, holding qualification shares as, account need not be made to *cestui que trust* in case of, **28,** 60 n.
report of, misrepresentation in, **20,** 717 n.
statutory, **5,** 248
representation by, statement of fact as, **20,** 663 n.
statement of opinion as, **20,** 665 n.
resignation of, **5,** 214, 240
acceptance of, **5,** 241
restraint of trade, covenants in, director carries on company's business for purpose of, **27,** 576
retirement of, **5,** 227, 239—242, 714
secret profits by, **5,** 54, 55, 228—230

DIRECTOR OF COMPANY—*continued.*
shares, must pay on his, before company commences business, **5,** 262
qualification, of, **5,** 213—217; **28,** 60 n.
statement in prospectus of opinion of, as representation of its accuracy, **20,** 665 n.
subrogation, right of, **5,** 233
surety for company, as, **15,** 526
surrender of shares by, **5,** 198, 199
tortious acts of, personal representatives not liable for, **14,** 313
transfer of shares by, **5,** 186, 216
travelling expenses, when entitled to, **5,** 220, 233
trustee, company, for, **5,** 221, 226, 231 n., 232; **13,** 156, 158; **19,** 167; **28,** 59, 60
creditors, for, is not, **5,** 166
settled estate, of, fees of, held capital money, **25,** 610, 611
ultra vires acts by. *See* ULTRA VIRES.
unlimited liability of. *See* liability of, *supra.*
unqualified, position of, **5,** 214
untrue representation, liability for, **5,** 231
vacancy in office of, filling of, **5,** 211, 212, 240 n., 242 n.
voluntary winding-up, position of director in, **5,** 574, 578
waiver of company's right to full disclosure by, **5,** 230
warranty of authority of, liability for breach of, **5,** 233, 306
winding-up order ends powers of, **5,** 420
wrongful dismissal of, **20,** 96 n.

DIRECTOR OF PUBLIC PROSECUTIONS,
appointment of, **2,** 383; **7,** 78
bankruptcy, duty to prosecute in, **2,** 352
coroner's duty to transmit inquisitions to, **8,** 290
criminal appeals, duty to defend, **9,** 440
duties of, **2,** 352; **9,** 292, 440
election petitions, attendance at, of, **2,** 383; **12,** 442, 514, 515
costs at, of, **12,** 475, 521
discretion as to venue of criminal election trial, **12,** 535 n.
municipal, **12,** 510, 514, 515, 521
notice of appeal to be given to, **12,** 470
parliamentary, **12,** 433, 434, 442, 443, 475
personation, duty to prosecute, **12,** 528
prosecution arising out of, by, **12,** 471, 485, 528
representation at, of, **2,** 383; **12,** 442, 443, 514, 515
withdrawal of, **12,** 433, 434, 510
qualification for appointment as, **2,** 383; **7,** 78

DIRECTORY,
copyright in, **8,** 145 n., 146

DIRECTORY STATUTE, 27, 117, 170—173. *See* STATUTE.

DISABILITY. *See* INCAPACITY.
alien, of, **1,** 308, 309
clergy, of, **11,** 556—558; **21,** 657; **24,** 360
commoners under, how represented for purposes of inclosure, **4,** 543
compromise of action by person under, when sanction of court required, **23,** 166, 167. *See* COMPROMISE.

DISABILITY—*continued.*
compulsory purchase from person under, **6,** 58, 60, 61, 109—112
conveyance in case of, **6,** 111, 112
payment into Bank of England in case of, **6,** 60, 61, 109—111
conveyance on sale of land by vendor under, parties to, **25,** 416
coparcener under, limitation of action as affecting, **19,** 134
copyholds, enfranchisement of, in case of, **6,** 137; **8,** 113, 116
coverture as. *See* COVERTURE; MARRIED WOMAN; WIFE.
deed, avoidance of, on ground of, **10,** 360
domicil, change of, by person under, **6,** 191, 192
family arrangement subject to sanction of court, where party under, **14,** 545
fraud by person under, equity refuses relief in case of, **13,** 72
gift over on, instances of, **25,** 571 n.
infancy as. *See* INFANT.
judgment, no estoppel by record by, where party under, **13,** 327
landowner under, application for improvement charge on land by, **18,** 294
entering on lands of, under the Land Drainage Acts, **18,** 301, 302
loan to, under the Public Money Drainage Acts, **18,** 303 n., 304 n.
libel and slander, procedure in, in case of persons under, **18,** 610—618
limitation of action as affecting persons under, absence beyond the seas, in case of. *See* BEYOND THE SEAS, ABSENCE.
acknowledgment, effect of, **19,** 61, 81, 82, 135
charges on land, in case of, **19,** 91, 92
coparcener, in case of, **19,** 134
co-plaintiff, in case of one, **19,** 57
convict, in case of, **19,** 53
coverture, in case of, **19,** 56 n., 78 n., 133
death during disability, **19,** 57, 58, 82
executor, in case of, **19,** 58
imprisonment, in case of, **19,** 53 n., 56 n.
infancy, in case of, **17,** 62; **19,** 56, 78, 91, 133, 135
land or rent, in case of, **19,** 133—135
lunacy, in case of, **19,** 56, 78, 91, 133
mortgagor, in case of, **19,** 150
personal actions, in case of, **19,** 56—58
pleading in case of, **19,** 184, 185
Real Property Limitation Act, 1874, provisions in, as to, **19,** 91, 92, 133
remainderman, in case of, **19,** 137
right to sue not affected by disability, **19,** 58
simple contract debt, in case of, **19,** 56—58
specialties, in case of, **19,** 78, 79
statutes providing special periods not applicable to disability, **19,** 182
successive disability, in case of, **19,** 57, 91, 92, 134
tenant in tail, in case of, **19,** 137
lunacy as. *See* LUNATIC.
married woman, of. *See* COVERTURE; MARRIED WOMAN.
mortgage, redemption of, in case of person under, **21,** 141
necessaries, liability for, of person under, **25,** 125
partition action by or against persons under, **21,** 840

DISABILITY—*continued.*
pleading of, under Statutes of Limitation, **19,** 184, 185
profit à prendre, effect on prescriptive claim to, **11,** 346
sue or be sued, person under disability may, **19,** 57
tort, in respect of action of, **27,** 491
undue influence over persons under, **20,** 760, 761. *See* UNDUE INFLUENCE.

DISABLEMENT,
benefit, National Health Insurance Act, under, *defined*, **28,** 922, 923
administration of, **28,** 954
increase of, as an additional benefit, **28,** 925
rate of, **28,** 923
when payable, **28,** 922, 923
certificated teacher's allowance for, **12,** 129
partner, of, dissolution of partnership, ground for, **22,** 92
ship, of, on voyage, **26,** 222, 223
signals, provision for, Sea Regulations, in, **26,** 386—388
Workmen's Compensation Act, under, date of, **20,** 166 n.
disease contracted through, **20,** 166
notice of, **20,** 167

DISABLING ACTS,
list of, **4,** 226 n.

DISALLOWANCE,
colonial law, of, by the Crown, **6,** 425; **10,** 542
costs, of, on taxation, **26,** 769, 796, 798. *See* TAXATION OF COSTS.
receiver's expenditure on repairs, of, **24,** 395

DISBARRING,
barrister, of, **2,** 361, 362

DISBENCHING,
bencher, of, **2,** 362

DISBURSEMENT,
marine insurance on, what is covered by policy of, **17,** 366
master of ship, of, *defined*, **1,** 70
admiralty jurisdiction in claims for, **1,** 68
master's lien for, **1,** 69; **26,** 68, 620
priority of, **26,** 623, 624
receiver, of, application to court in respect of, when required, **24,** 406, 407
unauthorised, allowed if for benefit of property, **24,** 407
ship, for, provision in charterparty for, **26,** 104, 313
solicitor, of, bill of costs, in, **26,** 775, 776
interest on, **26,** 810
professional and non-professional distinguished, **26,** 775
Solicitors Act, 1843, estate not a disbursement within, **13,** 215 n.

DISCHARGE. *See also* DISMISSAL; RELEASE.
bankruptcy, in. *See* ORDER OF DISCHARGE (in Bankruptcy).
berth of, cargo, for, **26,** 262
bill of exchange, of, **2,** 549—554
defined, **2,** 549
acceptor becoming holder, by, **2,** 551

DISCHARGE—*continued.*
bill of exchange—*continued.*
accommodation bill, of, **2,** 551, 555
accord and satisfaction, by, **2,** 553
alteration, material, by, **2,** 552
bankruptcy of drawer, by, **2,** 564 n.
cancellation by holder, by, **2,** 552
common law, at, modes of, **2,** 552, 553
conduct of holder, by, **2,** 551, 552
conflict of laws as to, **2,** 563, 564; **6,** 240
effect of, **2,** 554
lapse of time, by, **2,** 553, 558, 559, 564
parties, not necessarily discharge of, **2,** 554
payment, by, **2,** 549, 551, 555
accommodation bill, of, **2,** 551
banker, by, **2,** 550, 551
in due course, **2,** 549, 551
supra protest, by, **2,** 541
wrong person, to, **2,** 550
release, by, **2,** 553
renewal, by, **2,** 553, 554
renunciation of holder, by, **2,** 551, 552
set, drawn in a, by discharge of one part, **2,** 561
statutory modes of, **2,** 549—552
party to, of, **2,** 554—560
defined, **2,** 549
alteration, material, by, **2,** 555—557
cancellation of signature, by, **2,** 555
conflict of laws as to, **2,** 563, 564; **6,** 240
discharge of joint debtor, by, **2,** 558
disqualified acceptance, by, **2,** 554
giving time, by, **2,** 557, 558
holder discharging prior indorser, by, **15,** 565
joint debtor, in case of, **2,** 558
lapse of time, by, **2,** 558—560
acknowledgment or admission, effect of, on, **2,** 559, 560
collateral transactions, in, **2,** 559
holder under disability, when, **2,** 559
revival of right in case of, **2,** 559
non-presentment, by, **2,** 531, 554
payment
by drawer or indorser, by, **2,** 554, 555
for honour, by, **2,** 541
presentment for
acceptance, by, **2,** 528, 554
payment, by, **2,** 531, 554
protest, by, **2,** 536, 539
qualified acceptance, by, **2,** 554
renunciation by holder, by, **2,** 555
want of
notice of dishonour, by, **2,** 542, 544, 554
protest, by, **2,** 536, 539
bond, of, **3,** 93, 97—99
accord and satisfaction, by, **3,** 97
alteration, by, **3,** 98
cancellation, by, **3,** 98
covenant not to sue, by, **3,** 97, 99
impossibility of performance, by, **3,** 92, 93, 97
joint
obligees, in case of, **3,** 98, 99
obligors, in case of, **3,** 99
modes of, **3,** 97, 98
payment, by, **3,** 97
performance, by, **3,** 97
release, by, **3,** 97, 99
Borstal institution, from, by licence, **9,** 420

DISCHARGE—*continued.*
breach of contract, of right of action for, **7,** 441—463. *See* BREACH OF CONTRACT.
cargo, of. *See* CARGO.
Charity Commissioners, order by, of, **4,** 316
cheque, of, non-presentment, by, **2,** 531
chose in action, of, power of assignee to give, **4,** 373, 393
contract, of, alteration, by, **7,** 424—426
bankruptcy, by, **7,** 437
breach of contract, by, **7,** 438—463. *See* BREACH OF CONTRACT.
cancellation, by, **7,** 424—426
condition, by failure of, **7,** 432—436
conflict of laws in respect of, **6,** 246, 247
deed, by, method of, **10,** 416
impossibility of performance, by, **7,** 426—432. *See* IMPOSSIBILITY OF PERFORMANCE.
modes of, **7,** 410
novation, by, **7,** 423, 505—509. *See* NOVATION.
performance, by, **7,** 410—417. *See* PERFORMANCE.
repudiation, by, **7,** 422, 423
rescission, by, **7,** 421—423. *See* RESCISSION.
tender, by, **7,** 417—421. *See* TENDER.
waiver, by, **7,** 423, 424. *See* WAIVER.
written contract, destruction or loss of, not a, **7,** 426
criminal lunatic, of, **23,** 271, 272
custody, from, attachment, of person imprisoned under, **7,** 323—325
Debtors Act, under, **7,** 318, 324
divorce proceedings, in, **7,** 324; **16,** 586
mistake, by, **7,** 320
contempt, of person committed by county court for, **8,** 578
habeas corpus, of person brought up on writ of, **10,** 71
fugitive offender, of, after committal for extradition, **14,** 417, 427, 428, 430
appeal against order refusing, how made, **14,** 430
grand jury, of, **18,** 243
idiot, of, from institution, **19,** 526, 527
incumbrance, of. *See also* mortgage, *infra.*
compulsory purchase, on, **6,** 58, 119, 120
costs of, **6,** 130
deceased person's estate, in case of, **14,** 288—290
partition, on, **21,** 165
sale of land, on, **25,** 413, 414, 434
payment to incumbrancer, by, **25,** 439
Settled Land Acts, under, capital money, out of, **25,** 645
mortgage for, **25,** 661
tenant for life, by, **21,** 321—323; **25,** 619—621, 645, 661
mistake in, **25,** 621
jury, of, disagreement, on, **9,** 374
criminal trial, in course of, **9,** 370
grounds for, **18,** 254—256
verdict, after, effect of, **18,** 258, 259
lien, of, **19,** 28—32. *See* LIEN.
shares, on, **5,** 170
shipowner, of, statutory provisions for, **26,** 287
solicitor, of, on client's papers, **26,** 819, 820
lunatic, of, **19,** 522—524
medical certificate may prevent, **19,** 522
medical certificate on, **19,** 522, 523
notice of order of, service of, **19,** 523

DISCHARGE—*continued.*
lunatic—*continued.*
private patient, persons who may direct, **19,** 522
visitors in lunacy, power to order, **19,** 523
manager appointed by court, of, **24,** 433
mortgage, of, **21,** 302—326
building society, in case of, **3,** 370—372
delivery of title deeds on, **21,** 309, 310
discharge of debt, by, **21,** 307, 308
friendly society, in case of, **15,** 166
industrial and provident society, in case of, **17,** 23
merger, by, **21,** 318—326. *See* MERGER.
reconveyance on, **21,** 308—314
costs of, **21,** 317, 318
stamp duty on, **21,** 315
redemption, by, **21,** 302—307. *See* REDEMPTION OF MORTGAGE.
release of security, by, **21,** 308—318
ship, of, **26,** 30
vesting order, by, **21,** 315—317
national health insurance, of seaman, marine or soldier as affecting, **28,** 980, 981
naval prison, from, powers of the Admiralty as to, **25,** 18, 19
navy, from, punishment, as, **25,** 17
involving disgrace, **25,** 16
pauper lunatic, of, who may direct, **19,** 522, 524
prisoner, of, **23,** 258, 259
act of grace, by, **23,** 258
completion of sentence, on, **23,** 258
earning remission, on, **23,** 258
gratuities granted on, **23,** 259
licence, on, **23,** 258
medical examination on, **23,** 259
payment of fine, on, **23,** 258, 259
Sunday etc., when term expires on, **23,** 258; **27,** 452
supply of means to return home on, **23,** 259
time of, on day of discharge, **23,** 258
Probation of Offenders Act, 1907, of offender under, **9,** 413
receiver, of, **24,** 415—420
absconding, for, **24,** 418
application for, **24,** 419, 420
costs of, **24,** 407, 408, 420
notice of, service of, **24,** 420
several parties, in case of, **24,** 419
when made, **24,** 419
who may make, **24,** 419
appointment, administrator *pendente lite*, as, in case of, **24,** 417
improperly obtained, in case of, **24,** 417, 418
interlocutory, without limitation as to time, in case of, **24,** 415
limited time, for, in case of, **24,** 415
bankruptcy as ground for, **24,** 418
Chancery Division, by, **24,** 354, 417
company's liquidation, in case of, **24,** 416, 417
creditors, effect on, **24,** 416
default, for, **24,** 418
effluxion of time, by, **24,** 415
how obtained, **24,** 419, 420
incompetence as ground for, **24,** 418
investigation of accounts after, **24,** 412
misconduct as ground for, **24,** 418
mortgagee obtaining, **21,** 157 n., 196

DISCHARGE—*continued.*
receiver—*continued.*
order for, effect of, **24,** 416, 420
necessity for, **24,** 415, 416
when obtained, **24,** 416
own application, on, **24,** 419
penalties enforced after, **24,** 413
prior mortgagee, at instance of, **24,** 378 n., 383, 418
railway company, of, **23,** 767
subsequent appointment on behalf of prior incumbrancer, by, **24,** 418, 419
trust property, of, **28,** 175
when ordered, **24,** 415—419
seaman, of, **26,** 55, 56
abroad, **26,** 55
sale of ship, on, **26,** 56
certificate of, **26,** 55
formalities to be observed on, **26,** 55
national health insurance, effect on, **28,** 980, 981
wrongful, compensation for, **26,** 52
seller, of, delivery to carrier, by, **25,** 222
sequestration, of writ of, when made, **14,** 89
sequestrator, of, by appointment of receiver, **24,** 370
servant, of, **20,** 98—102, 109—113. *See* DISMISSAL.
solicitor, of, right to remuneration for work done previous to, **26,** 739
surety, of, annulled by subsequent act, **15,** 549 n.
conditions not complied with, where, **15,** 545, 546
counter-security given to surety, reversion to principal debtor on, **15,** 516 n.
death, by, **15,** 572, 573
joint, of, whether a, **1,** 641
notice of, when, essential, **1,** 641 ; **14,** 310
discharge of co-surety, by, **15,** 569, 570
discharge of principal debtor, **15,** 563—569
failure of consideration, by, **15,** 545
fidelity guarantee, from, by treatment of employee, **15,** 559
giving time operating in, **15,** 552—558. *See* GIVING TIME.
guarantee, revocation of, by, **15,** 570—572
laches of creditor, by, **15,** 558—561
loss of securities by creditor, by, **15,** 561—563
merger, by, **15,** 571
Moneylenders Act, 1900, under, **15,** 573, 574 ; **21,** 54
novation, by, **15,** 570
omissions of creditor effecting, **15,** 555
payment by debtor, by, **15,** 535, 536
receiver, for, **24,** 424
release of property pledged on, **15,** 547
securities, loss of, when not a, **15,** 562, 563
settlor, of, tenant for life, by, how far effective, **15,** 572 n.
variation of contract, by, **15,** 546—552
fraudulent, not a ground for, **15,** 548
limited guarantee, effect in case of, **15,** 549
moral inducement, only removing, no ground for, **15,** 549
part, in, **15,** 549
surety, alteration of position of, by, a question of fact, **15,** 550
consent of, to, effect of, **15,** 549
contracting on the faith of principal contract, in case of, **15,** 549

DISCHARGE—*continued.*
surety—*continued.*
variation of contract—*continued.*
Treasury, in case of bond given to, effect of, **15,** 549
which will not effect, **15,** 548, 549
Territorial Force, from the, **25,** 68, 69
water, of, right to, easement of, **11,** 317

DISCIPLINE,
army, in. *See* ARMY.
church, of, enforcement of, **11,** 366, 506, 512
clergy, of, **11,** 512, 520 *et seq.* *See* ECCLESIASTICAL OFFENCES.
General Medical Council, disciplinary powers of, **20,** 320—324, 361—364. *See* GENERAL MEDICAL COUNCIL.
mercantile marine, in, **26,** 59—63
general duty of seamen under, **26,** 60
master's authority to preserve, **26,** 59
offences against, **26,** 60—63
entry of, in official log, **26,** 63
prison, of, **23,** 253—257
Royal Forces, in, *habeas corpus* not usually granted in matters of, **25,** 90
regular army, **25,** 42—47. *See* ARMY.
Royal Marines, **25,** 31—33
Royal Navy, **25,** 9—19
statute, how far regulated by, **6,** 420, 421
Territorial Force, **25,** 72—74
solicitors, disciplinary jurisdiction of court over, **26,** 848, 855. *See* SOLICITOR.

DISCLAIMER,
authority of agent, of, **1,** 222
charitable trust or legacy, of, **4,** 157, 169
county court action, of interest in, by defendant, **8,** 488
deed, by, when necessary, **10,** 369, 370, 408
of benefit under, **10,** 400, 401, 408, 409
deed not necessary for, **10,** 408
effect of, **10,** 400, 401
grantee to uses, by, **10,** 409
non est factum, plea of, in case of, **10,** 408
obligation to accept benefit assured, not lawful where, **10,** 408, 409
sale of land, in case of, **10,** 409
trust property, in case of, **10,** 409
distress, effect of tenant's wrongful disclaimer on, **11,** 150
foreclosure proceedings, by party to, **21,** 295
gift, of, **15,** 418
will, by, **28,** 599—601
acceleration of subsequent limitations by, **28,** 605, 606
conduct, by, **28,** 599
deed, by, **28,** 600
distringas notice, after, **14,** 115
effect of, **28,** 600
executor, by, not permissible to avoid legacy duty, **13,** 237
sale of land, on, **28,** 599 n.
infant, by, after attaining full age, **17,** 75—77
on behalf of, **17,** 75, 76 ; **28,** 599 n.
legacy duty, cannot be made in order to escape, **13,** 237
effect on, **13,** 237, 244
lunatic, on behalf of, **28,** 599 n.
married woman, by, **28,** 599 n.

DISCLAIMER—*continued.*
gift—*continued.*
will—*continued.*
record, by, **28,** 599, 600 n.
retraction of, **28,** 600, 601
two distinct properties comprised in gift, in case of, **28,** 600
lease, of, trustee in bankruptcy, by. *See* trustee in bankruptcy, *infra.*
liquidator cannot disclaim onerous property, **5,** 513
married woman, by, gift by will, of, **28,** 599 n.
Real Property Act, 1845, under, **10,** 369; **24,** 299
power, of, **10,** 370; **23,** 64
collateral, of, **23,** 64
quo warranto, to, **10,** 139
trade marks, registration of, on, **27,** 706, 713
trustee, in, bankruptcy, by, **1,** 275, 276; **2,** 191—196; **18,** 553, 554
agricultural lease, of, **1,** 275, 276
application by person interested, after, **2,** 194
building contract, of, **3,** 272
contract, of, **2,** 124, 162, 191, 194; **7,** 437
effect of, **2,** 192, 193
land agreed to be sold, of, **25,** 382, 383
land subject to
onerous covenants, of, **2,** 191
rent-charge, of, **24,** 498
lease, of, **1,** 275, 276; **2,** 193, 195; **18,** 553, 554, 600
agricultural, **1,** 275, 276
appeal against, no, **2,** 303
leave of court, when and when not required, **2,** 193, 296
notice of, **2,** 193
proof on, **2,** 209, 232
small bankruptcy, in case of, **2,** 296
surety for rent, effect on, **15,** 566
vesting order, in case of, **2,** 195, 196
mode of, **2,** 192; **18,** 553, 554
person injured by, rights of **2,** 196
proof on, **2,** 196
lease, in case of, **2,** 209, 232
shares, in case of, by liquidator of company, **5,** 490
property subject to, **2,** 191, 192
shares or stock, of, **2,** 191; **5,** 202, 490
time for, **2,** 191, 192; **18,** 553, 554
application for decision whether to disclaim or not, in case of, **2,** 194
unsaleable property, of, **2,** 191
vesting order in case of, **2,** 194—196
notice of application for, **2,** 196
office, of, **28,** 83—86
costs of, **28,** 85
effect of, **28,** 85, 86
form of, **28,** 84
lapse of time, after, **28,** 84
probate, renunciation of, as evidence of, **28,** 84
powers, of, **28,** 156
winding up company, bankruptcy rules not applicable to, **5,** 513

DISCLOSURE,
agent, by, duty towards principal, **1,** 189; **17,** 405, 407
banker, by, customer's account, as to, **1,** 640, 643; **17,** 457 n., 541

DISCLOSURE—*continued.*
bankrupt's failure to make, of property, as misdemeanour, **2,** 345, 346
barrister, by, confidential information, of, **2,** 395, 396
injunction to prevent, **2,** 394
compromise, in regard to, **13,** 24
confidential information, of, injunction granted to restrain, **17,** 254; **26,** 735
solicitor's privilege from, **26,** 726
documents, of. *See* DISCOVERY OF DOCUMENTS.
family arrangement, in regard to, **14,** 548, 550
marine insurance, contract of, in regard to, **17,** 404, 406 n.
material circumstance in regard to, of, **17,** 405, 406
misrepresentation by failure to make, **17,** 405, 415, 532; **20,** 682—685, 691, 692, 729, 730, 760
official secrets, of, criminal offence of, **9,** 480, 481
profits, of, company promoter's duty to make, **5,** 52—54
release, in case of. *See* RELEASE.
sale of land, on, material facts, of, **25,** 296—307
purchaser's duty as to, **20,** 547; **25,** 306, 307
vendor's duty as to, **25,** 297—306
defects of
quality, of, **25,** 297—301
title, of, **25,** 301—306
specific performance, failure to make disclosure as defence to claim for, **20,** 548; **27,** 46
surety, to, **15,** 540, 541
discharged by failure to make, **15,** 542
telegraphic message, of, penalty for, **27,** 387

DISCONTINUANCE,
action, of, consideration for contract, as, **15,** 452 n.
counterclaim, effect on, **25,** 516
county court, in, **8,** 500
High Court, in, **23,** 159, 160
infant electing, **17,** 138
Prize Court, in, **23,** 290
solicitor may give notice of, **26,** 743
subsequent action, no defence to, **13,** 359
burials, of, burial ground, provisions relating to, on, **3,** 529—532
cremated body, deposit of ashes of, permitted on, **3,** 526
exclusive right reserved, in case of, **3,** 528
licence to exercise right of burial on, **3,** 528
order in council for, breach of, **3,** 526
Jews, as affecting, **3,** 527
limitations on, **3,** 526—528
Local Government Board, representation by, for, **3,** 527
postponement of, **3,** 527
private burial ground, as affecting, **3,** 528
Quakers, as affecting, **3,** 527
St. Paul's Cathedral, application to, **3,** 527
special Acts, cemeteries provided under, not applicable to, **3,** 528
variation of, **3,** 527
Westminster Abbey, application to, **3,** 527
parish, in, burial in metropolis on, **3,** 526, 527
reverter of land on, **3,** 424
easement, of, effect of, **11,** 273
possession of land, of, *defined*, **19,** 110
entry under void lease is, **19,** 113

DISCONTINUANCE—*continued.*
possession of land—*continued.*
mere going out of possession by owner is not, **19,** 111
time runs against owner from, **19,** 110—113
prisons, of, Secretary of State may order, **23,** 242
rent-charge, of receipt of, time runs against owner from, **19,** 113, 114
what constitutes, **19,** 114

DISCOUNT,
bill of exchange, of, **1,** 599, 606, 622, 629, 634; **2,** 498, 499
building contractor's right to, **3,** 278
commission, construed as, in letter underwriting shares, **5,** 92 n.
gas company's power to allow, **15,** 338 n.
loan society's power to charge, **19,** 223
quantity surveyor's right to, in respect of lithographer's charges, **3,** 312
shares at, issue of, *defined,* **5,** 91, 92
articles cannot authorise, **5,** 82
Companies Clauses Act, under, **5,** 681, 684
contract for, unenforceable, **5,** 92, 148
limited company prohibited from, **5,** 91, 92
rectification of register in case of, **5,** 154
winding-up, on, **5,** 148
succession duty paid in advance, on, **13,** 295
winding up company, deduction by creditor proving in, **5,** 510

DISCOVERY,
The title DISCOVERY, INSPECTION, AND INTERROGATORIES *is contained in Vol. XI., pp.* 35 *et seq.*
account consequential on, in equity, **13,** 28 n.
Admiralty, in, **1,** 97; **11,** 43
agent, by, against principal, **11,** 45
attachment for non-compliance with order for, **7,** 302; **8,** 515; **11,** 56
bankers' books, of, **1,** 644; **13,** 554. *See* BANKERS' BOOKS.
bill of, **11,** 39, 46; **13,** 44
account, equity would not necessarily take, on filing, **13,** 28 n.
cases where not allowed, **13,** 44
civil rights, in aid of, **13,** 44
defendant for purposes of, **11,** 46
on oath of, by, **13,** 43
relief sought by plaintiff in, **13,** 44
where allowed, **13,** 44
documents, of. *See* DISCOVERY OF DOCUMENTS.
execution, in aid of, **14,** 126—128. *See* DISCOVERY IN AID OF EXECUTION.
interrogatories, by, **11,** 37, 92—113. *See* INTERROGATORIES.
invention, as an essential to constitute, **22,** 130, 134, 135
lost art, of, **22,** 131
patent, disclosure as consideration for, **22,** 131
proceedings, in, *defined,* **11,** 36
action for, **11,** 39
by and against whom obtained, **11,** 44—50
co-plaintiff, against, practice as to, **11,** 44
common law, at, **11,** 37—39
corporations, in case of, **8,** 324; **11,** 46
costs of, **11,** 56
security for, **11,** 53—55
criminal proceedings, not obtainable in, **9,** 387; **11,** 40, 41

DISCOVERY—*continued.*
proceedings—*continued.*
Crown, by or against, **11,** 39, 40, 48
revenue proceedings, in, **10,** 22—25
documents, of. *See* DISCOVERY OF DOCUMENTS.
equity, in, former practice as to, **11,** 37, 73 n., 77 n., 89
extent of right, **11,** 37
foreign sovereign, by or against, **11,** 48
generally, **11,** 39—58
infant, by or against, **11,** 48; **17,** 137
matrimonial cause, respondent in, not exempt from, **16,** 526
interrogatories, by, **11,** 37, 92—113. *See* INTERROGATORIES.
Judicature Acts, effect of, on, **11,** 38, 39
lunatic, by and against, **11,** 48, 49, 86 n.; **19,** 434, 466
mandamus, by, **10,** 83; **11,** 39
nature of, **11,** 36—39
non-compliance with order for, effect of, **11,** 56—58
penalty, proceedings to recover, in, **11,** 41
persons out of jurisdiction, against, **11,** 45, 46
plaintiff, nominal, by, **11,** 45
practice as to, **11,** 37
proceedings in which granted, **11,** 39—44
recovery of land, in actions for, **11,** 40, 65
resistance to, civil proceedings, on ground of danger of, **11,** 83
liability for penalties, on ground of, **11,** 41, 83
specific performance, in action for, **11,** 40, 67 n.
stage of proceedings when granted, **11,** 50—53
third party, by, **11,** 45
property, of,
bankrupt, by, **2,** 140—143
penalty for failure to make, **2,** 345, 346
winding-up, in, **5,** 458, 474—477

DISCOVERY IN AID OF EXECUTION,
application for, **14,** 127
attachment for non-compliance with order for, **14,** 127
costs of, **14,** 127, 128
county court, examination in, **8,** 551, 569, 570
director of company, liability of, to, **14,** 127 n.
Divorce Division, in, **16,** 590
enforcement of order for, **14,** 127 n.
examination of party for, **14,** 127
county court, in, **8,** 551, 569, 570
garnishee, against, **14,** 126
how obtained, **14,** 127
married woman, may be had against, **14,** 126; **16,** 458
master's discretion in allowing, **14,** 127
oral examination, is by, **11,** 37; **14,** 126
when available, **14,** 126, 127

DISCOVERY OF DOCUMENTS,
defined, **11,** 36, 37, 58
action for, **11,** 39
Admiralty, in, **1,** 97
registrar, under reference to, **1,** 119
adultery, not granted to prove, **11,** 42
affidavit of documents, **11,** 59—64. *See* AFFIDAVIT OF DOCUMENTS.

DISCOVERY OF DOCUMENTS—*contd.*
agent, action by or against, in, **1,** 227; **11,** 45, 52
England, in, against, in action against foreign principal, **11,** 46 n.
in possession or power of, **11,** 58, 85, 86
privilege of, in regard to, **11,** 74, 76, 78
anonymous letter, of, **11,** 76 n., 77 n.
appeal, for purposes of, **9,** 438; **11,** 53
master's order, from, as to, **11,** 59
pendency of, does not prevent, **11,** 53
application for, **11,** 59, 63
adjournment of, **11,** 59
master's powers on, **11,** 59
refusal of, **11,** 59
arbitration proceedings, in, **1,** 447; **11,** 40, 46
building society, **3,** 383
friendly society registrar, before, **15,** 184
industrial or provident society dispute, in, **17,** 29
Workmen's Compensation Act, under, **20,** 211, 213
bankers' books, of, **1,** 644; **13,** 554. *See* BANKERS' BOOKS.
bankruptcy proceedings, in, **2,** 318; **11,** 44
boundary disputes, in, **3,** 150; **20,** 540
building society dispute, in, **3,** 383, 387
by and against whom, **11,** 45—50
Chancery Division, in, **11,** 50, 53
co-defendants, between, **11,** 44
coffin, by opening, **3,** 554; **11,** 42 n.
commercial case, in, **11,** 43, 44
common interest, where both parties have, **11,** 54
Companies Acts, proceedings under, **5,** 324, 474, 476; **10,** 83; **11,** 40, 46, 47
company, against, how obtained, **5,** 324; **11,** 46, 47
winding-up, in case of, **5,** 474, 476; **11,** 47
compromise, action subsequent to, in, **11,** 77, 78, 87 n.; **13,** 457
confidential legal communications, of, **2,** 395, 396; **11,** 73, 74
conflict of laws as to, **6,** 200; **11,** 39, 48, 89 n.
conspiracy action, in, **11,** 40
contempt of court by refusal to give, **7,** 302; **8,** 515; **11,** 56
co-plaintiffs, between, **11,** 44
copyright proceedings, in, **11,** 40, 63 n.
corporation, by or against, **8,** 324; **11,** 46, 47
costs of, **11,** 53—56, 66
appeal as to, **11,** 56
party joined for purpose of, old practice as to, **11,** 46
security for, **11,** 53—55
amount of, **11,** 54
bill of costs, how treated in, on payment by solicitor, **11,** 55 n.
county court, in, **8,** 515
form of, **11,** 54
lien on moneys paid for, **11,** 55
payment out of, **11,** 55
practice in reference to, **11,** 53, 54
service of receipt, **11,** 55
county court, in, **8,** 513—517
action by or against infants, in, **8,** 515
costs in regard to, **8,** 515
security for, **8,** 515
deposit payable on, **8,** 515
form of order, **8,** 515
interpleader proceedings, in, **17,** 638
non-compliance with order for, **8,** 515

DISCOVERY OF DOCUMENTS—*contd.*
criminal proceedings, cannot be obtained in, **9,** 387; **11,** 40, 41
Crown, by and against, **11,** 39, 40, 41, 48
revenue proceedings, in, **10,** 22—25
custody of court, in, **11,** 48
damages, postponement when only bearing on question of, **11,** 52
defamation action, in, **11,** 51; **18,** 665
default in, effect of, **7,** 302; **8,** 515; **11,** 56; **18,** 188
defence, before, when granted, **11,** 50
defendant should not be joined solely for purpose of, **11,** 46
designs, in actions concerning, **11,** 40
disclosure in particular cases, **11,** 65, 66
discretion in granting, **11,** 51, 53, 58, 59, 68 n., 73 n.
lunacy matters, in, **11,** 49
particulars, before, **11,** 51
security for costs, as to, **11,** 53, 54
trade secrets, in case of, **11,** 43, 105
Divorce Division, in, **16,** 526—528
election petition proceedings, not ordered in, **12,** 430, 511
equitable jurisdiction as to, **11,** 38, 39; **13,** 14, 42, 43—44, 65, 78
existence of documents, refusal to disclose, **11,** 64, 65, 71
fiduciary relationship, granted before particulars in case of, **11,** 51
privilege in case of, **11,** 81
firm, in action against, **11,** 44 n.; **22,** 44, 45, 46
fishing discovery not allowed, **11,** 50
foreign
immovables, relating to, not ordered, **6,** 200
proceedings, in aid of, **11,** 39
sovereign or state, against, **11,** 48
forfeiture, not allowed in action for, **11,** 41
friendly society, registrar of, may order, **15,** 184
husband and wife, by, as co-plaintiffs, **16,** 454
immovable, foreign, relating to, not ordered, **6,** 200
incriminating, when ground for refusing, **11,** 41, 82—84
industrial or provident society, registrar of, may order, **17,** 29
infant, in action by and against, **11,** 48, 49; **16,** 526; **17,** 137
inferior court, in aid of proceedings in, **11,** 39
inspection in relation to. *See* INSPECTION OF DOCUMENTS.
inspection of documents distinguished from, **11,** 59 n.
interpleader proceedings, in, **17,** 612
county court, in, **17,** 638
issue determined, after, **11,** 52
Judicature Acts, effect of, upon, **11,** 38, 39
jurisdiction, against person out of, **11,** 45, 46
King's Proctor, in respect of, **16,** 526
land
abroad, in respect of, **11,** 39
in action for recovery of, **11,** 40, 65
law, matters of, not subject of, **11,** 36 n.
libel action, in, **11,** 51; **18,** 665
limits of, **11,** 45, 51, 58
liquidator, by or against, **11,** 47
lunatic, in case of, **11,** 48; **19,** 466
mandamus, by writ of, **8,** 324; **10,** 81; **11,** 39
marine insurance action, in, **11,** 65, 66; **17,** 503
master's powers in relation to, **11,** 59

DISCOVERY OF DOCUMENTS—*contd.*
matrimonial causes, in, **11,** 41, 42; **16,** 526
matter in question, meaning of, **11,** 58 n.
Mayor's Court, London, in, **20,** 289, 293
mortgagor's right to, in redemption action, **11,** 52, 98, 99; **21,** 153
nature of, **11,** 58, 59
newspaper libel action, in, **18,** 665
nominal plaintiff, against, **11,** 45
non-compliance with order for, effect of, **11,** 56—58
non-party, against, **11,** 45
order for, affidavit in answer to, **11,** 59—64, 70
indorsement upon, **11,** 57
non-compliance with, effect of, **11,** 56—58
service of, **11,** 57
attachment after, **7,** 312
particulars, before, **11,** 50, 51
partners, in case of, **11,** 44 n.; **22,** 45, 46
party, against person not a, **11,** 45
patent action, ordinary rules apply in, **11,** 40, 43; **22,** 220, 221
penal action, not granted in, **11,** 40, 41
petition of right, in, **10,** 33, 34; **11,** 40, 41
postponement of, till preliminary issue determined, **11,** 52, 53
practice as to, **11,** 37, 59
principal, against, in action by agent, **1,** 227; **11,** 45
privilege in relation to. *See* PRIVILEGE OF DOCUMENTS; PRODUCTION OF DOCUMENTS FOR INSPECTION.
Prize Court, in, **23,** 289
probate action, in, **11,** 42
proceedings in which ordered, **11,** 39—44
production in relation to. *See* PRODUCTION OF DOCUMENTS FOR INSPECTION.
public policy, when against, **11,** 84, 85
railway and canal commission may order, **23,** 758
recovery of land, in action for, **11,** 40, 65
redemption action, in, **21,** 153
reserved, when, **11,** 52
resisting, grounds for, **11,** 64, 65
revenue matters, in, **11,** 46
secret trade process, of, **11,** 43, 105
servant, character of, in regard to, **11,** 84
service of order for, **11,** 57
sheriff, in action by or against, **11,** 50; **25,** 826 n.
ship's papers, of, in insurance action, **11,** 54, 65, 66; **17,** 503
specific documents, in case of, **11,** 63
stage of proceedings, at any, **13,** 582 n.
state official, in possession of, **11,** 84, 85
statement of claim, rarely ordered before, **11,** 50
stay of proceedings pending, marine insurance, in actions on, **11,** 66
third party proceedings, in, **11,** 40
time for, **11,** 50, 53
title deeds, of, boundary disputes, in, **3,** 150; **20,** 540
trade mark action, in, **11,** 39, 40, 43
trade secret, of, **11,** 43, 105
waiver of, payment out of money paid for security of costs not allowed on, **11,** 55
working out order or judgment, for purpose of, **11,** 53
Workmen's Compensation Act, under, judge cannot order after award, **20,** 213

DISCRETION,
defined, **27,** 176 n.
administrator's bond, discretion of court as to sureties to, **14,** 208
agent's duty to exercise, **1,** 163, 183
bail, as to grant of, **9,** 323, 324
bankruptcy court, of, in ordering discharge, **2,** 246, 262
appeal from refusal to exercise, **2,** 263, 305
building contract, in, discretion of employer as to matters of taste, **3,** 206
company directors, of, calls, to make, **5,** 165, 166
reserve fund, to form, **5,** 276
counsel, to hear, arbitrators, of, **2,** 376
Charity Commissioners, of, **2,** 376
Friendly Societies Act, 1855, under, **2,** 376
inferior courts having, **2,** 374
metropolitan gas examiner, of, **2,** 376
distress, distrainor to use honest, **11,** 198
warrant for rates and taxes, as to inclusion of costs in, **11,** 215
excise licence, grant of, not subject of, **18,** 62
gift by will, subject to discretion of named person, effect of, **28,** 779
judicial, compromise in excess of counsel's authority, to set aside, **2,** 399
costs, as to, **23,** 178—180
county court, in, **8,** 578—583
discovery, in granting. *See* DISCOVERY OF DOCUMENTS.
injunction or damages, in granting, **11,** 333 n.; **17,** 212—215
protection afforded in exercise of, **23,** 323—334
punishment of crime, as to, **9,** 425
licensing justices, of, absolute, **18,** 62, 63
limited, **18,** 63, 64
mandamus not issued to interfere with exercise of, **10,** 117
bishop, in case of, **10,** 96, 97
county court judge or officer, in case of, **8,** 614, 615
election commissioners, in case of grant of certificate by, **12,** 467
General Medical Council, in case of, **20,** 320, 321
justice of the peace, in case of, **9,** 293, 294; **10,** 95; **19,** 657, 658
quasi-judicial, protection of, **23,** 335, 336
statutory, erroneous exercise of, liability for, **27,** 176
negligence, as defence to, **21,** 466, 467
protection of magistrate exercising, **23,** 334
taxing master, of, as to solicitor's fees, **26,** 806, 807
trustee, of, administration by the court, exercise during, of, **28,** 156
beneficiary, designation of, as to, **28,** 19
charitable gift, in case of, **4,** 146, 147, 150, 274; **28,** 26, 27
extent of, **28,** 138
mode of benefit, as to, **28,** 19
new trustee, devolution on, of, **28,** 154
object of trust, as to, **28,** 19
personal property, in dealing with, **28,** 30, 31
power, exercise of, as to, **28,** 139
in nature of trust, in case of, **28,** 17

DISCRETION—*continued.*
trustee—*continued.*
reversionary property, in dealing with, **28,** 30, 31
trust fund paid into court, none in respect of, **28,** 156
validity of trust the subject of, **4,** 146, 147, 150; **28,** 26, 27
vesting of legacy as affected by, **28,** 817, 818
wasting property, as to, **28,** 20, 31, 32

DISCUSSION,
shareholder's right of, at statutory meeting, **5,** 159

DISEASE,
accident insurance policy, exclusion of natural disease from, **17,** 567—569
animal, of. *See* DISEASE OF ANIMALS.
contagious. *See* DISEASE OF ANIMALS; INFECTIOUS DISEASE.
defamation by imputation of, **18,** 608, 621 n., 624 n., 640
emigrant suffering from, prohibition of embarkation of, **26,** 342, 343
immigrant suffering from, an undesirable immigrant, **1,** 305
industrial, within Workmen's Compensation Act, **20,** 164—168. *See* INDUSTRIAL DISEASE.
infectious. *See* INFECTIOUS DISEASE.
lunatic's evidence as affected by nature of mental, **19,** 408, 409
maritime loss caused by apprehension of, **17,** 442, 443 n.
National Health Insurance benefit in respect of, **28,** 920—923, 925, 928
notification of, **20,** 338 n.; **23,** 446 n.
dangerous and unhealthy industries, in, **14,** 476
venereal, cruelty by communication of, **16,** 475
defamation by imputation of, **18,** 608, 621 n., 640
trespass by communication of, **27,** 872 n.
Workmen's Compensation Act, as an accident under, **20,** 162, 163, 164—168

DISEASE OF ANIMALS, 1, 419—434
anthrax, milk of cow suffering from, regulation as to, **1,** 434
report to medical officer of health as to, **1,** 422
burial of carcases, Board of Agriculture and Fisheries, by order of, **1,** 428
local authority, by, **1,** 428
washed ashore, **1,** 431
carriage of animals, provisions as to, **1,** 423, 433
cattle plague, regulations as to, **1,** 425, 427, 428
common informer may prosecute for offences in respect of, **1,** 433
commoner's right to turn out diseased stock on waste, **4,** 522
compensation for slaughtered animal, **1,** 427—429
cows and dairies, provisions as to, **1,** 433, 434; **15,** 63, 64; **23,** 459—464
dipping tanks, provision of, by local authority, **1,** 430
Diseases of Animals Acts, administration of, **1,** 298, 421—434
animals included in provisions of, **1,** 421
appeal to quarter sessions under, **1,** 432
arrest for offence under, **9,** 304 n.
Board of Agriculture, powers of, under, **1,** 298, 421, 430; **4,** 39; **20,** 12, 13, 32

DISEASE OF ANIMALS—*continued.*
Diseases of Animals Acts—*continued.*
diseases included in, **1,** 421
expenses of local authority under, **1,** 430; **19,** 356, 357
markets under, **20,** 12, 13, 32, 42
disinfection in case of, **1,** 423
disposal of carcases, **1,** 428
enforcement of provisions as to, **1,** 431, 432
foot and mouth disease, powers with regard to, **1,** 422, 424, 425
glanders, regulations as to, **1,** 428
importation, provisions for regulating, **1,** 424
infected places, provisions as to, **1,** 421, 425—427
inspectors of
Board of Agriculture, powers of, **1,** 425 n., 432
local authority, appointment and duties of, **1,** 422, 425 n., 432
isolation of diseased animal, **1,** 421—423, 426
local authorities'
duties and powers in respect of, **1,** 402, 422, 425—427, 429—432; **19,** 356; **20,** 42
default in exercise of, **1,** 430
delegation or transfer of, **1,** 431
expenses in respect of, **1,** 430, 431; **19,** 356, 357
mad dogs, regulations as to, **1,** 399, 400, 402
movement of animals, prohibition of, **1,** 423, 426, 427
nuisance in respect of, **1,** 420; **16,** 158; **21,** 513
offences in relation to, **1,** 432, 433; **28,** 452
owner's liability in case of damage through, common law, at, **1,** 419, 420; **21,** 407, 513
statute, by, **1,** 421—434
pleuro-pneumonia, cattle affected with, regulations in regard to, **1,** 422, 425
police, powers of, in respect of, **1,** 431
pollution of river etc. by diseased carcase, penalty for, **28,** 452
quarantine in respect of, **1,** 427
railway company's liability in respect of carriage of, **1,** 423, 433
sale of diseased animal, liability for, **1,** 420
seizure of suspected animals, **1,** 423
sheep-pox, slaughter of sheep affected with, **1,** 428
sheep-scab, orders relating to, **1,** 424
slaughter of animal, provisions for, **1,** 298, 402, 421, 427—429
swine fever, regulations as to, **1,** 421, 422, 428
wharves and sheds, provision of, by local authority, **1,** 430; **6,** 171; **20,** 42

DISEMBARKATION,
alien immigrant, of, **1,** 320—322
conditional, custody of aliens during, **1,** 325
security from master for, **1,** 322, 323
when allowed, **1,** 321, 322
emigrant, of,
medical grounds, on, **26,** 343
passage money, recovery of, in case of, **26,** 343
subsistence money on, **26,** 343
steerage passenger, of, master's liability for unlawful, **26,** 347

DISENTAILING ASSURANCE. *See* DISENTAILMENT.
after-acquired property, covenant to settle, does not compel execution of, **24,** 255 n.; **25,** 549
alien, by, **24,** 256

DISENTAILING ASSURANCE—*contd.*
bankrupt, by trustee of, **2,** 122 n.; **24,** 256
contract to execute, not enforceable, **24,** 255; **27,** 8 n.
conversion in equity, when necessary for, **13,** 114
convict's power to execute, **8,** 73; **24,** 256; **25,** 309 n.
copyholds, of, **8,** 15, 71, 72; **10,** 365
declaration of trust is not a, **28,** 12
deed required for, **10,** 365, 366; **24,** 255
defective, not made good in equity, **24,** 258
effect of, **24,** 258—260
estate tail, estates limited after, on, **24,** 258
limited purpose, in case of disposition for, **24,** 259, 260
tenant in tail, on interest of, **24,** 259
enrolment of, bargain and sale, when effected by, **24,** 257 n.
copyholds, of, **8,** 72; **24,** 256, 257; **25,** 441
freeholds, of, **24,** 256, 257; **25,** 440, 441
certificate in case of, **24,** 256 n.
executory devise barred by, **24,** 235
fraudulent against creditors, impeachment of, **15,** 80
infant, by, **17,** 104; **24,** 256
void under Infants' Settlement Act, when, **17,** 104; **24,** 250, 256
limitation of time in regard to, **19,** 136
lunatic, on behalf of, **19,** 448, 449; **24,** 256
married woman, by, **16,** 365, 378; **24,** 255, 256
mortgage by tenant in tail operating as, **21,** 98, 99; **24,** 259, 260
partition, in case of, **21,** 813 n.
protector of settlement, consent of, to, **24,** 250—254, 257, 258. *See* PROTECTOR OF THE SETTLEMENT.
rectification of error in, **24,** 258
resettlement, preceding, **25,** 690, 691
restraint on anticipation does not prevent execution of, **16,** 365
sale of land, search on, for, **25,** 357, 362
shifting clauses in settlement, effect on, **25,** 699
specific performance of contract to execute, not granted, **24,** 255; **27,** 8 n.
when granted, **21,** 99; **24,** 255 n., 258; **27,** 7 n.
who may execute, **24,** 250, 255, 256

DISENTAILMENT. *See* DISENTAILING ASSURANCE.
alien, by, **24,** 256
base fee, by enlargement of, **24,** 262—264. *See* BASE FEE.
Church Building Acts, by conveyance under, **3,** 438
complete and partial, distinguished, **24,** 249
convict, by, **8,** 73; **23,** 262 n.; **24,** 256; **25,** 309
copyholds, of, **8,** 15, 71, 72; **10,** 365
presumption as to, after estate tail lying dormant, **8,** 73
De Donis, Statute of, prohibited, **24,** 247
declaration of trust does not effect, **28,** 12
disentailing assurance, by. *See* DISENTAILING ASSURANCE.
effect of, **24,** 258—260
death duties, on, **13,** 198 n.
estate *pur autre vie*, creating, effect of, **24,** 260
estates tail which cannot be subject of, **24,** 260, 261
executory devise defeated by, **24,** 235
Fines and Recoveries Act, 1833, prior to, **24,** 247
fines, by, **24,** 248, 249
recoveries, by, **24,** 247, 248

DISENTAILMENT—*continued.*
mode of, **24,** 255, 256
Fines and Recoveries Act, 1833, prior to, **24,** 247—249
protector of settlement, consent of, to, **24,** 250—254, 257, 258
statutory power of, **24,** 249—258

DISESTABLISHMENT,
Church in colonies, of, **11,** 484 n., 491 n., 492 n.
Church of Ireland, of, **11,** 361 n., 373

DISFRANCHISEMENT,
constituency, of, **12,** 138, 470 n.
corporation, of member of, **8,** 324, 325
defined, **8,** 324
causes of, **8,** 325
member's right to be heard before, **8,** 324
quo warranto proceedings for, limitation of time for, **8,** 325
restoration after, **8,** 325
electoral, borough or district, of, **12,** 138, 470 n.
individuals, of, **12,** 141, 471, 485, 524
list of disfranchised persons, publication of, **12,** 196
market or fair, of, **20,** 52
voter, of, **12,** 141, 196, 471, 485, 524

DISGAVELLING,
lands in gavelkind, of, **24,** 153, 154

DISGRACE,
damages for, measure of, **10,** 323

DISHONESTY. *See also* CHEAT; EMBEZZLEMENT; FALSE PRETENCES; FRAUD; LARCENY; STEALING.
corporation is under no duty to take special precaution against, **13,** 399
defamation by imputation of, **18,** 620
servant, criminal liability of, for, **9,** 644, 650—655; **20,** 127, 128. *See* EMBEZZLEMENT; LARCENY.
dismissal of, for, **20,** 99

DISHONOUR OF BILL OF EXCHANGE,
abroad, measure of damages for, **2,** 525
acceptance after, **2,** 486
cheque, action in regard to dishonour of, **1,** 608; **2,** 518; **19,** 45
drawn by one customer of bank, paid in by another, in case of, **1,** 591
notice to be given in case of, **1,** 591
payment by dishonoured, is not payment, **25,** 133 n.
request to re-present, effect of, **1,** 602
wrongful, liability for, **1,** 608; **2,** 516
damages in case of, **2,** 523—526
parties entitled to, **2,** 523, 524
holder's rights on, **2,** 508; **26,** 307 n.
liability in case of, **2,** 562; **26,** 307 n.
limitation of action in respect of, **19,** 45
negotiation after, **2,** 507, 508
non-acceptance, by, **2,** 528, 529
non-payment, by, **2,** 535
notice of, **1,** 175; **2,** 529, 542—549
acceptor, to, unnecessary, **2,** 544
accommodation bill, in case of, **2,** 549

DISHONOUR OF BILL OF EXCHANGE—*continued.*
notice of—*continued.*
agent, by, **1,** 175; **2,** 542, 543
to, **2,** 545, 547
banker, by, to customer, **1,** 591, 598, 618
bankruptcy, in case of, **2,** 545
delay in, **2,** 547
discharge of parties by want of, **2,** 529, 542, 544, 554
drawer, to, when unnecessary, **2,** 548
form of, **2,** 543, 544
guarantor, in case of, **2,** 544; **15,** 487, 488, 488 n.
how given, **2,** 543
indorser, by, when unnecessary, **2,** 548, 549
Jew excused from giving, holiday, on, **11,** 828
joint liability, in case of, **2,** 545
misdescription in, effect of, **2,** 544
mode of, **2,** 543
necessity for, **2,** 529, 542, 544; **15,** 488
non-acceptance, in case of, **2,** 542
non-parties, to, **2,** 544
non-payment, in case of, **2,** 542
partners, to, **2,** 545
personal representative, to, **2,** 545
persons by and for whom given, **2,** 542—545
post, by, **2,** 543
rules as to, **2,** 542
special messenger, by, **2,** 543
time for, **2,** 546, 547
waiver of, **2,** 479, 547, 548
when not required, **2,** 529, 544, 547—549
protest in case of, **2,** 465, 535. *See* PROTEST.
Stock Exchange loan, securities returned against dishonoured cheque, in case of, effect of, **27,** 232

DISHORNING CATTLE,
Cruelty to Animals Act, within meaning of, **1,** 410

DISINFECTION,
animals, in relation to infected, **1,** 423, 424, 426
articles, infected, of, **1,** 426; **23,** 456
canal boat, of, **23,** 505
clothing etc., of, **1,** 426; **23,** 456—459
house, of, **23,** 456—459
temporary accommodation during, **23,** 459
library books, of, after use by infected person, **23,** 451
vehicle, of infected, **23,** 452

DISINTERMENT OF BODY,
cemetery, from, **3,** 518
coroner's order for, **3,** 555, 567; **8,** 263
cremation, for purpose of, **3,** 573
dissection, for purpose of, **3,** 553; **9,** 552, 553
faculty for, **3,** 553—555; **11,** 542
identification, for purpose of, **3,** 554
licence for, **3,** 553, 555, 573
misdemeanour, when a, **3,** 553; **9,** 552

DISMISSAL. *See* AMOTION; DISCHARGE; REMOVAL.
action, of, counterclaim, effect on, **25,** 516
defamation, for, as frivolous, **18,** 677
final judgment is, **18,** 182, 183
finality of, **18,** 182, 183
security for costs, on failure to give, **23,** 153
want of prosecution, for, **18,** 188
discovery, failure to give, **11,** 56, 57; **18,** 188

DISMISSAL—*continued.*
action—*continued.*
want of prosecution—*continued.*
Divorce Division, in, **16,** 539
month's notice not necessary, **23,** 160 n.
no bar to fresh action, **13,** 327 n.
optional, when, **11,** 57
order for payment of costs on, is not a final judgment, **2,** 26
actor, of, inability to perform part, for, **27,** 411
agent, of, **1,** 191, 230
apprentice, of, **20,** 105, 106
architect, of, **3,** 222, 294, 295, 305
articled clerk, of, **26,** 715, 716
bankruptcy petition, of, **2,** 52—54, 56, 59, 60
abuse of process, for, **2,** 46, 56, 59, 60
appeal from, **2,** 302
assets, want of, for, **2,** 58
foreign bankruptcy proceedings pending, where, **2,** 59
guarantee for payment, in case of, **2,** 59
legal proceedings pending, when, **2,** 59
majority of creditors being in Scotland or Ireland, **2,** 59
oppressive proceedings, **2,** 58
previous bankruptcy in existence, **2,** 58
certifier under building contract, of, **3,** 222, 294
contractor, of, architect, by, **3,** 290
corporate officer, of. *See* AMOTION.
Crown servant, of, **7,** 22; **20,** 98
information for indictable offence, of, **19,** 586
military officer, of, action not maintainable for, **25,** 38 n.
Ministry, of, **7,** 41
Navy, from, **25,** 16, 17
schoolmaster or teacher, of, **12,** 37, 38, 106, 125, 126
servant, of, company, of, receiver, on appointment of, **5,** 243, 381, 509
voluntary winding up, by, **5,** 578
winding up by, **5,** 420, 509; **20,** 95
contempt of court, as, **7,** 291
custom, a question of fact, **20,** 97 n.
menial, where, **10,** 288, 289; **20,** 97
grounds for, **20,** 98—102
notice, without, **20,** 98—102
conduct incompatible with duty, **20,** 101
dishonesty, for, **20,** 99
disobedience, for, **20,** 98, 99
immorality, for, **20,** 99
incompetency, for, **20,** 100
right of set-off in lieu, **25,** 501
surety's rights in respect of, **15,** 559
wages due on, **20,** 85, 108
wrongful. *See* WRONGFUL DISMISSAL.
workman, of, workmen's compensation, as affecting, **20,** 231

DISOBEDIENCE,
apprentice, of, master's remedy for, **20,** 105, 106
county court judge, of, writ of *certiorari*, to, **8,** 611; **10,** 202
ecclesiastical court, to order of, **11,** 533, 537
faculty, to, **11,** 548
nuisance, order to abate, to, **21,** 572
order of court, to, contempt of court, as, **7,** 297—305, 311—313; **8,** 433, 577; **9,** 501, 502; **27,** 3. *See* CONTEMPT OF COURT.
injunction, in case of, **17,** 272, 273
overseers, by, Local Government Board rules, to, when indictable, **19,** 587

DISOBEDIENCE—*continued.*
seaman, of, punishment for, **9,** 558; **26,** 60, 61
servant, of, dismissal for, **20,** 98, 99
workman, of, accident, through, **20,** 174 n., 175 n., 178 n.

DISORDERLY CONDUCT. *See also* BRAWLING; DISTURBANCE; RIOT.
brothel, not essential to charge of keeping, **9,** 542
burial, at, **3,** 422, 426, 427, 523; **9,** 479; **11,** 369, 664, 817
cemetery, in, **3,** 523
church, in, **9,** 477—479; **11,** 469, 663, 664; **27,** 876
churchyard, in, **3,** 422, 423, 426; **9,** 479; **11,** 369, 663
House of Commons, in, **21,** 680, 681
police powers as to, **22,** 502, 503
prostitute, by, **22,** 609; **27,** 284, 287
street, in, **27,** 284, 287, 289

DISORDERLY HOUSE,
defined, **9,** 541, 542; **18,** 136
brothel as, **9,** 542, 543; **18,** 138
licensed premises as, **18,** 136—138
penalties for keeping, **9,** 541—545; **18,** 136—138; **21,** 541; **27,** 422, 423
police, powers of, as to, **22,** 502
public nuisance, as, **21,** 541
refreshment house as, **18,** 137, 138
specific performance not granted of sale of, **27,** 41, 51 n.
Sunday Observance Act, under, **9,** 544, 545; **27,** 422, 424
unlicensed place of entertainment as, **9,** 543—545; **27,** 415, 422, 423
woman, detention of, in, offence of, **9,** 543

DISORDERLY PERSON. *See* DISORDERLY CONDUCT; ROGUE AND VAGABOND; VAGRANCY LAWS.
defined, **22,** 607—609
pauper as, **22,** 608, 609
previous conviction as, effect, **22,** 610
prostitute as, **22,** 609; **27,** 284, 287
punishment of, **22,** 609, 610
violently resisting apprehension, effect of, **22,** 610

DISPATCH MONEY,
provision in charterparty for payment of, **26,** 128, 129

DISPATCHES,
neutral ship carrying, is liable to capture, **23,** 282

DISPENSARIES,
poor law, provision of, in London, **22,** 557

DISPENSATION,
Acts of Uniformity, with forms of public worship prescribed by, **11,** 406
Crown, by, with laws or execution of laws, **6,** 379
plurality of benefices, in case of, **11,** 604, 605

DISPENSING CHEMIST OR DRUGGIST,
use of name of, when illegal, **20,** 355

DISPOSSESSION,
goods, of, justification for, **22,** 397
land, of, *defined,* **19,** 110, 111

DISPOSSESSION—*continued.*
land—*continued.*
discontinuance of possession distinguished from, **19,** 110
limitation of actions, in relation to, **19,** 110—114, 155—159
receipt of rent by agent for true owner, effect of subsequent ratification as to, **19,** 115
seizure *quousque* as, **19,** 113
subsoil, from, effect of, **19,** 112, 113
time begins to run from date of, **19,** 110
title acquired by, nature and effect of, **19,** 155—157
title extinguished by, **19,** 155—159
wrongful, rights on, **19,** 128; **24,** 328
personalty, from, wrongful, **22,** 397
writ of possession, before or after, **14,** 78

DISPUTE,
building society, in case of, **3,** 332, 380—388
defined, **3,** 387, 388
arbitration clause as affecting, **3,** 285, 286
arbitration on, **1,** 492; **3,** 381—385, 387, 388
county court jurisdiction in respect of, **3,** 385; **8,** 638, 639
High Court jurisdiction in respect of, **3,** 381, 383, 387
justices' jurisdiction in respect of, **3,** 382, 383, 385, 386
Registrar's jurisdiction in respect of, **3,** 386, 387
settlement of, **3,** 332, 380—388
rules must provide for, **3,** 332, 381
charity, between members of, arbitration in case of, **4,** 310
church, in reference to, **11,** 365
collecting society, in case of, **15,** 178, 182
compensation, compulsory purchase, on, as to, costs in relation to, **6,** 84
jury summoned to settle, **6,** 86
Crown lands, as to, **7,** 144, 155, 175, 247
employer and workmen, between,
conciliation board in case of, **27,** 516—518
county court jurisdiction in case of, **8,** 646, 647; **20,** 102, 103, 115
criminal prosecution in case of, **9,** 563, 564
summary jurisdiction in case of, **19,** 591 n., 592 n.; **20,** 103, 115—117
friendly society, in case of, **15,** 175—184
defined, **15,** 176, 177
administrator of deceased member, with, **15,** 177
arbitration on, **15,** 179, 180
costs of, **15,** 179, 184
county court jurisdiction in respect of, **8,** 651—653; **15,** 178, 180, 181
decision of arbitration committee in, effect of, **15,** 178
High Court jurisdiction in respect of, **8,** 652; **15,** 178—181, 183
jurisdiction of ordinary tribunals in, **15,** 177
justices' jurisdiction in respect of, **15,** 176, 178, 182, 183
Registrar's jurisdiction in respect of, **15,** 130, 176, 183, 184
rules, provision in, as to, **15,** 175, 176
secession of branch, as to, **15,** 181
settlement of, **15,** 123 n., 138, 139, 157, 171, 175—184
jurisdiction by consent in, **15,** 181
Territorial Force, with member of, **15,** 182
workmen's compensation, as to, **15,** 177, 178

DISPUTE—*continued.*
gas supply, as to, **15,** 343, 350, 351
gas works, as to, **1,** 492; **15,** 321
Hay and Straw Act, under, **28,** 492
industrial, etc., society, in case of, **17,** 28, 29
defined, **8,** 658 n.
claim against officer, in, **17,** 25 n.
county court jurisdiction in respect of, **8,** 658, 659; **17,** 28, 29
High Court jurisdiction in respect of, **17,** 29
justices' jurisdiction in respect of, **17,** 28, 29
money of deceased member, rival claims to, as to, **17,** 18
Registrar's jurisdiction in respect of, **17,** 29
rules, provision in, as to, **17,** 28
land tax, as to, **18,** 317
light railway order, as to, **1,** 492; **27,** 831, 832
National Insurance Act, under, **28,** 899, 901—904, 996—998
peerage claim, as to, **6,** 456
poor law removal etc., as to, **22,** 525, 606
racing, as to, **15,** 274 n.
railway, arbitration in case of, **1,** 492; **23,** 700, 709, 716—719, 739, 740, 775
railway rates and charges, as to, **4,** 83, 84; **23,** 746, 747
seaman's wages, as to, **26,** 48
small holdings, acquisition of land for, compensation, as to, **26,** 681, 685
Telegraph Acts, under. *See* DIFFERENCES.
Tramways Act, 1870, under, **1,** 492; **27,** 795
trustee savings bank, in case of, **1,** 578
water supply, as to, **28,** 261, 349
waterworks, as to, **1,** 492; **28,** 257, 281, 282
wreck, in relation to, **26,** 549, 553, 554

DISQUALIFICATION. *See* INCAPACITY.
alderman, in case of, **2,** 88; **19,** 307—309; **20,** 424. *See* ALDERMAN.
alien, of, **1,** 308
arbitrator, of, **3,** 286—288; **13,** 353 n.
bankruptcy, by, **2,** 4, 88—90, 116, 269, 310, 363, 365
select vestry, for, **11,** 459
Territorial Force Association, for, **25,** 85
barrister, disbarring, by, **2,** 361, 362; **12,** 485, 525
from call to the bar, **2,** 363, 365
benefice, from holding, **9,** 428, 429, 430 n.; **11,** 522, 523, 537. *See* DEPRIVATION.
borough
constable, of, **22,** 489
councillor, in case of, **2,** 88; **16,** 113; **17,** 47; **19,** 303—308. *See* BOROUGH COUNCILLOR.
certifier under building contract, of, **3,** 218—220
clergyman, of, from trading, **11,** 522, 537, 557, 621; **22,** 19
convict, of, **9,** 428—432
corrupt practices, by conviction of, **12,** 483—486, 524, 525; **19,** 266, 551; **26,** 849
district councillor, in case of, **19,** 264—266
excise licence, in respect of, **18,** 54, 55, 57, 58, 114, 116. *See* EXCISE LICENCE.
felony, by conviction of, **9,** 428, 430 n.; **11,** 523; **18,** 56, 114; **19,** 551; **20,** 320, 324; **26,** 849
offenders under sixteen, not applicable to, **9,** 428 n.
whether removed after undergoing sentence, licensee, in case of, **9,** 431 n.
grand juror, of, for service on petty jury, **18,** 243

DISQUALIFICATION—*continued.*
guardians, for board of, **2,** 89; **22,** 532, 533
House of Commons, for membership of, **21,** 655—661
House of Lords, for membership of, **21,** 621—628; **22,** 270. *See* HOUSE OF LORDS.
Inns of Court, for admission to, **2,** 363
jury, from serving on, **18,** 230
justices, in case of, **2,** 88; **19,** 550—556; **27,** 638. *See* JUSTICES.
justices' clerk, of, **19,** 612
justices' licence, in respect of, **18,** 56, 57, 59—62. *See* JUSTICES' LICENCE.
licensing, in relation to, **9,** 430 n. 431 n.; **18,** 53—62, 114, 116
licensing justice, from acting as, **18,** 51, 53, 54
licensing justices' clerk, of, **18,** 54
magistrate, in case of, **19,** 550—556. *See* JUSTICES.
mayor, in case of, **19,** 307, 310
medical practitioner, of, effect of conviction, **9,** 430 n.; **20,** 320, 321, 324
removal from register does not operate as, **20,** 321
misdemeanour, by conviction of, benefice, from holding, **11,** 523
doctor, from practising as, **20,** 320, 324
solicitor, from practising as, **26,** 849
municipal candidate, of, **12,** 524, 525
official receiver, of, **2,** 99
Parliament, for membership of, **21,** 621—628, 655—661, 789, 790; **22,** 270. *See* HOUSE OF COMMONS; HOUSE OF LORDS.
parliamentary candidate, of, **12,** 483—486
public office, from holding, **9,** 428; **12,** 519, 528, 529; **19,** 266
solicitor, from practising as, **9,** 430 n.; **26,** 848—855. *See* STRIKING OFF THE ROLLS.
of, official receiver or registrar, as, from acting in bankruptcy, **26,** 728 n.
unemployment benefit, from right to, **28,** 893

DISSECTION. *See also* ANATOMY; POST-MORTEM EXAMINATION.
body, of, allowed, when, **20,** 341, 342
burial of remains after, **20,** 342
disinterment for purpose of, **9,** 552, 553
licence for purpose of, **20,** 340, 341
personal representative's permission for, **9,** 552 n.; **14,** 240; **20,** 341, 342
workhouse master's permission for, **20,** 341, 342
railway rates, of, **4,** 86 n.; **23,** 641—643, 737 n.

DISSEISIN. *See also* DISPOSSESSION.
assize of novel, **24,** 146 n.
cestui que trust, as against, **13,** 89 n.
easement of light, in case of, **11,** 308
joint tenancy may arise from, **24,** 199—201
restrictive covenant, in case of, **13,** 89 n.
trust, effect as regards, **13,** 89 n.

DISSENTER. *See* CHAPEL; CHARITY; NONCONFORMIST; NONCONFORMIST MINISTER.

DISSOLUTION,
approved society, of, **28,** 940, 971
benefices, of union of, **11,** 608
building society (incorporated), of, **3,** 392—397
accounts on, **3,** 390, 393
award of registrar, by, **3,** 394

DISSOLUTION—*continued.*
building society (incorporated)—*continued.*
cancellation or suspension of registry, by, **3,** 396, 397
instrument, by, **3,** 392, 393
rules, under the, **3,** 332, 393, 394
trustee, liability of, **3,** 393
winding-up under Companies Acts, by, **3,** 394—396. *See* WINDING-UP BY ORDER OF THE COURT.
building society (unincorporated), of, **3,** 397—400
Friendly Societies Act, under, **3,** 397
winding-up under Companies Acts, by, **3,** 398—400. *See* WINDING-UP BY ORDER OF THE COURT.
club, of, **4,** 437, 438
collecting society, of, **15,** 128
company, of, **5,** 390, 394, 567—569, 592, 593, 610
directors' liability, as affecting, **5,** 235
discovery after, **5,** 592; **11,** 46 n., 86 n.
effect of, **5,** 55, 235, 394, 567, 568, 593
promoters' liability, as affecting, **5,** 55
property, as affecting, **5,** 568; **8,** 401; **11,** 25, 28; **15,** 566; **22,** 190
striking off register, by, **5,** 609, 610; **11,** 25
voluntary winding up, in, **5,** 592, 593
winding up by court, in, **5,** 567—569
avoidance of, **5,** 569
effect of, **5,** 567, 568
order for, **5,** 567
winding up by court after, **5,** 394, 650, 651
corporation, of, **8,** 397—401
charter, created by, **8,** 397, 400, 401
effect of, **8,** 401
forfeiture, by, **8,** 397, 398
freeholds, as affecting, **8,** 373, 401; **11,** 25
insufficiency of members, in case of, **8,** 399, 400
integral part, by absence of, **8,** 399, 400
leaseholds, as affecting, **8,** 373; **11,** 28
legal proceedings, by, **8,** 400, 401
quo warranto, by, **8,** 400
revocation, by, **8,** 398, 399
scire facias, by, **8,** 400, 401
surrender, by, **8,** 397
district under New Parishes Acts, of, **11,** 450
friendly society, of, **15,** 139, 185, 197—204
award of registrar, by, **15,** 130, 201, 202
cancellation of registry, by, **15,** 203, 204
consent necessary to, when, **15,** 197
funds, disposal of, on, **15,** 198
instrument, by, **15,** 198—200
method of, **15,** 198, 199
suspension of registry, by, **15,** 203, 204
winding up by court, **15,** 202, 203
industrial and provident society, of, **17,** 34—38
instrument, by, **17,** 36, 37
London Gazette, notice in, of, **8,** 658; **17,** 36
property, as affecting, **17,** 37
setting aside, **17,** 37
winding up, by, **17,** 34, 35
injunction, of, **17,** 296—299
cesser of nuisance, in case of, **28,** 437
dismissal of action, by, **17,** 299
grounds for, **17,** 297, 298
motion for, **17,** 296, 297
summons for, **17,** 297
literary and scientific institution, of, **19,** 209, 210
county court jurisdiction as to, **8,** 665, 666
marriage, of, **16,** 462—600. *See* DIVORCE.
Ministry, of, **7,** 35, 47, 49—51

DISSOLUTION—*continued.*
monasteries, of, transfer of property on, **11,** 718 n., 801
Parliament, of, **6,** 390; **21,** 702
appeal to the House of Lords, as affecting, **21,** 647
election petition, as affecting, **12,** 422, 435, 436
partnership, of, **22,** 85—107. *See* DISSOLUTION OF PARTNERSHIP.
poor law union, of, **22,** 553—555
guardians' position on, **22,** 555
Local Government Board's power as to, **22,** 553, 554
transfer of property on, **22,** 555
railway company, of, **23,** 777—779
trade union, of, **27,** 634, 635
distribution of funds on, **27,** 614 n., 617, 618, 635
visiting committee, of union of, **19,** 485

DISSOLUTION OF PARTNERSHIP,
accounts in case of, **22,** 70—76. *See* ACCOUNTS.
action against partners after, **22,** 43
action for, **22,** 89, 90
arbitration clause as affecting, **22,** 90
costs in, **22,** 91, 93
loan society, in case of, **19,** 227
mining partnership, in case of, **20,** 513
parties to, **22,** 66—68
stay of, **22,** 90, 116, 117
adultery is not ground for, **22,** 92
agency, effect on, **1,** 232
apprenticeship, as affecting, **20,** 105
assets, distribution of, on, **14,** 221, 222; **22,** 63, 99—101. *See* DISTRIBUTION OF ASSETS.
assignment of share, by, **22,** 58, 59
fraud on creditors, as, **15,** 80; **22,** 59
authority of partners after, **22,** 97, 98
banking account, effect on, **1,** 604, 605
bankruptcy of partner, on, **22,** 87
bill given after, in payment of goods ordered before, **22,** 33
breach of agreement, in case of, **22,** 92, 93
causes
effecting, **22,** 86, 87
justifying, **22,** 87, 91, 92, 93, 94
Chancery Court jurisdiction as to, **13,** 38, 39; **22,** 88, 89
charging order on partner's share, in case of, **22,** 87
completion of enterprise, by, **22,** 24, 86
contract of service, as affecting, **20,** 94, 95, 113
county court jurisdiction as to, **8,** 445; **22,** 89
court, by the, **22,** 88—94
grounds for, **22,** 90—94
death of partner, on, **14,** 221, 222; **22,** 86, 87
disablement of partner, in case of, **22,** 92
distribution of assets on, **14,** 221, 222; **22,** 63, 99—101. *See* DISTRIBUTION OF ASSETS.
estoppel of retired partner as against creditors without notice, **13,** 391; **22,** 15, 38
expulsion of partner, on, **22,** 88
failure to make profit, in case of, **22,** 93
goodwill, disposal of, on, **22,** 104—107. *See* GOODWILL.
High Court jurisdiction as to, **9,** 60, 61; **22,** 88, 89
holding out after, liability of retired partner for, **13,** 391; **22,** 15, 38
illegal, by business becoming, **22,** 87
indefinite period, of partnership for, **22,** 24, 86
infant, in relation to, **17,** 53; **22,** 19, 20, 51
injunction in relation to, **22,** 80—84

DISSOLUTION OF PARTNERSHIP—*continued.*
insanity, in case of, **19,** 442, 443; **22,** 20, 90, 91
jurisdiction as to, **13,** 39; **22,** 88, 89
liability after, **22,** 37. *See* estoppel; holding out, *supra.*
limited partnership, of, **22,** 112, 121, 122
loan society, in case of, **19,** 227
London Gazette, notice in, of, **22,** 96, 97
losses, payment of, on, **22,** 103
lunacy judge's jurisdiction as to, **19,** 443; **22,** 89
mining partnership, of, **20,** 512, 513, 526; **22,** 78 n.
misconduct, in case of, **22,** 92, 93
mortgage, in case of, **21,** 95, 96
name of firm, use of, after, **22,** 83, 104, 105; **26,** 843
newspaper, in respect of, **23,** 220
notice of, partner, to, **22,** 85, 86
particular creditors, to, **22,** 96
public, to, **22,** 15, 38, 96, 97
Palatine Court jurisdiction as to, **9,** 121, 122; **22,** 89
pledging assets after, **22,** 27, 98
premium, return of, on, **22,** 94—96
profit, failure to make, in case of, **22,** 93
public notice of, **22,** 96, 97
retired partner, as affecting, **22,** 15, 38
receiver, appointment of, on, **22,** 77, 78; **24,** 340, 355, 356
sale by order of court on, **22,** 102, 103
service, contract of, as affecting, **20,** 94, 95, 113
service on separate individuals after notice of, **22,** 43
solicitors, between, **26,** 843
stamp duty on deed of, **24,** 732
stay of proceedings for, **22,** 90, 116, 117
trade mark, apportionment of, on, **27,** 719
unreasonable conduct, in case of, **22,** 93
will, of partnership at, **22,** 85
winding up on, **22,** 97—107

DISTANCE,
measurement of, **27,** 130, 560, 561; **28,** 463

DISTILLER,
accommodation for excise officer by, **18,** 151
account by, **18,** 151; **24,** 639
alteration of vessels etc. by, **18,** 147
bub, use of, by, **18,** 150
Building Act, 1894, as applied to, **20,** 475
dealer's licence, grant of, to, **18,** 153, 154
declaration at end of brewing period by, **18,** 150
entry of utensils etc. by, **18,** 148; **24,** 638
excise licence of, **18,** 10, 39; **24,** 637—639
gauging, attempt to defeat, by, **18,** 148
grogging by, **18,** 156; **24,** 639
hours of, **18,** 149
licence of, **18,** 10, 39; **24,** 637—639
penalty for distilling without, **18,** 146; **24,** 639
licensing justice, may not act as, **18,** 53
manufacturer's licence of, **18,** 10, 39; **24,** 637—639
notice by, alteration of vessels etc., as to, **18,** 147
brewing or mashing, before, **18,** 149
commencement of business, before, **18,** 149
obstruction of excise officer by, **18,** 156
removal of spirits by, **18,** 154, 155; **24,** 669
return by, **18,** 150

DISTILLER—*continued.*
sales from distillery by, **24,** 639
still, use of, by, **18,** 146, 147; **24,** 638 n.
store of, regulations as to spirits in, **18,** 151
sugar, use of, by, **18,** 148, 149
vessels, alteration of, by, **18,** 147
entry of, by, **18,** 148; **24,** 638
provision of, by, **18,** 147; **24,** 638
warehouse of, *defined*, **18,** 151 n.
accommodation for excise officer in, **18,** 151
blending etc. spirits in, **18,** 152
wort, use of, by, **18,** 148—150
yeast, use of, by, **18,** 150

DISTILLERY,
brewer, connection between premises of, and, **18,** 147
position of, **18,** 147; **24,** 637, 638
testing quantity of spirits in, **18,** 151

DISTINCTIVE MARKS,
convicted prisoner, on, **23,** 246
trade marks, as, **27,** 693, 695, 696

DISTRESS,
The title DISTRESS *is contained in Vol. XI., pp.* 115 *et seq.*
defined, **11,** 117
affiliation order, in respect of, **2,** 452
agreement, under, on produce of land, **11,** 179
aid under feudal tenure, for, **11,** 118 n.
anchor, on, **11,** 137 n.
assize, rent of, for, **11,** 120
corporation, by, **11,** 131
sale after, **11,** 180 n.
attornment clause in mortgage, under, **3,** 15; **18,** 336; **21,** 159
bill of sale, on goods comprised in, **3,** 54, 63, 69, 70; **11,** 145, 215
building society award enforceable by, **3,** 385
charging order for solicitor's costs as against landlord's right of, **2,** 292
chief rent, for, **11,** 120
corporation, by, **11,** 131
sale after, **11,** 180 n.
clergy, privileges of, **11,** 556
Commissioners of Sewers, for fine etc. imposed by, **25,** 787
committee. *See* DISTRESS COMMITTEE.
compulsory purchase of land, for costs of, **6,** 94, 102, 113, 114
contract, arising from, right of, **11,** 117, 118
corn rent, for, **11,** 119 n.
costs, for, **11,** 186 n., 220 n., 226, 227
damage feasant, **1,** 378—386. *See* DISTRESS DAMAGE FEASANT.
demolition order, charge for expenses under, enforcement by, **23,** 531
dock and harbour rates, for, **26,** 638, 639
easement, in case of, **11,** 238
excise duty, for, beer, on, **24,** 615
club, against, **24,** 617
spirits, on, **24,** 625
ferry not subject to, **11,** 122; **14,** 558
foreign ship, on, **1,** 329
gas rent or charge, in respect of, **15,** 339, 340, 374, 375
guaranteed debt, in respect of, **15,** 536 n., 562
heriot, for, **8,** 38, 40, 59; **11,** 118 n.
Highway Acts, for penalties under, **16,** 170, 171
light dues, for, **26,** 631

DISTRESS—*continued.*
loan society, by, **19,** 225
manorial fine, for, **8,** 27; **11,** 127
market toll, for, **20,** 37, 42
mining
lease, in case of, **3,** 15; **11,** 117 n.; **20,** 565
licence, in case of, **20,** 568, 570
National Health Insurance, insured person under, protection of, against, **28,** 954, 956, 957
origin of, **11,** 117
railway company, by or against, **23,** 647, 733, 736
rates and taxes, for, **11,** 210—221. *See* DISTRESS FOR RATES AND TAXES.
remedy by, nature of, **11,** 117—119
rent, for, **11,** 119—210. *See* DISTRESS FOR RENT.
rent seck, for, **11,** 120; **24,** 466
rent service, for, **11,** 118 n., 119; **24,** 285
rentcharge, for, **11,** 119—121; **24,** 466, 514, 515
charity trustees, by, **4,** 202
common law power of, **11,** 120; **24,** 466
compulsory purchase of land, in case of, **6,** 59; **24,** 477
corn, on, **1,** 254; **11,** 133
express power of, **11,** 118 n., 119; **24,** 286, 466, 514
bill of sale, as, **3,** 14; **11,** 119
growing crops, on, **1,** 254; **11,** 121; **24,** 517
statutory power of, **11,** 120; **24,** 286, 466, 514, 515
tenants in common, by, **11,** 120, 126 n.; **24,** 468 n., 515
revision court fines, for, **12,** 533
sewers rate, for, **24,** 111
sheriff, goods seized by, property in, **25,** 823
stallage, for, **20,** 39, 42
Summary Jurisdiction Acts, under, **11,** 221—227. *See* DISTRESS UNDER SUMMARY JURISDICTION ACTS.
taxes, for. *See* DISTRESS FOR RATES AND TAXES.
tithe rent-charge, for, **11,** 217, 218, 749
toll, for, **16,** 64

DISTRESS COMMITTEE,
extra-metropolitan, **28,** 884
franchise qualification, effect on, of assistance from, **28,** 884
London, City of, in, **20,** 428; **28,** 883 n.
Metropolis, in, **20,** 413, 428, 438; **28,** 879, 880
metropolitan borough, in, **20,** 438; **28,** 880, 883, 884

DISTRESS DAMAGE FEASANT,
defined, **1,** 378
action of trespass not maintainable during, **1,** 382; **15,** 228; **27,** 858 n.
alternative remedies to, **1,** 382
animal, trespass by, in case of, **1,** 378—386; **15,** 228; **27,** 857, 871 n.
cattle, in case of, **1,** 376, 379—381; **3,** 132; **11,** 118
chattels, in case of, **1,** 379
commoner, by, **1,** 379; **4,** 517 n., 521, 522
cows, in case of, **1,** 379, 382
damage essential to, **1,** 381
defences in case of, **1,** 380
dogs, in case of, **1,** 380, 395
game, injury to, in case of, **15,** 228
highway, on, **1,** 380, 381
horse, in case of, **1,** 379

DISTRESS DAMAGE FEASANT—*contd.*
impounding after, **1,** 382—385, 412; **25,** 195. *See* IMPOUNDING.
justification of, **1,** 380
night, may be made at, **1,** 381
perishable articles exempt from, **1,** 379, 382 n.
persons entitled to distrain, **1,** 378, 379
place of, **1,** 380, 381
pound-breach, after, **1,** 385, 386
railway engine, in case of, **1,** 379 n.; **23,** 691 n., 723; **27,** 858 n.
rescue after, **1,** 385, 386. *See* RESCUE.
restrictions on, **1,** 381
sale of things taken under, **1,** 381, 382
seizure under, **1,** 378—382
time for, **1,** 380
user of things taken under, **1,** 381, 382
what may be subject to, **1,** 379, 380, 382
wrongful, remedy for, **1,** 381, 382

DISTRESS FOR RATES AND TAXES,
appeal, quarter sessions, to, against, **11,** 214
assessed taxes, for, **11,** 218—221
bill of sale as protection against, **3,** 54, 63, 69, 70; **11,** 215
borough rate, for, **11,** 217; **24,** 81
breaking in for purpose of levying, **11,** 219
churchwardens and overseers, warrant directed to, **11,** 214
collector of taxes, advancing money, **11,** 220
company, Crown debt of, for, **11,** 218
during winding up by court of, **5,** 534, 537
constable, assistance of, at levy, **11,** 219, 220
costs of levying, **11,** 215
general district rate, for, **11,** 216, 217; **24,** 93
highway rate, for, **11,** 216
inclosure of common, in respect of, **4,** 582
income tax, for, **11,** 218—221; **16,** 634, 683—685
inhabited house duty, for, **11,** 218—221; **17,** 189
keeping possession, charge for, **11,** 215 n.
land tax, for, **11,** 218; **18,** 319
mandamus, in case of, **10,** 87; **11,** 212 n.
poor rate, for, **11,** 210—216
beasts of the plough, on, **1,** 252; **11,** 215
bill of sale etc., how far a protection from, **3,** 54; **11,** 215
caretaker, upon goods of, **11,** 214
committal in default of, **11,** 215, 217; **23,** 334
costs of, **11,** 210 n., 212, 215
goods distrainable, **11,** 215
issue of warrant for, **11,** 214, 215
lodger, upon goods of, **11,** 215 n.
objections to, **11,** 212, 213
receiver in possession, where, **24,** 380
stranger, upon goods of, **11,** 215
tender as affecting, **11,** 210, 212 n., 216; **24,** 67
right of, purely statutory, **11,** 210
sewers rate, for, **24,** 109—111

DISTRESS FOR RENT,
defined, **11,** 117; **18,** 485
abandonment of. *See* ABANDONMENT.
account books, upon, **11,** 143
additional rent, for, **11,** 122
administration order as affecting, **2,** 98, 294
administrator, against, **11,** 150
by, **11,** 129, 130; **14,** 237, 238, 307
Admiralty jurisdiction, goods taken under Admiralty process, **11,** 180
advance, rent payable in, for, **11,** 123, 148, 174

DISTRESS FOR RENT—*continued.*
agent, by, **11,** 131, 156, 160, 204
agent, goods in hands of, on, **1,** 206; **11,** 134—136
personal liability of, **1,** 224; **11,** 204, 205
agistment, animal, subject of, on, **1,** 387, 388; **11,** 156
agreement
affecting right of, **11,** 151, 153, 155, 156, 179, 196
demand before exercising right, for, **11,** 148
disposition of goods, as to, **11,** 181, 185
extending right of, **11,** 156
for lease, under, **11,** 121; **18,** 367
loss, postponement or suspension of right by, **11,** 155
postponement by, of right of, **11,** 148, 155
to sell reversion affecting right of, **11,** 151
agricultural
holding, in case of, **1,** 252—258, 388; **11,** 139, 140, 142 n., 159, 179, 207, 209
implements, upon, **1,** 252; **11,** 142 n., 179
produce and farming animals, on, **11,** 179
ambassador, goods of, privilege of, **11,** 133
amount leviable, **1,** 255, 256; **11,** 156—160
animal, upon, **1,** 252, 253, 378—387; **11,** 138, 200. *See* DISTRESS DAMAGE FEASANT.
appeal, quarter sessions, to, in connection with, **11,** 191
appraisement prior to sale after, **11,** 170, 171, 185, 186 n., 220 n.
arrear, rent must be in, **11,** 123, 148
arrears recoverable, **11,** 159. *See* ARREARS.
assignment of reversion as affecting, **11,** 127, 151, 152
attornment clause, under, **2,** 293 n.; **3,** 14; **11,** 124 n., 126, 127, 130, 133 n.; **21,** 159, 160
auction, goods delivered for sale by, on, **1,** 520; **11,** 135 n., 136 n.,
sale by, after, **1,** 501, 516; **11,** 184, 185 n., 186 n.
avoidance of, by payment, **11,** 157 n.
bailed goods, on, **1,** 546, 555; **11,** 201, 206
bailiff, in relation to. *See* BAILIFF.
balance of rent, recovery of, after, **11,** 181
bankruptcy of tenant, in case of, **1,** 256; **2,** 291—294; **11,** 171, 172
amount leviable, **1,** 256; **2,** 291; **11,** 171
execution as affecting, **2,** 292; **14,** 53
goods distrainable, **2,** 292; **11,** 172
mortgagee, by, **2,** 293
receiving order, after, **2,** 61, 292
restrictions on, **1,** 256; **2,** 291, 292; **11,** 171
stranger's goods, on, **2,** 292; **11,** 171, 172
taking over goods in lieu of, **1,** 256; **2,** 292, 293
beasts, on, **1,** 252, 253; **11,** 138
bedding, on, **11,** 139, 209
bill of exchange, taking of, effect on right of, **11,** 153
bill of sale, on goods comprised in, **3,** 69, 70; **11,** 145
birds, exemption of, from, **11,** 138
books of a scholar exempted from, as tools of trade, **11,** 142, 143
breaking in, when permissible, **11,** 163—165, 192. *See* FORCIBLE ENTRY.
breeding stock privileged from, **11,** 140
business, goods on premises for, upon, **11,** 145
cab, upon, **11,** 139, 142, 143 n.

DISTRESS FOR RENT—*continued.*
carcases and flesh of animals, upon, **11,** 136 n., 138
carpet on floor, upon, **11,** 137 n.
carrier, goods in hands of, privileged, **11,** 134—136 n.
cat exempted from, **11,** 138
cattle, on. *See* CATTLE.
certain, rent must be, **11,** 122, 123
chattels
liable to, **1,** 546, 547; **11,** 132, 133, 136, 155 n., 165; **22,** 407
privileged from, **11,** 132—148. *See* PRIVILEGE FROM DISTRESS.
churchwarden, by, **11,** 131, 466
clandestine removal of goods to escape, **11,** 189
club member's goods, on, **4,** 425
co-executor, by, **11,** 126
collateral security, effect in case of, **11,** 174
collusion, execution levied by, effect of, **11,** 175
landlord and tenant, between, **11,** 183
common law right to, **11,** 120, 132
company, against, **5,** 350; **11,** 172—174
goods at office of, **11,** 145
managing director of, by, **11,** 162
concealment to save from, **11,** 190, 191
condition precedent to, **11,** 121, 184
conditional rent, for, **11,** 156
constable must be present at breaking in for, **11,** 192
coparceners, by, **11,** 126, 161
corn, on, **1,** 254; **11,** 133, 138, 142 n.
sale in case of, **1,** 254; **11,** 180, 183 n., 184
corporation, by, **8,** 386, 387; **11,** 131, 160
costs of, **11,** 185, 226
contracting out for, **11,** 187
county court jurisdiction as to, **1,** 257; **8,** 625, 661, 662; **11,** 140, 207
Crown, by, **6,** 495, 496; **11,** 155 n., 175
execution against tenant as affected by, **11,** 175; **14,** 53
sale of, **11,** 180
Crown
lands, in respect of, **7,** 139, 145 n., 165
property exempt from, **6,** 409; **11,** 133
custody of the law, on goods in, **11,** 134, 171, 179; **25,** 823
dead rent, for, **11,** 124
deer, on, **1,** 367; **11,** 138
demand necessary before, when, **11,** 124, 148, 149
demise, existing, essential to, **11,** 121, 155, 156
deserted premises, in respect of, **18,** 561
determination of lessor's interest as affecting, **11,** 152
disclaimer of tenancy, after, **11,** 150
double rent, for, **11,** 159; **18,** 554
double value, action for, **11,** 191, 207, 208
discovery in, **11,** 41 n.
ejectment proceedings as affecting, **11,** 121
electric meters and fittings, on, **11,** 141; **12,** 615
entire rent, for, **11,** 161
entry for purpose of, **11,** 163—165, 192
essentials to right of, **11,** 121—125
estoppel in relation to, **13,** 406
excessive, **11,** 197—210. *See* wrongful, *infra.*
exclusive possession essential to, **11,** 121, 122
execution against tenant as affecting, **2,** 292; **11,** 174—180; **14,** 53, 54. *See* EXECUTION OF JUDGMENT OR ORDER.
executor, by, **11,** 129, 130; **14,** 237, 238, 307
expenses of, **11,** 160, 186, 187
taxation of, **11,** 186

DISTRESS FOR RENT—*continued.*
expiration of tenancy as affecting, **11,** 149—151, 152
fixtures privileged from, **11,** 136, 137
fluctating rent, for, **11,** 122, 156
forcible entry in case of, **11,** 165, 192. *See* FORCIBLE ENTRY.
forfeiture of tenancy, after, **11,** 150
waiver of, by, **18,** 538
fraudulent removal of goods to avoid, **11,** 156, 189—192. *See* FRAUDULENT REMOVAL OF GOODS.
forcible entry in case of, **11,** 192
justices' jurisdiction in respect of, **11,** 191
penalty for, **11,** 190, 191
police, powers of, in case of, **11,** 192; **22,** 503
seizure in case of, **11,** 156, 189
friendly society's officer, against, **15,** 163
gas meters and fittings, on, **11,** 141; **15,** 335
gavelkind coheir, by, **11,** 126
goods
protected from. *See* PRIVILEGE FROM DISTRESS.
removal of, to public auction room, **11,** 184
seized by sheriff, **11,** 175
goodwill, in respect of, **11,** 122
graduated rent, for, **11,** 156
growing crops, on, **1,** 254, 255, 257, 258; **11,** 133, 171, 179, 183; **14,** 54
guardian, by, **11,** 130
hay-rick, on, **1,** 254; **11,** 133
high bailiff, by, **8,** 564, 661, 662
hire purchase agreement, on goods comprised in, **1,** 555; **11,** 145
holding over, in case of, **11,** 121, 150, 151
husband in right of wife, by, **11,** 129
illegal, **11,** 139, 145, 147, 195—210; **19,** 578. *See* wrongful, *infra.*
impounding of chattels, **11,** 168—170. *See* IMPOUNDING.
improper charges, penalty for taking, **11,** 187
improperly made in metroplis, in regard to, **11,** 208, 209
incorporeal chattels not subject to, **11,** 122, 132
infant, in case of, **17,** 98
injunction to restrain, **11,** 208
instalment of rent, for, **11,** 157, 188
instrument giving power of, bill of sale, as, **3,** 11, 12, 14—16, 34; **11,** 118, 119, 156; **20,** 565
interest on arrears as affecting, **11,** 153
inventory of goods to be made, **11,** 166
irregular, **11,** 196—210. *See* wrongful, *infra.*
joint tenants, by, **11,** 126, 161
judgment for rent as affecting, **11,** 153
landlord, purchase of goods by, under, **11,** 185
law, on goods in custody of, **11,** 134, 171, 179
Law of Distress Amendment Act, 1908, as affecting, **11,** 143—148; **18,** 408
legal personal representative, by, **11,** 129, 130; **14,** 237, 238, 307
levying the distress, **11,** 160—168
limitation of time for, **19,** 97
lodger's goods, on, **11,** 143—148. *See* LODGER; PRIVILEGE FROM DISTRESS.
lord of the manor, by, **4,** 501; **8,** 27, 58, 59; **11,** 127
loss of right of, **11,** 151—155
market, in respect of, **11,** 132; **20,** 13 n.
married woman, by, **11,** 129
minimum rent, for, **11,** 124

DISTRESS FOR RENT—*continued.*
money, on, **11,** 138
mortgagee, by, **11,** 127, 128; **21,** 159, 160
bankruptcy of tenant, in case of, **2,** 293
mortgagor, by, **11,** 128, 129
notice, Law of Distress Amendment Act, 1908, under, **11,** 144—147
mortgagee, by, before, **11,** 128
notice of, **11,** 166—168
contents of, **11,** 167, 168
writing necessary to, **11,** 167
nursery ground, trees etc. in, privileged from, **1,** 254
occupation rent, for, **11,** 200
parish overseer, by, **11,** 131; **19,** 251
pawnbroker, goods pledged with, privileged from, **11,** 136 n.; **22,** 246
payment of rent as affecting, **11,** 153, 160
penal rent, for, **11,** 123 n., 148, 156
perishable articles privileged from, **11,** 138
place of, **11,** 155, 156
possession of tenant necessary for, **11,** 150
postponement of right of, by agreement, **11,** 148, 155
pound-breach in case of, **11,** 192—195. *See* POUND-BREACH.
privilege from, **1,** 252, 253; **11,** 133—143. *See* PRIVILEGE FROM DISTRESS.
absolute, **1,** 252; **11,** 133—141
conditional, **1,** 252, 253; **11,** 141—143
constitutional, **11,** 133, 134
National Insurance Act, 1911, under, **28,** 956, 957
trade, **11,** 134—136
railway rolling stock, on, **11,** 140; **23,** 647
recaption in case of, **11,** 194, 209, 210
receiver, by, **11,** 130, 131; **24,** 376, 378, 391, 392
mortgaged property, of, **11,** 131; **21,** 266; **24,** 338
order of court necessary to, when, **11,** 130; **24,** 380, 391
receiver, goods in possession of, on, **11,** 180; **24,** 380
receiving order, after, **2,** 61, 62, 221, 222; **11,** 180
recovery of premises by landlord, **18,** 561
re-entry by landlord as affecting, **11,** 149
rent incident to reversion, for, **11,** 120, 124, 151; **18,** 465
replevin, **11,** 199—204. *See* REPLEVIN.
reserved, rent must be, **11,** 122
restoration of exempted goods seized, **11,** 209
reversion in distrainor essential to, **11,** 124—129, 149, 151, 195, 200; **18,** 469
sale after, **11,** 133, 180—186, 196, 197, 220, 226
appraisement before, **11,** 170, 171
auction, by, **1,** 501, 516; **11,** 184, 185 n., 186 n.
best price, at, **11,** 184, 197
irregularities in, **11,** 182, 196, 207, 208
landlord, purchase of goods by, **11,** 185
notice before, **11,** 167, 168
place of, **11,** 183, 184
proceeds of, **11,** 181, 185, 197
time for, **11,** 168 n., 180, 182, 183
satisfaction by proceeds of sale, **11,** 181
second, permissible, when, **11,** 154, 188, 189
seizure of chattels in case of, **11,** 165, 166
separate rents, for, **11,** 156, 157, 188
sequestration, in case of, **11,** 175; **14,** 88
sequestrator of benefice, by, **11,** 132, 625
set-off in case of, **1,** 256; **11,** 158, 159; **25,** 500
shipbuilder, materials of, as to, **3,** 263

DISTRESS FOR RENT—*continued.*
Statute of Limitations as applied to, **11,** 159; **19,** 113, 114
statutory right to, **11,** 120
stranger's goods, on, **11,** 143—148. *See* PRIVILEGE FROM DISTRESS.
bankruptcy as affecting, **2,** 292; **11,** 171, 172
summary
jurisdiction in respect of, **11,** 208, 209, 221—227. *See* DISTRESS UNDER SUMMARY JURISDICTION ACTS.
proceedings in relation to, **11,** 208, 209. *See* SUMMARY JURISDICTION.
surrender of reversion as affecting, **11,** 152, 153
taxation of
expenses of, **11,** 186
costs of, **11,** 186
telegraph and telephone fittings, on, **27,** 395 n.
tenancy at sufferance does not authorise, **11,** 121; **18,** 439
tenant, by,
common, in, by or against, **11,** 126, 155, 161
curtesy, by the, **11,** 126
dower, in, **11,** 126
elegit, by, **11,** 126
fee, in, **11,** 125
freebench, by, **11,** 126
life, for, **11,** 125
pur autre vie, **11,** 125
tail, in, **11,** 125
years, for, **11,** 125
tender as affecting, **11,** 153, 154, 181, 197. *See* TENDER.
textile machinery, on, **11,** 140
threat of distress, payment under, **11,** 172; **13,** 406
time for, **11,** 123, 148—150
agricultural holding, in case of, **1,** 256, 257
bankrupt tenant, on goods of, **11,** 172
declaration under Law of Distress Amendment Act, 1908, **11,** 146, 147
sale after, **11,** 168, 180, 182, 183
seizure of goods removed to avoid, **11,** 189
Sunday, must not be made on, **11,** 149; **27,** 451 n.
sunrise and sunset, between, **11,** 149; **27,** 440 n.
tools of trade, on, **11,** 139, 142, 143
trade privilege in respect of, **11,** 134—136
trespass, in case of, **11,** 195, 197; **27,** 846 n., 849, 856, 862, 870, 871, 891
unauthorised, adoption of, **11,** 160
underlease, on, **11,** 124, 143, 144; **18,** 406, 408
use, things in, on, **11,** 137, 138
user of distress, when permissible, **11,** 170
voluntary winding up, in, **5,** 583, 584; **11,** 172—174
walking possession, **11,** 187 n.
warrant, **11,** 160, 161. *See* DISTRESS WARRANT.
water meters and fittings, on, **11,** 141; **28,** 308, 309
wearing apparel, on, **11,** 138, 139
weekly tenancy, in case of, **11,** 121, 179
who may distrain, **11,** 125—132
winding up, during, **5,** 513, 519, 536—538; **11,** 172—174
wrongful, **11,** 195—210
action for damages for, **11,** 142 n., 204—207
agricultural holding, in case of, **1,** 252, 257; **8,** 626, 630; **11,** 209
conversion, as, **27,** 891

DISTRESS FOR RENT—*continued.*
wrongful—*continued.*
corporation, by, **8,** 386; **11,** 160
costs in case of, **11,** 197 n., 207
county court jurisdiction in case of, **8,** 626, 630; **11,** 140, 207
double value, action for, **11,** 207, 208
injunction to restrain, **11,** 208; **17,** 203, 204, 213
landlord's liability for, **11,** 204; **27,** 846 n.
lodger's or undertenant's goods, on, **11,** 147
measure of damages, for, **10,** 342; **11,** 206
recaption in case of, **11,** 209, 210
replevin in case of, **11,** 199—204. *See* REPLEVIN.
rescue in case of, **11,** 194, 209
statutes of limitations as applied to, **19,** 178
summary proceedings in case of, **11,** 147, 208, 209; **19,** 578
trespass, as, **11,** 142 n., 195, 196, 197; **27,** 846 n., 849, 856 n.
yearly tenancy, in case of, **11,** 124, 125

DISTRESS UNDER SUMMARY JURISDICTION ACTS,
accounts of sums received under, keeping of, **11,** 223
appeal to quarter sessions against, **11,** 222, 223, 226, 227
committal in default of, **11,** 215, 223, 224, 227; **19,** 602, 604; **23,** 334
compensation, recovery of, by, **11,** 221
costs, recovery of, by, **11,** 226, 227
costs of, **11,** 224, 227 n.
custody of defendant pending return to warrant, **11,** 222
goods exempt from, **11,** 226
impounding of goods, **11,** 226
imprisonment in default of, **11,** 223—225, 227; **19,** 602, 610
jurisdiction of justices, **11,** 221—223; **19,** 604
levying of, **11,** 225, 226
notice of forfeiture before, **11,** 222
sale after, **11,** 225, 226
urban district council, for sums due to, **19,** 287
warrant. *See* DISTRESS WARRANT.
wearing apparel and bedding, exemption of, from, **11,** 226

DISTRESS WARRANT,
affiliation order enforceable by, **2,** 452
authority to bailiff by, **11,** 160, 162
withdrawal of, **11,** 160
borough rate, for, **11,** 217
Commissioners of
Inland Revenue, by, **11,** 218—221; **16,** 683—685
Land Tax, by, **11,** 218; **18,** 319
Sewers, by, **24,** 111; **25,** 787
constable, account of charges of execution by, of, **11,** 226
execution by, of, **11,** 214, 215 n., 223—226
effect of, **11,** 161
execution of, **11,** 225
gas rent and charges, for, **15,** 339, 340, 374, 375
general district rate, for, **11,** 216
income tax, for, **11,** 218—221; **16,** 683—685
indemnity to bailiff by, **11,** 161
land tax, for, **11,** 218; **18,** 319
mandamus to compel issue of, **10,** 87; **11,** 223, 227 n.

DISTRESS WARRANT—*continued.*
poor rate, for, form of, **11,** 214
issue of, **11,** 211, 212
sewers rate, for, **24,** 110, 111
stamp, when required on, **11,** 161
Summary Jurisdiction Acts, under, appeal, after, **11,** 222, 223
backing of, **11,** 221
constable in relation to, **11,** 223—226
costs of, **11,** 226
defective, effect of, **11,** 225
execution of, **11,** 225, 226
forfeiture, notice of, before, **11,** 222
imprisonment pending return to, **11,** 222
issue of, **11,** 221, 222
justices' privilege in respect of, **11,** 222; **23,** 334
notice of forfeiture before, **11,** 222
payment as affecting, **11,** 226
postponement of, **11,** 222
return to, **11,** 223, 224
Scotland, execution in, of, **11,** 221 n.
service of order, before, **11,** 225
suspension of, **11,** 222 n.
tender as affecting, **11,** 226
tenants in common, in case of, **11,** 161, 214

DISTRIBUTING MAIN,
electric, *defined*, **12,** 550
laying down of, **12,** 586, 587

DISTRIBUTION,
The title DESCENT AND DISTRIBUTION *is contained in Vol. XI., pp.* 1 *et seq.*
assets of. *See* DISTRIBUTION OF ASSETS.
partition action, of proceeds of sale in, **21,** 865—867
period of, ascertainment on gift to class, **28,** 717—720. *See* CLASS GIFT.
death of member of class before, **28,** 716, 717, 729
group of individuals, in case of gift to, **28,** 724
survivorship ascertained in relation to, **28,** 725
prize money, of, Admiralty jurisdiction as to, **25,** 35, 36; **28,** 525
property, of, aim of equity is equality, **13,** 70
seats, of, House of Commons, in, **21,** 655
statutes of, **11,** 16—23
will, under gift in, *per capita* generally, not *per stirpes*, **28,** 781
per stirpes when suiting context, **28,** 782—784

DISTRIBUTION OF ASSETS,
bankrupt, of, **2,** 235—241, 300
assignee of proved debt, claim by, **2,** 238, 239
bill of exchange etc., production of, on, **2,** 230, 231, 239
dividends, charging order not made on, **2,** 239
declaration of, **2,** 236, 237
distribution of, **2,** 236
final, **2,** 237, 238
payment of, **2,** 237, 238
proof after declaration of, **2,** 237
small bankruptcy, in case of, **2,** 300, 301
unclaimed, disposal of, **2,** 239, 240, 241, 301
Divisional Court, appeals to and from, **2,** 303
doubtful and other provable debts, provision for, **2,** 237, 238
general rules, **2,** 235, 236
joint and separate estates, in cases of, **2,** 238

DISTRIBUTION OF ASSETS—*continued.*
bankrupt—*continued.*
notice of, **2,** 236, 238
payment of money received by mistake, **2,** 239
property available for distribution, **2,** 143 *et seq.* *See* BANKRUPTCY.
refund in case of intestate bankrupt, **14,** 280
small estate, summary administration in regard to, **2,** 294 *et seq.*
solicitor, claim by, **2,** 239
specie, in, **2,** 239
surplus, bankrupt's right to, **2,** 239
mortgage of, **2,** 239
time for, **2,** 236
club, on dissolution of, **4,** 437
company in liquidation, of, **5,** 78, 119, 336, 523—533; **25,** 610
contributories, among, **5,** 529—533
costs and expenses in payment of, **5,** 523—527
priority, **5,** 526
creditors, among, **5,** 527—529
dividends, capital of settlement, to be treated as, **25,** 610
declaration of, **5,** 528
notice of intended, **5,** 527
payment of, **5,** 458, 528, 529
unclaimed, **5,** 456—458, 529
attached, cannot be, **5,** 529
insurance company, in case of, **5,** 639, 640, 653
limits on power to deal with, **5,** 119, 120, 335, 336
list of proofs to Board of Trade, **5,** 528
mining company in the Stannaries, as to, **5,** 672—674
property available for distribution, **5,** 472
discovery of, **5,** 474—477
realisation of, **5,** 505
supervision of the court, in case of, **5,** 600
tenant for life, rights of, **25,** 610
unclaimed or undistributed assets, **5,** 456—458, 568, 609
voluntary winding up, in, **5,** 581, 582
wrongful, liability of liquidator, **5,** 567, 568, 593
deceased person, of. *See also* intestate, *infra.*
advertisement prior to, **14,** 243
children of, as descendants, **28,** 746 n.
class of creditors, divisees etc., ascertainment of, **14,** 334
contingent claims, provision for, **14,** 255, 274
covenant to provide money at death, taking share under, **11,** 18; **13,** 141; **24,** 193 n.; **25,** 544
devastavit in, **14,** 316—319. *See* DEVASTAVIT.
domicil, in relation to, **6,** 220—232, 274. *See* MOVABLES.
family, bequest to, persons entitled, **28,** 748
insolvent estate, of, court, by, **2,** 93—95; **14,** 244, 344—347
representative, by, **14,** 244
intestacy, in case of. *See* intestate, of, *infra.*
judgment, in relation to, **13,** 35, 36; **14,** 248, 249
legacy, payment of, **6,** 231; **8,** 445; **14,** 262—265, 268, 271, 302—304. *See* LEGACY.
legal assets, of, degrees of priority, **14,** 247—251. *See* ASSETS.

DISTRIBUTION OF ASSETS—*continued.*
deceased person—*continued.*
marriage, will revoked by, **23,** 49; **28,** 562, 563
married woman, in case of, **6,** 281; **14,** 231—233
next of kin, certain, clause excluding, persons entitled, **11,** 16 n.; **28,** 518 n.
construction of term, **28,** 755, 756
gift to, exclusion of certain persons, **28,** 757
shares in which they take, **28,** 757, 758
intention to deprive must be unambiguous, **28,** 667
order of application of assets, **14,** 285—293. *See* ASSETS.
originating summons to determine doubts as to, **14,** 334
overseer of the poor, in case of, **14,** 250
partner, in case of, **8,** 445; **14,** 252, 295, 309; **22,** 86, 103, 111
prefer creditor, right to, **14,** 254
priority of creditors, **14,** 247—251. *See* CREDITOR.
representatives, bequest to, may mean next of kin, **28,** 758, 759
trust for, effect of, **25,** 584
residue, of, **14,** 233 n., 280—285. *See* RESIDUE.
retainer, right of, **14,** 256—261. *See* RETAINER.
savings bank officer, in case of, **14,** 250
statute-barred debts, in relation to, **14,** 251, 258
time generally allowed for, **14,** 242, 262, 281
unmarried, meaning of, **25,** 583
wife, claim of, under covenant of husband, **25,** 544
equitable assets, of. *See* EQUITABLE ASSETS.
intestate, of, amongst next of kin, **11,** 16—23
advances taken into account, **11,** 19, 21
brother's share, **11,** 22
building society, of member of, **3,** 353
children's share, **11,** 19—22
representatives of children, **11,** 20
chose in action, as to, **6,** 224; **14,** 224, 225
covenant to leave property performed by distributive share, **11,** 18; **13,** 140, 141; **25,** 544
Crown, rights of, **7,** 209; **9,** 429; **11,** 17, 28—31; **14,** 186, 285
debtor entitled to share must account for debt, **14,** 169
domicil in relation to, **6,** 194, 224, 274, 281; **11,** 19, 20
father's share, **11,** 22
friendly society, of member of, **15,** 154
heir-at-law's share, **11,** 20; **14,** 186; **28,** 750, 751
hotchpot of portions, rule as to, **11,** 20, 21. *See also* HOTCHPOT.
husband's share, **6,** 281; **11,** 16; **14,** 232
issue, shares of, **11,** 19
judicial separation, effect of, **11,** 16, 18
mother's share, **11,** 21
nephews' and nieces' shares, **11,** 22
next of kin, ascertainment of class of, **28,** 756
share of, **11,** 16 n.; **14,** 297
statutory, trust for, **25,** 581—584
partial intestacy, in, **11,** 16 n., 17; **14,** 284
partnership, as to, **11,** 6
per capita, or *per stirpes*, whether, **11,** 20—23

DISTRIBUTION OF ASSETS—*continued.*
intestate—*continued.*
portions taken into account, **11,** 19, 21
refunding, **14,** 279
relations not specifically provided for, shares of, **11,** 23
sisters' shares, **11,** 22
Statute of Distribution, by, **11,** 16 n.
trusts for next of kin, **11,** 16 n.; **25,** 579—584
undisposed of residue, **14,** 284, 285
widow's share, **11,** 16—19
barring of, **11,** 18, 19
judicial separation, after, **11,** 18
next of kin, between. *See* intestate, *supra.*
partnership, on dissolution of, **13,** 39; **14,** 221, 222; **22,** 63, 99—107
goodwill, **22,** 104—107. *See* GOODWILL.
order of application, **22,** 103, 104
profits made after dissolution, **22,** 63, 99—101
sale for purpose of, **22,** 102, 103
trade union, on dissolution of, **27,** 614 n., 617, 618, 635

DISTRICT,
defined, friendly societies, as to, **15,** 133 n.
tramways, as to, **27,** 782 n.
asylum, provision of, **19,** 484—488
auditor. *See* DISTRICT AUDITOR.
board for education, **12,** 85—88. *See* EDUCATION AUTHORITY, LOCAL.
boundaries of, ascertaining by ordnance survey, **3,** 112 n.
chapelry, **11,** 444, 447, 449
Church Tithe Act, **11,** 727 n., 752 n.
council. *See* DISTRICT COUNCIL.
county court, of, **8,** 411; **20,** 212
administration action, for, **8,** 452
corporation, place of business of, **11,** 450
equity action, commencement of, for, **11,** 452
ordinary action, commencement of, for, **11,** 448—452
court-martial, **9,** 100; **25,** 44
delegate, trade union, of, liability of union for tort of, **27,** 662
ecclesiastical, **11,** 443
education, for. *See* school, *infra.*
friendly society, of, **15,** 133 n.
fund of urban district, **19,** 281
gas profits paid into, **15,** 366
insurance committees for National Health Insurance, **28,** 933—935
notary, **21,** 496
parish, **11,** 444—449. *See* PARISH.
poor law committees in scattered parishes, **22,** 534, 535
probate registrar, **9,** 71
grant in common form by, **14,** 165
rate. *See* GENERAL DISTRICT RATE.
registrar. *See* DISTRICT REGISTRAR.
registration of births, deaths, etc., for, **24,** 439, 440
registry. *See* DISTRICT REGISTRY.
road, what is, **16,** 13 n.
rules, Coal Mines (Minimum Wage) Act, under, **28,** 875—877
school, creed register in, **12,** 89
inspection of, **12,** 87
outside children, reception of, **12,** 87
religious instruction in, **12,** 89
use of, by guardians, **12,** 83

DISTRICT—*continued.*
surveyor in metropolis. *See* DISTRICT SURVEYOR.
trade committees of trade board, **27,** 520
vaccination, for. *See* VACCINATION.

DISTRICT AUDITOR,
burial board, overseers' accounts of, duties in regard to, **3,** 476
county council accounts, powers and duties respecting, **12,** 492 n.; **19,** 363
parish
council accounts, audit of, by, **19,** 244
meeting accounts, audit of, by, **19,** 260
rural district council accounts, powers and duties as to, **19,** 337, 338
urban district council
accounts, appeal from decision as to, **19,** 286
certificate as to, **19,** 287
powers and duties as to, **19,** 284, 285, 286
report as to, **19,** 287
financial statement of, for, **19,** 288

DISTRICT COUNCIL. *See* RURAL DISTRICT COUNCIL; URBAN DISTRICT COUNCIL.
defined, **23,** 558 n.
allotments, duties as regards, **1,** 332, 342, 343, 351; **6,** 168
Bill in Parliament, promotion of, **19,** 380—384. *See* BILL IN PARLIAMENT.
borrowing by, **21,** 58—63
burial authority, as, liability to provide cemetery, **3,** 506
burial board, as, **3,** 489, 490
bye-laws, markets, as to, **20,** 23
nuisances, as to, **21,** 540
charities, schemes for local, **4,** 188
commons, powers as to, **4,** 599, 600, 611—614
contracts by, when seal necessary, **8,** 386
election of councillors of, **12,** 361—382. *See* RURAL DISTRICT COUNCILLOR; URBAN DISTRICT COUNCILLOR.
bankrupt disqualified, **2,** 89
electoral franchise in case of, **12,** 191
fire engines etc., agreements with parishes for use of, **23,** 551
game licence, grant of, by, **15,** 255
gift to, validity of, **15,** 406
highway authority, as, **16,** 24
highway matters, in, agent for county council, **16,** 27
appointment of committee, **16,** 26
delegation of powers, **16,** 26
main roads, repair of, by, **16,** 27, 128
obstructions, removal of, **16,** 162, 163
repairing contract for county council, **16,** 27
settlement of differences with county council, **16,** 128
successor of highway board, **16,** 25
house refuse and cleansing privies, liability in respect of, **23,** 606
infant cannot be chairman or member of, **17,** 47
light railways, in relation to, **27,** 781 n.
market
company may sell to a, **20,** 11 n.
power to provide, **20,** 11
midwives, powers as to, **20,** 368
mortgage by, **21,** 112
neglect by, power of county council as to, **19,** 375
nuisances, abatement of, by, **21,** 536, 540

DISTRICT COUNCIL—*continued.*
pleasure grounds, maintenance of, **21,** 587, 590
refuse, duties as to removal of, **23,** 606
roadside strips, powers over, **4,** 601
sanitary conveniences, cleansing of, **23,** 606
statues etc., as to erection of, **21,** 602, 606
workshops, duty to keep registers of, **14,** 527
unhealthy, power as to, **14,** 450

DISTRICT COUNCILLOR. *See* RURAL DISTRICT COUNCILLOR; URBAN DISTRICT COUNCILLOR.
contract with highway authority by, **16,** 113

DISTRICT REGISTRAR,
county court registrar as, **8,** 420
duties of, **9,** 70
forgery of signature of, **9,** 738
High Court, of, Admiralty reference heard by, **1,** 122
appeal to judge from, **23,** 132
appointment of, **9,** 69
duties of, **9,** 70
jurisdiction of, **9,** 70; **23,** 131
removal of Admiralty action from, **1,** 88
taxation of costs by, review of, **26,** 795
probate, power to grant, **14,** 165
qualifications of, **2,** 384; **27,** 728
Supreme Court, of, **9,** 69
taxation of expenses of distress by, **11,** 186

DISTRICT REGISTRY,
Admiralty, Liverpool, in, **9,** 71
appearance in, **23,** 124
High Court, of, appeal to judge from registrar, **23,** 132
entry of trial in, **23,** 175, 176
interlocutory proceedings in, **23,** 131
interpleader summons issued in, **17,** 599
marking of pleadings where action commenced in, **22,** 421
procedure in, **9,** 70
receiver, accounts of, taken in, **24,** 411
appointed in, **24,** 343
removal of action to or from, **1,** 88; **23,** 132
writ of summons issued out of, **23,** 110
Admiralty action, in, **1,** 80
indorsement of, **23,** 113
probate, caveats issued out of, **14,** 154
residence within, proof of, **14,** 165

DISTRICT SURVEYOR (METROPOLIS),
appointment of, **20,** 471, 472
Building Acts, enforcement of, by, **20,** 470
building notice, duties on receipt of, **20,** 471, 472, 477, 478; **23,** 422—424
dangerous structures, duty as to, **20,** 493, 494; **23,** 422—424
fees payable to, **20,** 472, 479 n.
notice of irregularity, service of, by, **20,** 478
remuneration of, **20,** 472
recovery of, **20,** 472 n., 479 n.

DISTRINGAS,
Divorce Division, in, **16,** 588, 589
execution, mode of, **14,** 24
fines and forfeited recognisances, for recovery of, **25,** 821
highway, in case of non-repair of, **16,** 146
notice in lieu of, advisability of issuing, **14,** 113, 115

DISTRINGAS—*continued.*
notice in lieu of—*continued.*
application for, **14,** 113
Bank of England, requirements of, on withdrawal of, **14,** 115
effect of, **14,** 114
holder of charge on shares, by, **21,** 341
legatee, effect on, **14,** 115
practice relating to, **14,** 113—115
protection afforded by, **21,** 341
shares, as to, **5,** 151, 198; **14,** 114, 115; **17,** 265 n.
when to be applied for, **14,** 113—115
who may apply for, **14,** 113
withdrawal of, **14,** 115
sheriff, against, on refusal to sell goods seized, **14,** 60

DISTURBANCE. *See also* BRAWLING; BREACH OF THE PEACE; DISORDERLY CONDUCT; RIOT.
arrest without warrant for not lawful unless breach of the peace, **9,** 297 n
church, in, **11,** 469, 663. *See* BRAWLING.
churchyard or cemetery, in, **3,** 422, 426, 427, 523; **9,** 479; **11,** 369, 470, 664, 817. *See* BRAWLING.
common, of. *See* COMMON.
Divine service, of, **11,** 469, 664
easements, of, **11,** 330—335
abatement of, **11,** 296, 331, 332
acquiescence in, **11,** 273, 292
action for, **11,** 332—335
ancient lights, **11,** 298, 300, 303, 327, 330, 331, 335 n.; **17,** 232 n.; **27,** 861 n. *See* ANCIENT LIGHTS.
damages for, **11,** 333; **20,** 587
injunction against, **11,** 334; **13,** 49; **20,** 587
mandatory injunction, **11,** 335
nuisance, whether a, **21,** 506
permanent injury, **11,** 332, 333
prescriptive right, as barring, **11,** 273
remainderman or reversioner, position of, **11,** 333
remedies, **11,** 331—335; **20,** 587
right of way, **11,** 292, 295, 296, 330
support, in case of, **11,** 324, 325
temporary, **11,** 333
water, **11,** 311
ferry, of rights of, *defined,* **14,** 561
defence to action in respect of, **14,** 562, 563
none without monopoly, **14,** 562
remedy for, **14,** 561
market or fair, of a, *defined,* **20,** 43
action for, **20,** 5, 43, 44, 47
evasion of toll as a, **20,** 43, 44
justification for, **20,** 46
sales in neighbourhood may amount to, **20,** 47, 48
sales in shops may amount to, **20,** 45, 46
municipal election, at, **12,** 349
patronage, of. *See* PATRONAGE.
possession of property, to, is trespass, **27,** 844, 863
public meeting, of, **9,** 297; **27,** 876
election, during, **12,** 300
public worship, of, **9,** 477; **11,** 469 *et seq.,* 663
religious meetings, of, **9,** 478
removal of persons causing, no assault, **27,** 876

DISTURBANCE—*continued.*
tenant, of, for purpose of, small holding, compensation, **26,** 692
way, of, right of, **11,** 295
abatement of, **11,** 296
examples of, **11,** 296
injunction against, **11,** 297
remedy for, **11,** 296
what amounts to, **11,** 295

DISUNION,
benefices, of, **11,** 608
parishes, of, **11,** 451

DITCH,
bank, adjoining, included therein for purpose of Telegraph Acts, **27,** 351
presumed to belong to owner of, **3,** 124
boundary line, as, **3,** 109, 111, 112, 124, 125, 148, 149
where land bounded by, **3,** 109, 111, 124
cleansing of, adjoining highway, **16,** 113; **25,** 770, 771
local authorities' liability as to, **21,** 540, 541
filling up of, in metropolis, **23,** 612
highway, adjoining, **16,** 30, 113; **25,** 770—772
pond, may not be discharged into, **25,** 771 n.
authority, power of, to make and keep, **16,** 30, 113; **25,** 771, 772
part of, as, **16,** 68
inclosure, on, valuer's power to make, etc., **4,** 561
loss of, by dispossession, **3,** 111, 112
metropolitan sanitary authorities, powers of, **23,** 612; **25,** 720 n.
nuisance from, prevention of, **16,** 153; **21,** 538, 540; **23,** 612; **25,** 771, 772
offensive, powers of local authority as to, **23,** 611
metropolis, in, **25,** 720 n.
presumption as to ownership of, **3,** 124
highway, when bordering, **16,** 68

DIVERSION,
canal, of, **18,** 295
drains, of, **18,** 303
fuel allotments, of use of, **1,** 334, 335
highway, of, appeal against, **16,** 76—78
costs of, **16,** 78
notice of, **4,** 562; **16,** 77
time for, **16,** 77
consent, owners, of, **16,** 73, 74, 79
public bodies, of, **16,** 73, 74, 79
Crown licence for, **16,** 70
dedication *sub modo,* **16,** 70
Defence Act, under, **16,** 80
Ecclesiastical Commissioners, by, **16,** 81
fencing at point of, **16,** 78; **21,** 398
grounds for application, **16,** 72
Housing of Working Classes Acts, under, **16,** 82
inclosure of common, on, **4,** 562—564; **16,** 82
inspection of plans by public, **16,** 76
lodging of justices' certificate, **16,** 76
main road, as to, **16,** 79
Military Lands Act, under, **16,** 80
military manœuvres, for, **16,** 81
notice of, **16,** 74
order, certificate of justices for, **16,** 75, 76
effect of, **16,** 78

DIVERSION—*continued.*
highway—*continued.*
order—*continued.*
finality of order, **16,** 79
presumption of lost order, **16,** 79
quashing by *certiorari* of, **16,** 79
second, necessity for, **16,** 76
viewing by justices for, **16,** 74
physical destruction, after, **16,** 70
procedure, **16,** 70, 71 *et seq.*
proposal by individual for, **16,** 72
quarter sessions, appeal against. *See* appeal against, *supra.*
appeal to, **16,** 76—78.
motion at, for enrolment of documents, **16,** 76
special case stated by, **16,** 78
repairs, for, in metropolis, **16,** 80, 201
revesting of site of diverted highway, **16,** 70, 78
second certificate necessary, when, **16,** 76
statutory provisions for, **16,** 71
substituted way, status of, **16,** 78
temporary, **16,** 80, 201
writ of *ad quod damnum*, by, **16,** 70
public footway, of, duty to fence in case of, **3,** 129
inclosure, on, notice of, **4,** 562
roads, of, railway company, by, **23,** 663
stream, of, inclosure, on, **4,** 561
land drainage, in course of, **18,** 295, 303
riparian owner, by, **28,** 428, 429
restraint of, **28,** 429
water undertakers, by, **28,** 278
advertisement of notice of, **28,** 270 n.
compensation for, **4,** 561; **28,** 281, 282, 284, 285, 288, 289
injunction to restrain, **28,** 280 n.
traffic, of, powers of authorities as to, **27,** 269, 270

DIVESTING,
disclaimer, by. *See* DISCLAIMER.
executor's title, of, by renunciation of probate, **11,** 5
executory limitation, by. *See* EXECUTORY DEVISE; EXECUTORY LIMITATION.
gifts by will, of, **28,** 822—828
construction of conditions as to, **28,** 822, 823
court in doubtful cases leans against, **28,** 674, 822
gift over, double event, in, and not read as or, **28,** 826
or read as and, **28,** 824—826
interest in tail, after, **28,** 825
parent dying without leaving children, construed as not to cause a, **28,** 823, 824
specified event, on, **28,** 585
survivorship clause as causing a, **28,** 827, 828
time of, **28,** 828
property in chattels, of, distress for rent, by, **11,** 181, 192
shifting clause, by. *See* SHIFTING CLAUSE; SHIFTING DEVISE; SHIFTING USE.

DIVIDEND,
defined, **5,** 271
apportionment of, tenant for life and remainderman, between, **5,** 278, 279; **25,** 612—614
bankruptcy, in, **2,** 236—241. *See* DISTRIBUTION OF ASSETS.
chose in action, treated as, **4,** 360 n., 363

DIVIDEND—*continued.*
bequest of
uncertain period, for, **28,** 17 n.
unlimited, effect of, **28,** 697
chose in action, is a, **4,** 363
company, under Act of 1908, of, **5,** 271—280
articles and memorandum of association, under, **5,** 271, 272, 276
bonus, *defined*, **5,** 271
calls on shares, deduction of, from, **5,** 276, 277
capital, not payable out of, **5,** 82, 118, 119, 272—274, 275
company prohibiting, omission of limited, **5,** 77
court's interference as to payment of, **5,** 274, 275, 277
cumulative, **5,** 91, 271, 277
declaration of, interim and final, **5,** 276
estoppel, receipt may constitute, **5,** 146
payment of, does not constitute, **5,** 183
final, **5,** 276
guarantee of, by vendor, **5,** 274
interim, **5,** 271 n., 276
railway company, power of, to pay, **23,** 644
notice of intention to declare, **5,** 527
participation in, members entitled to, **5,** 278
vendor and purchaser of shares, as between, **5,** 278
payment of, capital, not out of, **5,** 82, 118, 272—274, 275
shareholders' liability, **5,** 275, 276
capital reserve fund, out of, **5,** 274
coupon, by, **5,** 185
directors' and auditors' liability for improper, **5,** 275
injunction against, **5,** 275, 277
joint holders of shares, to, **5,** 272
limitation of action to recover, **5,** 276, 532; **19,** 76
money, *primâ facie* in, **5,** 277
profits, out of, **5,** 273
representation as to profits, as a, **20,** 674
settled shares, in case of, **5,** 279; **25,** 608—610
shares, by issue of, not generally allowed, **5,** 277, 290
trustees, to one of several, **28,** 144
preference or preferential, meaning of, **5,** 271
preference shares, on, all profits liable for, **5,** 277
cumulative *primâ facie*, **5,** 91
recovery of, **5,** 276
right to, articles and memorandum, from, **5,** 271, 272
set-off of calls against, **5,** 276, 277
settled shares, in case of, **5,** 278, 279; **25,** 608—610
apportionment of, **5,** 279; **25,** 612—613
Table A, provisions of, **5,** 271 n., 272 n.
winding up, on, **5,** 458, 528. *See* DISTRIBUTION OF ASSETS.
company under Companies Clauses Act, of, **5,** 724
compulsory purchase of land, on money deposited for, **6,** 118, 119
consols, on, **24,** 758
direction to pay, creates trust, **28,** 13 n.
friendly societies, of, **15,** 161
gas undertakers, of, limit of, **15,** 366
rates of, **15,** 369
sliding scale, **15,** 371, 372

DIVIDEND—*continued.*
income tax, deduction of, by company, before payment of, **16,** 649, 660; **27,** 172 n.
return of, on foreign, **16,** 641
interim investment, on, compulsory purchase of land, on, **6,** 118, 119
land improvement, in connection with, **18,** 300, 301
power to appoint, what is authorised by unlimited, **23,** 54 n.
prospective, bargains in, effect of, **27,** 248
purchaser's rights as to, **5,** 278; **27,** 248
railway company, by, certificate of auditors, **23,** 645
interim, **23,** 644
railway stock, on, **23,** 630
receipt of, affirmation of contract, as, **20,** 749 n.
receiver appointed of, **24,** 366
tenant for life, right of, to, **5,** 278; **25,** 608—610, 612—614
unclaimed, as to, **5,** 456—458, 529
disposal of, **5,** 529
water company, of, limit of, **28,** 327, 328

DIVIDEND WARRANT,
cheque, when and when not a, **1,** 600
collection by banker, **1,** 600
conversion of, measure of damages, **1,** 601
crossing, effect of, **1,** 600
fraudulently making out, **9,** 757
indorsement of, forged, banker's liability in case of, **1,** 601
several payees, where, **2,** 504 n.
negotiability of, **1,** 601; **2,** 569

DIVIDING SOCIETIES,
registration of, when permissible, **15,** 122 n., 126
rules affecting, **15,** 138, 139
unregistered, status of, **15,** 127 n.

DIVINE SERVICE, 11, 657—661. *See also* PUBLIC WORSHIP.
alterations and irregularities in, **11,** 661
bell to be tolled, **11,** 658 n.
books, provision of, **11,** 471
brawling during, **9,** 477; **11,** 470, 663—665, 817
churchwardens, duty of, **11,** 468—473, 664—665, 690, 735
daily service, law as to, **11,** 658
sea, at, **11,** 483
disturbers, right to remove, **11,** 664. *See* brawling, *supra.*
forms, additional and special, **11,** 660
power to alter, **11,** 363 n.
Holy Communion, **11,** 689—692. *See* COMMUNION.
hymns and discretion as to singing, **11,** 659
incumbent, consent of, to performance by other clerk, **11,** 662
rights and duties of, **11,** 661—663
lessons and psalms, reading of, **11,** 658
variation of, **11,** 659
licence of bishop for, in unconsecrated building, **11,** 609
litany, use of, **11,** 658 n., 659
notices during, **11,** 660
number of services, **11,** 660
order of services, **11,** 659
performance of, **11,** 657, 661, 662
injunction in relation to, **17,** 254 n.
prayer book, form set for use in, **11,** 658

DIVINE SERVICE—*continued.*
preacher and clergyman in holy orders distinguished, **11,** 663 n.
preaching, relation to, **11,** 659
requisites for provision of, **11,** 471, 472, 735
ritual offences, **11,** 655, 665—684. *See* ECCLESIASTICAL OFFENCES.
royal names in prayer book, alteration of, **11,** 659
sanctus bell, use of, **11,** 671
services and collections, control of, **11,** 661
shortened order, use of, **11,** 658
special and additional forms of, **11,** 660
third service with sermon, **11,** 661 n.
two services every Sunday may be ordered, **11,** 660, 661
unauthorised, **11,** 655
uncertified and unregistered places, in, **11,** 662 n.
unconsecrated places, in, **11,** 609, 662

DIVISION. *See* APPORTIONMENT; PARTITION.
Catholic Church, of the, **11,** 358
cause of action, of, county court, in, **8,** 460
county, of, county council power as to, for various purposes, **19,** 369
electoral, registration, in regard to, **12,** 245, 358
land tax, for purpose of, **18,** 308 n., 314
Court of Appeal, of, **9,** 64
High Court, of, **9,** 60. *See* CHANCERY DIVISION; KING'S BENCH DIVISION.
House of Commons, in, **21,** 671, 672
announcement of, procedure, **21,** 672
invalid, when, **21,** 668
locking of doors during, **21,** 672
mode of taking, **21,** 671
power of Speaker or Chairman where vexatious, **21,** 671
House of Lords, in the, procedure on, **21,** 633, 634
Lord Chancellor takes part in, when, **21,** 629
when taking place, **21,** 633
mine into parts, of, provision for, **20,** 602
parish, of, **19,** 237, 238
how made, **19,** 238
requirements on, **19,** 239
parishes, of country into, **11,** 716
property, of, family arrangement as to, **14,** 542
partition, on, **21,** 814. *See* PARTITION.
share capital, of, statement of, in memorandum, **5,** 70.

DIVISIONAL COURT,
Admiralty jurisdiction, of, to settle points of law in Admiralty actions, **1,** 100 n.
appeal
from, **9,** 63. *See* APPEAL.
to, generally, **8,** 601 n., 607; **9,** 59. *See* APPEAL.
bankruptcy, in, **2,** 303
notice of, **16,** 602; **23,** 133 n.
counsel, hearing of, in, **2,** 413
decisions of, binding on courts of first instance, **18,** 210
interpleader, in, finality of, **17,** 618
election petition questions referred to, **12,** 459
jurisdiction of, appellate, **9,** 59
original, **9,** 54
leave to appeal from, **1,** 111, 125; **2,** 303, 305; **5,** 550; **8,** 609; **9,** 63. *See* APPEAL.
motions to, **23,** 134
appeal, by way of, **23,** 133

DIVISIONAL COURT—*continued.*
motions to—*continued.*
committal for contempt, **7,** 310 ; **17,** 295
evidence by affidavit, **23,** 134
independent application by, **23,** 133
notice of, **23,** 134
practice on, **23,** 134
writ of prohibition, for, **10,** 153
right to begin in, **2,** 413

DIVORCE,
a mensâ et thoro, **16,** 500 n.
effect on rights upon intestacy, **11,** 18 n.
judicial separation substituted for, **11,** 18 n. ; **16,** 500 n.
a vinculo matrimonii, **16,** 500 n.
administration of wife's estate, effect on, **14,** 183
adultery. *See* ADULTERY.
agreement facilitating, invalidity of, **16,** 441
alimony, **16,** 516—521, 563. *See* ALIMONY.
appeals. *See* DIVORCE DIVISION PRACTICE.
attachment in relation to, **7,** 300 ; **16,** 568, 585
bankruptcy notice by petitioner in, **2,** 26
bars to relief, absolute, **16,** 484—491
discretionary, **16,** 491—496
bigamy, foreign divorce, after, **9,** 534
bill, **21,** 761, 762
children, access to, **16,** 545, 577.
order of Court under Guardianship of Infants Act, **17,** 108
custody of, **16,** 521, 545, 577. *See* CUSTODY.
maintenance of, **16,** 521, 577 ; **17,** 116
choses in action of wife, how affected by, **16,** 334
citation. *See* CITATION.
co-habitation, refusal of, **16,** 473
collusion, **16,** 489. *See* COLLUSION.
committee of lunatic in, **16,** 504
condonation, **16,** 489—491. *See* CONDONATION.
conduct conducing to adultery, **16,** 493
conflict of laws, collusive contract, in regard to, **6,** 244
foreign decree, **6,** 266—271, 296, 297
relation to, **6,** 262—272
variation of settlements under, **6,** 280
connivance, **16,** 487, 488. *See* CONNIVANCE.
consummation of marriage, inability as to, **16,** 470, 471
not necessary to constitute desertion, **16,** 483
contracts for separation to facilitate, void, **16,** 441
co-respondent. *See* CO-RESPONDENT.
costs in. *See* DIVORCE DIVISION PRACTICE.
covenant
not to sue, **16,** 486
settle after acquired property, to, effect on, **25,** 551
cruelty in relation to, **16,** 473—477. *See* CRUELTY.
curtesy defeated by, **24,** 188
damages, **16,** 500, 542, 579
decrees absolute and *nisi.* *See* DECREE ; DECREE ABSOLUTE ; DECREE NISI.
defence, **16,** 513—515.
delay, effect of, **16,** 492
divorced person, alimony, maintenance, etc., of, whether assignable, **4,** 402 ; **16,** 520, 564, 565
description in marriage register of, **24,** 445
marriage of, **11,** 694
divorced woman, committal order against, **16,** 457
description of, in banns, **16,** 288
name of, **16,** 594

DIVORCE—*continued.*
domicil, effect of, **6,** 266—271 ; **16,** 285—287, 507
effect of divorce on wife's, **6,** 192
dower extinguished by, **24,** 195
estoppel as applied to, **13,** 331 n. ; **16,** 486
foreign decree, **6,** 266—271, 296 ; **16,** 595. *See* FOREIGN DECREE.
gift to wife during widowhood, effect on, **28,** 761, 762
grant of land as affected by, **24,** 175 n.
grounds for, **16,** 473—484
husband's suit, in, **16,** 470, 477, 500
wife's suit, in, **16,** 470, 474—476, 482, 483, 500
India, in, **6,** 267, 268
insanity as a bar to, **16,** 484, 485
joint tenancy, in relation to, **16,** 355
judicial separation, allegations only sufficient for dismissal of suit, **16,** 539
bar to, as, **16,** 486
jurisdiction, English courts, of, **6,** 262—266 **9,** 15
foreigners, in case of, **6,** 262
India, in, **6,** 267, 268
objection to, **16,** 510
King's Proctor, intervention by, **7,** 79 ; **16,** 552—555. *See* KING'S PROCTOR.
life interest, determining, effect of, **25,** 572
maintenance, children, of, **16,** 521, 577
wife after decree, of, **16,** 564—569. *See* MAINTENANCE OF PERSONS.
marriage, effect on, **16,** 594 ; **25,** 570 n.
proof of, if admitted in former suit, **16,** 485
marriage settlement, effect on powers in, **23,** 67
variation after decree, **16,** 571—576. *See also* VARIATION.
misrepresentation alone no ground for, **16,** 278—281 ; **20,** 742
name of wife after, **16,** 594
paternity of child, question how raised, **16,** 515
personal representative cannot proceed to decree absolute, **14,** 228, 229
petitioner, adultery by, **16,** 494—496
cruelty, desertion etc., by, **16,** 496
powers of appointment, effect on, **23,** 67, 68
variation of, after, **16,** 573
private Act of Parliament, by, **21,** 761, 762
proceedings. *See* DIVORCE DIVISION PRACTICE.
rape, petitioner, by, **16,** 496
proof of, **16,** 480
relief, bars to, absolute, **16,** 485—491
discretionary, **16,** 491—497
claimed by respondent, unknown adulterer, **16,** 506
grounds for, **16,** 480—484
respondent, for, **16,** 515
re-marriage after, bigamous, when, **9,** 534
other parties, with, **16,** 594
same parties, **16,** 594
res judicata, rescission of decree, **16,** 485
respondent. *See* RESPONDENT.
woman accused of adultery with husband made a, **16,** 507
second suit on same facts, **16,** 498
separation deed as consideration for no proceedings, for, validity of, **15,** 82, 83
effect on, **16,** 450
settlement
consideration of no proceedings being taken, as, **15,** 82, 83

DIVORCE—*continued.*
settlement—*continued.*
determinable on involuntary alienation, effect on, **25,** 572
variation of, **6,** 280; **16,** 571—576. *See* VARIATION.
sodomy or bestiality as ground for, **16,** 477
status, effect on, **6,** 266—270; **16,** 591—594
tenancy by entireties, effect on, **16,** 355
unnatural offence by petitioner as defence, **16,** 497
vigilantibus non dormientibus, **16,** 492
wife's torts, effect on husband's liability for, **16,** 437

DIVORCE AND MATRIMONIAL CAUSES COURT,
history of, **9,** 53

DIVORCE BILL,
Act not printed, **27,** 116 n.
jurisdiction of House of Lords, **9,** 20; **21,** 761
procedure relating to, **21,** 761, 762
proof of facts stated in, **27,** 205 n.

DIVORCE DIVISION,
judges of, **16,** 463
liability to go on circuit, **16,** 463
jurisdiction of, **16,** 462
matters assigned to, **16,** 462
power of the court generally, **16,** 584
how derived, **16,** 584, 585
practice and procedure of, **16,** 468. *See* DIVORCE DIVISION PRACTICE.
President of, **16,** 463
registrar, appointment and duties of, **16,** 463
registry of, **16,** 463
rules, power of President to make, **16,** 469

DIVORCE DIVISION PRACTICE,
abandonment by petitioner, notice of, **16,** 539
abatement of suits, **16,** 537
act on petition, **16,** 511
adjournment for enlarging allegations, proceedings on renewal, **16,** 542
affidavit, evidence by, **16,** 534
motion, on, **16,** 466
petition, accompanying, **16,** 497
rules as to, **16,** 535
service of citation, of, **16,** 508
alimony, **16,** 516—521, 563, 564. *See* ALIMONY.
answer to petition, **16,** 513—515
affidavit accompanying, **16,** 514
defences open to respondent, **16,** 514
delivery of and filing of, **16,** 513
raising question of paternity of child, **16,** 515
appeal, application for rehearing, **16,** 561
consent order, against, **16,** 558
costs
of, **16,** 561, 562
order as to, against, **16,** 558
Court of Appeal, to, **16,** 557—559; **23,** 193 n.
decree
absolute, as to, **16,** 558
nisi, as to, **16,** 557
final decree, against, **16,** 558
interlocutory order, from, **16,** 559
leave, when necessary, **16,** 558
legitimacy declaration, as to **16,** 559
order of attachment for contempt, **16,** 559
registrar, from, to judge in chambers, **16,** 559, 581

DIVORCE DIVISION PRACTICE—*contd*
appearance, absolute, **16,** 510
belated, objection by King's Proctor, **16,** 511
evidence of identity, as, **16,** 534
protest, under, **16,** 510
attachment for contempt, **7,** 300; **16,** 585, 586
bars to relief, absolute, **16,** 484—491
discretionary, **16,** 491—496
bill of exceptions, **16,** 529
burden of proof at trial, **16,** 541
case called on, no one appearing for petition, **16,** 539
cause lists, **16,** 530
charging order, **16,** 588
children, custody, maintenance and access, **16,** 521—523, 545, 577. *See also* MAINTENANCE OF PERSONS.
maintenance of, orders as to, **16,** 521, 522, 577, 578; **17,** 116
Clergy Discipline Act, certificates under, **16,** 552
collusion, **16,** 489. *See* COLLUSION.
commission to take evidence, **16,** 525, 536, 537
compromise of suit, **16,** 540
condonation, **16,** 489. *See* CONDONATION.
consolidation of suits, **16,** 530
contempt of court in course of proceedings, **16,** 558, 559
copies of
documents, **16,** 463
letters in undefended cases, **16,** 531
co-respondent. *See* CO-RESPONDENT.
costs, **16,** 547—552, 580—584
advice on answer, of, **16,** 581
appeal, of, **16,** 561
taxation, from, **16,** 581, 582
attachment, of, **16,** 586
compromise, of, **16,** 540
conduct of
co-respondent, effect of, **16,** 551
petitioner, effect of, **16,** 551
co-respondent, liability of, as to, **6,** 264; **16,** 550—552
condoned adultery, effect of, **16,** 551
husband liable for wife's costs, where, **16,** 552
King's Proctor intervening, **16,** 584
country and London solicitors, of, **16,** 581
cross petitions, of, **16,** 548
death of party, effect of, **16,** 538
disagreement of jury, after, **16,** 551
execution for, **16,** 583
when allowed to husband, **16,** 582, 583
extra, payable out of damages, **16,** 579, 582
garnishee order for, **16,** 589
guardian of minor wife, liability of, **16,** 548
husband and wife, between, **16,** 547—550
incurred before commencement of suit, **16,** 581
interlocutory applications, of, **16,** 513
intervention by member of the public, in case of, **16,** 557
King's Proctor, of, **7,** 79; **16,** 553, 555
matters included in, **16,** 547
nullity suit, in, **16,** 548
parties heard as to, **16,** 547
party and party, **16,** 580, 581
pauper suitors, of, **16,** 547, 562
payment in or out of court on decree *nisi,* **16,** 584
petitioner's liability for co-respondent's, **16,** 551
recovery of, **16,** 583, 587

DIVORCE DIVISION PRACTICE—*contd.*
costs—*continued.*
refreshers, as to, **16,** 581
registrar's order as to, **16,** 583
respondent's, when co-respondent liable for, **16,** 552
restraint on anticipation, payable out of property subject to, **16,** 374, 375, 456
scale allowed, **16,** 582
security for, appeal from Divorce Division, on, **16,** 523—525
commission for evidence, in case of, **16,** 525
co-respondent's right to, **16,** 523
enforcement of order for, **16,** 525
further, application for, **16,** 524
husband, by, appeal by wife, **16,** 561
wife's, for, **16,** 523, 524
insane respondent, in case of, **16,** 523
sequestration for, **16,** 587
solicitor and client, **16,** 582
stay of proceedings on non-payment by husband, **16,** 538, 539
taking out, after decree absolute, **16,** 593
taxation of, **16,** 580—584
parties entitled to attend, **16,** 581
principles of, **16,** 581
procedure on, **16,** 580
time for, **16,** 580
three counsel, of, **16,** 581
variation of settlements, of, **16,** 576
wife, of, appeal, of, **16,** 561
bankruptcy of husband, **16,** 583
bond by husband with sureties, **16,** 524
death of husband before hearing, **16,** 538
husband's credit pledged for, **16,** 429
liability of wife, **16,** 547, 548, 549
solicitor, when deprived of, **16,** 549
special jury, for, **16,** 529
subsequent suits, of, **16,** 524
successful, rights of, **16,** 548
successive suits, of, **16,** 549
unsuccessful, where allowed to, **16,** 548, 549
wife's property, inquiry as to, **16,** 525
cross-examination of parties, **16,** 533
cross petition and cross prayers, **16,** 450, 515
damages, **16,** 500. *See* DAMAGES.
apportionment of, **16,** 579
assessment of, **13,** 432; **16,** 542
death of party, consequent results of, **16,** 537, 538
declaration against marriage, **16,** 470—472. *See* JACTITATION OF MARRIAGE; NULLITY OF MARRIAGE.
decree *nisi* and absolute. *See* DECREE; DECREE ABSOLUTE; DECREE NISI.
defence, **16,** 513—515
by one party only, respective duties of judge and jury, **13,** 432
delay, effect of, **16,** 491—493
directions, summons for, not necessary, **16,** 528
discovery, **16,** 526, 527
dismissal, jury, of, **16,** 541 n.
parties at trial, of, **16,** 542
suit, of, **16,** 539
dispute as to property, summons, **16,** 521
distringas, **16,** 588
divisional court, **16,** 463
appeals to, procedure, **16,** 602—604
costs, **16,** 604
powers on appeal, **16,** 603

DIVORCE DIVISION PRACTICE—*contd.*
divorce. *See* DIVORCE.
documents, care of, **16,** 463
handing out originals after decree, **16,** 593
inspection of, order as to, **16,** 527
elegit to enforce payment of money, **16,** 587, 588
entry of finding and decree by registrar, **16,** 544
equity administered in, **13,** 63 n.
estoppel by deed, stay of proceedings, **16,** 539
evidence, **16,** 531—533
character, of, when admissible, **13,** 454
commission to take, **16,** 536
further, required by Court, **16,** 542
hostile, respondent, and co-respondent by, **16,** 533
in camerâ, taking, **16,** 465
incontinence of wife, of, **13,** 452
questions tending to prove adultery, **13,** 576; **16,** 526, 532
execution to enforce orders, **16,** 585—588
discovery in aid of, **16,** 590
fieri facias, **16,** 587, 588
fresh suit for divorce on same facts, **16,** 498
garnishee order, **16,** 589
identity, evidence of, **16,** 533
in camerâ, hearing, **16,** 465
injunction, dispute as to property, **16,** 521
foreign proceedings, none to restrain, **17,** 264
molestation, against, **16,** 590
insincerity, when a bar to relief, **16,** 491, 492
interlocutory matters, appeal as to, **16,** 559
interrogations by person serving citation, **16,** 509
interrogatories in, **16,** 526, 527
intervener, **16,** 507
intervention, King's Proctor, by, **16,** 553, 555
member of the public, by, **16,** 556
issues, trial of, **16,** 529, 530
jactitation of marriage, **6,** 266; **16,** 470. *See* JACTITATION OF MARRIAGE.
judgment, **16,** 543
default, by, **16,** 484
judgment summons in bankruptcy, issue of, **16,** 588
judicial separation. *See* JUDICIAL SEPARATION
jury, disagreement of, **16,** 543
new trial, **16,** 560
extra remuneration for, **16,** 544
ordered by Court, **16,** 529
questions for, **16,** 529
right to, **16,** 528, 529
King's Proctor, **16,** 552—556. *See* KING'S PROCTOR.
law existing when suit commenced governs rights of parties, **16,** 544
leave to proceed, citing co-respondent, without, **16,** 507
naming co-respondent, without, **16,** 506
legitimacy, declaration as to, **2,** 433—435
not determined on proceedings to vary settlement, **16,** 575
presumption in favour of, **16,** 479
letters of request for evidence, **16,** 537
lis pendens dating from citation, **16,** 508
lodging of papers for motion, **16,** 465
maintenance of wife after decree, **16,** 564—569. *See* MAINTENANCE OF PERSONS.
mandamus, **16,** 590
minor, election or assignment of guardian, of, **16,** 504
motion, proceeding by, **16,** 465, 466

DIVORCE DIVISION PRACTICE—*contd.*
new trial, grounds for, **16,** 560 n.
motion for, **16,** 560
notice of motion, **16,** 465
nullity suit, **16,** 470—472. *See* NULLITY OF MARRIAGE.
oaths, administration of, **16,** 464
onus probandi in, **16,** 541
open court, hearing in, **16,** 464
oral examination, **16,** 533, 536
order, dismissal, for, **16,** 539
enforcing of, **16,** 584—591
motion, made on, **16,** 466
summons, made on, **16,** 467
part-heard cause, notice of readiness to proceed, **16,** 531
party, infant as, **16,** 504
judgment creditor, when deemed a, **16,** 588
lunatic as, **16,** 504
prison, in, attendance of, **16,** 532
pauper suitors, **16,** 505
petition, **16,** 497—504. *See* PETITION (Matrimonial Cause).
petitioner. *See* PETITIONER.
pleadings, act on petition, on, **16,** 511
amendment of, **16,** 502
defence, **16,** 513, 515
embarrassing, **16,** 503
particulars, **16,** 512, 513
reply and subsequent pleadings, **16,** 516
service of, **16,** 509
proceedings, civil cause, are, **11,** 36 n.
in formâ pauperis, **16,** 505
institution of, **16,** 497
successive, **16,** 498
protection order, **16,** 501
discharge of, **16,** 562
receiver, appointment of, **16,** 589; **24,** 342
reconciliation, rescission of decree *nisi*, **16,** 555
registrars, **16,** 463. *See* REGISTRAR (Divorce Division).
rehearing, application for, **16,** 561
relief obtainable, **16,** 469, 470
reserved list, **16,** 531
respondent. *See* RESPONDENT.
restitution of conjugal rights, grounds for, **16,** 473. *See* RESTITUTION OF CONJUGAL RIGHTS.
restoring motion, **16,** 466
second suit on same facts, **16,** 485, 498
separation of issues, **16,** 530
sequestration to enforce orders, **16,** 586, 587
service, pleadings, notices etc. of, **16,** 509
sealed copy of petition, of, **16,** 508
setting down causes, **16,** 528, 529
settlement, children, for benefit of, Court's order as to, **17,** 116
property of wife in fault, of, **16,** 569, 570
variation after decree, **16,** 571—576. *See also* VARIATION.
showing cause against decree, **16,** 554
King's Proctor, by, **16,** 555, 556
member of public, by, **16,** 556, 557
sittings of court, **16,** 464
solicitor's charging order, **16,** 589
special verdict, **16,** 529
stay of proceedings, **16,** 538, 539
stop orders, **16,** 589
striking out cause, **16,** 541
subpœna, issue of, **16,** 531
summing up by judge, **16,** 543

DIVORCE DIVISION PRACTICE—*contd.*
summonses, **16,** 466, 467
attendance of counsel, **16,** 467 n.
collateral question, act on petition, **16,** 511
dismiss, to, **16,** 539
withdrawal of, **16,** 467
supplemental petitions, **16,** 503
surprise at trial, adjournment, **16,** 512
taxation of costs, in, **16,** 580—584. *See* costs, *supra.*
transfer from one list to another, **16,** 531
trial, methods of, **16,** 541
order of speeches, **16,** 542
right to begin, **16,** 541
vacation, business during, **16,** 467, 468
judge, **16,** 468
registrars' powers in, **16,** 468
time running during, **16,** 467
verdict of jury, **16,** 543
witness
abroad, **16,** 535
examination of, **16,** 533, 537
ill, **16,** 537
prison, in, attendance of, **16,** 532
writs in aid, **16,** 588

DOCK. *See* BERTH.
defined, **14,** 483 n.; **21,** 417
accidents in, **14,** 483
arrival at particular part of, provision as to, effect, **26,** 183, 184, 261
arson in respect of, **9,** 772
as near thereto as she can safely get, interpretation of, **26,** 183
Board of Trade, powers of, as to, **14,** 387
charterer reserving right to name, **26,** 184
charterparty, stipulation as to arrival in, **26,** 183
collision with, by ship, **26,** 547
ship under orders of dockmaster, between, **26,** 532
vessel running into wall of, whether in, **17,** 441
Commissioners of Sewers, interference by, with, **25,** 780, 781
company, compelled to carry out provisions of their Act by mandamus, **10,** 84
usages as to loading and discharge, **10,** 290, 292, 293, 296
whether a railway company, **4,** 65 n., 72 n.
compensation for land taken for, **6,** 157, 158
construction of, **28,** 412—418
control of, by Crown, **6,** 459
dangerous trade, as, **14,** 483
dry, fire policy on ship in, **17,** 392 n., 528 n., 535 n.
underwriter's liability for costs of ship in, **17,** 468
dues, apportionment of, during repair of ship, **17,** 462
collision repairs, for, recoverable, **26,** 539
exemption of lighthouse authorities from, **26,** 628
payment of, under charterparties, **26,** 136
recovery as damages, **26,** 539
duty of vessel, entering and leaving, **26,** 498, 499
lying in, **26,** 490
easement appurtenant to, **11,** 328
electric energy, supply of, in London, **12,** 621
explosives, unloading of, in, byelaws as to, **14,** 386, 387
factory regulations relating to, **14,** 483, 484
income tax, under Schedule A, **16,** 625
inspection of, as a factory, **14,** 483

DOCK—*continued.*
insurance of ship in, **17,** 392 n., 393 n.
land improvement, relation to, **18,** 280 n., 284 n.
loading, charterer's duty as to, does not arise till arrival in, **26,** 183
London Building Acts, application of, **20,** 475
master, *defined,* **26,** 634
liability of shipowner as affected by orders of, **26,** 532, 533
obedience to orders of, **26,** 499
negligence in relation to, **21,** 416—420
occupier of, Factory Acts, for, **14,** 485
owner of, duty of, landing or despatch of goods, as to, **21,** 419, 420
plant and tackle supply, as to, **21,** 419
repair of ships, as to, **21,** 418, 419
ships and persons using dock, towards, **21,** 417—419
warehouseman and wharfinger, as, **21,** 420
pilot's duty in docking ship, **26,** 531 n.
pilotage not compulsory within, **26,** 605, 609 n.
police, appointment and powers of, **22,** 496
Port of London Authority, powers as to, **20,** 410, 411
Public Health Acts, saving from provisions of, **23,** 366
rateable value of, **24,** 39, 40
rating of
harbour board, rateability of, **24,** 16
poor rate, for, **24,** 16, 41
railways, where connected with, **24,** 40
separate occupation of part, in case of, **24,** 13
tolls in connection with, **24,** 9
scavenging matter, discharge of, into, **25,** 769, 770
sewers and drains, interference with, **25,** 767 n.
unlawful occupation of berth in, **27,** 848 n.

DOCK DEFENCE, **2,** 389; **9,** 352

DOCK WARRANT,
bill of sale, is not a, **3,** 6
mercantile agent's dealing with, **1,** 205, 206
negotiable instrument, is not a, **25,** 193, 225
possession not transferred by delivery of, **25,** 120 n., 225

DOCKET,
passing instruments under Great Seal, on, **7,** 11 n.

DOCKYARD,
Admiralty powers as to, **7,** 90
arson of, **6,** 357; **9,** 773; **25,** 15
recording of judgment of death for, **9,** 376 n., 409
venue for trial of, **9,** 277, 284 n.
entering wrongfully to obtain information, **7,** 31
obtaining and communicating information as to, **9,** 480

DOCKYARD PORT,
defined, **28,** 386
collision in, prevention of, **28,** 389
conservancy of, **28,** 388—390
King's Harbour Master, powers of, **28,** 389, 390
limits of, Order in Council, as to, **28,** 386
obstructions in, removal of, **28,** 390
regulation of, **7,** 90; **28,** 386, 389
removal of vessels from, **28,** 390
vesting in King's Harbour Master, **28,** 388, 389

DOCTOR. *See* MEDICAL ADVISER; MEDICAL ATTENDANCE; MEDICAL PRACTICE; MEDICAL PRACTITIONER.
emigrants, duties as to embarkation of, **26,** 342
excise licence, exemption from, **18,** 16
jury service, exemption from, **18,** 232
practice of, goodwill, **27,** 591
professional privilege as witness, cannot claim, **11,** 80
report by, when privileged, **11,** 79
prison doctor, in case of, **11,** 85 n.
restrictive covenant, **27,** 559, 585 n.
construction of, **27,** 579
residence, as to, **27,** 559
retreat (habitual drunkards), in, **18,** 160
ship compelled to carry, when, **26,** 45, 341
title, restriction as to use of, **20,** 311, 337
undue influence by, presumption as to, **13,** 19; **15,** 110

DOCTORS OF LAW,
College of, **11,** 503, 504

DOCTORS' COMMONS,
bar, **11,** 503
causes heard in, **11,** 508 n.
erection of, **11,** 503 n.

DOCTRINE,
admission of evidence as to, of church, **13,** 479
alteration of, effect upon Church, **11,** 363
declaration by Sovereign as to, **6,** 324; **11,** 382
gifts to
promote various kinds of, **4,** 116, 122, 162
propagate, subversive of Christianity, void, **4,** 123
offences in respect of, **11,** 653, 654
punishment for, **11,** 520, 521, 538
Papal supremacy, of, gift to promote, void, **4,** 122, 123; **11,** 810

DOCUMENT,
defined, **11,** 58 n., 68 n.
Companies' Acts, in, **5,** 36
abstract of title, in, proof of, **25,** 349—351, 353
access to, how compelled. *See* INSPECTION.
admission as to, does not make it evidence, **13,** 517 n.
admissions in, receivable in evidence, **13,** 458
affidavit of, discovery, for, **11,** 59—64. *See* AFFIDAVIT OF DOCUMENTS.
alteration of. *See* ALTERATION.
forgery, when, **9,** 728
ambiguity in. *See* AMBIGUITY.
ancient, custody of, **13,** 505, 512—515, 539
evidence, as, **13,** 442, 505, 512—515, 527, 530
examined copy of, verification of, **13,** 549
handwriting in, evidence as to, **13,** 608
interpretation of, **10,** 451, 452
presumption as to authenticity of, **13,** 505
attestation of. *See* ATTESTATION.
authentication of. *See* AUTHENTICATION.
authenticity of, proof of, **13,** 510 *et seq.*
bankrupt's offences in connection with, **2,** 346—348
barrister, opinion of, whether included in, **11,** 68 n.
Board of Trade, from, railway, in respect of, **23,** 741
boundaries, in regard to, **3,** 143; **4,** 560, 586

DOCUMENT—*continued.*
cancellation of. *See* CANCELLATION.
certified
copy of, **13,** 422, 524, 534. *See* CERTIFIED COPY.
extract from, marriage register, in case of, **16,** 313
notice of intention to use as evidence, **16,** 313
charge on, by company, **5,** 344
chose in action, as, **9,** 641
chose in possession, as, **22,** 390
clerical error in. *See* CLERICAL ERROR.
colonial judicial, proof of, **13,** 527
confidential, cabinet, of the, **7,** 45
privileged, when, **11,** 72—82
construction of. *See* CONSTRUCTION OF DOCUMENTS; CONSTRUCTION OF WILL.
contents of, best evidence of the, **13,** 422, 518
presumptive knowledge of, from access to, **13,** 448
proof of, **13,** 517 *et seq.*
copy of. *See* COPY.
County Court, in, admission and production of, **8,** 516
costs of proving, **8,** 516
production of, trial, at, by witness, **8,** 529, 530
proof of, **8,** 532
transmission of, after service, **8,** 484
unstamped, **8,** 532
custody of
ancient, **13,** 505, 512—515, 539
manorial, **8,** 15, 16; **13,** 515, 540
parish, **19,** 253, 254
register, baptismal, **11,** 472, 686, 736, 741
improper, effect on admissibility, **13,** 537
births, deaths and marriages, of, **11,** 706, 707; **24,** 438, 447, 448
burials, of, **3,** 557
ecclesiastical, during vacancy, **11,** 472
non-parochial, **24,** 436, 437, 539
title deeds. *See* TITLE DEEDS.
delivery up of, cancellation, for, **13,** 52
mandamus for, **10,** 81
deposit of, in Filing Department of Central Office, **11,** 53 n.
court, in, for inspection, **11,** 89
destruction of, accidental, **13,** 25, 26, 518. *See* DESTRUCTION.
disclosure of. *See* DISCOVERY OF DOCUMENTS.
contrasted with production of, **11,** 58, 59, 71
covering up part, **11,** 71
forfeiture, in cases of, **11,** 65
grounds for resisting, **11,** 64, 65
discovery of, **11,** 36 *et seq.* *See* DISCOVERY OF DOCUMENTS.
distress upon professional, **11,** 143
district council, of, right of inspection by elector, **19,** 334
donatio mortis causâ, of, **15,** 432, 433
enrolled under statute, copies as evidence, **13,** 518 n., 524
proof of, **13,** 606; **25,** 350
enrolment of. *See* ENROLMENT.
erasures or interlineations, presumption as to, **13,** 506; **28,** 560
examined copy of, **13,** 524, 534, 549
execution of. *See* EXECUTION OF INSTRUMENT.
executive, in constitutional law, **7,** 8—18

DOCUMENT—*continued.*
extrinsic evidence, contradict or vary, to, **10,** 444—451, 454; **13,** 566, 567. *See* EXTRINSIC EVIDENCE.
construe etc., **10,** 448—454; **13,** 568. *See* EXTRINSIC EVIDENCE.
false statement in, building societies, of, under, **3,** 340
company, of, **5,** 313, 314
falsification of, **9,** 659—661, 742, 743, 744. *See* FALSIFICATION.
company's, **5,** 313; **9,** 660
foreign. *See* FOREIGN DOCUMENT.
forgery of, **9,** 711—767. *See* FORGERY.
fraudulent concealment of, **9,** 705
friendly societies, relating to, deposit of, in central office, **15,** 130
genuineness of, implied representations, **20,** 672, 673
identification of, affidavit of documents, by, **11,** 60
impounding, by court, **23,** 176
incorporation of, in will or codicil, **14,** 159; **28,** 634
incriminating, privilege for, **11,** 70 n., 72, 83
injunction
giving access to, **17,** 268
restraining the parting with, **17,** 268
inspection of, **11,** 37, 67—92. *See* INSPECTION OF DOCUMENTS.
interrogatories as to, **11,** 102
land, of title to. *See* TITLE DEEDS.
larceny of, **9,** 637, 641, 642, 643
libellous, presumption as to possession of, **18,** 662
lien on. *See* LIEN.
list of, in lieu of affidavit in commercial list causes, **11,** 44
loss of. *See* LOSS.
lunatic's representatives' right to, **19,** 428
lunatic's right on discharge to, **19,** 524
marine insurance, as to, **17,** 423—428
misrepresentation and concealment as to, **20,** 682 n.
mistake in regard to. *See* MISTAKE.
notarial act as evidence of, **13,** 497, 628; **21,** 497
notarial seal, under, proof of, **21,** 500, 501
notice to admit, **8,** 516; **23,** 145
notice to produce, **8,** 516; **11,** 68; **23,** 146
form and service of, **11,** 69; **13,** 522
notice in answer, **11,** 70
where unnecessary, **13,** 521
office copy of, **13,** 549
ownership of, as between solicitor and client, **26,** 740
parol evidence as to. *See* EXTRINSIC EVIDENCE.
photography of, for use in litigation, **11,** 89
pleading, statement in, of contents of, **22,** 427
primary evidence of, **13,** 422
privilege from production, **11,** 70 *et seq.* *See* PRIVILEGE.
probate of, granted, when, **14,** 158
refused, when, **14,** 180
production of. *See* PRODUCTION OF DOCUMENTS.
prolonged examination of, reference in case of, **1,** 484, 487
proof of, **13.** 510 *et seq.* *See* PROOF.
public, copy of, **13,** 522
Crown, made on behalf of, **13,** 528
examples of, **13,** 473, 525, 528, 529, 531
ordnance survey map not a, **13,** 564
proof of, **9,** 392; **13,** 422 n., 523, 525 *et seq.*

DOCUMENT—*continued.*
rectification of. *See* RECTIFICATION.
relevancy of, in case of affidavit of documents, **11,** 61—64
representations as to, cases of, **20,** 670
sealing of, corporation, in case of, **8,** 380—386
county courts, in, **8,** 621
deed, in case of, **10,** 386, 391, 394, 396—400
sealing up of, **11,** 68, 70
search on order for discovery of, **11,** 58
secondary evidence of, when admissible, **13,** 518—522, 605. *See* SECONDARY EVIDENCE.
service of. *See* SERVICE.
several, may form one contract, **7,** 512; **25,** 290
several pieces of paper constituting one, verification, **21,** 501 n.
ship, of, change of master, transfer on, **26,** 64, 659. *See* REGISTER.
contract of carriage ascertained by reference to, **26,** 147
custody and inspection of, **26,** 658
customs or consular officer, deposit with, **26,** 659
failure to carry proper, whether unseaworthiness, **17,** 421, 425; **26,** 213
forgery or alteration of, **9,** 752
registration, relating to, **26,** 32
Registrar-General, transmitted to, **26,** 658
shipping, duty of master as to, **26,** 213
stamping of. *See* STAMP; STAMP DUTY.
subpœna duces tecum for, **13,** 580. *See* SUBPŒNA DUCES TECUM.
testamentary, **14,** 158—161; **28,** 650, 651
title, of, goods, to. *See* DOCUMENT OF TITLE TO GOODS.
land, to. *See* TITLE DEEDS.
translation of, costs of, **26,** 769 n.
trover for unstamped, **27,** 909
undertaking by party not owner as to, effect as regards discovery, **11,** 87
unstamped, whether receivable in evidence, **13,** 515
criminal proceedings, in, **9,** 388; **13,** 515
validity of, where presumed, **13,** 505
variation of, extrinsic evidence, by, **13,** 427, 567; **14,** 159. *See* EXTRINSIC EVIDENCE.
witness, objection of, to produce, **13,** 581
refreshing memory of, **13,** 424, 595—599
Workmen's Compensation Act, under, filing and service of, **20,** 218, 243
wrongful use of, Official Secrets Act, under, **7,** 31, 32

DOCUMENT OF TITLE TO GOODS,
As to land see TITLE DEEDS.
defined, Factors Act, 1889, **1,** 205 n.
Larceny Act, 1861, **9,** 642
Sale of Goods Act, 1893, **25,** 119
assignment of, international law as to, **6,** 217. *See* transfer, *infra.*
attornment required to transfer possession, when, **25,** 210 n.
banker's advance on security of, **1,** 638
bill of exchange accepted on delivery of, **1,** 623—626
bill of lading as a, **26,** 146, 147
conversion of, **27,** 890
disposition of, buyer, by, **25,** 200
Factors Act, under, **1,** 205; **25,** 259; **27,** 891, 892
mercantile agent, by, **1,** 205; **25,** 200, 259—262

DOCUMENT OF TITLE TO GOODS—*continued.*
fraudulent dealings with, **9,** 657, 658
larceny of, **9,** 642, 643
pledge of, how treated, **25,** 201 n., 262
price payable in exchange for, **25,** 205 n.
receiver, delivery to, **24,** 390
right to, where no right to property, **27,** 904 n., 905 n.
transfer of, buyer or owner, by, **25,** 200, 259—262
effect of, **25,** 225, 249 n.
fraudulent, **9,** 657
lawful, meaning of, **25,** 261
mode of, **25,** 200, 226 n., 261
trover or detinue for, **27,** 900

DOCUMENT OF TITLE TO LAND.
See TITLE DEEDS.

DOCUMENTARY BILL,
acceptance and non-acceptance of, effect of, **1,** 624, 625
accepted payable on delivery of document, **1,** 625
drawer, rights of, **1,** 625
holder, rights of, **1,** 625

DOCUMENTARY EVIDENCE. *See also* PROOF OF CONTENTS OF DOCUMENT.
abroad, copy, admissibility of, **13,** 420
secondary evidence, **13,** 520
account book of deceased person, **13,** 561
accounts as, **13,** 561
Act of Parliament, **13,** 525
adjudication in bankruptcy, of, **13,** 551
adultery, of, **16,** 479
affidavit as, **13,** 544, 618—630. *See* AFFIDAVIT.
analyst's certificate as, **15,** 12, 31
ancient
documents as, **13,** 512—515, 527. *See* ANCIENT; DOCUMENT.
possession, relating to, **13,** 442
attesting witness, when required to prove, **13,** 511, 604—606
award as, **13,** 545, 552; **15,** 479
bankers' books as, **1,** 644—647; **13,** 478, 554, 555 *See* BANKERS' BOOKS.
bankruptcy, in, **2,** 114, 316—318
baptism, of, **11,** 687; **13,** 537
bill of exchange as, **13,** 562
bill of lading as, **13,** 563; **26,** 145
Board of Agriculture in relation to, **1,** 299
Board of Education in relation to, **12,** 8 n.
Board of Trade in relation to, **2,** 114, 316, 317; **12,** 609; **23,** 741
certificate of, as, **2,** 316; **5,** 437
British Pharmacopœia as, **20,** 324
building society rules, as to, **3,** 331, 335
bye-laws, of, **13,** 526
harbour authority, of, as, **26,** 647
local authorities, of, as, **23,** 393
certificate of
birth, marriage, and death, **13,** 533
foreign register, from, **13,** 534—536
marriage, of, **13,** 533; **16,** 311—313. *See* CERTIFICATE.
nationality of ship, of, **26,** 20 n.
teacher as, **12,** 66
cheque as, **13,** 562
colonial
certificates of marriage as, **16,** 314
legal documents, of, **13,** 527

DOCUMENTARY EVIDENCE—*contd.*
company and corporation books as, **5,** 559; **13,** 478, 555
construction of, province of judge, **13,** 429, 430
contents of documents, proof of, **13,** 517 *et seq.* *See* PROOF OF CONTENTS OF DOCUMENT.
conviction, of, **9,** 374 n.
copy, admissibility of, **13,** 517 *et seq.* *See* COPY.
corporation books, entries in, as, **8,** 380; **13,** 478
counterfoil to cheque as, **13,** 562
county court, in, **8,** 532
court rolls as, **8,** 17, 18; **13,** 539—541
criminal cases, in, **9,** 390; **13,** 550. *See* CRIMINAL PROCEEDINGS.
Crown lands, relating to, **7,** 198
death, of, **13,** 533, 538
deceased person, declaration by, **13,** 423, 465, 467, 471
declaration in writing of certifying surgeon as, **14,** 534
dentists' register, copy of, as, **20,** 360
depositions, judicial proceedings, in, **8,** 516—518; **11,** 113; **13,** 546, 548, 614, 615, 616. *See* DEPOSITION.
winding up, in, **5,** 477
dictionary as, **28,** 635, 658
election petition, at, **12,** 452
electric testing instruments, records of, as, **12,** 606
Elementary Education Act, under, **12,** 66
engineer's report as to ancient facts, **13,** 563
events abroad, of, **6,** 307
excise survey books as, **24,** 742
exemplifications as, **13,** 523
existence or identity of document, questions as to, **13,** 429; **14,** 159
family Bibles and papers as, **13,** 560
foreign
copy as, **13,** 420
judgment and acts of state, of, **13,** 527
language, in, English equivalent of, **13,** 480
legal documents, of, **13,** 527
register, from, **13,** 534—536
gas-examiner, report of, as, **15,** 394
Government department, orders and regulations of, **13,** 525
handwriting, proof of, **13,** 510
historical works as, **3,** 148; **13,** 478, 479, 563
Houses of Parliament journals, proof of, **13,** 527, 551
inscription as, **13,** 564, 565
journals as, **13,** 478, 479
judge's notes as, **13,** 550; **23,** 203
judgment as, **13,** 341, 342, 484
judgment in inferior court, of, **13,** 552
judicial proceedings, **13,** 542—554. *See* JUDICIAL PROCEEDINGS.
law reports as, **13,** 475 n.
letters as, **13,** 439, 556—559; **16,** 479; **22,** 658
without prejudice as, **13,** 457, 557—559; **22,** 658, 659
letters of administration as, **13,** 553, 554
lighthouse journal as, **1,** 99; **13,** 542
log book of ship as, **13,** 541, 542; **26,** 82
London Gazette as, **2,** 87, 312, 316, 354; **13,** 525, 551
manorial documents as, **13,** 540
map as, **13,** 469, 479, 532, 563, 564
marriage, of, **13,** 533, 535, 537; **16,** 311—313
foreign certificate, as, **6,** 307 n.

DOCUMENTARY EVIDENCE—*contd.*
medical officer, register of attendances of, **13,** 474
Medical Register as, **20,** 318, 319
midwives, roll of, as, **20,** 369
minute book as, **13,** 552, 555
newspaper report as, **13,** 565
non-parochial register as, **13,** 538
notarial acts as, **13,** 497; **21,** 500, 501
notice to admit and produce, **13,** 517, 520—522; **23,** 145, 146. *See* NOTICE TO ADMIT; NOTICE TO PRODUCE.
ordnance survey as, **13,** 564
parish register as, **13,** 536—538
pass-book as, **1,** 619; **13,** 388 n.
passenger list as, **26,** 344, 345, 613 n.
peerage claim, in, **13,** 533; **22,** 281, 282
photograph as, **11,** 89; **13,** 565
plan as, **13,** 469, 532, 563
pleadings as, **13,** 543
power of attorney, document executed under, as, **13,** 514, 515
private records not admissible, **13,** 529, 532
private statute, in regard to, **13,** 525
probate, of, **13,** 553, 554, 559
proclamation as, **13,** 525
promissory note as, **13,** 562
proof of. *See* PROOF OF CONTENTS OF DOCUMENT.
public documents, **13,** 472, 522—542. *See* PUBLIC DOCUMENTS.
putting in at trial, **13,** 517 n.
Railway Commissioner, signed by, **23,** 753
rate book as, **13,** 541; **24,** 56
receipts as, **13,** 562, 563
recitals in deed as, **13,** 372
register kept pursuant to statute as, **13,** 539
registered post, transmission by, **20,** 150 n.
registers as, **13,** 533—539. *See* REGISTER.
report of a judicial nature, **13,** 545
revenue book as, **13,** 472, 541
Royal proclamation etc., of, **13,** 525
scientific works as, **13,** 479, 563
seal as, **13,** 427, 495, 496
sealing, proof of, **13,** 510
secondary evidence, admissibility of, **13,** 518. *See* SECONDARY EVIDENCE.
special meanings of particular terms, finding by jury, **13,** 430
statutes as, **27,** 201, 202
survey as, **13,** 469, 475, 563
telegrams as, **13,** 559
third person, in custody of, **13,** 520
unattested, how proved, **13,** 510
unstamped, admissible, collateral matter, to prove, **13,** 516
criminal case, in, **7,** 530; **9,** 388
cross-examination on, as to, **13,** 517
inadmissible, when, **13,** 515
witness may look at, when, **13,** 516
verdict, minute of, as, **13,** 354 n.
verdict followed by judgment as, **13,** 544, 545; **14,** 562
veterinary inspector's certificate as, **1,** 432
waterworks, plans and books of reference of, as, **28,** 284
will as, **13,** 512, 559; **28,** 632
construction of, to aid, **28,** 632 *et seq.*
witness may not refer to, when, **13,** 596
witness's reference to document does not make it evidence, **13,** 424, 595, 597
writ as, **13,** 543, 544

DOG,
Board of Agriculture orders as to, **1,** 281, 298, 400—403
carcases of cattle to which dogs have access, penalty for non-burial, **1,** 400
carriage of, rail and canal, by, **4,** 36 n., 37
collars, order as to, **1,** 401
without, treated as stray, **1,** 398, 401
constable, powers and duties of, as to, **1,** 398—400, 402
conversion of, by refusal to give up except on terms, **27,** 896 n.
coursing with, within the Gaming Act, **15,** 279 n., 280 n.
dangerous, **1,** 399. *See* ferocious, *infra.*
presumed not to be, to man, **1,** 372, 373
deer, used for wrongful hunting of, seizure of, **15,** 263
destruction of, magistrate's order, by, **1,** 281
mad, **1,** 400
police, by, **1,** 398, 400
private persons, by, **1,** 395, 396
unmuzzled during order, **1,** 400
distress upon, **11,** 138
damage feasant, **1,** 380
domestic animal, as, **1,** 394
draught, use for, not allowed, **1,** 400; **27,** 274
expeditation of, **7,** 183; **9,** 112
ferocious, destruction of, **1,** 399
highway, near, as nuisance, **16,** 156
keeping, as negligence, **1,** 372—374; **21,** 406
scienter as to, **1,** 373
turning loose in metropolitan street, **1,** 399; **27,** 287
fighting or baiting, illegal, **1,** 412; **15,** 285
game licence for, when used in pursuit of game, **1,** 404, 405; **15,** 246—248
gift for
home for lost, **4,** 116
maintenance of, **4,** 118
importation of, **1,** 402, 403
injury by, cattle and sheep, to, **1,** 281, 397, 398
innkeeper's liability for, **17,** 323
man, to, **1,** 373, 374, 395, 399
railway station, in, **4,** 48 n.
scienter as to, **1,** 372—374
killing of, malicious damage, when causing, **15,** 227
self-defence in, **1,** 396
trespassing, **1,** 395
larceny of, common law, at, exception, **1,** 368, 394
indictment in case of, **1,** 405
summary jurisdiction in case of, **1,** 405
licence for, **1,** 403—405; **15,** 253; **24,** 686
exemptions from, **1,** 282, 404; **24,** 687
failure to produce, **15,** 254
importation, for, **1,** 402
penalty, appropriation of, **15,** 254 n.
register, duty of county council as to keeping, **15,** 254
local authority, powers and duties in regard to, **1,** 399, 401, 402
mad, detention and destruction of, **1,** 399, 400
malicious injury to or killing, **1,** 396
muzzling, order as to, **1,** 401
metropolis, in, **22,** 472
performing, importation of, **1,** 403
poaching, seizure of, **15,** 245 n.
whether lawful to kill, **1,** 396; **15,** 245 n.
police, statutory powers of, in regard to, **22,** 503

DOG—*continued.*
rabies of, measures as to, **1,** 399, 402, 422
sale of seized, by police, **25,** 195
sheep, licence in respect of, **1,** 282
slaughter of, when diseased, **1,** 402
spears, setting of, **1,** 396, 397; **27,** 877 n.
stealing, **1,** 405
corrupt taking of reward for return of stolen, **1,** 405; **9,** 505
indictment for offence of, **1,** 405
summary jurisdiction in case of, **1,** 405
stray, **1,** 398
seizure of, by police, **1,** 398, 401
traps etc. for, **1,** 396, 397; **15,** 227; **27,** 877 n.
traveller's, liability of innkeeper to receive, **17,** 310
trespass by, **1,** 395; **27,** 847 n.
pursuing game, **1,** 396; **15,** 226, 228 n.
vivisection of, **1,** 398, 416—418. *See* VIVISECTION.

DOLES,
distribution of, **4,** 110

DOLUS CIRCUITU NON PURGATUR,
explanation of, **17,** 438 n.

DOMESDAY BOOK,
evidence of, boundaries, as to, **3,** 143
manor being ancient demesne, **24,** 150 n.

DOMESTIC,
animal, *defined,* **1,** 365
cruelty to, **1,** 409
dangerous, presumed by law not to be, **1,** 372
examples of, **1,** 365
ferœ naturæ, when becoming, **1,** 365 n.
killing, liability for, **1,** 369; **9,** 788; **15,** 227, 228
maiming, liability for, **1,** 369; **9,** 788
owner's liability in respect of acts of, **1,** 372—378, 397; **21,** 406
property in, **1,** 365; **22,** 392
stealing, **1,** 368, 405
building, *defined,* **20,** 481
metropolis, in, construction of windows of, **20,** 482
open space at rear of, **20,** 481
factory, *defined,* **14,** 441
child or young person, hours of employment of, in, **14,** 494
purposes, water supply for, *defined,* **28,** 301, 302, 340
dwelling-house, rights of owner or occupier of, **28,** 260
Metropolitan Water Board, duty of, **28,** 337—339, 340
pressure of water, **28,** 302
supply for, **28,** 299, 300
trade purposes as distinguished from, **27,** 510
wrongful use of supply for purposes other than, **28,** 323
refuse distinguished from trade refuse, **27,** 510 n.
servant. *See* DOMESTIC SERVANT.
workshop, *defined,* **14,** 442
children or young person, hours of employment of, in, **14,** 494
Factory Act, when not within, **14,** 442

DOMESTIC SERVANT. *See* SERVANT.
absence without leave of, **20,** 98 n.
action against, leave for, in county court, **8,** 463

DOMESTIC SERVANT—*continued.*
ambassador, of, immunity of, **6,** 432
board and lodging, claim for loss of, by, **20,** 112 n.
implied contract to provide, **20,** 118
character given by master, **20,** 121—124. *See* CHARACTER.
charitable gift for encouraging, **4,** 115
contract of service, nature of, **28,** 862
custom as to termination of employment, **20,** 97
dismissal
without notice, **20,** 98—102
wrongful, **20,** 110—113. *See* WRONGFUL DISMISSAL.
duration of general hiring of, **20,** 92 n., 97
Employers' Liability Act, not within, **20,** 147
gift by will to, **28,** 759, 760
illness of, **20,** 84, 85
medical attendance, no obligation on master to provide, **20,** 118, 119
menial servant, not distinguished from, **20,** 71
National Health Insurance Act, under, **28,** 905
notice to determine contract of service, **20,** 97
pregnancy as ground of dismissal of, **20,** 99 n.
registry office for, bye-laws regulating, **28,** 880, 881
inspection of, **28,** 881
registration of, **28,** 880, 881
workman does not include, **14,** 516, 517

DOMICIL,
defined, **6,** 182, 193
abandonment of, **6,** 184, 193
acquisition of
new, **6,** 184—192
non Christian country, in, **6,** 186
uncivilised country, in, **6,** 186 n.
administrator of intestate person domiciled abroad, **14,** 182
alien, as determining nationality of, **1,** 302, 303, 309, 313, 317, 318; **6,** 183; **17,** 430
ambassador, of, **6,** 188
Anglo-Indian, **6,** 190
animus manendi, **6,** 185, 186
bastard, of, **2,** 438; **6,** 184, 191
British subject serving foreign power, of, **6,** 189
change of, **6,** 184—193, 226, 227, 277
disability, by person under, **6,** 191, 192
evidence of, **6,** 187—190, 194
naturalisation unnecessary for, **6,** 185
sui juris, by person, **6,** 185, 187
will, effect on validity of, **6,** 226, 227; **28,** 565,
charity, gifts for, when decided by law of, **6,** 209, 210
chattels personal, conveyance of, how affected by, **6,** 215; **10,** 397
child, of, **6,** 191
choice, of, **6,** 184—193
commercial, **6,** 195, 196. *See* COMMERCIAL.
company, of, generally, **5,** 14—17
legal process, for purposes of, **5,** 17—21
non-trading, of, **5,** 16
taxing, for purposes of, **5,** 22—25
conflict of laws in relation to, **6,** 182—196
consul, of, **6,** 188, 195, 438
contractual capacity determined by, **6,** 233—236
conventions in respect of, **6,** 194
corporation, of, **5,** 14—17; **8,** 311, 312
necessary to existence of a, **8,** 311
Crown servant, of, **6,** 188, 189
debtor, of, bankruptcy, in, **2,** 9, 35, 43, 44

DOMICIL—*continued.*
divorce, in relation to, **6,** 262—264, 266—271; **9,** 534
equity to a settlement as affected by, **16,** 335
estate duty, in relation to, **13,** 192
evidence of, **6,** 183—186, 190; **14,** 210
education of children, from, **6,** 190
intention, from, **6,** 185, 186, 190; **13,** 450
land ownership, from, **6,** 190
permanent home, from, **6,** 185, 186
prospect of succession to estate or title, from, **6,** 190
residence, from, **6,** 186—188
will, description in, from, **6,** 190
exile, domicil of, **6,** 188
foreign corporation, of, **8,** 312; **16,** 645
foreign law, non-recognition by, **6,** 193, 194
foundling, of, **6,** 189
friendly societies' payments, how affected by, **15,** 155
health, person residing for reasons of, **6,** 188
illegitimate child, of, **2,** 438; **6,** 184, 191
immovable, burdens on, law of domicil has no bearing on, **6,** 212
income tax, relation to, **16,** 644, 645
infant, of, **6,** 191
intention with reference to, **6,** 185, 186, 190
judicial separation, effect of, on wife's, **6,** 192
kinds of, **6,** 184, 185
law of the, meaning of, **6,** 221—223
legacy duty, effect on, **13,** 238, 243 n., 273
legitimacy decided by, **6,** 272; **11,** 19
legitimation, effect on, **2,** 436; **13,** 243 n.
lunatic, of, **6,** 192; **19,** 418
marriage, capacity to marry determined by, **6,** 234; **16,** 283
effect on, **6,** 191, 272 n.; **28,** 562
legality of, depends on law of, **6,** 254—257; **16,** 285, 286; **28,** 562
mother of infant, of, effect, **6,** 191
married woman, of, **6,** 191, 263
matrimonial causes, in relation to, **6,** 262—271
military service, effect of, **6,** 189; **25,** 91 n.
movables, assignment of, in relation to, **6,** 215; **10,** 397
bequest of, determined by, **6,** 225; **28,** 517
succession to, governed by law of. **6,** 194, 220—227
nature of, **6,** 182—184, 193—196
naval service, effect of, **6,** 189; **25,** 91 n
Order in Council regulating, **6,** 194
origin, of, **6,** 184, 193
parents, of, at time of birth, legitimacy decided by, **6,** 224, 274; **11,** 19
peer, of, **6,** 189
posthumous child, of, **6,** 184
power of appointment, effect as regards, **13,** 276; **23,** 19; **28,** 558
prisoner, of, **6,** 188
probate, grant of, not conclusive as to domicil, **14,** 210, 211
where testator has foreign, **14,** 163, 164; **28,** 559
probate duty not affected by, **13,** 309
residence, double, effect of, **6,** 189
evidence of domicil, as, **6,** 187, 188
status decided by, **6,** 183, 272; **11,** 19
succession, movables, to, regulated by law of, **6,** 194, 220—227. *See* SUCCESSION.
spouses, as between, **6,** 281

DOMICIL—*continued.*
succession duty, in relation to, **13,** 273—276
settled property, in case of, **13,** 274—276
ward of court, of, **6,** 191
wife, of, **6,** 191, 192
divorce, after, **6,** 192
husband's death, after, **6,** 192
will, in relation to, **6,** 225—232; **28,** 517, 559
British subject, will made out of the United Kingdom by, **6,** 226; **14,** 163
change of, as affecting, **6,** 226, 227
construction of will by law of, **6,** 230—232
leaseholds, of, **6,** 219
legacy, currency for payment of, **6,** 331
movables, validity of will of, depends on, **6,** 225, 226
powers of appointment, exercise of, **6,** 228, 229
probate, **14,** 162—164; **28,** 559
revocation of, by marriage, **6,** 227; **28,** 562

DOMINANT OWNER,
defined, **11,** 236

DOMINANT TENEMENT,
defined, **11,** 236

DOMINION,
defined, **10,** 504; **14,** 420 n.
Canada, of. *See* CANADA.
department of Colonial Office for, **10,** 506
navies of, **25,** 27, 28
New Zealand, of. *See* NEW ZEALAND.

DOMINIONS OF THE CROWN,
defined, **1,** 303
jurisdiction of the English Courts over, **9,** 16; **13,** 66

DOMINOES,
legality of games with, **15,** 286
licensed premises, upon, **18,** 139

DOMINUS LITIS,
administration action, in case of, creditor is till judgment, **14,** 336
assured is, fire insurance, in, **17,** 519
marine insurance, in, **17,** 493
next friend is generally, **17,** 134
proctor or procurator as, **11,** 516 n.

DONATIO MORTIS CAUSÂ,
defined, **7,** 499; **14,** 223; **15,** 399, 431
account duty payable, death between May 31, 1881, and August 2, 1894, **13,** 187 n., 188 n.
assignment of right under contract by, **7,** 498, 499
bequest of same amount later is no satisfaction, **13,** 130
bill of exchange, of, **2,** 510; **15,** 433
chattels personal, delivery essential in case of, **15,** 432
cheques transferable by, **2,** 510; **15,** 433, 434
choses in action, delivery of, what amounts to, **15,** 432
conditions essential for, **14,** 223; **15,** 431
death of donor, effect of, **15,** 431
debts of donor, is subject to, **15,** 435
delivery by agent, when good, **15,** 434
deposit receipt may be subject of, **1,** 589; **15,** 433
documents
not subjects of, **15,** 433—434
subjects of, **15,** 432—433

DONATIO MORTIS CAUSÂ—*continued.*
domicil, law of, governed by, **6,** 226
donee's right to assistance in completion of title, **14,** 224
donor recovering, effect of, **14,** 224; **15,** 431, 432
duties payable, **13,** 187, 233; **14,** 224; **15,** 435
estate duty on, **13,** 187; **15,** 435
evidence as to, how established, **14,** 224
land, of, necessity for conveyance, **15,** 434
legacy duty, liability to, **13,** 233; **14,** 224
mortgage deed, of, **15,** 433
policy of assurance, of, **15,** 433
probate unnecessary, **14,** 224
promissory note, of, **2,** 510; **15,** 433, 434
purpose, special, delivered for, **15,** 434
real property, of, **13,** 187 n.; **15,** 434
resumption of possession by donor, **15,** 432
revocation of, **15,** 434
satisfaction of
legacy by, **14,** 224; **15,** 434
presumption as to, **13,** 130 n.
shares in building society not subjects of, **3,** 357; **15,** 433
suicide, made in contemplation of, invalid, **14,** 224 n.; **15,** 431
title deeds, effect of delivery of, **15,** 434
trust, delivered on, **15,** 434
vesting of, **14,** 224; **15,** 431

DONATIVE CHURCH, 11, 564 n.; **14,** 230, 231 n.

DONCASTER,
local court of, **9,** 158

DONEE,
defined, **28,** 508
acceptance of gift by, **28,** 597—601. *See* ACCEPTANCE.
alternative donees, gift to, **28,** 728—735
appointment as executor of, effect of, **13,** 98 n.; **14,** 270
incomplete gift, in case of, **14,** 270; **15,** 430
ascertainment of, **28,** 536, 688, 689. *See* ASCERTAINMENT; DESCRIPTION.
parol evidence for, **28,** 637—646
time of, **28,** 713—735
capacity to receive gift, **28,** 541, 542
change of name before death of testator by, **28,** 690
character of, no bar to gift, **28,** 540
charge on property given, when liable to, **15,** 426
condition on gift to. *See* CONDITION.
ignorance of, **13,** 153; **28,** 592
voidable by, when, **28,** 588
conversion, restrictions on right to sue for, **27,** 905
declarations of, when rebutting a gift, **15,** 417
description of. *See* DESCRIPTION.
designation by name and description, **28,** 688, 689
disability of, from law of foreign country, **28,** 541
disclaimer of gift by, **28,** 599, 600
enumeration of donees
altered by Court, **28,** 743
different from actual number, **28,** 742, 743
failure of gift for reasons personal to, **28,** 601
fraud by, setting aside of gift, **14,** 179; **28,** 539
general power of appointment of, must not be too remote, **22,** 354
gift to, and his children, **28,** 787
and his heirs, **28,** 764
and his issue, **28,** 791
benefit in a particular manner, for, **28,** 778, 779

DONEE—*continued.*
heir taking as, character of estate taken, **28,** 537
incapacity of, on killing testator, **28,** 539, 540
incomplete gift, enforcement of, **15,** 430
misdescription of, **28,** 688
option to purchase, rights as to, **28,** 530, 531
power of, appoint trustees, to, when cannot appoint himself, **28,** 72, 73
sale, of, discretion of, **23,** 73
two powers, of, effect of exercise of one, **23,** 34
presumption of acceptance by, **15,** 418
quantity of interest given to, **28,** 762—792
repudiation of gift by, **15,** 418
secret trust, effect of, **28,** 21, 22
selection, right to make, **28,** 531
trover by, **27,** 905
trusts and conditions imposed on, evidence as to, **28,** 648, 649

DONKEY. *See* Ass.

DONOR,
chattels, gift of, where donor retains possession, **15,** 408, 410
conveyance of gift by, form of, **15,** 426
death of, *donatio mortis causâ*, effect on, **15,** 431
revocation of cheque by, **15,** 428
declaration of trust by, **15,** 413, 414. *See* Declaration of Trust.
fraud, rights in case of, **15,** 419, 420
ratification of gift by, **15,** 420

DOOR,
breaking, burglary constituted by, **9,** 669—671
distraint, for purposes of, **11,** 164, 165, 206 n.
sheriff's right in regard to, **25,** 813—815. *See* Forcible Entry.
entry by, distress, for, **11,** 163, 164
factories and workshops, of, construction of, **14,** 470, 471
fixturé, as, **18,** 421
knocking at, offence of, **27,** 284
locking of, as false imprisonment, **27,** 878 n.
opening of new, by tenant, reversioner's right of action for, **27,** 855 n.
railway carriage, of, duties in respect of, **4,** 51, 52
street, provisions regulating the opening of, **16,** 249

DOOR BELL,
disturbance by ringing etc., **27,** 284, 287

DOOR-KEEPER,
providing for flat, **18,** 571

DORCHESTER,
local court of, **9,** 159

DOUBLE,
assessments for income tax, relief in respect of, **16,** 677, 678
bond, *defined*, **3,** 80
effect of, **3,** 89
contingency, gift over on, **28,** 829 *et seq.*
rule against perpetuities, in relation to, **22,** 349
costs, Prison Act, 1865, under, **23,** 241
provisions as to, **26,** 807
duty, excise, when payable, **24,** 738
wife's choses in action, when payable on, **16,** 326, 327
entries, revising barrister's list, on, **12,** 234—236

DOUBLE—*continued.*
fines, copyholds, as to, **8,** 33
grants of probate, **14,** 171
insurance, *defined*, **17,** 380
assured's rights under, **17,** 380, 381
different interests, covering, **17,** 381
fire policy, in, notice of, **17,** 529
prohibition of, National Health Insurance, in, **28,** 942
when arising, **17,** 381
legacies, presumption against, **13,** 129 n.; **28,** 784—786
licence in mortmain, **28,** 544 n.
name, presumption in case of, **21,** 350
portions, presumption against, **13,** 129, 131—133; **28,** 784. *See* Portion.
possibilities, rule against, **22,** 295, 296
rent, distraint for, **11,** 159
notice to quit by receiver supporting claim for, **24,** 394, 395
tenant's liability for, **18,** 554
residence, effect of, on domicil, **6,** 189
returns of members of Parliament, **12,** 332, 333, 538, 539
tenancies, poor law settlement, as affecting, **22,** 585
value, holding over, in case of, **18,** 554—556; **24,** 326
protection order, seizure of wife's goods, after, **16,** 347
removal of distress, in case of, **11,** 190, 191
wrongful distress, in case of, **11,** 207, 208

DOUBTFUL RIGHTS,
family arrangement, effect of, **14,** 548
restraining assertion of, **13,** 42

DOUBTFUL TITLE,
decision of court of co-ordinate jurisdiction as to, **27,** 54
specific performance, in relation to, **27,** 53, 54
vendor and purchaser summons as to, **25,** 390

DOVER,
Cinque Port, as, local government status of, **19,** 301, 302
Cinque Ports Court sits at, **1,** 139
justices of, jurisdiction of, **19,** 541 n.
licensing powers of, **18,** 35
local court of, **9,** 159
quarter sessions court at, **19,** 541 n.

DOWER. *See* Dowress.
abatement of, after deduction of £500, **11,** 17 n.
account in equity of rents and profits from husband's death, **13,** 42; **24,** 197 n.
adultery of wife, effect of, **24,** 196
agreement, husband, by, not to bar, **24,** 195
wife, by, to preclude herself from, **24,** 195
alien woman formerly not entitled to, **1,** 306; **24,** 189 n.
annuity in lieu of, election by widow, **24,** 194 n.
priority of, **24,** 494, 495
arrears recoverable in respect of, **19,** 103; **24,** 198
assignment of, **24,** 196—198
costs of action for, **24,** 197
effect of, **24,** 198
limitation on action for, **19,** 107; **24,** 197
metes and bounds, by, **24,** 196, 197
method of, **24,** 196
persons entitled to make, **24,** 196

DOWER—*continued.*
assignment of—*continued.*
rent etc. in lieu of dower, **24,** 197
time of, **24,** 196
barring of,
bequest will not bar, **24,** 194
contract between spouses, by, **24,** 195
declaration, effect of, **24,** 194
devise, by, **24,** 192, 194
jointure, by, **23,** 82; **24,** 192 n., 193 n.
old methods of, **24,** 192 n.
release, by, **24,** 195
uses for, **24,** 192 n., 193 n.
birth of issue not necessary, **24,** 189
borough-English tenure, in case of, **24,** 190, 194
charge under Intestates' Estates Act, 1890, priority of, **11,** 17
charges, priority of, over, **24,** 194
conflict of law, effect of, on, **6,** 277
conversion in equity, as affecting, **13,** 107
conveyance by husband as affecting wife's right to, **24,** 192; **25,** 417, 418
copyholds, in, **8,** 78—80
extinguished by enfranchisement, **8,** 126
Crown grant without mention of, **7,** 150, 151
damages at common law, widow's claim to, **13,** 42
discovery by widow under old practice, **13,** 41, 42
divorce, effect of, **16,** 567; **24,** 195
election under husband's will, **13,** 120 n.; **24,** 194 n., 195 n.
equitable estates, allowed out of, **13,** 96 n.; **24,** 189 n.
formerly not allowed, **13,** 73 n., 95 n.
equity, assignment of lands in, **13,** 42; **24,** 197
jurisdiction as to, **13,** 10, 41
equity of redemption, when allowed out of, **13,** 95 n., 96 n.
escheat, effect of, **24,** 192
estate duty, apportionment of, as to estates in, **13,** 222
when estate is settled estate for purpose of, **13,** 184
estate in, nature of, **24,** 152, 189, 190, 198
notice protecting, when of registered land, **24,** 320
estate *pur autre vie,* not attachable to, **24,** 180 n., 191 n.
estoppel in relation to, **13,** 346 n.
executory gift over, effect of, **24,** 192
franchise market as subject of, **20,** 13 n.; **24,** 190
gavelkind land as subject to, **24,** 152, 189, 190
heir-at-law cannot convey free from, **25,** 418
intestacy, on, **11,** 4
issue must be capable of inheriting, **24,** 189
joint charge of husband's property to release, effect on wife's rights, **16,** 407; **24,** 195
joint tenant, none where husband is, **24,** 191
judicial separation, effect of, **24,** 195
land, *defined* in Dower Act, **24,** 192
abroad, out of, **6,** 277; **24,** 189 n.
converted in equity not subject to, **24,** 190
sale of, in administration action, effect of, **24,** 198; **25,** 417, 418
money deposited in bank, rights as to, determined by court, **6,** 115
subject to, **24,** 190—192
valuation of, **13,** 41; **24,** 196

DOWER—*continued.*
legacy in lieu of, interest payable, when, **14,** 274
priority of, **14,** 276; **24,** 195 n.
minerals, out of, **20,** 514; **24,** 198
money directed to be converted into land may be subject to, **13,** 107
mortgaged property formerly subject to, **24,** 189 n.
partnership property not subject to, **22,** 56 n.; **24,** 190 n.
patronage, right of, in respect of, **11,** 573; **24,** 197
personal property none out of, **24,** 190
priority, charges, of, **24,** 194
creditors, over, **24,** 194
privity in law in respect of, **13,** 344
property to which right extends, **24,** 190
pur autre vie, none out of estate, **24,** 180 n.
recovery of, **24,** 197
re-entry for condition broken, effect of, **24,** 192
release by widow, **24,** 195
remedies for recovery of, **24,** 197
rent charge, out of, **24,** 190, 467 n.
rent substituted for, **24,** 197
rents and profits, widow's claim to, **13,** 42
reversion or remainder, none out of, **24,** 191
rule that equity looks on that as done which ought to be done does not apply, **13,** 73 n.
sale of land subject to, **6,** 115; **24,** 198; **25,** 417, 418
satisfaction of, deed of separation, by, **16,** 448
provision of husband, by, **11,** 18, 19; **24,** 192 n., 194
satisfied term, removal of, **13,** 7 n., 42
seisin of husband necessary to right to, **24,** 191, 192
separation deed a satisfaction of, when, **16,** 448
sequestration, effect of, **14,** 86
statutory restriction on, **24,** 192—194
tenancy in common as subject to, **24,** 192
term of years does not prevent, **24,** 191
trustee, where legal estate in, dowress formerly took subject to trust, **13,** 95
unde nihil habet, writ abolished, **1,** 46
writ of, abolished, **1,** 46; **24,** 197

DOWRESS. *See* DOWER.
action by, dower, for, **1,** 33
waste, for, **25,** 600 n.
charges, liability for one third, **24,** 199
copyholds, admittance to, **8,** 102
right to grant, **24,** 199
distress, right of, **11,** 124
emblements, right to, **24,** 198
interest, liability to keep down one-third of, **24,** 199
leases, power to grant, **24,** 199
manorial court, right to hold, **8,** 12
mining rights, **20,** 514, 515; **24,** 198
mortgage, redemption of, by, **21,** 140
quarantine of, **24,** 196
rights and liabilities of, **24,** 198
sale of land, right to money deposited in bank determined by court, **6,** 115
timber, rights as to, **24,** 198
title of, good against purchaser for value without notice, though with legal estate, **13,** 42
legal, **13,** 42

DRAFT,
Board of Education, orders and orders in council by or relating to, **12,** 9, 35
Cabinet decisions, of, submission to Sovereign, **7,** 46

DRAFT—*continued.*
client's right to, **26,** 761 n.
Commissioners of Woods etc., of, forgery of, **7,** 127
conveyance on sale, of, preparation of, **25,** 412, 413
counsel, by, **2,** 378, 388
privilege for, **11,** 74
county court order, of, special application, on, **8,** 505
court rolls, of entry on, as evidence, **8,** 95
ecclesiastical new parish, scheme for, **11,** 448, 449, 450 n.
elementary education order, of, **12,** 35
endowed school's scheme, of, **12,** 109
Wales, in, **12,** 113, 114
explosives licence, of, contents, **14,** 365—367
factory regulations, of, **14,** 481, 482
foundation charter of college or university, of, **12,** 92
indictment, bill of, preparation of, **9,** 345
judgment or order in Chancery Division, of, **18,** 199
legal document, of, right to draw for reward, **2,** 378, 388
lien on, of conveyancer, **19,** 13
light railways construction order, of, **27,** 820—824. *See* LIGHT RAILWAYS.
money, for, acceptance or bill of exchange, as, **2,** 462
assignment of, **4,** 397
banker, on, **1,** 602, 612, 613
bearer, payable to, **1,** 612; **4,** 397
bill of exchange, as, **1,** 612 n.; **2,** 570 n.
branch office, relation to head bank and other branches, **1,** 602, 612
cheque distinguished from, **1,** 602, 604, 612
chose in action, as, **4,** 397
collection of, **1,** 602
Commissioners of Woods and Forests, by, **7,** 612
conversion of, liability on, **1,** 602
Cornwall, Duchy, of payments by, **7,** 250, 251
crossing of, **1,** 602, 612 n.
custom of payment, Liverpool cotton trade, in, **10,** 279
customer of bank, issue by, **1,** 612 n.
debt, for, acceptance of, **2,** 179
demand, payable on, **1,** 602, 612
foreign, protection in respect of, **1,** 602, 612
forgery of, **7,** 127; **9,** 745
head office and branch bank, relation between, **1,** 602, 612
inclosure commissioners, by, **2,** 495 n.
indorsement of, forged, **1,** 602, 612
inland, protection in respect of, **1,** 602, 612
law merchant, under, **4,** 397
negotiable instrument, when, **1,** 602; **4,** 397
payment of, **1,** 612
postage of, negligence in, **13,** 401
protection of bank on payment or collection, **1,** 602, 609 n., 612
stamp duty on, **2,** 579, 580
statutory provisions as to, **1,** 602 n., 609 n.
National Insurance Act, 1911, of agreements under, **28,** 946 n.
notice to produce, **9,** 391 n.
order on Scottish private legislation, **21,** 763, 764
parliamentary bill, arrangement of, **27,** 206, 207
codifying statute, of, **17,** 335
considerations for draftsman, **27,** 205

DRAFT—*continued.*
parliamentary bill—*continued.*
consolidation bills, **27,** 207
divisions, **27,** 207
Government Bill, of, **21,** 703, 704
language to be used in, **27,** 207, 208
marginal notes in, **27,** 121
names at various stages, **27,** 117
public bills, **21,** 703, 704
reference to other clauses, **27,** 206 n.
suggestions for, **17,** 335; **27,** 205—209
partition, of application for, **21,** 829—831
partnership agreement, of, approval of, **22,** 32
provisional order, confirmation of invalid marriage, for, **16,** 309
inclosure of commons, for, **4,** 545, 546
railway company's certificate, of, **23,** 637
scheme, charity, for, settlement of, **4,** 338
regulation of metropolitan commons, for, **4,** 606, 607
small holdings, for, **26,** 672—674, 677, 678
select parliamentary committee's report, of, **21,** 683
statutory rules, of, **27,** 125 n.
town planning scheme, of, **23,** 542
trust instrument, of, approval of, **28,** 11 n.
will, of, as evidence, **14,** 160, 161; **28,** 651

DRAIN. *See also* DRAINAGE OF LAND; SEWER.
The title SEWERS AND DRAINS *is contained in Vol. XXV.; pp.* 717 *et seq.*
defined, **25,** 719, 722
fen district, in, **25,** 719 n.
London, City of, in, **25,** 726
metropolis, in, **25,** 724, 725
Public Health Acts, under, **25,** 722, 759
adjoining owners, combined system by, **25,** 754, 755
cost of making drain in land of, **25,** 738—740
outfall through land of, **25,** 719 n.
powers as to making drain in land of, **18,** 303; **25,** 731, 734
user in common by, **25,** 752 n.
alkali works, discharge from, **23,** 408; **28,** 452
alteration of, alteration of sewer, on, **25,** 752, 756
local authority, contract with owner by, **25,** 751 n.
powers of, **25,** 751 n., 752, 756, 759
payment out of capital money for, **18,** 287 n.
arbitration in respect of, connection with sewer, terms for, **25,** 765
estimate of cost of connection with sewer, **25,** 763
sufficiency of works, **25,** 767 n.
user or vesting of drain, **25,** 772
borough council (metropolitan), notice of intention to make drain, **25,** 755
plans to be submitted to, **20,** 404 n.
powers of, **20,** 404; **25,** 760, 761
provision by, **25,** 753, 754
supervision by, **25,** 760—762
transfer of powers to county council, **20,** 404 n., 434, 435
building owner, construction by, **25,** 752
bye-laws in respect of, power to make, **23,** 419 n., 420 n.; **25,** 736 n., 738 n., 756
removal of unauthorised works, as to, **25,** 752 n.
validity of, **25,** 752 n.
canal owners, powers of, in respect of, **25,** 767 n.
cemeteries, in the case of, **3,** 508, 517; **28,** 451

DRAIN—*continued.*
cesspool. *See also* CESSPOOL.
cleansing of, by highway authority, **16,** 113; **25,** 771 n.
emptying into, when allowed, **25,** 751, 752, 754
chemical refuse, discharge of, into, **21,** 555 n., 558; **25,** 768, 770
cleansing of, highway drains, in case of, **25,** 770, 771, 772 n.
insurance of person employed in, **28,** 909
land drainage, in case of. *See* DRAINAGE OF LAND.
water supply for, **28,** 303, 340, 345
combined operation (metropolitan), departure from, effect of, **25,** 726
power to order, **25,** 725, 754, 755
sewer, as, **25,** 725 n., 726 n.
common pipes, by, several houses of same owner, in case of, **25,** 759 n.
condensing water from electrical works, discharge of, into, **12,** 623
conduits, drains, or sewers, classed as, **25,** 723 n.
connection of, adjoining land, carrying through, **25,** 751 n.
cutting off, **25,** 763
inspection before, **25,** 763, 764
owner or occupier, rights of, as to, **25,** 762—766
persons outside district entitled to, **25,** 765
railway drains, with, **23,** 671 n.
roads, power to open, for, **25,** 766
terms imposed on, **25,** 765
trespass by, **25,** 723 n.
wrongful, effect of, **25,** 726
construction of, contract with local authority for, **25,** 751 n., 766
damage by, **7,** 146, 259
directions of local authority as to, **25,** 751—757
expenses of, recovery by local authority, **25,** 751—754, 756
intervening land, through, **25,** 751 n.
nuisance by, **16,** 154
power as to, in general, **25,** 719, 720
precautions during, **16,** 253
rates for, reduction of, **24,** 87
separate drains for connected houses, **25,** 752 n.
settlement moneys, out of, **25,** 719 n.
tenant for life of settled land, by, **25,** 664
contract in respect of, power to make, **25,** 751, 766
Cornwall, Duchy of, powers and restrictions in regard to, **7,** 253 n., 257, 259
county council, vesting in, **25,** 772
course of, power to ascertain, **16,** 124, 125
courts and passages, powers as to drainage of, **25,** 753 n.
curtilage, drainage of houses in same, **25,** 726 n.
meaning of, **25,** 722
damage to, criminal offence, as, **9,** 784
penalty for, **25,** 767—770
remedies for, **25,** 762, 768, 769
dedication of, tenant for life, by, **25,** 664
defective, furnished house, in case of lease of, **18,** 569
liability in metropolis for, **25,** 761
local authority's powers as to, **25,** 754, 756, 758, 759
misrepresentation as to, **20,** 706 n.
nuisance from, **21,** 529 n.; **25,** 762 n.
abatement of, **21,** 538

DRAIN—*continued.*
defective—*continued.*
proceedings in respect of, **25,** 757
substitution of new metropolitan sewer for, **25,** 754
tenant's liability to replace, **18,** 506
deviation in direction of, effect of, **25,** 726 n.
disputes in respect of, settlement of, **25,** 765; **27,** 795
district board's powers in regard to, **25,** 725 n.
district council's powers in regard to, **25,** 721
ditches and pools, drainage of, sanitary authority, by, **6,** 173; **23,** 611 n.
docks, powers in respect of, **25,** 767 n.
drainage district, constitution of, **19,** 334; **25,** 788
rural district council's powers as to, **19,** 334
dumbwell is not a, **25,** 771 n.
electric lighting undertakers, powers of, **12,** 573—575, 623
expenses of, payment by owner or occupier, **18,** 477, 478; **25,** 761
recovery of, where wrongly incurred, **25,** 758, 759, 761, 769
sanitary work, in respect of, **18,** 292 n.
single private drain, repairs to, **25,** 736 n.
factories and workshops, provision for, **14,** 451, 452, 454, 455
flushing of, water supply for, **25,** 753; **28,** 340
furnished house, in case of lease of, **18,** 569
gas washings, discharge of, into, **15,** 360, 361, 363
ground floor, drain for, house pulled down to, **25,** 754
heated water or steam, discharge of, into, **25,** 768, 770
highway, adjoining to, dedication of site of, **16,** 68
authority, cleansing of drains by, **16,** 113; **25,** 770, 771
drainage of, in regard to, **25,** 770, 771
nuisance arising from, **25,** 772
under, breaking surface for laying, **16,** 154
vesting of, **25,** 772
houses, of, duty as to, **25,** 750, 762
new, **25,** 752, 753
powers as to, **25,** 720
improvement expenses as between landlord and tenant, **1,** 261; **18,** 491
injury from, health, to, **20,** 706 n.; **21,** 538; **25,** 750, 757, 758, 761, 762, 768, 770
highway, to, **16,** 166
inspection of, connection with sewers, before, **25,** 763, 764
emergency, in case of, **25,** 758
inspector of nuisances, by, **25,** 757
local authority's rights and duties as to, **25,** 757—762
request for, **25,** 758, 759
interference with, arbitration in respect of, **25,** 767 n.
arches, cellars, and vaults, by, **16,** 206; **25,** 769
canals, harbour, and dock authorities, by, **25,** 767 n.
Electric Lighting Acts, under, **12,** 573—575
gas undertakers, by, **15,** 327—329, 330 n.
Tramways Acts, under, **27,** 793—795, 801 n.
joint drainage, houses of one owner, **25,** 759 n.
several owners, **25,** 759
Lancaster, Duchy of, powers of, **7,** 229
laundry floors, regulations affecting drainage of, **14,** 461

DRAIN—*continued.*
leakage from, **21,** 529 n.
local authority, adaptation of existing drains by, **25,** 752
duty as to provision of drains, **25,** 750, 751
examination of drains by, **25,** 758, 759
power on default of owner to provide drain, **25,** 751
private drain, duty in case of, **25,** 736 n.
lodging house, of, **23,** 508
London, City of, statutory regulations for, **25,** 720, 726
London County Council, contracts by, in regard to, **25,** 766
transfer of powers to, in regard to, **20,** 395, 434, 435
main. *See* MAIN DRAINAGE.
metropolis, in, *defined*, **25,** 724, 725
agent or workman's liability for defective work, **25,** 761 n.
arches, cellars, and vaults in, provisions as to, **16,** 206; **25,** 769
area fronting underground rooms, drainage of, **25,** 757
borough council, powers of, in regard to, **25,** 753—756, 760—762
branching of drains into sewers, **25,** 734 n.
byelaws of county council, as to, **20,** 460; **25,** 756
cleansing of, **20,** 456; **25,** 753, 756, 761
combined operation in. *See* combined operation, *supra.*
connection with sewers in, **25,** 765, 766
construction or repairs in, liability for, **25,** 761, 766 n.
costs of works, by whom payable, **18,** 477, 478
ditches, drainage of, **23,** 612
expenses, recovery of, local authority, by, **18,** 477, 478; **25,** 766
owner, by, **25,** 766
gratings of, penalty for obstructing, **25,** 769, 770
houses, from, **25,** 753, 754
group or block of, **25,** 754
new, **25,** 725 n., 754
improper user of, **25,** 762
inspection of, **25,** 760, 761
main drainage, **7,** 257
notice, borough council, by, defective drain, in case of, **25,** 761
borough council, to, builder, by, in regard to drain, **25,** 755
London County Council, to, before connection with main sewer, **25,** 734
nuisance from, **25,** 761
occupier, deduction of expenses from rent, **18,** 478
pollution of Thames tributaries, **28,** 449, 450
refuse, solid matter, or mud, penalty for depositing in, **25,** 770
rubbish, deposit of, in drain, liability for, **25,** 769; **27,** 286; **28,** 449, 450
scavengers' liability for obstruction of, **25,** 769
sewers, branching into, **25,** 734 n.
statutory regulations for, **25,** 720, 721, 724—726, 728, 729
streets, breaking up, for connecting drain, **25,** 766
surface water, provision for, **25,** 753
surveyor, certificate of, of cost price for making drain, **25,** 766
syphons and accessories, provision for, **25,** 753

DRAIN—*continued*
metropolis—*continued.*
tenant's deduction from rent for expenses of, **18,** 477, 478
trapped inlets and accessories, **25,** 753 n.
ventilation pipes, **25,** 753 n.
vestry, plan book of drains kept by, **25,** 725 n.
powers of, in regard to drains, **25,** 725 n.
wilful damage or interference with drain, liability for, **25,** 761, 762; **28,** 449, 450
mines, of. *See* MINE.
new houses, provision for, **25,** 752—754
notice as to, connection with sewer, before, **25,** 762
defaulting owner or occupier, to, **25,** 766
defective drain, as to, **25,** 759—761
form of, **25,** 751 n., 752 n., 762 n.
inspection with or without, **25,** 758—760
metropolitan borough council, to, by builder of new houses, **25,** 755
necessary before legal proceedings, **25,** 768
owner or occupier, to, **25,** 750, 751, 753, 766
reasonable time required in, **25,** 759 n.
nuisance from, abatement of, **21,** 538
defective construction or repair, liability for, **16,** 135; **25,** 761
discharge causing, **21,** 555 n.; **25,** 768
examination by local authority, **25,** 758, 759
inspectors, duties of, **25,** 757
prevention of, **25,** 750, 757—762, 771, 772
single private drain, from, **25,** 759, 760
summary jurisdiction in respect of, **25,** 762
occupier, connection with sewer by, **25,** 762—766
highway drains, duties as to, **25,** 770, 771
owner's right to enter against, **25,** 750 n.
rates, liability to pay, **18,** 478, 489
recovery of expenses incurred, local authority, from, **25,** 758
owner, from, **25,** 758
outfall for, through adjoining land, **25,** 719 n.
overflow pipe, whether a sewer, **25,** 723 n.
penalty for
interference with, **25,** 767—770
wilful damage to, **18,** 450 n.; **25,** 762
pipe as a, **25,** 723, 759 n.
plans for, submission of, **20,** 404 n.; **25,** 756
pollution of streams by, **25,** 740; **28,** 443
prescription, liability by, to maintain, **24,** 103
right by, discharge into sewer, to, **25,** 763
support, for, **25,** 748
vesting subject to, **25,** 727 n.
private, city of London, in, **25,** 726
local authority's powers over, **25,** 735 n.
sewer, regarded as, **25,** 723
private improvement expenses, payment of, **18,** 478; **25,** 751, 759, 760
proceedings, declaratory order, court's refusal to make, **25,** 765
defence in respect of defective drain, **25,** 757, 758
injunction, remedy by, **25,** 768
liability of owner to, in respect of defective drain, **25,** 757
recovery of rate by, **24,** 110
summary jurisdiction, under, **25,** 757, 762, 765
protection of, obstructive matter, from, **25,** 767—770
provision of, local authority, by, **25,** 750, 751
undertakers with statutory powers, by, **25,** 720
Railway Acts, powers under, **23,** 654, 655, 671, 671 n.

DRAIN—*continued.*
rainwater pipe as, **25,** 753 n.
connection with, forbidden, **25,** 753 n.
rates in respect of, assessment of, **18,** 491 *et seq.*
exchange of land, on, **24,** 297 n., 298 n.
power to levy, **24,** 103
reduction of, **24,** 87
summons for, **24,** 110
repairs to, liability for, **18,** 506; **25,** 736 n.
precautions during, **16,** 253
reconstruction, distinguished from, **18,** 506; **25,** 756 n.
Settled Land Acts, within, **18,** 287 n.
single private drains, in case of, **25,** 736 n.
tenant's liability for, **18,** 506
rivers, navigable, interference with drain in case of, **25,** 767 n.
roads, under, inspection chamber, no power to make, **25,** 762 n.
sewers, inclusion as to, **25,** 722
subsoil, rights of owner of, **16,** 56, 57
surface, power to break up, **16,** 58, 135, 154; **25,** 762
vesting and rights of user, **16,** 57; **25,** 772
school buildings, in case of, **25,** 750 n., 756 n.
separate, in case of connected houses, **25,** 752 n.
Settled Land Acts, dedication to public uses under, **25,** 664
expenses of ordinary repairs not allowed, **18,** 287 n.
improvement to land, as, **18,** 280 n., 283 n.
settlements, application of trust money under, to construction of, **25,** 719 n.
sewer. *See* SEWERS.
alteration in, power to adapt existing drains, **25,** 752
conversion and reconversion of, **25,** 723, 726, 758
distinguished from, **25,** 719, 726 n.
single private, local authority's powers over, **25,** 736 n.
nuisance from, **25,** 759, 760
statute law governing construction, **16,** 198; **25,** 720, 721
subsidence caused by, **15,** 323 n., 359 n.
summary proceedings in respect of, **21,** 537, 538; **25,** 762
supervision of, by local authority, **25,** 757—762
support of, right to, **25,** 748, 749
surface water, for, **25,** 753; **28,** 443 n.
surveyor, certificate by, required before connection of drain with sewer, **25,** 764
report of, as to drain before building or occupying house, **25,** 752
tenant, deduction of expenses from rent by, **18,** 477, 478, 489
liability for rates in respect of, **18,** 489, 492 n.
testing of, **25,** 759 n.
fireworks, by means of, **14,** 357 n.
town planning scheme, under, **25,** 721
Towns Improvement Clauses Act, 1847, incorporation of, **25,** 720 n.
trade effluents, provision for, **25,** 764
tramways, interference with drain by promoters of, **27,** 793—795, 801 n.
trench for, accident in highway from, **16,** 135
trespass in respect of, connection without consent, by, **25,** 723 n.
construction without consent, by, **16,** 56, 57
trustees of settlement, duty of, as to, **25,** 688, 689

DRAIN—*continued.*
underground rooms used for habitation, for, **25,** 757
undertakers of sanitary work, rights and powers of, **25,** 748, 749
urban authority, power of, to reduce rates in case of existing drain, **24,** 87
urban district council's powers as to. *See* URBAN DISTRICT COUNCIL.
use of, joint rights in, **25,** 772
ventilation of, water pipes, by means of, **25,** 751 n., 753 n.
vesting of, main road, when under, **16,** 57; **25,** 772
single private drain, **25,** 726 n.
street drain in urban districts, **25,** 772
warranty as to, furnished house, on lease of, **18,** 569
unfurnished house, on lease of, **18,** 502
water pipes, drain interfered with in laying, liability in case of, **23,** 310, 311
interference with, in laying drain, **28,** 294
watercourse, as, **11,** 310
Waterworks Acts, liabilities of promoters under, for interference with drains, **28,** 285, 286, 291—294
rights of promoters under, **28,** 279, 280, 291—294, 297—299
workhouse, of, **22,** 556
workman engaged on, death of, liability in case of, **20,** 163 n.
writing, application to adjoining owner in, **18,** 303
notice
in, borough council (metropolitan), by, **25,** 734, 761
local authority, by, **25,** 750, 758
to, **25,** 755
objections, of, **25,** 302

DRAINAGE OF LAND. *See* DRAIN; IMPROVEMENT OF LAND.
defined, Public Money Drainage Act, 1847, in, **18,** 304 n.
absolute order for, Board of Agriculture and Fisheries, by, **18,** 296, 297
accounts, Commissioners of Sewers, by officers of, **25,** 778
drainage boards, of, **25,** 789 n.
adjoining land, cost of acquiring, **18,** 294 n.
entry on, powers of, **18,** 299
works upon, **18,** 294 n.
adjoining owner, costs of, **18,** 303 n.
diversion, rights of, **18,** 303
entry on land of, **18,** 303
flooding land of, **28,** 456
highway drains, liability in respect of, **16,** 113; **25,** 770, 771
interference with water rights of, **11,** 313
Admiralty, safeguard for rights of, **18,** 303
advances for, **18,** 277, 278
Public Money Drainage Acts, under, **18,** 277, 303—305
advertisement, provisions for, **18,** 301, 304
agricultural purposes, for. *See* AGRICULTURAL HOLDING.
acts of private companies, under, **18,** 283
Agricultural Holdings Act, 1883, under, **1,** 261
Land Drainage Act, 1845, under, **18,** 278, 301
Settled Land Acts, under, **18,** 285, 287

DRAINAGE OF LAND—*continued.*
allotments, of, **1,** 352; **7,** 230 n.
ancient drain, overloading by valuer under Land Drainage Acts, **4,** 561
appeal from drainage boards and Commissioners of Sewers, **24,** 103
bill for, private parliamentary, **21,** 728 n.
board, appeal against orders of, **24,** 103
Commissioners of Sewers, powers of board identical with those of, **24,** 103; **25,** 778 n.
constitution and powers of, **24,** 102; **25,** 789
contracts by, **25,** 789 n.
corporate body, as, **25,** 789
rates, powers as to, **24,** 102
recovery of, **24,** 110
supervision by, **25,** 788, 789
Board of Agriculture and Fisheries, authorisation of works by, **18,** 301, 302
consent to separate drainage district, **25,** 788
grant of loan by, **18,** 303
order for drainage by, **18,** 296, 297
reports to, tenant for life, by, **18,** 293
bog or moor, combined system for, **25,** 788
boundary drains, cleansing of, **18,** 302
canal or river, interference with, **18,** 295
powers in respect of, **25,** 767 n.
cemeteries, of, **3,** 508, 517
channels for, easements in, **11,** 317
sewers, when included as, **25,** 723
charge for. *See* rentcharge, *infra.*
cleansing of, contribution to expenses of, **18,** 302
ditches and pools, powers of sanitary authorities, **6,** 173; **16,** 113; **23,** 611
entry for, **18,** 302
highway authority, by, **16,** 113, 135
mutual rights of landowners, **18,** 302
neglect of owner, remedies for, **18,** 302
riparian owner, rights of, **11,** 318
statutory obligations as to, **27,** 150 n.
underground drains, of, **18,** 302
combined system for, **25,** 788
Commissioners of Sewers, application for appointment of, **7,** 237
drainage board, similarity of duties of, **24,** 103; **25,** 778 n.
powers of commissioners in regard to, **25,** 789
commons, of, ancient claim for, user of, **4,** 561
Commons Act, 1876, under, **4,** 540
Commons Act, 1899, under, **4,** 611
expenses of, **4,** 537
inclosure, on, **4,** 549, 559—561, 603; **18,** 277 n.
lord of manor, rights of, **4,** 610 n.
metropolitan, scheme for, **4,** 606, 610 n.
purchase money applied for drainage, **4,** 559
scheme by district council for, **4,** 611—613
valuer's instructions for, **4,** 549, 561
companies for, list of, **18,** 278 n.
compensation payable in case of, **4,** 561; **6,** 172—174; **18,** 302 n., 303
arbitration as to, **18,** 303
tenant's improvement, on, **1,** 261
construction of, general powers for, **25,** 719, 720
Cornwall, in Duchy of, **7,** 259
corporation or company as landowner, **18,** 294 n.
court, application to, for sanction to scheme of, **18,** 295, 301
Development Commissioners, powers of, in regard to, **24,** 763; **25,** 785 n.

DRAINAGE OF LAND—*continued.*
deviation, powers of Board of Agriculture and Fisheries to allow, **18,** 304 n.
districts, Commissioners of Sewers, powers of, in, **25,** 789
formation of, for, **25,** 788, 789
diversion of water by, water rights affected in case of, **11,** 313
dumbwell, cleansing of, **25,** 771 n.
dyke reeves, qualifications of, **25,** 778 n.
easements for, acquisition of, **18,** 294 n.
rights acquired as, **11,** 315; **28,** 456 n.
evidence, absolute order as, **18,** 296, 297
apportionment of rentcharge, of, **18,** 299
expenses of, capital money, payable out of, **25,** 644, 645
charge on inheritance, **18,** 301
costs of application and contracts included as, **18,** 295, 296
improvement company assignee, in case of, **18,** 295 n.
loan, raised by, **18,** 301, 303, 304
tenant right, as, **25,** 783 n.
fencing and trenching for, costs of, included in cost of drainage, **18,** 304 n.
floods, diversion to neighbour's land, **28,** 456
prevention of, for, **6,** 173, 174; **25,** 720, 728 n., 733 n., 783 n.; **28,** 456
highway, of, construction of, **25,** 720. *See* HIGHWAY.
urban districts, in, **16,** 113, 154, 191; **25,** 770, 772
improvement by, Agricultural Holdings Acts, under, **1,** 261; **18,** 301 n.
Commons Acts, under, **4,** 603
Improvement of Land Acts, under, **18,** 277, 278, 280—283, 293—301
Land Drainage Acts, under, **18,** 301—303
Public Money Drainage Acts, under, **18,** 303—305
Settled Land Acts, under, **18,** 277, 279, 280 n., 289—293; **25,** 644
Inclosure Commissioners, transfer of powers of, **18,** 281 n.
incumbents, charges by, for, **11,** 759; **18,** 294 n.
inquiry as to, Board of Agriculture and Fisheries, by, **18,** 294, 302, 304
Chancery Division, by, **18,** 302
security for expenses of, **18,** 295, 302 n., 304
inspection by Board of Agriculture and Fisheries, **18,** 295, 304
instalments, repayment by, **18,** 297, 298—301
capital money applicable to, **18,** 292
interference with, canal, dock, or harbour authority, by, **25,** 767 n.
Commissioners of Sewers, by, **25,** 780
Electric Lighting Acts, under, **12,** 573, 575, 579—581
Gasworks Clauses Acts, under, **15,** 326—329
obstruction or injury by, **18,** 303
Railway Acts, under, **23,** 679; **25,** 767 n.
Telegraph Acts, under, **27,** 366 n.
Tramways Acts, under, **27,** 793, 794
undertakers, by, statutory powers, under, **28,** 285, 286
Waterworks Acts, under, **28,** 278—281, 285, 286
irrigation, sewers for, **25,** 727, 728 n.
Lancaster, Duchy of, commissioners for, **7,** 237
powers in respect of, **7,** 229, 230
restrictions as to, **7,** 236

DRAINAGE OF LAND—*continued.*
Land Drainage Acts, under, **18,** 301—303
land for, acquisition of, **4,** 561; **6,** 173—175; **18,** 294 n.
sanitary authority, by, **6,** 173
entry upon, power of, **18,** 301—303
pumping-station, for, **4,** 561
land tax collectors, rentcharge collected by, **18,** 304
landowner, *defined*, **18,** 278, 279, 293, 294
disability, under, application on behalf of, **18,** 294
concurrence by, **18,** 303, 304
loan to, **18,** 304 n.
memorial for powers in case of, **18,** 301, 302
personal remedy against, **18,** 298
roads, rights in respect of, **16,** 56
levels, right to alter, **11,** 317 n.
limited company, by, charge on lands, **18,** 279 n.
limited owner, powers of and against, **18,** 301, 303, 305
loan for, **18,** 278
improvement company, by, **18,** 300
Land Drainage Acts, under, **18,** 301—303
Public Money Drainage Acts, under, **18,** 303, 305
London sanitary authorities, powers of, **6,** 173
maintenance of works, **4,** 561; **18,** 293, 299, 301, 305
marsh or fen land, of, **25,** 719 n., 720
mills, injury to, by, **6,** 173, 174; **18,** 302 n.
mines, of, Cornwall, in, **7,** 259
mortgagees, notice to, under Improvement of Land Act, 1864, obsolete, **18,** 295 n.
mortgagor's liability for repairs, **25,** 783 n.
notices, interference with navigable river or canal, in case of, **18,** 295
outfall of stream, in case of diversion of, **18,** 303
occupier, compensation to, **18,** 303
consent of, to drainage scheme, **18,** 301 n.
duty to cleanse drains, **16,** 113
payment of rentcharge by, **18,** 298
ornamental waters, protection of, **18,** 302
outfall
expense of obtaining, included in drainage, **18,** 304 n.
powers to obtain, **4,** 561; **6,** 175; **25,** 719
stream, of, diversion by works, notice in case of, **18,** 303
overflow, liability for, **28,** 454—457
percolating water, expediting passage of, liability in case of, **28,** 455 n.
plans and specifications for, Board of Agriculture and Fisheries, to, **18,** 295, 302, 304 n.
pollution, prevention of, **28,** 438—440, 443—445, 451
washings, by, **15,** 363; **28,** 451
ponds and ditches, of, **4,** 561; **6,** 173; **23,** 611, 612; **25,** 720 n.
private improvement companies, advances by, **18,** 301, 302
powers of, **18,** 283
procedure, joint application for approval of, scheme for improvement of land by, **18,** 294
Land Drainage Acts, under, **18,** 301
Public Money Drainage Acts, under, **18,** 303, 304
provisional certificate for, **18,** 295, 303, 304

DRAINAGE OF LAND—*continued.*
provisional order for, contents of, **18,** 295
Inclosure Acts, under, **4,** 602, 603
modification of, **18,** 296
public improvements, for, cost of, charged on land, **18,** 299, 300
Public Money Drainage Acts, under, **18,** 303—305
Railway Acts, powers and liabilities under, **23,** 654, 655, 671
rate for, deduction of, from rent, **18,** 478
power to levy, **18,** 478; **24,** 103
recreation allotments, of, **4,** 592
registration, apportionment orders, of, **18,** 299
rentcharge, of, **18,** 297, 298
rentcharge for, apportionment of, **18,** 298, 299, 305
assignability of, **18,** 298
creation of, **18,** 278, 297, 300, 301, 304
deduction from rent of, **18,** 298, 305 n.
interest on arrears of, **18,** 298 n.
nature of, personal property and real security, **18,** 297
priority of, **18,** 297, 301, 304, 305
private Acts, under, **18,** 297 n.
redemption of, **18,** 292, 297 n., 305
release of, **18,** 298
remedies for recovery of, **18,** 298, 305 n.
tithe rentcharge, recoverable as, **18,** 298 n., 304
representatives of landowner, power of, to complete works, **18,** 297
riparian owner, rights and duties of, **11,** 318; **28,** 424, 435 n.
running silt, pumping of, **15,** 323 n., 359 n.; **28,** 281 n.
Settled Estates Act, 1877, not applicable to, **18,** 301 n.
Settled Land Acts, procedure under, **18,** 277, 279, 280 n., 289—293; **25,** 644
settled money, power to use, **18,** 291 n.; **25,** 719 n.
sewers rate leviable for, **24,** 101, 102. *See also* SEWERS RATE.
statutory powers in respect of, **18,** 276—305; **25,** 773
subsidence caused by, **15,** 323 n., 359 n.
subterranean water, tapping of, **21,** 525 n., 526 n.; **28,** 288, 289
superfluous water, removal of, **25,** 727 n.
surface water, in respect of, **11,** 313; **28,** 432
tenant, deductions from rent by, **18,** 298, 305 n., 478
improvement by, compensation for, **1,** 261
Thames, private navigable drainage channels leading into, are not part of, **28,** 411 n.
trustees of settlement, duty of, **25,** 688, 689
turbary right extinguished by, **4,** 528
underground water, diversion of, **11,** 313, 321; **28,** 428
waste by, tenant for life not impeachable for, **18,** 293, 296
Waterworks Acts, liability under, **28,** 279, 280, 285, 286, 289, 298

DRAM,
standard weight of a, **28,** 468

DRAMATIC ENTERTAINMENT, PLACE OF. *See* THEATRE.
defined, **8,** 175 n.

DRAMATIC PIECE,
defined, **8,** 183; **27,** 414 n.
adaptations of, before December, 1887, **8,** 172
author, meaning of, **8,** 158, 176
rights of, **8,** 137, 139, 176—179
copyright in, **8,** 137, 171, 172
assignment of, **4,** 395; **8,** 157 *et seq.*
performing right not passed by, **8,** 182
foreign country, publication before 1887 in, **8,** 171, 172
foreign works, English adaptations and translations of, **8,** 172, 184
joint authorship of, **8,** 176
licence to represent, **8,** 182
novel is not a, **8,** 183
performing right in, **8,** 175—186. *See* PERFORMING RIGHT.
publication of, **8,** 139, 140, 177, 180
scenic effects and situations as parts of, **8,** 183
song as, **8,** 183
unpublished, rights in respect of, **8,** 137, 176

DRAMATIST,
contract by, not to write for others, **27,** 412
rights of. *See* DRAMATIC PIECE; PERFORMING RIGHT.

DRAPER,
restrictive covenant by, **27,** 577 n., 579 n., 585

DRAUGHT,
ship's, marking on stem and stern post, **26,** 18
peculiarity in, notice to dock master, **26,** 648 n.

DRAWBACK,
defined, **24,** 697
customs duty, on,
beer, **24,** 595
coffee, roasted, on, **24,** 597
molasses, on, **24,** 604
saccharine, on, **24,** 599
sugar goods, on composite, **24,** 606
tobacco, British manufactured, on, **24,** 627, 647, 697 n.
debenture certificate for, **24,** 698
excise duty, on,
beer, on, **24,** 615
glucose, in case of, **24,** 618
motor spirit, on, **24,** 621, 697 n.
saccharine, on, **24,** 623
spirits, on, **24,** 625
tobacco, home-grown, on, **24,** 627
fraud in respect of, **24,** 698
Isle of Man, export from, **24,** 699
export to, **24,** 595, 604, 615, 623
saccharine removed to, **24,** 623
management of, **24,** 697
misdescription, penalty for, **24,** 697
payment of, conditions for, **24,** 697, 698
time for, **24,** 699
penalties for offences in respect of, **24,** 697, 698
ship's stores, beer as, **24,** 595, 615
saccharine as, **24,** 623
sugar as, **24,** 604
tonnage of vessel carrying goods entitled to, **24,** 698

DRAWEE OF BILL OF EXCHANGE,
defined, **2,** 463, 464
acceptance by. *See* ACCEPTANCE.
acceptor, as, **2,** 485, 515, 520. *See* ACCEPTOR OF BILL OF EXCHANGE.

DRAWEE OF BILL OF EXCHANGE— *continued.*
accommodation party, as, **2,** 502, 517, 520, 522, 534, 551
costs of action by, **2,** 526
indemnity, action for, **2,** 522, 559 n.
address of, **2,** 492, 533
agent of, acceptance by, **2,** 485, 486, 495, 534 n.
authority to sign, **2,** 486 n., 494, 495
notice to, **2,** 545
power of attorney, under, **2,** 493 n.
alternative, **2,** 471, 472
banker as, cheques, in case of, **2,** 465, 515
bankruptcy of, **2,** 498 n., 528
capacity of, want of, **2,** 489—494, 548, 549
certainty as to, **2,** 471, 472
companies and corporations as, **2,** 491, 492
conflict of law in relation to, **2,** 561—564
death of, **2,** 528
discharge of, **2,** 549—560. *See* DISCHARGE.
drawer, identity with, **2,** 464, 548
executors of, cancellation by delivery to, **2,** 552 n.
fictitious person as, **2,** 528, 534, 548, 549
forgery, in case of, **9,** 729 n.
holder of bill, identity with, **2,** 551
indemnity, proof in bankruptcy for, **2,** 522
indorser distinguished from, **2,** 520
liability of, **2,** 515, 563
protest for better security, on, **2,** 540 n.
limitation of action against, **2,** 558, 564
married woman, signature of, **2,** 485, 489
necessary party to bill, as, **2,** 464; **9,** 729 n.
non-acceptance by, effect of, **2,** 486, 517, 535—539
liability for, **2,** 485, 515
qualification may be treated as, **2,** 487, 538
non-existing person as, **2,** 464 n.
obligation of, in respect of acceptance, **2,** 485, 515
partner as, **2,** 485, 492, 493
payee, may be also, **2,** 464
payment by, of bills in a set, **2,** 561
place of business, presentment at, **2,** 527 n., 533
position of, **2,** 463, 471
presentment to, acceptance, for, **2,** 526—529. *See* PRESENTMENT FOR ACCEPTANCE OF BILLS OF EXCHANGE.
payment, for, **2,** 530, 534 n. *See* PRESENTMENT FOR PAYMENT OF BILLS AND NOTES.
protested bill, of, **2,** 535, 538
re-exchange, damages for, **2,** 525 n.
referee in case of need distinguished from, **2,** 472 n.
representatives of, **2,** 528, 533, 552 n.
residence of, presentment at, **2,** 527 n., 528, 533
Scotland, liability in, **2,** 515, 563, 565 n.
set, of bills drawn in a, **2,** 560, 561
several persons as, discharge of some, **2,** 558
liabilities of, **2,** 471, 472, 488
notice to, **2,** 545
presentment to, **2,** 528, 533
qualified acceptance by some, **2,** 488
signature of, acceptance, sufficient for, **2,** 487
duplicate bill, to, **2,** 514. *See also* set, *supra.*
forged or unauthorised, **2,** 495, 512 n., 518, 551, 554 n.
name used on, **2,** 485, 494
trustee in bankruptcy of, presentment to, **2,** 528

DRAWER OF BILL OF EXCHANGE,
defined, **2,** 463, 464
acceptance, blank, filling in, **2,** 467 n., 483, 484 n.
acceptor, as surety for, **15,** 443
right to sue, **7,** 465

DRAWER OF BILL OF EXCHANGE— *continued.*
accommodation bill, of. *See* ACCOMMODATION BILL.
action
against, **2,** 538 n., 558
by, **2,** 513 n.
addition of, after issue, **2,** 471
address of, **2,** 527 n., 533, 534 n., 545 n., 548 n.
admission of liability by, **2,** 548
agent, liability of, **1,** 221
signature by, **1,** 208; **2,** 489, 494, 495
ambiguity as to intention of, **2,** 520
antedating by, **2,** 467 n.
bankruptcy of, America, in, **2,** 564 n.
notice of dishonour on, **2,** 545
presentment on, **2,** 534 n.
proof against estate, **2,** 522
blank bill, signature in, **2,** 471, 513
capacity of, **2,** 489—495
cheque, in case of, authority of drawer, **1,** 604
death of drawer, **1,** 607
discharge on cheque reaching payee, **1,** 609, 611
forged indorsement, liability to true owner, **27,** 894 n.
forgery of signature of drawer, duty to warn banker, **1,** 615, 616
rights and liabilities in respect of, **2,** 480, 515, 518, 531; **27,** 894 n.
company or corporation as, **2,** 491, 492
directors and officers, personal liability, of, **2,** 495 n.
conflict of laws in relation to, **2,** 562—564
damages on dishonour, right to, **2,** 523—525
death of, notice of dishonour after, **2,** 545
delivery by, **2,** 481—483
discharge of, **2,** 554 *et seq.* *See* DISCHARGE.
drawee, identity with, **2,** 464, 548
duplicate bill given by, **2,** 514
estoppel against, **2,** 518
fictitious person as, **9,** 729 n.
foreign country in, **2,** 465
identity of, evidence of, **9,** 729 n.
indorser as, **2,** 502 n.
insolvency of, presentment on, **2,** 534 n.
joint and several liability of, **2,** 471, 519
liability of, **2,** 517, 518, 548 n.; **15,** 442, 443
presentment, default of, **2,** 534
protest, default of, **2,** 537
stipulations as to, **2,** 479, 518
limitation of action against, **2,** 558, 559, 564
married woman as, **16,** 412
necessary party to a bill of exchange, is, **2,** 464
non-acceptance, effect of, **2,** 517
notice to, dishonour, of, **2,** 542, 544, 547, 548, 559
waiver of, **2,** 548
wife, by, **2,** 545 n.
partnership firm as, **2,** 492—494
payee, identity with, **2,** 464
payer for honour of, preference of, **2,** 541 n.
payment by, **2,** 508, 509, 523
presumption against, of delivery, **2,** 482
qualified acceptance, effect of, **2,** 488, 554
rights in respect of, **2,** 518 n.
recourse of holder against, **2,** 517, 518
loss of, **2,** 527 n., 529, 530
re-exchange, damages for, **2,** 525; **10,** 263 n.
usage as to cost of, **10,** 263 n.
referee in case of need, right to nominate, **2,** 464, 465
re-issue by, **2,** 508, 509, 549 n.

DRAWER OF BILL OF EXCHANGE— *continued.*
representatives of, **2,** 496 n.
notice of dishonour to, **2,** 545
set, bills in a, payment and signature of, **2,** 560, 561
several parties as, joint and several liability of, **2,** 471
signature of, **2,** 471
acceptance before, **2,** 486
administrator, by, **2,** 484 n.
ambiguity as to intention, **2,** 520
authorised use of, **2,** 471, 483, 520
blank paper, on, **2,** 471, 483, 484 n., 513
estoppel as to, **2,** 484 n., 518, 520
fraudulent use of, **2,** 484 n., 513
pencil, in, **2,** 471
place for, **2,** 471
solicitor of, action for costs by, **2,** 499 n.
stamp, cancellation of, **2,** 578
stipulations by, **2,** 479, 518
surety for, **15,** 442
trustee in bankruptcy, notice to, **2,** 545

DRAWING,
artistic work for purposes of copyright, as, **8,** 188. *See* ARTISTIC WORKS.
building, for, approval, submission for, **3,** 297, 304
architect's lien on, **3,** 308
competition for prize, on, **3,** 304
contract to prepare, **3,** 308
defective, liability of architect for, **3,** 188, 297, 298
local authority, submission by architect to, **3,** 296
obligation to furnish, **3,** 165, 198, 199, 297, 304, 305
payment for, **3,** 298, 305, 308
probationary works, nature of, **3,** 178, 304, 305
property in, **3,** 298, 308
retainer of, right to, **3,** 298
copyright in, *defined*, **8,** 191 n., 192
architect's right to, **8,** 188 n.
assignment of, **8,** 192, 193, 195; **10,** 423
author, *defined*, **8,** 188
nationality of, **8,** 188, 192
protection of, **8,** 191—199
rights of, **8,** 188, 191, 201 n.
Berne Convention as affecting, **8,** 191, 192. *See also* BERNE CONVENTION.
breach of confidence as to, **8,** 190
commencement of, **8,** 189, 191 n., 192
commission, works executed on, **8,** 193
copies, in, **8,** 194—196
forfeiture of, for infringement, **8,** 198, 199
meaning of, **8,** 196
multiplication of, **8,** 191 n.
design, in the, **8,** 197, 200 n.
duration of, **8,** 191 n., 192
extent of, **8,** 192
foreign country, publication in, **8,** 191, 192
illustrations in books, **8,** 198
immoral works, not allowed in, **8,** 191
infringement of, **8,** 196—200
importation of, **8,** 200
proof of, **8,** 197
remedies for, **8,** 198, 199
international rights to, **8,** 188, 189, 191, 195
libellous works, not allowed for, **8,** 191

DRAWING—*continued.*
copyright in—*continued.*
licence to use or copy, **8,** 192
obscene works, not allowed for, **8,** 191
persons entitled to, **8,** 188, 189, 191
print taken from, in, **8,** 203 n.
proprietor of, **8,** 192, 201 n.
publication, **8,** 189
registration of, **8,** 190, 195, 197, 198
requisites for, **8,** 192
reservation of, **8,** 193
sale, after, **8,** 193
scene or object previously drawn, **8,** 195
signatures on drawing, fraudulent, **8,** 199, 200
subject, no copyright in, **8,** 195, 197
United States of America, regulations in, **8,** 192 n.
unpublished work, common law rights in, **8,** 188
county court, for use of, costs of providing, **8,** 596
misrepresentation by inaccuracy of, **20,** 730
patent, on application for, **22,** 154
provisional order, of works under, **28,** 418

DREDGING,
ballast, for, **14,** 626; **28,** 410
customs of, **10,** 235 n., 241 n.
gravel, for, in river bed, **10,** 240 n.
insurance of crews, **28,** 888 n.
keel with mast lowered, duty of, **26,** 497
oysters and shell fish, for, **10,** 235 n.; **14,** 591, 626, 627
river, in, in fog, **26,** 417, 497 n., 662, app. xi.
sand, for, lights required on dumb barge, **26,** 380, 381, 391 n.
river bed, in, **10,** 240 n.
stern first, in river, **26,** 496 n., 497
Goole Reach, on Ouse, in, **26,** 481 n.
lights, **26,** 383 n., 497
sound signals, **26,** 477 n., 497
under way, whether vessel is, **26,** 389 n.
Thames
Conservators' powers as to, **28,** 409, 410
licence to take ballast in, **28,** 410
lights on sailing barge in, **26,** 482
signals in, **26,** 477 n.
vessels engaged in, lights to be shown, **26,** 395

DRESS. *See also* CLOTHING.
prisoner, of, criminal appeal, pending, **23,** 250
photograph, for, **23,** 246
Prison Commissioners' powers as to, **23,** 232
trial, before, **23,** 245

DRESSER,
theatrical, insurance of, **28,** 909 n.

DRESSING ROOMS,
for workmen in metalliferous mines, **20,** 631

DRESSMAKERS,
insurance of workers for, **28,** 915 n.

DRIED FRUIT,
customs duty on, **24,** 597
trucking expenses, trade usage as to, **10,** 291

DRIFT NET FISHING,
defined, **26,** 398
anchoring forbidden near, **14,** 625; **26,** 489 n., 662, app. vii.

DRIFT NET FISHING—*continued.*
avoiding vessel engaged in, **26,** 397, 443 n., 445, 471 n., 487
close time on Cornish coast for, **14,** 626
day signal, **26,** 395, 662, app. ii.
entanglement of net, signal of, **26,** 395
injury to, avoidance of, **14,** 625
lights and signals to be shown, **26,** 393—395, 398, 662, app. ii., vi., vii., xi.
Chinese and Siamese vessels, by, **26,** 393
Japan and Korea, off coasts of, **26,** 394
Mediterranean Sea, in, **26,** 393 n., 394
Russian vessels, by, **26,** 394 n.
navigation of vessel engaged in, **26,** 397, 471
proceeding, steam drifter shooting nets, **26,** 443 n.
sailing vessel, steam drifter with small sail held not to be, **26,** 471
shooting nets, regulations for vessel, **14,** 625; **26,** 378, 443 n., 471, 662, app. ii., vi., vii.
signals in fog, mist, snow, or rain, **26,** 395, 662, app. xi.
stationary vessel, signals by, **26,** 395
under way, steam drifter shooting nets, **26,** 378, 471
unencumbered sailing drifter's duty to avoid fishing steam drifter, **26,** 397, 445, 471 n.

DRIFTWAY,
defined, **11,** 284 n.; **16,** 9
carriage way may include, **16,** 9, 10
division of common fields by, **4,** 479
highway as, **16,** 7, 85
horse or packway as, **16,** 9 n., 10
repair and maintenance of, highway authority, by, **16,** 85, 94, 95

DRILLING,
open spaces, in, prohibition by bye-laws, **21,** 599 n.
Territorial Forces, of, **25,** 69, 88 n.
unlawful, **6,** 358, 359; **9,** 467
arrest for, **9,** 303, 467

DRINK. *See* INTOXICATING LIQUOR.
Local Government Board's power to make regulations as to, **15,** 44
sale of, in club, **4,** 434

DRIVER. *See also* DRIVING.
address, refusal to give, **27,** 325, 326
arrest without warrant, when liable to, **1,** 415; **27,** 277, 324, 325
bailee, as, **20,** 67 n., 254 n.; **21,** 415 n.
bye-laws and regulations for, by urban authority, **27,** 274, 298
cab, of. *See* CABDRIVER.
compensation where charge against, withdrawn or dismissed, **27,** 302
consent of, riding in metropolis without, **27,** 288
control of horses, duty to have, **27,** 276, 282
conviction of, absence, during, **1,** 415; **27,** 329 n.
indorsement on licence, **27,** 302, 329 n.
cruelty of, procedure and liability for, **1,** 415
drunk during employment, **18,** 141 n.; **22,** 619 n.; **27,** 301
duty of, by common law, **21,** 411, 414, 416; **27,** 807 n.
emergency, on, liability of owner, **27,** 302 n.
employer's liability for, **20,** 136 n., 266 n.; **21,** 415; **27,** 302
game licence, driver of mail or stage carriage may not hold, **15,** 255

DRIVER—*continued.*
hackney carriage, of. *See* CABDRIVER.
heavy highway locomotive, of, duty of, **27,** 312—315
negligence by, **21,** 546
hired vehicle, of, negligence by, **21,** 415, 472 n.
identified with passenger, when not, **4,** 46 n.; **21,** 452
lamps on vehicle, duties in respect of, **27,** 291
licence for, powers to grant, **27,** 274, 293, 296, 320. *See* CABDRIVER; MOTOR CAR.
loitering by, **27,** 298
male servant, as, **27,** 297, 334
motor car, of. *See* MOTOR CAR.
name, owner, of, refusal to disclose, **27,** 276
refusal to give, **27,** 277 n., 325, 326
negligence of, liability for, **16,** 123 n.; **21,** 414, 415, 472 n.
nuisance caused by, **21,** 546
nuisance caused by, on highway, **16,** 155, 156
obstruction by, highway, of, **27,** 276, 277
vehicles, of, **27,** 302
offences by, highway, on, **27,** 275—277, 282, 287
metropolis, in, **27,** 286
passenger's liability for, **21,** 415; **27,** 325
pedestrians, duty to, **21,** 367, 416; **27,** 807
production of, by master, when charged with offence, **1,** 415
proprietor, liability and relation of, **1,** 415; **20,** 67 n., 254 n.; **21,** 415; **27,** 294, 302
racing by, **20,** 136 n.
railway engine, of, accident to, **20,** 173 n., 176 n., 178 n.
reins, rules as to, **27,** 271, 276, 282
rider and riding on cart, meaning of, **27,** 276 n.
offence by, **27,** 276
rule of the road, observance of, **27,** 276, 277, 807
servant, as, **20,** 67 n., 266 n.; **21,** 415; **27,** 302
stage carriage, of, misbehaviour by, **27,** 294
taxi-cab of. *See* CAB; CABDRIVER; MOTOR CAR.
bailee of cab, is, **20,** 67 n.
traffic regulations, compliance with, **27,** 270, 271
tramcar, of, duties and rights of, **27,** 293, 796 n., 797 n., 798 n., 800 n., 807
licence of, **27,** 293
unemployment insurance, excluded from, **28,** 887 n., 888 n.
unlicensed, **27,** 300, 303 n., 321

DRIVING. *See also* DRIVER.
animals, diseased animals on highways, **1,** 422
streets, in, **27,** 271
assault by collision, **27,** 873 n.
cattle. *See* CATTLE.
common, a, meaning and right of, **4,** 500, 501
dangerous, carriage, of, **27,** 277, 278
motor car, of, **27,** 324, 325
defective apparatus, liability for, **21,** 414, 415
drunk while, **18,** 141 n.; **22,** 619 n.; **27,** 301
furious, aiding and abetting, **21,** 414 n.
causing bodily harm by, **9,** 605, 606; **27,** 277, 278
common danger, to, **21,** 413
drunken person, by, **18,** 141
hackney carriage or omnibus, of, **27,** 301
highway offence by, **27,** 277
manslaughter by inciting, **9,** 582 n.
urban district, in, **27,** 277, 283
motor car, of, dangerous or reckless, **27,** 324, 325, 333

DRIVING—*continued.*
motor car—*continued.*
excessive speed, at, evidence of, **13,** 603
licence, without, **27,** 321
precautions to be observed in, **27,** 325, 326
negligent, **21,** 365 n., 412—415
examples of, **21,** 414
manslaughter by, **9,** 582 n.
rule of the road, by infringement of, **21,** 413—416
tramcars, of, **21,** 415
private rights on footpaths, **16,** 46
tramcars, liability for, **21,** 415
two or more carts, provisions relating to, **27,** 271, 282

DRIVING BELT,
as machinery, **14,** 446

DROITS OF ADMIRALTY,
jurisdiction as to, **1,** 76, 77; **9,** 57
pirates, property recaptured from, **1,** 76, 77
prizes which are, **6,** 444 n., 445; **23,** 276
revenue from, **7,** 108, 110
wreck as, **1,** 76

DROITWICH,
borough justices, separate bench of, **19,** 541, 542
local court of, **9,** 160

DROVER,
bailee, as, **20,** 67

DROWNED BODY,
churchwardens, duty as to, **3,** 547

DROWNING,
attempt to murder by, **9,** 594
death by, burial after, **3,** 547—549
fees in respect of, **3,** 548
inquest after, **8,** 234, 243
notice of discovery of body after, **3,** 548
penalty for failing to give, **3,** 548
reward for finder of body, **3,** 548

DRUG,
defined, **15,** 6
abortion, for, **9,** 596; **20,** 274 n.
administration of, domestic animal, to, **1,** 413, 414; **9,** 789 n.
person, to, **9,** 596, 602, 603, 612 n., 614, 615
adulteration of, harmless additions, by, **15,** 22, 24 n., 28
notice of, on label, **15,** 24
incorporated company, liability of, **15,** 17 n., 19
injurious ingredients, by, **15,** 17, 18
knowledge of vendor, **15,** 17
offences in connection with, **15,** 17, 18, 21 n., 22—24, 28—30, 32
proceedings in respect of, **15,** 15, 16, 29—33
proprietary medicine, in case of, **15,** 22 n.
prosecutor for, who may be, **15,** 7, 8, 12, 29
servant, by, **15,** 18
statutory provisions as to, **15,** 3, 5
substitution of another article, by, **15,** 18, 19
unavoidable, **15,** 22
warranty, effect on, **15,** 28
advertisement of, constitutes it a proprietary medicine, **20,** 378

DRUG—*continued.*
analysis of, **15,** 9—16, 32
certificate of, **15,** 10 n., 11, 12
court, by order of, **15,** 32
expenses of local authorities, **15,** 7, 8, 34
formalities required for, **15,** 9, 12—16
Government department, limited power of, **15,** 13
private purchaser, for, **15,** 9, 12, 15 n.
public officer, for, **15,** 9
refusal to sell for, **15,** 13, 14
sample for, procuring, **15,** 13
spirit of nitre, of, **15,** 11 n.
submission for, **15,** 9
vinegar of squills, of, **15,** 11 n.
analyst. *See* ANALYST.
beeswax as, **15,** 6 n.
British Pharmacopœia, articles in, are not all drugs, **15,** 6, 21
compounding according to, **15,** 21; **20,** 377
standard of purity, as, **15,** 21
chewing gum is not a, **15,** 6 n.
common law, offences under the, **15,** 35
compound, *defined*, **15,** 17 n.
medical prescriptions, dispensing of, **15,** 24 n.
sale of, **15,** 22, 23; **20,** 380
secret, **20,** 377 n.
Customs and Excise Commissioners, duties of, **24,** 593
duty on, exemption from and liability to, **20,** 377—381
payment of, **20,** 380
food distinguished from, **15,** 5, 13, 44
hops adulterated with, **1,** 291; **15,** 69
importation of, **15,** 8, 44; **24,** 592, 593
licence for sale of, **20,** 379
local authorities, statutory duties of, **15,** 7, 8
medicine as, **15,** 6
mercury ointment, purity of, **15,** 21
mixing. *See* adulteration, *supra.*
National Insurance Act, 1911, committees under, **28,** 937
fund for supply under, **28,** 951 n., 959 n.
supply under, **28,** 936 n., 937, 950—952
noxious or poisonous, administration of. *See* administration, *supra.*
supplying, **9,** 596, 597
opium, tincture of, standard of, **15,** 21
patent medicine, as, **15,** 22
pimento, custom on sale of, **10,** 265, 282
poison. *See* POISON.
used by mistake for drug, **20,** 335
poor law medical officers in metropolis, for, **20,** 450
proprietary medicine, as, **15,** 22; **20,** 377—381
misrepresentation as to, **20,** 671 n.
sale of, **15,** 22
purity or strength of, **15,** 3—5, 21
sale of, adulterated, when, **15,** 17
analyst's connection with, forbidden, **15,** 9
breach of contract on, **15,** 4
chemist and druggist, by, **20,** 377
licence for, **20,** 379
misrepresentation on, **15,** 20
nature, substance, and quality demanded, **15,** 4, 18—21
offences relating to, penalties for, **20,** 380, 381
poison. *See* POISON.
prejudice of purchaser, to the, **15,** 18—23
qualification for, **20,** 377, 379—386
statutory provisions for, **15,** 3—5
trade usage on, **10,** 282, 285

DRUG—*continued.*
servant or stranger, liability for acts of, **15,** 16—18
soap as, **15,** 6 n.
Society of Apothecaries, examination by, **20,** 346
spirit of nitre as, **15,** 11 n.
stale or unwholesome, destruction of, **20,** 346
penalty for, **20,** 346
stupefying, administration of, **9,** 602, 612, 614, 615
summary conviction, appeal from, **15,** 32, 55 n.
tariff, National Health Insurance Act, under, **28,** 950 n., 951 n.
tea adulterated with, **15,** 68
warranty, misapplication of, **15,** 29
weights and measures for, **28,** 470

DRUGGIST. *See* CHEMIST; CHEMISTS AND DRUGGISTS.
defined, **20,** 351
apothecary distinguished from, **20,** 349, 351
apprenticeship, qualification by, **20,** 353, 378
assistant, manager or superintendent as, **20,** 355, 356, 382, 384
corporation as, **20,** 355, 356, 382
shareholders in, liability of, **20,** 356 n.
death of, executor's powers after, **20,** 355 n.
examination for, **20,** 352, 353
excise licence for sale of spirits, **18,** 16; **24,** 673, 678
partnership as, **20,** 355, 356, 382
Pharmaceutical Society, qualification for, **20,** 352, 353
poisons, right to sell, qualification for, **20,** 355
protection and registration of, **20,** 352, 354, 355
publication of name and qualification of, **20,** 355, 377
registrar, notice of death by or to, **20,** 354
restrictive covenant by, reasonableness of, **27,** 561 n.
title, wrongful use of, **20,** 355, 356
wines, sale of, **24,** 678 n.

DRUNK. *See* DRUNK AND DISORDERLY; DRUNKEN PERSON; DRUNKENNESS.
carriage etc., when in charge of, **9,** 301 n.; **18,** 141
child, in charge of, **17,** 169, 170
driving whilst. *See* DRIVER.
firearms, in possession of, **9,** 301 n.; **18,** 141
gift when, **15,** 403
highway or public place, in, **9,** 301 n.; **17,** 169 **18,** 140
licensed premises, upon, **18,** 140, 141
mails, when in charge of, **22,** 663
marriage while, invalidity of, **16,** 279
offences while, **9,** 554; **18,** 141
old age pension, offence disqualifying for, **22,** 619
refreshment house, in, **18,** 142
sentinel on duty, trial of, **9,** 102 n.
ship, in charge of, master, **9,** 558; **26,** 62, 63
pilot, **9,** 558; **26,** 607

DRUNK AND DISORDERLY,
public place, in, **18,** 141
refusal to quit licensed premises when, **18,** 142

DRUNKEN PERSON. *See also* DRUNK; DRUNKENNESS; HABITUAL DRUNKARD.
arrest of, statutory power of, **9,** 301 n.
contract made by, **1,** 150; **2,** 490; **7,** 342; **25,** 124 n.
gift by, when void, **15,** 403

DRUNKEN PERSON—*continued.*
necessaries, liability for, **7,** 342; **25,** 124 n.
pawning by, **22,** 238, 255
police powers as to, **22,** 503
procuring drink for, **18,** 119
railway company's duties as to, **4,** 53
refusal to quit licensed premises, **18,** 142
sale to, drink, of, **18,** 118, 119
pistol, of, **18,** 144; **27,** 548
tramcar, ejection from, **27,** 800 n.
undue advantage over, **1,** 150; **2,** 500; **13,** 16; **27,** 38
witness, as, **9,** 400

DRUNKENNESS. *See* DRUNK; DRUNK AND DISORDERLY; DRUNKEN PERSON; HABITUAL DRUNKARD.
apprentice, of, remedy for, **20,** 105, 106 n.
avoidance on ground of, contract, of, **7,** 342; **13,** 16
deed, of, **10,** 360
gift, of, **15,** 403
club, in, striking off register for, **4,** 433
consideration for bill of exchange affected by, **2,** 500
contract made during, **1,** 150; **7,** 342; **13,** 16; **25,** 124 n.; **27,** 38
coroner, of, as misbehaviour, **8,** 254
court-martial for, **9,** 98 n., 102 n.; **25,** 45
defence, as, civil proceedings, in, **1,** 150; **2,** 500; **7,** 342; **25,** 124 n.; **27,** 38
criminal proceedings, in, **9,** 242, 581; **13,** 450
degrees of, **2,** 490; **9,** 581; **13,** 16; **15,** 403; **20,** 99 n.
delirium tremens, homicide during, **9,** 581
driver of hackney carriage or omnibus, of, **27,** 301
ecclesiastical offence of, deprivation for, **11,** 522, 523
equitable defence on ground of, **13,** 16; **27,** 38
evidence as to, admissibility of, **13,** 450; **18,** 118
relevance of, **13,** 450
family arrangement affected by, **14,** 548, 549
gift during, void, **15,** 403
habitual. *See* HABITUAL DRUNKARD.
is question of fact, **16,** 597 n.
homicide, effect on, **9,** 581
imputation of, how far libellous, **18,** 621, 622 n.
insanity, not regarded as, **19,** 394 n.
letter-carrier, of, **22,** 663
licensee's liability for acts of servant, **18,** 119
matrimonial cruelty, is not, **16,** 476
military offence, as, **9,** 98 n., 102 n.; **25,** 45
naval offence, as, **9,** 98 n.
old age pension in case of, **22,** 619 n.
permitting, on licensed premises, **18,** 117—119
protection for husband or wife in case of, **16,** 476
punishment for, **9,** 553; **18,** 141
servant, of, ground for dismissal, **20,** 99 n.
soldiers, of, summary procedure for, **25,** 45
specific performance, defence to action for, **27,** 38
summary convictions for, **9,** 553; **18,** 141; **25,** 45
witness, affecting competency of, **9,** 400
Workmen's Compensation Act, as misconduct under, **20,** 178

DRY CLEANING WORKS,
defined, **14,** 440
non-textile factory, as, **14,** 437
workshop, as, **14,** 441

DRY DOCKING. *See* DOCK.
cost of, marine insurance, under, **17,** 462 n., 468
recovery of, as damages, **26,** 539

DRY GOODS TRADE,
usage in, **10,** 282, 284

DUBLIN,
corporation of, right to present petition at bar of House of Commons, **21,** 676
Gazette. *See* DUBLIN GAZETTE.
port for
tobacco, **24,** 607 n.
wine in casks, **24,** 609 n.
University, bar students from, **2,** 364 n. *See* TRINITY COLLEGE, DUBLIN.
nomination to General Medical Council by, **20,** 315, 316
Provost of, as returning officer at parliamentary election, **12,** 259 n.

DUBLIN GAZETTE,
Companies (Consolidation) Act, 1908, in, meaning of, **5,** 36
factory regulations published in, **14,** 482
partnership, dissolution of, published in, **22,** 96, 97
limited, change in, to be advertised in, **22,** 109
private bill, notice of, to be inserted in, **21,** 730
proof, as a medium of, **13,** 525
railways, additional powers of, publication of certificate of, in, **23,** 625 n., 637 n.
royal proclamation, publication of, in, **7,** 15

DUCHY,
Chamber of Lancaster, Court of, **9,** 120
Cornwall, of. *See* CORNWALL, DUCHY OF.
Lancaster, of. *See* LANCASTER, DUCHY OF.

DUCK, WILD. *See* WILD DUCK.

DUEL,
affray, as, **9,** 468
breach of the peace, as, **9,** 468
court-martial for, **9,** 102 n.
death in, manslaughter or murder, **9,** 578, 579
misdemeanour, as, **9,** 468
principals and seconds in, when guilty of murder, **9,** 578
public, fought in, **9,** 468
spectator, liability of, **9,** 578

DUES. *See* DOCK.
dock, damages, as, **26,** 539
stipulations in charterparty as to, **26,** 136
ecclesiastical, **11,** 449, 481, 482, 604, 625, 708, 776—779
harbour, **26,** 637. *See* HARBOUR.
light, **26,** 629—631, 661. *See* LIGHT DUES.
market, return to be made to Local Government Board, **20,** 29
tolls, distinguished from, **20,** 35
port. *See* HARBOUR; PORT.
render, lie in, **4,** 445
shipping, abolition of differential, **26,** 637 n.
exemption of lighthouse property from, **26,** 628
pleasure yachts, exemption of, **26,** 661
statutory provision for exemption, **26,** 636, 637

DUGDALE,
chronicles of, admissibility in evidence, **13,** 479

DUKE,
creation and degree in peerage of, **22,** 263

DUKE OF CORNWALL. *See also* CORNWALL, DUCHY OF.
defined, **7,** 242 n., 258 n., 261 n.
claims in equity against, **7,** 241
Defence Act, 1842, rights under, **7,** 238, 257
disputes, settlement of, **7,** 247
ecclesiastical patronage of, **11,** 570, 576
information, proceedings by, **10,** 4, 20, 21
limitation of claims by, **7,** 267—270; **19,** 161
mining rights of, **7,** 258—266
purchase of lands by, **7,** 246
recovery of chattels by, **10,** 4
referee, trial of issue by, **7,** 175
title, vesting and merger of, **6,** 360, 368

DUKE OF LANCASTER. *See also* LANCASTER, DUCHY OF.
appointment of sheriff by, **25,** 794
creation and rights of, **7,** 217; **22,** 263 n.
title, vesting and merger of, **6,** 360

DUM CASTA CLAUSE,
absence of, does not invalidate annuity covenant, **7,** 396
maintenance order after divorce, in, **16,** 567
not a usual clause in separation deed, **16,** 445

DUMB BARGE,
defined, **26,** 494 n.
Admiralty jurisdiction over, **1,** 71
Bills of Sale Acts, transfer or assignment excluded from, **3,** 17
collision by, **1,** 71
lights on, **26,** 380, 389, 494, 495 n.
lashed to tug, when, **26,** 389
navigation of, **26,** 494, 495
fog on river, during, **26,** 420
night watchman, absence of, **26,** 495
regulations affecting, **26,** 380, 381, 420, 494
rowing boat, as, **26,** 381
ship, is not, **26,** 14
swinging athwart river fairway, **26,** 495 n.
vessel being towed, as, **26,** 389
vessel requiring lights, as, **26,** 380, 381

DUMB DRIFT,
mine, in, **20,** 612

DUMB PERSON,
child, education of. *See* CERTIFIED SCHOOLS; DEFECTIVE CHILDREN.
children, poor, guardian's powers as to, **12,** 83
gift by, **15,** 403
poor law relief to, **17,** 115
witness, as, **13,** 569

DUMBWELL,
cleansing of, **25,** 771 n.
drain, distinguished from, **25,** 771 n.

DUNNAGE,
defined, **26,** 203 n.
shipowner's duty to provide, **26,** 203

DUPLEX QUERELA,
action of, effect in suspending lapse, **11,** 592
concurrent proceedings by, not allowed, **11,** 588 n.
disturbance of patronage, as remedy for, **11,** 586

DUPLEX QUERELA—*continued.*
meaning and origin of, **11,** 588 n.
presentee of benefice, by, **11,** 588
refusal of presentee by bishop, after, **11,** 589 n.

DUPLICATE,
bill of exchange, in case of loss of, **2,** 514
company's colonial register at registered office, **5,** 157
county court documents in county court, of, **8,** 461, 621
evidence, as, **24,** 727 n.
execution in, indenture, of, **10,** 381
lease, of, **18,** 394
stamp, **18,** 400
marriage register book, **11,** 705, 706 n.; **24,** 453
principal deed or counterpart, as, **10,** 381
promissory note, in case of loss of, **2,** 514
specimens in British Museum, disposal of, **19,** 212
stamp duty on, **18,** 400; **24,** 727, 728 n.
denoting stamp on, **24,** 716

DUPLICITY,
pleading, in, avoidance of, **21,** 413 n.
quashing of conviction in consequence of, **27,** 325 n.

DURANTE ABSENTIÂ,
grant of administration, **14,** 198, 199

DURANTE DEMENTIÂ,
grant of administration, **14,** 199, 201

DURANTE MINORE ÆTATE,
grant of administration, **14,** 197; **17,** 44, 51. *See* LETTERS OF ADMINISTRATION.

DURESS. *See also* COERCION; COMPULSION; FORCE.
defined, **7,** 356
bail given under, **13,** 19 n.
bill of exchange, burden of proof of value in case of, **2,** 499, 500
ground for avoiding, **2,** 500
compromise under, setting aside of, **2,** 400; **7,** 356 n.; **23,** 169
confirmation of voidable transaction, effect of, **7,** 357; **13,** 19
consent obtained by fraud, force or fear, in case of trespass, **27,** 872 n.
consideration, in relation to, **2,** 499, 500
contract under, avoidance of, **6,** 244, 245; **7,** 356, 357
corrupt practice in election, as, **12,** 292
counsel's consent obtained by, **2,** 400
crime committed under, **9,** 243, 244
deed executed under, avoidance of, **10,** 359, 360
equitable relief in case of, **13,** 19
evidence of, **2,** 499, 500; **10,** 360
extortion by threats, **9,** 664—668; **18,** 740
gift under, **15,** 403 n.
goods, of, effect of, **7,** 357, 468, 478, 488
payment under, **7,** 357, 468, 478, 488; **24,** 339 n.
guarantee procured by, **15,** 450
imprisonment as, **7,** 356 n., 357; **13,** 19 n.
infant, gift by, **15,** 403 n.
lunacy, threat of proceedings in, **7,** 356 n.
marriage under, invalidity of, **16,** 278, 279

DURESS—*continued.*
money paid under, recovery of, **7,** 357, 468, 478, 488; **24,** 339 n.
rebels, joining, under, **9,** 454
separation agreement as affected by, **16,** 442
specific performance, as defence against, **27,** 38
threat, civil proceedings, of, is not as a rule, **7,** 357; **16,** 442
extortion by, **9,** 664, 668; **18,** 740
transactions void or voidable for, **7,** 357; **10,** 359, 360; **13,** 19
warning distinguished from threat, **7,** 356

DURHAM,
bishop of, coronation, rights at, **6,** 333
coroner, appointment of, **8,** 218 n.
county palatine, rights in, **7,** 114, 115, 216, 217
diocese of, **11,** 384
income of, **11,** 406 n.
jura regalia, transfer of, **9,** 125
jurisdiction and rights of, **6,** 400 n.; **9,** 124
place in Parliament, **11,** 403, 404
style of, **11,** 404
Chancery Court of. *See* DURHAM, COUNTY PALATINE OF.
County Palatine of. *See* DURHAM, COUNTY PALATINE OF.
Court of Pleas of, transferred to High Court, **9,** 54, 125 n.
University, advowsons, power to purchase and sell, **12,** 93
Bar students from, **2,** 364 n.
Board of Agriculture, control by, **12,** 93; **18,** 366
chapter benefice, members qualified to accept, **11,** 426, 600
Charitable Trusts Acts, exemption from, **4,** 247; **12,** 93 n.
constitution of, **12,** 95
ecclesiastical patronage of, **11,** 578
endowments, augmentation of, **12,** 93
General Medical Council, nomination to, by, **20,** 315
land, powers in respect of, **12,** 93; **18,** 366
lay foundation, is, **11,** 801
leases, power to grant, **12,** 93; **18,** 366
mining leases by, **12,** 93; **20,** 534
mortgage, power to grant, **12,** 93
Mortmain and Charitable Uses Acts, exemption from, **4,** 140; **12,** 92 n., 93 n.
option of purchase, power to grant, **18,** 366
religious tests, freedom from, **11,** 805, 812; **12,** 93, 94
Settled Land Acts, powers under, **12,** 93; **18,** 366
statutory powers of, **11,** 578; **12,** 93; **18,** 366
offices excepted, **11,** 812
tithes, annexation of, **12,** 93
undergraduates of, **11,** 805, 812
warden of, benefices held in plurality, **11,** 634 n.
non-residence by, **11,** 610 n.

DURHAM, COUNTY PALATINE OF,
Attorney and Solicitor-General of, **7,** 76, 77; **9,** 127
Chancellor of. *See* CHANCELLOR.
Chancery Court of, appeals, **9,** 63, 127
building society, jurisdiction in respect of, **3,** 395

DURHAM, COUNTY PALATINE OF—*continued.*
Chancery Court of—*continued.*
companies, jurisdiction over, **5,** 392
winding-up order, appeal from, **5,** 550
constitution, **9,** 124
court of record, as, **9,** 9—10
infant's lease, power as to renewal of, **17,** 98; **25,** 677 n.
judge of, **9,** 126
judgments of, powers to enforce, **14,** 128
jurisdiction of, **9,** 124—127; **25,** 677 n.
officers of, **9,** 124—127; **25,** 677 n.
partition, jurisdiction as to, **21,** 835
partnership, jurisdiction as to, **21,** 835; **22,** 89
procedure, **9,** 124—127; **25,** 677 n.
rules of, **9,** 127
Chancellor's power to make, **7,** 77
solicitor's right of audience in, **26,** 724
vesting order by, infant trustee of land, in case of, **17,** 83
writs and judicial process in, *teste* of, **7,** 76, 77
coroner's district in, **8,** 218
courts of, **9,** 124, 127
Crown's right to revenues of, **7,** 216, 217
extinguishment of, **6,** 401 n.; **7,** 216, 217
foreshore, management of, **7,** 142
title to, **7,** 114; **28,** 365
transfer to Crown, **7,** 114, 115
jura regalia in, **7,** 216; **11,** 31
officers of, fees of, **7,** 217
income tax commissioners, as, **16,** 615
origin of, **6,** 400 n.; **7,** 216 n.
Palatine Court of, jurisdiction of, **9,** 124—127; **21,** 835; **25,** 677 n.
partition in, **21,** 835
precious metals in, **7,** 117 n.
revenues of, **7,** 216, 217
Bishop of Durham's right to, **7,** 216
Crown's right to, **7,** 216, 217
transfer to Crown of, **7,** 216
Solicitor-General of, **7,** 76
teste to writs in, **6,** 401 n.
transfer of, **7,** 114, 115, 216, 217
wreck in, rights as to, **28,** 379
writs and judicial process in, **7,** 76, 77

DUST,
bye-laws for preventing nuisances from, **20,** 461; **21,** 540; **27,** 280
coal, easement of discharging, **11,** 329
removal of, hours in metropolis for, **27,** 289
streets, from, **16,** 257

DUSTBINS. *See* REFUSE.
London, city of, depositing on street curbstone, **27,** 289

DUTIES (REVENUE). *See also* REVENUE; STAMPS; TAXES.
beer, on. *See* BEER.
club property, on, **4,** 428, 429
corporation, in respect of, **24,** 734—736. *See* CORPORATION.
customs. *See* CUSTOMS DUTY.
death, on. *See* ESTATE DUTY; LEGACY DUTY; PROBATE DUTY; SETTLEMENT ESTATE DUTY; SUCCESSION DUTY.
certificate of discharge, inoperative in case of fraud, **13,** 182
composition for, **13,** 181, 182

DUTIES (REVENUE)—*continued.*
death—*continued.*
correspondence concerning, **13,** 181 n.
fraud in connection with, **13,** 181 n., 182
incidence of, **13,** 180
management of, **13,** 181
remission of, **13,** 182
settlement estate duty. *See* SETTLEMENT ESTATE DUTY.
war, persons killed in, **13,** 182
excise. *See* EXCISE DUTY.
income tax. *See* INCOME TAX.
increment value duty, **24,** 549, 557—571. *See* INCREMENT VALUE DUTY.
inhabited house duty, **17,** 181—196. *See* INHABITED HOUSE DUTY.
land values, on, **24,** 549—586. *See* INCREMENT VALUE DUTY; MINERAL RIGHTS DUTY; REVERSION DUTY; UNDEVELOPED LAND DUTY.
licence, armorial bearings, for, **24,** 684, 685, 686, 688
exemptions, **24,** 686, 688
carriage, for, **24,** 684, 685, 686, 689
exemptions from, **24,** 690 ; **25,** 97
dog, for, **1,** 403 ; **15,** 253 ; **24,** 684, 686
exemptions from, **1,** 404 ; **24,** 684, 687
establishment, **24,** 685
exemptions from, **24,** 686
game dealer's, **15,** 257 ; **24,** 684
game, to kill, **1,** 404 ; **15,** 249 ; **24,** 684
exemptions, **1,** 404, 405 ; **15,** 248 ; **24,** 695
gun, **15,** 252 ; **24,** 684, 695, 696
exemptions from, **24,** 696 ; **25,** 97
male servants, **24,** 684, 692
exemptions from, **24,** 693 ; **25,** 97
motor car, for, **24,** 684, 685, 690, 691 ; **27,** 334, 335
exemptions and abatements from, **24,** 686, 691 ; **25,** 97
motor hackney carriage, for, **24,** 692 ; **27,** 334
lighthouse, exemption of, **26,** 628
medicine vendor's, **20,** 379
mineral rights, on, **24,** 549, 579—582. *See* MINERAL RIGHTS DUTY.
passengers' fares, on, **23,** 639—641
probate. *See* PROBATE DUTY.
proprietary medicines and drugs, on sale of, **20,** 377, 380, 381
exemptions, **20,** 378, 379
reversion, on, **24,** 549, 571—575. *See* REVERSION DUTY.
spirits, on. *See* SPIRITS.
stamp. *See* STAMP DUTY.
undeveloped land, on, **24,** 549, 575—582. *See* UNDEVELOPED LAND DUTY.
weights and measures used for calculation of, **28,** 469
wine, customs, **24,** 608, 609
excise licence, **18,** 7—9, 15, 18, 58, 60
exemptions from, **18,** 9, 10; **24,** 681, 682, 683
retailers, off, **18,** 15, 18 ; **24,** 682, 683
on, **18,** 18, 54, 58, 60 ; **24,** 681, 682
wholesale, **24,** 680—681

DUTY. *See* DUTIES (Revenue).
administrator, of. *See* ADMINISTRATOR.
agent, of. *See* AGENT.
architect, of. *See* ARCHITECT.

DUTY—*continued.*
auctioneer, of. *See* AUCTIONEER.
breach of, indemnity for, **15,** 447 ; **20,** 121, 129, 130. *See* BREACH OF DUTY.
presumption against, **13,** 499 n.
statutory. *See* statutory, *infra.*
burial, of. *See* BURIAL.
canal company, of. *See* CANAL COMPANY.
care, to take. *See* CARE.
cargo, as to. *See* CARGO ; SHIPOWNER.
carrier, of. *See* CARRIER OF GOODS.
charterparty, in relation to. *See* CHARTERPARTY.
company under Act of 1908, of, **5,** 280. *See* COMPANY.
confidential information, in regard to, barrister, of, **2,** 394 ; **17,** 254
servant, of, **17,** 255 ; **20,** 126 ; **27,** 558
conflict of, defence in action of tort, **27,** 469, 470
interest and, **13,** 156, 158 ; **28,** 168, 169 n.
Public Trustee's powers, in, **28,** 214 n.
tort, in respect of, **27,** 469, 470, 490
coroners, of, **8,** 237—250. *See* CORONER.
fiduciary position, of person in, **13,** 154—158
harbour commissioners, of, **21,** 365
indemnity for breach of, **15,** 447
insurance, of agent to effect, **17,** 355, 356
master, of, to servant, **20,** 121, 124, 128—132. *See* MASTER.
master of ship, of. *See* MASTER OF SHIP.
medical practitioner, of. *See* MEDICAL PRACTITIONER.
ministerial, breach of, indemnity for, **15,** 447
moral and social, what is, **18,** 688 *et seq.*
negligence in performance of, **21,** 360—375 ; **27,** 173, 175. *See* NEGLIGENCE.
partner, of, **22,** 47—49. *See* PARTNER ; PARTNERSHIP.
pilot, of, **26,** 530, 531
servant, of, to master, **20,** 125—127
sheriff, of, **25,** 805, 806. *See* SHERIFF.
shipowner, of. *See* SHIPOWNER.
statutory, breach of, remedy for, **27,** 169, 174, 188—193, 483, 484
mandamus, **10,** 83—85 ; **27,** 191
servant's against master, **20,** 121, 129, 130, 134 *et seq.*
delegation of, **27,** 176, 188
enforcement of, **27,** 188—196
mandamus, by, **10,** 83—85 ; **27,** 191
negligence in discharge of, **21,** 464—467, 519—523 ; **23,** 313 ; **27,** 173, 175
performance of, **27,** 131, 173—176
protection on discharge of, **23,** 312, 338 *et seq.* ; **27,** 176, 481
transfer of, liability of transferee, **27,** 482, 483
tort, defence in action of, **27,** 468—470, 492
trustee, of, **28,** 117—138. *See* TRUSTEE.
vendor, of. *See* VENDOR.

DWELLING. *See* DWELLING-HOUSE ; DWELLING-PLACE.
defined, Housing of the Working Classes Act, 1903, **6,** 20
canal boat used as, registration of, **23,** 503
cellar used as, **23,** 505—507. *See* DWELLING-PLACE.
infectious corpse, removal of, **3,** 549, 551, 552
nuisance to, by brick-burning, **21,** 527 n.
separate parts of one building as, increment value duty on sale of, **24,** 558 n.
inhabited house duty on, **17,** 184, 185, 195

DWELLING—*continued.*
tents, vans, and sheds as, bye-laws as to, **23,** 516
underground room as, **23,** 505—507
working classes, for, **23,** 536—542. *See* HOUSING OF THE WORKING CLASSES; WORKING-CLASS DWELLINGS.

DWELLING-HOUSE. *See also* HOUSE.
defined, bankruptcy petition, for purpose of, **2,** 44
building contract, for purpose of, **3,** 176
burglary, in respect of, **9,** 668
Finance (1909-10) Act, 1910, in, **28,** 702 n.
franchise, for purpose of, **3,** 176 n.; **12,** 160, 163, 168, 170 n., 184 n., 225 n.
inhabited house duty, for, **17,** 182—184
Metropolitan Building Acts, in, **20,** 473 n.
Public Health Acts, under, **21,** 542 n.
rates, for purpose of, **24,** 12, 13
water supply, for purposes of, **28,** 300
absence from or remaining within, when act of bankruptcy, **2,** 20
allotments, in connection with, **1,** 349, 355
armed by night in, with intent to commit felony, being found, **9,** 675
arson of, **9,** 770
bankruptcy, in, residence of debtor, **2,** 20, 22, 43, 44
breaking into. *See* FORCIBLE ENTRY.
burglary by, **9,** 668
distress, for, not allowed, **11,** 163—165
execution proceedings, in, **14,** 40
housebreaking, as, **9,** 672
with intent to commit felony, **9,** 673
building described in deposited plan otherwise than as, not to be used as, **23,** 425
burial near, **3,** 464, 512 n.
burning of, is felony, **9,** 770, 771
threat of, **9,** 791
cemetery near, construction of, **3,** 464, 507, 515
charge on, of cost of works required by local authority, **23,** 530
cleansing of, sanitary authority's power as to, **23,** 608
common appurtenant to, claim for, **4,** 455
compulsory acquisition of, **6,** 70—74
lands round, for allotments, **1,** 349
compulsory works on, charge for, **23,** 530, 531
conversion of building into, deemed new building, **23,** 416
crematorium near, **3,** 569
criminal law as to, arson, **9,** 770, 771
burglary, **9,** 668—672
defence of, force or homicide in course of, **9,** 587
housebreaking, **9,** 672—675
stealing in, as felony, **9,** 791
Vagrancy Acts, under, **22,** 612
curtilage of, breaking and entry of building within, **9,** 673
defence of, killing in, justifiable, **9,** 587
demolition of, local authority, by, **23,** 530, 532. *See also* DEMOLITION.
appeals in regard to, **23,** 545
riotous, **9,** 778
tenant, by, as misdemeanour, **9,** 780
deposited plans, building must be described as, in, **23,** 425
disinfection of, **23,** 457—459
letting without previous, **23,** 457
provision of accommodation during, **23,** 459
dissenting minister's tenure of, **11,** 816

DWELLING-HOUSE—*continued.*
division of, breach of covenant by, **17,** 240 n.
inhabited house duty, for, **17,** 193—196
qualification for franchise, **12,** 168
erection of, allotments, on or near, **1,** 355
mining custom, under, **20,** 648
excise licence in respect of, **18,** 55, 57
explosive substance, destroying or damaging by, felony, **9,** 776
felony, entering with intent to commit, **9,** 673
fire protection for, in metropolis, **20,** 484, 488—490
flat as, **12,** 168; **17,** 240 n.; **18,** 570 n.
franchise, qualification of occupier, **12,** 160, 163—245
overseers' duties, as to, **12,** 196
improvement fund, provision of, under scheme for unhealthy areas, **23,** 522
insanitary, closing order in case of, **23,** 527. *See* CLOSING ORDER.
determination of order, **23,** 529
demolition order in case of, **23,** 530
inspection by local authority, **23,** 527; **28,** 253
joint ownership of, household franchise, for, **12,** 167
larceny in, **9,** 668, 674
tenant, by, **9,** 639
lead ore under, searching for, **20,** 641
lease of, warranty as to fitness, **18,** 502, 569
light for, right to, **11,** 305, 306
metropolis, in, **20,** 473—493. *See* LONDON BUILDING ACTS.
low-lying land, erection on, **20,** 493
open spaces round, and height of, **20,** 481, 482
nuisances in, abatement by local authority, **21,** 537—540
chimney smoke, from, **21,** 542
joint conveniences, from, **21,** 556
keeping pigs, from, **21,** 513, 514 n.
stables adjoining or near, from, **21,** 527 n., 532 n.
obstruction of local authority by owner or occupier, **23,** 536
overcrowding of, nuisance, as, **21,** 538—540
private, workhouse is not, **28,** 300 n.
religious worship in, **11,** 662 n., 809 n., 813, 814, 818
renting of, settlement under poor laws, as, **22,** 584
right of way to, grant of, **11,** 288, 293
robbery in, **9,** 674
school teacher, for, **12,** 37
separate, franchise, for purpose of, **12,** 163, 166, 168
inhabited house duty, for purpose of, **17,** 182—185, 196
poor law settlement, in relation to, **22,** 584, 585 n.
service of writ at, **19,** 465 n.
sheriff's power of entry for execution, **14,** 40
site of, exemption from increment value duty, **24,** 566, 567
small holdings, on, conditions for, **26,** 688
special juror, qualification for, **18,** 260
tax on. *See* INHABITED HOUSE DUTY.
telegraph wires over, **27,** 364
tenant, injury or demolition by, **9,** 780
liability for rent, **18,** 481
tenement and garden as, franchise, for, **12,** 225 n.
threat to burn, **9,** 791
underground place or cellar as. *See* DWELLING-PLACE.

DWELLING-HOUSE—*continued.*
undeveloped land duty, when exempt from, **24,** 578
unfinished building as, **9,** 771 n.
unhealthy, cleansing of, **23,** 608
closing of, **23,** 527—529, 535, 545. *See* CLOSING ORDER.
demolition of, **23,** 530, 535
uninhabited house may be, **11,** 306; **12,** 185 n.; **17,** 182
user of, charitable institution, as, **4,** 183; **21,** 508 n.
habitation, for, unauthorised by plan, **23,** 425
nuisance caused by, **21,** 508 n.
restrictive covenant as to, **17,** 240 n.; **18,** 515—519; **21,** 508 n.
valuation of, for inhabited house duty, **17,** 191
vermin, owner's right to poison, **1,** 284
warehouse as, **28,** 301 n.
water supply for, certificate of fitness for occupation, **28,** 253, 254
compulsory provision of, **28,** 249, 250
cost of providing, **28,** 250, 251
insufficiency of, effect of, **28,** 253, 267, 353 n.
joint supply to two or more houses, **28,** 252
local authority's powers as to, **28,** 247—253
owner or occupier's right to demand, **28,** 300
rate for, liability for, **28,** 314—316
small houses, for, **28,** 307, 308
workhouse as, for water supply, **22,** 558

DWELLING-PLACE. *See also* DWELLING; DWELLING-HOUSE.
defined, Public Health Act, for, **23,** 506 n.
publication of banns of marriage, for, **11,** 695 n.
cellar or underground room may not be used as, **23,** 505
secus, if in county of London or occupied before 1875, **23,** 505, 506
cellar used as, inspection of, **23,** 507
order to close, **23,** 506
penalty for unlawful use as, **23,** 506
common lodging-house as, **23,** 507—515. *See* COMMON LODGING-HOUSE.
hop and fruit picker's, **23,** 516
seamen's lodgings, **23,** 515

DYE-HOUSE,
whether a nuisance, **21,** 535

DYE-WORKS,
children, employment of, **14,** 490—493
meals in, **14,** 478 n.
non-textile factory, as, **14,** 437, 438
overtime in, **14,** 501
painting and washing, exemption of ceilings from, **14,** 450 n.
women and young persons in, employment of, **14,** 490—492

DYED GOODS,
false marking of, **27,** 725, 726

DYEING,
malicious destruction of root cultivated for, **9,** 783 n.
Turkey red, spontaneous combustion in, **14,** 501

DYER,
lien of, **19,** 13 n.
restrictive covenant by, **27,** 585

DYING DECLARATION,
admissibility of, **9,** 393, 589—591; **13,** 471
criminal cases only, in, **9,** 388
reasons for admitting in evidence, **13,** 471, 547
attendance of prisoner during, **23,** 251
examples of, **9,** 589 n.
murder and manslaughter cases, in, **9,** 589

DYKE. *See* BALK; BANK; DITCH.
as boundary of highway, **16,** 66

DYKE REEVE,
appointment of, **25,** 778
qualifications of, **25,** 778 n.
refusal to take office, fine for, **25,** 787 n.

DYNAMITE,
class of explosives in which included, **14,** 361 n.
conversion or resolution of, licence in case of, **14,** 377 n.
explosive, as, **14,** 357
use in fisheries forbidden, **9,** 785 n.; **14,** 394, 395, 618, 627, 628

EAR-MARKED,
money representing trust property can be followed if, **2,** 169; **28,** 207—209

EARL. *See* EARLDOM.
dignity of, **22,** 264

EARL MARSHAL,
armorial insignia, jurisdiction in regard to, **9,** 116 n.; **22,** 289
coronation duties of, **6,** 326
court of, **22,** 289

EARLDOM,
merger of barony by writ in, **22,** 274
office and dignity of, **22,** 264

EARLY CLOSING,
licensed premises, of. *See* EARLY CLOSING LICENCE.
order of local authority for, **14,** 510—512
post office business, in relation to, **22,** 645
Shop Act, 1911, under, **22,** 645
shop for purposes of, **14,** 510, 511
Shop Hours Act, 1904, under, **14,** 510—512

EARLY CLOSING LICENCE,
abatement of duty in case of, **18,** 91; **24,** 652
grant of, **18,** 91, 92

EARNED INCOME,
income tax in respect of, **16,** 656, 657, 666—668
assessment for, **16,** 668, 669
deductions in estimating, **16,** 669, 670
where total income
between £2,000 and £3,000, **16,** 674, 675
under £2,000, **16,** 673, 674

EARNEST,
defined, **25,** 133
inconsiderable, specific performance, in case of, **27,** 31 n.
sale of goods, evidencing contract for, **7,** 361; **25,** 127, 133, 141

EARNINGS,
bankrupt, of, **2,** 166, 167
company, by, capitalisation of, **5,** 90, 279
liquidation, after, **5,** 119
Employers' Liability Act, 1880, limiting amount of damages recoverable under, **20,** 146
within meaning of, **20,** 146
garnishee proceedings in respect of, **14,** 94
income tax in respect of. *See* EARNED INCOME.
infant, of, right of father to, **17,** 118
loss of, damages for breach of building contract, as, **3,** 240, 242
married woman's right to, **16,** 348, 350, 352
prisoner, of, awaiting trial, **23,** 245
debtor, in case of, **23,** 249
receiver of future, appointment of, **24,** 366
Workmen's Compensation Act, 1906, as basis for compensation under, **20,** 201—206, 232, 234
within meaning of, **20,** 201, 202

EARTH CLOSET,
local authority's byelaws as to, **23,** 420
powers as to, **14,** 453; **23,** 596—598
nuisance arising from, abatement of, **21,** 538

EARTHENWARE WORKS,
defined, **14,** 438, 439
provisions in Factory and Workshop Acts as to, **14,** 437, 492, 514

EASEMENT.
The title EASEMENTS AND PROFITS À PRENDRE *is contained in Vol. XI., pp.* 233 *et seq.*
defined, **4,** 445 n.; **11,** 235
abandonment of, **11,** 278
intention, when inferred, **11,** 280
owner of servient tenement cannot prevent, **11,** 236, 237
presumed from non-user, **11,** 279
question of fact, **11,** 278
abatement, remedy of, disturbance, for, **11,** 296, 331
right of way, of, **11,** 296, 297
excessive user, for, **11,** 332
action for disturbance of, **11,** 297, 331, 333, 335
adverse user creating, **11,** 240, 241
advertisement hoarding, erection of, **11,** 240 n.
affirmative. *See* positive, *infra.*
air, passage of, **11,** 326, 327. *See* AIR.
alteration of conditions, effect of, **11,** 250, 280, 281
ancillary rights, presumed grant of, **11,** 249, 252
apparent accommodation, arising from, **11,** 254—256
nature of, **11,** 241
appendant to land, cannot be, **11,** 235 n., 242
appurtenant to land, as, **11,** 235, 242, 274; **24,** 162
benefit of, who is entitled to, **11,** 236, 242, 249
boundaries, in respect of, **3,** 132, 136; **11,** 237 n.
building contract, in case of, architect's duty not to infringe, **3,** 296
burial rights of the nature of, **3,** 416, 474; **11,** 240 n., 243, 329
charitable gift, as subject of, **4,** 124
chimin, common and private, rights of way, as denoting, **11,** 284 n.
churchway as an, **10,** 244, 245; **11,** 285 n.; **16,** 23
claim to, pleadings in, **11,** 257. *See* CLAIMS.
classification of, **11,** 240—242

EASEMENT—*continued.*
clothes line, support of, **11,** 329
coal dust, of discharging, **11,** 329
common, right of, distinguished from, **4,** 445; **10,** 238; **11,** 239
common right, against, **11,** 236
company's statutory purposes, interfering with, **11,** 256, 284
compulsory acquisition of, **6,** 22, 57
electrical undertakers, by, **12,** 557, 568
gas undertakers, by, **15,** 324
water undertakers, by, **28,** 291
compulsory acquisition of land, entry on land in case of, not constituted by destruction of, **6,** 99
construction of grant of, **11,** 250
continuous, nature of, **11,** 241
contract relating to, part performance of, **11,** 238
Statute of Frauds in relation to, **11,** 237
conveyance of. *See* GRANT OF EASEMENT.
disposition *inter vivos,* by, **11,** 274
general words, by, **10,** 470; **11,** 245, 250, 251, 274; **25,** 424
stamp duty in respect of, **11,** 275
will, by, **11,** 274
Conveyancing Act, 1881, effect of, **11,** 249—251, 274
copyhold, in respect of, mining purposes, for, **7,** 197, 205; **8,** 127; **25,** 658
corporation, right of, to grant, **8,** 376
county court jurisdiction with regard to, **8,** 430, 431, 435, 438; **11,** 335
creation of, **11,** 243, 244. *See* GRANT OF EASEMENT.
covenant, by, **11,** 247, 248; **18,** 528
will, by, **11,** 252; **28,** 526, 774 n.
custom, claimed by, **4,** 446; **10,** 238; **11,** 244
deed required for grant of, **11,** 239, 246
defect of title through non-disclosure of, **25,** 303
devolution of, **11,** 237
distress not leviable by owner of, **11,** 238
disturbance of, **11,** 330—335
abatement of, **11,** 296, 297, 331, 332
action for, **11,** 297, 332—335
damages for, **11,** 333
injunction against, **11,** 250, 297, 333—335; **13,** 49; **17,** 232 n.
mandatory injunction, **11,** 335
nuisance, whether a, **21,** 506
permanent injury, **11,** 332, 333
remainderman or reversioner, position of, **11,** 333
remedies, **11,** 331—335
support, in case of, **11,** 324, 325
temporary, **11,** 333
dominant and servient owner, effect of same person becoming, **11,** 243, 252, 263, 271, 281, 282
dominant tenement, character of, **11,** 242
in relation to, **11,** 236, 237, 242, 243, 249, 274. *See* TENEMENT.
duration of, **11,** 244, 259, 304
ecclesiastical, **11,** 329
enjoyment. *See* user, *infra.*
equitable, creation of, **11,** 247
erection over servient tenement, **11,** 328
escheat, tenement acquired by, whether arising in favour of, **11,** 252
estate in realty, is not, **11,** 238, 281
estoppel, enlargement by, of, **11,** 245
evidence relevant to establish, **13,** 442

EASEMENT—*continued.*
exception of, **11,** 249
exchange of, under Settled Land Act, 1890, **24,** 295 n.; **25,** 663 n.
exclusive use of pipes, wires etc. as, **11,** 243
extent of, **11,** 250, 252, 254
extinguishment of, **11,** 276—284. *See* EXTINGUISHMENT.
fence, obligation to repair, whether an, **3,** 132; **11,** 237 n.
forcible entry cannot be committed in respect of, **9,** 475
foreshore, over, acquisition of, **28,** 372
franchise qualification by reason of, **12,** 147
fraudulent exercise of, **11,** 262
grant of, **11,** 245—256. *See* GRANT OF EASEMENT.
grantee of, who may be, **11,** 246
grantor of, who may be, **11,** 245
hereditament, whether a, **11,** 238 n.; **18,** 309
in gross, non-existent, **11,** 236, 242
incorporeal right, as an, **11,** 238; **18,** 341; **24,** 161, 162
injunction, remedy by way of, for disturbance, **11,** 250, 297, 333—335; **13,** 49, 50; **17,** 232 n.
inquiry respecting, building contract, in case of, **3,** 296
sale of land, in case of, **25,** 356
intention, abandonment, of, when presumed, **11,** 278
dominant owner, of, extinguishment by unity of seisin based upon, **11,** 282
grant of right of way construed with reference to, **11,** 290
interest in land within meaning of Statute of Frauds, is, **11,** 237
interference with, compulsory acquisition of land, as a consequence of, **6,** 47, 65, 165
light, of, nuisance, must amount to, **11,** 299, 300
test of, **11,** 301
operating as denial of right, remainderman or reversioner may sue, **11,** 333
permanent injury, remainderman or reversioner may sue, **11,** 332
right of way, nuisance, as, **11,** 295
obstruction not amounting to, **11,** 295, 296
support, of, **11,** 324
writ of possession, under, **14,** 77
wrongful, **11,** 330—335; **27,** 850. *See* disturbance, *supra.*
interruption of enjoyment of, effect of, **11,** 263, 264, 272, 273, 278—280
kitchen, use of as, **11,** 328
land tax, whether chargeable, **18,** 308, 309
Lands Clauses Acts, acquisition under, **6,** 57
lease, implied grant in, **11,** 275; **18,** 414—416
lease of, **11,** 245; **18,** 341, 416
Settled Land Acts, under, **25,** 653
licence, distinguished from, **11,** 239, 263
light, **11,** 297—309. *See* LIGHT, EASEMENT OF.
local customary right, distinguished from, **11,** 239
mineral rights, in connection with, **20,** 570—593
copyhold, in respect of, **7,** 197, 205; **8,** 127; **25,** 658
miscellaneous easements, **11,** 326—329
mistaken idea as to right to enjoy, effect of, **11,** 263
mortgagee selling, powers of, in regard to, **11,** 275; **21,** 256, 257

EASEMENT—*continued.*
necessity, of, and not of necessity, distinguished, **11,** 240 n.
easement purely necessary for reasonable enjoyment of the property, distinguished from, **11,** 252
instances of, **11,** 254
nature of, **11,** 241, 253, 254
negative, commonest forms of, **11,** 240 n.
form of grant of, **11,** 247
passive enjoyment of, effect of, **11,** 258
restrictive covenant in relation to, **11,** 247, 248
non-apparent, nature of, **11,** 241
non-continuous, nature of, **11,** 241
nuisance, to cause a, **11,** 240 n., 264 n., 327, 328; **21,** 512, 533 n., 563
obstruction, actionable, in what circumstances, **11,** 295, 296, 299, 300
ownership, distinguished from, **11,** 235 n., 236, 243
partition of, **21,** 823, 826
party wall subject to, **3,** 134, 136
payment for enjoyment of, effect of, **11,** 263
pews, in respect of, **11,** 240 n., 243, 329, 739; **12,** 147 n.
positive, commonest forms of, **11,** 240 n.
negative distinguished from, **11,** 240, 241
possession, distinguished from, **11,** 235 n., 243
precarious, cannot exist, **11,** 263
prescription, established by, **4,** 446; **11,** 244, 256—273. *See* PRESCRIPTION.
privacy, for, **11,** 329
profit à prendre distinguished from, **4,** 445, 446; **11,** 238
prospect, to preserve, **11,** 329
quasi, nature of, **10,** 238; **11,** 242
railway running powers do not constitute an, **11,** 239
rating of, **24,** 7
registration in Land Registry of, **24,** 311
release of, agreement for, effect, **11,** 277
competency of parties to, **11,** 276
concurrence of interested parties necessary to **11,** 277
dominant owners, by, extent of, **11,** 276, 278
quantum of estate of, **11,** 276 n.
express, by deed, **11,** 276, 277, 278, 346 n.
presumed, when, **11,** 279
extinguishment, by, **11,** 276
implied, when, **11,** 272, 276, 278
remainderman or reversioner bound by, when, **11,** 276
sale to servient owner, by, **11,** 277
tenant for life, by, **11,** 277
remainderman. *See* reversioner, *infra.*
repairs necessary to enjoyment of, execution of, **11,** 237, 249
reservation of, **11,** 249;
conveyance of land, in, **11,** 249; **25,** 436
ecclesiastical building lease, in, **11,** 763
exchange, on, **24,** 296; **25,** 662
implied, **11,** 253, 254
lease, on, **18,** 416, 428
mortgagee selling, by, **21,** 256, 257
partition, on, **21,** 833; **25,** 662
reversioner, extinguishment as affecting rights of, **11,** 282
interference, right to sue for, **11,** 332, 333
release, whether bound by, **11,** 276
right arising from, quality of, **11,** 244
quantum of, **11,** 244

EASEMENT—*continued.*
right of way, **11,** 284—297. *See* WAY, RIGHT OF.
rule against perpetuities in relation to, **22,** 299, 322
sale of land, inquiry on, as to, **25,** 356
non-disclosure on, of, **25,** 303
subject to, condition as to, **25,** 339, 436
servient tenement, as a burden on, **11,** 237, 243, 262. *See* TENEMENT.
servitude, as a, **11,** 238
Settled Estates Act, 1877, lease under, of, **25,** 677
Settled Land Acts, application of, to, **25,** 651 n.
exchange under, of, apart from land, **24,** 295 n., 296 n.; **25,** 663 n.
method of, **25,** 663
release under, of, **11,** 277
reservation or grant on exchange or partition under, of, **25,** 662, 663
treated as land under, **25,** 651 n.
severance of, from dominant tenement, **11,** 242
two tenements, arising on, **11,** 253, 255
signpost, erection and maintenance of, **11,** 240 n., 328
small holdings, in connection with land acquired for, **26,** 686
statute, creation by, **11,** 243
extinguishment by, **11,** 283, 284
structures or servient tenement, to erect, **11,** 328
subject-matter of, **11,** 248, 254—256
support, of, **3,** 136; **11,** 319—326. *See* SUPPORT.
surreptitious exercise of, effect of, **11,** 262
tenant for life, grant by, **11,** 245, 249; **25,** 652, 653, 662, 663, 665
may sue for interference, **11,** 332 n.
transfer of, **11,** 274, 275
trespass in respect of, **11,** 238; **27,** 850
use, created by means of a, **11,** 249
user, continuity of, necessary to prescriptive claim, **11,** 263
excessive, abatement of, **11,** 332
right of way, of, trespass by, **11,** 297
interruption of, abandonment presumed from, **11,** 278—280
prescriptive claim defeated by, **11,** 263, 264, 272, 273
mistake, under, does not establish, **11,** 263
nature of, prescriptive claim, to support, **11,** 262
payment for, effect of, on prescriptive claim, **11,** 263
presumption in favour of long, **11,** 259
right of, limited by conditions at time of grant, **11,** 250
right of way, as measure of prescriptive claim to, **11,** 291
servient tenement, by licensee of owner of, does not establish, **11,** 263
must be to knowledge of owner of, **11,** 258, 259, 262
sufficient to support presumption of modern lost grant, **11,** 266
title, as evidence of, **11,** 260; **13,** 442; **25,** 771 n.
water, of, by riparian owners, **11,** 312
extraordinary, **11,** 313
verbal agreement to grant, effect of, **11,** 246
water, of, **11,** 310—319. *See* WATER.
watercourse, in. *See* WATERCOURSE.
way, of, **11,** 284—297. *See* WAY, RIGHT OF.
will, created by, **11,** 252; **28,** 526, 774 n.
disposal by, of, **28,** 519
wind, for access of, **11,** 329

EAST AFRICA,
legal codes in force in, **10,** 541 n.
Protectorate, government of, **10,** 504 n., 522
vice-admiralty courts of, jurisdiction in, **6,** 450 n.

EAST INDIA BOND,
assignment of, **4,** 393
forgery of, **9,** 733

EAST INDIA COMPANY,
ecclesiastical establishment required of, **11,** 495 n.
government of India by, **10,** 589; **23,** 310
political position of, **23,** 310

EAST RIDING,
registration of instruments in, **24,** 304—307
lease, **18,** 401; **24,** 304

EASTER,
churchwardens to be chosen at, **11,** 463
legal acts falling to be done at, postponement of, **2,** 306, 319, 320; **27,** 453
offerings, nature of, **11,** 742, 775
income tax payable on, **11,** 775 n.; **16,** 668
sittings of the High Court of Justice during, **27,** 436
university term, **27,** 437
vacation, for High Court of Justice, **27,** 436

EAVESDROP,
easement of, right of, **11,** 315—317; **28,** 457
interference with, **11,** 330; **27,** 855 n.
trespass by reason of, **27,** 855 n.; **28,** 457

ECCLESIASTICAL. *See* ECCLESIASTICAL CHARITY; ECCLESIASTICAL COMMISSIONERS; ECCLESIASTICAL CORPORATION; ECCLESIASTICAL COURTS; ECCLESIASTICAL DILAPIDATIONS; ECCLESIASTICAL DISTRICT; ECCLESIASTICAL LAW; ECCLESIASTICAL LEASES; ECCLESIASTICAL OFFENCES; ECCLESIASTICAL PROPERTY.

ECCLESIASTICAL CHARITY.
defined, **4,** 257 n.; **11,** 355 n., 713 n.
Charity Commissioners' powers as to apportionment of, **4,** 152, 257 n.; **11,** 713 n.
churchwardens' and overseers' control of, **4,** 257
private donation constituting, **11,** 773
sale of land by, to redeem land tax on other lands, **18,** 328

ECCLESIASTICAL COMMISSIONERS,
accounts of, **11,** 801
administrative functions and powers of, **11,** 796
advowson, scheme disposing of, by, **4,** 167; **11,** 578, 584; **12,** 98 n.
appointment of, **11,** 795, 796
archdeaconries, powers with regard to, **11,** 436, 437
augmentation of endowment by, **11,** 728, 752, 757, 774, 800
burial fees fixed by, **3,** 431, 482; **11,** 712 n.
burial ground, grant of, to, **3,** 444
powers to accept land for, **3,** 437, 444
canonries, powers with regard to, **11,** 428—430, 432, 433
Chancellor of the Exchequer as an, **7,** 101, 102
Church Building Acts, execution of, by, **3,** 411, 431, 444; **6,** 7, 174; **11,** 443—448, 723—728, 801

ECCLESIASTICAL COMMISSIONERS—*continued.*
Church Estates Commissioners, appointment of, **11,** 795
payment of, **11,** 800
reports of, **11,** 797
churchyard, alteration and repair etc. of, by, **3,** 411, 412
common fund of, constitution of, **11,** 783, 784, 799
contribution to augmentation out of, **11,** 774, 800
fees payable into, **11,** 512 n., 800
lawful payments out of, **11,** 800
compensation in respect of land acquired for small holdings etc. to be paid to, **6,** 169; **26,** 682
compulsory acquisition of land by, **6,** 7, 174; **11,** 723
consent of, building lease, to, **11,** 763
lease by way of improvement, to, **11,** 764
loan for purchase, building or repair, to, **11,** 757
mining lease, to, **20,** 533
order relating to ecclesiastical patronage, to, **4,** 167
sale of ecclesiastical property, to, **11,** 764; **23,** 587
sale of pension, to, **7,** 131
constitution of, **11,** 374, 794
conversion of vicarage into rectory by direction of, **11,** 718 n.
conveyance of lands to, **11,** 723, 724
conveyances by, **11,** 799
district church or chapel, power to make, **11,** 726
endowment or augmentation of ministers or perpetual curates, powers as to, **11,** 724, 800
estates committee of, assent of, cases in which required, **1,** 269
constitution of, **11,** 795
duties of, **11,** 797, 798
inspection of episcopal property by, **11,** 772
evidence before, power to compel, **11,** 797
exchange of lands, powers as to, **11,** 763, 764
fees of new districts, right to, **11,** 778
gift to, **11,** 724; **15,** 406
injunction at instance of, against mineral working, **20,** 520
instruments under common seal of, **11,** 799
land, powers to hold, **11,** 801
leases, powers as to, **11,** 762—764
limitation of actions against, **19,** 153
loans, powers as to, **11,** 757, 758
meetings of, **11,** 796, 797
mines and minerals, powers as to, **20,** 519, 520
new church, transfer of endowments etc. for purposes of, **11,** 721
new parish, powers as to, **11,** 448—450, 728
owners, whether, within Metropolis Management Acts, **11,** 732 n.
partition of land by, **21,** 818
patronage, scheme disposing of, **4,** 167
payment to, power to enforce, **11,** 800
pension, scheme for grant in aid of, **11,** 783 n.
surrender of, jurisdiction in case of, **7,** 131
pew rents fixed by, **11,** 786
pews, powers as to allotment of, **11,** 740
transfer of, to, **11,** 741
Places of Worship Sites Acts, grant for burial place under, **3,** 444
powers of, **11,** 800, 801
public schools, powers as to, **12,** 98 n

ECCLESIASTICAL COMMISSIONERS—*continued.*
qualification for, **11,** 796
removal or resignation of, **11,** 796
repair of buildings, powers as to, **11,** 734
report to Parliament by, **11,** 797
roadways connected with churchyards etc., powers over, **16,** 81
sale of land, powers as to, **11,** 763, 764; **23,** 587
scheme of, approval of, by Sovereign in Council, **11,** 797—799
constituting or dissolving new parish district, **11,** 448—450, 728
disposing of advowson, right of patronage etc., **4,** 167
taking over temporalities of deans and chapters, **11,** 418
small holdings, purchase money etc. on acquisition of glebe for, payable to, **6,** 169; **26,** 682
solicitor to, privileges of, **7,** 77
temporalities vested on happening of avoidance in, **6,** 392, 393
treasurers of, **11,** 796
vicars choral, incomes of, powers with regard to, **11,** 435

ECCLESIASTICAL CORPORATION,
defined, **8,** 304
alienation by, consent to, **11,** 760
archbishop as, **11,** 793
archdeacon as, **11,** 793
augmentation, provision of, by, **11,** 727
bishop as, **8,** 304; **11,** 793
building lease by, **11,** 762—764, 794
canon as, **11,** 427, 793
cemetery purposes, sale of land for, by, **3,** 436; **11,** 725
church site, provision of, by, **11,** 725
church trustees, constitution of, **11,** 474, 475, 793, 794
churchwardens as, **11,** 794
classification of, **8,** 304
copyhold enfranchisement by, **8,** 131
court of, exemption from archiepiscopal jurisdiction of, **9,** 29 n.
dean and chapter of cathedral church as, **8,** 304; **11,** 423, 426, 793
diocesan association, formation etc. of, **11,** 802
disabling Acts affecting, **4,** 226
frankalmoign tenure, bound by, **8,** 373
injunction to restrain, **17,** 226
Ireland, in, abolition of, **11,** 361 n.
irregularity in respect of, inquiry into, **8,** 355
lay corporation distinguished from, **11,** 801
lease by, deed necessary to, **10,** 364
improvement, by way of, **11,** 764
period of, **4,** 226
limitation of actions as against, **19,** 152, 153
Literary and Scientific Institutions Act, 1854, grant of land under, by, **19,** 199
minerals, right to work etc., **11,** 764; **20,** 519, 520, 527, 533
mining lease, power to grant, **11,** 764; **20,** 533
minor canon as, **11,** 434, 793
mortgage of benefice by, powers as to, **21,** 111
owners of church property, as, **11,** 792, 793; **25,** 310
parson as, **11,** 793
prebendary as, **11,** 793
Queen Anne's Bounty. *See* QUEEN ANNE'S BOUNTY.

ECCLESIASTICAL CORPORATION—*continued.*
rector is not, while rectory is in lay hands, **11,** 793
sale of land by, **11,** 760, 764, 765, 794 ; **25,** 310
trustees for charitable purposes etc., as, **4,** 294, 297
vicar choral as, **11,** 434, 793
visitation of, **8,** 355

ECCLESIASTICAL COURTS,
act on petition, nature of, **11,** 518 n.
administration of deceased person's estates, powers as to, **13,** 31, 32
advocates in, **11,** 502—504, 516
alimony, enforcement of payment of, by, **13,** 60
appeal, archbishop, from, **11,** 388, 510, 529, 631
archdeacon's court, from, **9,** 29 ; **11,** 438, 501
Channel Islands' Courts, from, **9,** 29 n.
Church Discipline Act, under, **11,** 529
Clergy Discipline Act, under, **9,** 50 ; **11,** 511, 525
costs in case of, **11,** 519
court of delegates, to, **9,** 29 ; **11,** 501
diocesan court, from, **11,** 508
faculty cases, in, **3,** 417 ; **11,** 547
former jurisdiction over, **6,** 394 n. ; **9,** 29 ; **11,** 500—502
interlocutory decisions, from, **11,** 519
pension, in regard to, **11,** 631
Privy Council, to, **6,** 394 ; **11,** 511, 529, 531, 547
practice in regard to, **9,** 48
Provincial Courts of Canterbury and York, from, **9,** 29
Public Worship Regulation Act, under, **11,** 531
question of law, on, **11,** 525
Rome, to, prohibition of, **11,** 500
appearance in, **11,** 515
archbishop, appeal from, **11,** 388, 510, 529, 631
jurisdiction of, **11,** 386, 410, 500, 510, 521
archdeacon, jurisdiction of, **11,** 438, 500, 501
archidiaconal courts, appeals from, **9,** 29 ; **11,** 438, 501
articles and libels, **11,** 517, 518
assessors, list of, **11,** 507 n., 525 ; **19,** 636
trial before, **11,** 507, 511, 525, 528
Benefices Act, 1898, under, **11,** 512, 589, 592
bishop, jurisdiction of, **11,** 406, 407, 410, 500, 527, 530
bishop's duties, Church Discipline Act, 1840, under, **11,** 527, 528
Public Worship Regulation Act, 1874, under, **10,** 96, 97 ; **11,** 530
censure of clergy by, **11,** 533, 534, 539
certificate of conviction, effect of, **11,** 524 ; **16,** 552
Chancery Court of York, constitution of, **9,** 29 n. ; **11,** 509
Channel Islands, in, appeals from, **9,** 29 n.
Church Discipline Act, 1840, procedure under, **11,** 506, 526
appeal under, **11,** 529
Church of England, of, **11,** 499—549
citation in, **11,** 517, 544
civil courts, separation from, **11,** 500
suit in, **11,** 515, 517
Clergy Discipline Act, 1892, procedure under, **11,** 506, 522
colonies, in, creation of, **11,** 490, 492
commissary court. *See* CONSISTORY COURT.
commission of review, appointment of, **11,** 502 n.

ECCLESIASTICAL COURTS—*contd.*
Consistory Court of London, position of, **11,** 507, 508
consistory courts. *See* CONSISTORY COURT.
contempt of court with reference to, **11,** 532
costs of proceedings in, **11,** 519, 547, 548
Court of
Archdeacon, constitution of, **11,** 438, 501
Arches, constitution of, **9,** 29 n. ; **11,** 509
judge of, **11,** 509
Audience, constitution of, **9,** 29 n. ; **11,** 509
Delegates, jurisdiction of, **6,** 394 n. ; **9,** 29 ; **11,** 501, 502
Faculties, constitution of, **9,** 29 n. ; **11,** 510
judge of, **11,** 510
High Commission, jurisdiction of, **11,** 502
Peculiars, appeal from, **9,** 29
merger in Court of Arches of, **11,** 509
courts Christian, as, **11,** 500 n.
criminal suit in, **9,** 271 ; **11,** 515—517, 523
Crown's power to establish, **11,** 490
decree of, disobedience to, **11,** 533
enforcement of, **11,** 531, 548
diocesan chancellor, jurisdiction of, **11,** 415, 505, 506
diocesan courts, appeals from, **9,** 29 ; **11,** 508
jurisdiction of, **11,** 415, 505—508
discovery in, **11,** 41 n., 42, 519 n.
duplex querela, suit of, **11,** 588
early times, in, **11,** 499, 500
evidence in, **11,** 518
excommunication, **11,** 415, 532, 539. *See* EXCOMMUNICATION.
expenses of, how defrayed, **11,** 512 n.
faculty cases in, **11,** 540. *See* FACULTY.
fees in respect of proceedings in, **11,** 512 n., 519 n., 548
High Court of Delegates, **9,** 29
inhibition under Public Worship Regulation Act, 1874, **11,** 534
injunction to restrain proceedings in, **11,** 514 n. ; **17,** 227
interlocutory sentence in, appeal against, **11,** 519 n., 529
Ireland, in, abolition of jurisdiction of, **11,** 361 n.
judge of, corruption of, **11,** 416 n.
Judicial Committee of Privy Council, jurisdiction of, **6,** 394 n. ; **9,** 14, 29 ; **11,** 374, 383, 511
prohibition to, **11,** 515
jurisdiction of, **11,** 366, 367, 504, 505, 512—515
jus patronatus, process of, **11,** 588
King's Courts, as, **11,** 388 n., 500
lay persons, jurisdiction over, **11,** 513
letters of request in, **11,** 508
libel as pleading in, **11,** 517, 518
mandamus to, **10,** 92 ; **11,** 513
matrimonial causes, practice in Divorce Division, follows that of ecclesiastical courts, **16,** 515
motion for promotion of office of judge in, **11,** 516
obsolete authorities, **11,** 374 n., 499, 500
officials of, admission of laymen as, **11,** 503 n.
origin of, **9,** 11 n. ; **11,** 499—505
pleadings in suit in, **11,** 517, 518
procedure in, **11,** 511, 515—520
proceedings in, interference with churchyard, in respect of, **3,** 411 ; **11,** 513
prohibition to restrain proceedings in, **3,** 411 n. ; **11,** 513—515
Provincial Courts of Canterbury and York, appeals from, **9,** 29

ECCLESIASTICAL COURTS—*contd.*
Provisional Courts of Canterbury and York—*continued.*
judge of, **2,** 381; **11,** 386, 509
jurisdiction of, **11,** 506, 508—510
Public Worship Regulation Act, 1874, procedure under, **11,** 529
punishment by, **11,** 533—540. *See* ECCLESIASTICAL OFFENCE.
registrar of, as ecclesiastical notary, **21,** 494
reopening decision of, **11,** 665
rules and orders regulating procedure in, **11,** 511, 519, 520
solicitor's right of audience before, **26,** 724
spiritual courts, as, **11,** 500 n.
subpœna in, **13,** 585 n.
trial of suit in, **11,** 518
trusts, jurisdiction to enforce, **13,** 32 n.

ECCLESIASTICAL DILAPIDATIONS.
defined, **11,** 767
agreement to exchange livings without payment for, validity of, **11,** 769 n.
breach of duty as to, **11,** 768
buildings belonging to benefice, in regard to, **11,** 419 n., 624, 732 n., 753—772
certificate as to, effect of, **11,** 757, 771
commission of inquiry as to, fee to bishop's secretary on, **11,** 757 n.
complaint to bishop regarding, **11,** 441, 624, 769, 770
debt of past incumbent for, how to be met, **11,** 632, 768, 771; **20,** 520
diocesan surveyor's estimate of, **11,** 625, 768—770
episcopal property, in case of, **11,** 772
Estates Committee of Ecclesiastical Commissioners, inspection, etc. by, **11,** 772
execution of order for repairs, **11,** 770—772
glebe buildings, repair of, **11,** 625, 754, 757
mines and minerals, improper working of, **20,** 520
Queen Anne's Bounty, loan from, for repairs, **11,** 756, 757, 759, 770
payment to, for repairs, **11,** 624
sequestration of profits of benefice for repair of, **11,** 624, 771
waste, what constitutes, **11,** 767 n.

ECCLESIASTICAL DISTRICT,
Church Building and New Parishes Acts, under, **11,** 444, 447, 449, 726
Schools Sites Acts, provisions of, affecting, **11,** 724 n.
support of minister and repair of church in, **11,** 726

ECCLESIASTICAL LAW.
The title ECCLESIASTICAL LAW *is contained in Vol. XI., pp.* 349 *et seq.*
defined, **11,** 354, 355
act on petition in, nature of, **11,** 518 n.
alteration of, jurisdiction as to, **11,** 383
apostolical canons, authority of, **11,** 376 n.
appropriation of benefice, effect of, **11,** 561, 717
archbishop, jurisdiction of. *See* ARCHBISHOP.
bankruptcy of clergyman, bishop's powers on, **2,** 190
benefice, avoidance etc. of. *See* BENEFICE.
bishop, jurisdiction etc. of. *See* BISHOP.
book of advertisements, authority of, **11,** 673 n., 674 n.

ECCLESIASTICAL LAW—*continued.*
books of church, detention of, action in respect of, **11,** 468
burials, fees in respect of, **11,** 712, 776. *See* BURIAL.
canon law. *See* CANON LAW.
canons made by convocation, binding nature of, **11,** 394
change of religious belief, rights as to, **11,** 362 n., 363 n.
charges on benefices, avoidance of, **11,** 615, 616
when permitted, **11,** 616; **21,** 111
charitable trusts, supervision of, **4,** 284, 294—301
church. *See* CHURCH.
services in. *See* DIVINE SERVICE; PUBLIC WORSHIP.
Church and State, relationship of, **11,** 356—361, 364, 374
churchings, fees in respect of, **11,** 709, 776
churchwarden, **11,** 460—473. *See* CHURCHWARDEN.
churchyard. *See* CHURCHYARD.
civil courts, jurisdiction of, in regard to, **11,** 366, 367
clergyman, position of. *See* CLERGY.
co-ordination of church in the colonies, **11,** 485 n.
colonies and foreign parts, jurisdiction in, **11,** 483—499
common law, as, **11,** 374, 376, 377 n.
consecration of churches and churchyards, **11,** 728—732. *See* CONSECRATION.
convocation, legislative power of, **11,** 394. *See* CONVOCATION.
Courts. *See* ECCLESIASTICAL COURTS.
Crown patronage, extent of, **6,** 391—399; **11,** 380—383, 418 n., 486—499
curate. *See* CURATE.
cure of souls. *See* CURE OF SOULS.
custom or no custom, trial of question as to, **11,** 514 n.
dilapidations. *See* ECCLESIASTICAL DILAPIDATIONS.
diocesan chancellor, position of, **11,** 412, 415
discipline, enforcement of, **11,** 366, 506, 512. *See* ECCLESIASTICAL OFFENCES.
disobedience to, clergy, by, **11,** 521, 522, 526
execution as against ecclesiastical persons, **11,** 617—621; **14,** 89, 90. *See* SEQUESTRATION OF BENEFICE.
faculty, grant or refusal of. *See* FACULTY.
fees demandable by minister according to, **11,** 656, 707, 776—779. *See* INCUMBENT.
foreign law, is not a, **11,** 374, 375
historical investigation in determining questions of, **11,** 666
illegal practices, test applicable in cases of, **11,** 666
impropriate benefice, incidents of, **11,** 561, 717, 802
incumbent. *See* INCUMBENT.
indictment for excess of authority, when available, **11,** 415
Ireland, in, **11,** 361 n.
judicial notice of, **11,** 355, 375
jus liturgicum, recognition of, **11,** 659 n.
justices, qualification of certain ecclesiastical persons for, **19,** 538
law of England, relationship to, **11,** 374—376
lay rector not repairing chancel, jurisdiction over, **11,** 513, 516
layman, jurisdiction over, **11,** 513, 515
legality of practices, test of, **11,** 666

ECCLESIASTICAL LAW—*continued.*
letters of request. *See* LETTERS OF REQUEST.
lex scripta and *lex non scripta*, divided into, **11,** 374
mandamus in relation to. *See* MANDAMUS.
market tolls, exemption of ecclesiastical persons from, **20,** 40
marriages, fees in respect of, **11,** 707, 708, 776
nonconformists, as to. *See* NONCONFORMIST.
non-residence of clergyman, licence for, **11,** 610—612
procedure in case of, **11,** 610, 612, 613, 640, 657
notaries public, jurisdiction over, **11,** 510; **21,** 494
offences under. *See* ECCLESIASTICAL OFFENCES.
opinions on other than matters of faith, jurisdiction over, **11,** 360 n., 362 n., 367 n., 653
origin of, **11,** 374, 375
ornaments of church or minister, **11,** 667—675. *See* ORNAMENTS.
Papal decretals as source of, **11,** 378 n.
parish. *See* PARISH.
parish clerk. *See* PARISH CLERK.
parishioner, rights of. *See* PARISHIONER.
parson. *See* PARSON.
patronage, right of. *See* PATRONAGE.
Peel parishes and districts, position of, **11,** 444, 448, 734
pension, clerical. *See* PENSION.
pews. *See* PEW.
plural benefices, holding of. *See* PLURALITIES.
prohibition to bishop or chancellor, when available, **11,** 410, 415
property. *See* ECCLESIASTICAL PROPERTY.
public worship. *See* DIVINE SERVICE; PUBLIC WORSHIP.
Public Worship Regulation Act, 1874, representation to bishop under, **10,** 96, 97; **11,** 407
trial of cases under, **11,** 510
Queen Anne's Bounty. *See* QUEEN ANNE'S BOUNTY.
rector. *See* RECTOR.
registers of baptisms, marriages, and burials, keeping of, **11,** 736, 741; **24,** 453
religious worship, liberty of, **11,** 368
protection of, **11,** 369
registration and user of places of, **11,** 369
removal of goods etc. from church, proceedings in respect of, **11,** 468
repair of buildings etc., deduction from curate's stipend in respect of, **11,** 643
duty as to, **11,** 513, 543, 657, 732—734. *See* ECCLESIASTICAL DILAPIDATIONS; REPAIR.
rites and ceremonies, **11,** 675 *et seq.* *See* RITES; RITUAL.
ritual, as to, **11,** 665—684. *See* RITUAL.
Roman Catholics, position of, **11,** 803—811. *See* ROMAN CATHOLICS.
Roman law in comparison with English, **11,** 356, 357 n., 374
sacraments. *See* SACRAMENT.
sacrilege, acts constituting, **9,** 675; **11,** 736, 737
punishment of, **9,** 675; **11,** 736, 737
secession from Church, rights as to, **11,** 362 n., 366 n.
sequestration of benefice. *See* SEQUESTRATION OF BENEFICE.
sexton. *See* SEXTON.
simony. *See* SIMONY.
sources of, **11,** 355, 374
Sovereign, powers of, **11,** 380—383, 418 n., 486—499
ECCLESIASTICAL LAW—*continued.*
spiritual and ecclesiastical purposes distinguished, **11,** 448 n.
State recognition of Churches, **11,** 356—370, 803
statute law, is partly, **11,** 374
statutory enactments protecting religious bodies, **11,** 368—370, 375
surplice fees, *defined*, **11,** 776
Thirty-nine Articles of Religion. *See* THIRTY-NINE ARTICLES.
titles, powers of Crown as to, **11,** 489
unlawful rites and ceremonies, law as to, **11,** 675—684
usage in relation to, **11,** 375, 376, 666
vacancy of benefice, churchwarden's duties in case of, **11,** 472, 473
vestments. *See* VESTMENTS.
vicar. *See* VICAR.
visitation, error or defect in, appeal on ground of, **11,** 410
wrongful additions to or alterations of church fabric etc., removal etc. of, **11,** 540 n., 543

ECCLESIASTICAL LEASES,
building leases, **11,** 762—764
corporations not entitled to grant, **11,** 762 n., 793
Ecclesiastical Leases Act, 1842, under, **11,** 761, 762
Ecclesiastical Leasing Acts, provisions of, **11,** 762 n.
general powers to grant, **11,** 761, 762, 764

ECCLESIASTICAL OFFENCES,
Agnus Dei, singing of, whether illegal, **11,** 677
alb, wearing of, illegal during Holy Communion Service, **11,** 672 n.
alterations without faculty as, **11,** 513, 540, 654, 665
banns of marriage, wrongful publication of, **11,** 656, 693
baptism, in regard to, **11,** 657 n., 686 n.
benefice, corrupt exchange of, penalty in case of, **11,** 633
bishop, by, proceedings in respect of, **11,** 510, 513
bishop's jurisdiction in case of, **11,** 407
blasphemy as, **11,** 653, 654
Book of Common Prayer, failure of clergyman to observe, **11,** 655
speaking in derogation of, **11,** 654
brawling, punishment for, **9,** 478; **11,** 470 n., 504, 505, 521, 663—665
censure as a punishment for, **11,** 510, 533, 534 n., 539
church, fabric of, in respect of, **11,** 520, 529, 540, 654—656
ornaments etc., unlawful alteration etc. of, **10,** 96, 97; **11,** 468, 513, 520, 529, 655, 656
Church Discipline Act, 1840, appeal from sentence under, **11,** 529
articles under, counsel's signature to, **2,** 379; **11,** 528
commission of inquiry under, **11,** 407, 441, 526
jurisdiction under, **11,** 410, 438, 506, 508, 510, 512
procedure under, **11,** 506, 520, 526—529, 538, 655
time limit for proceedings under, **11,** 527, 655
churchwarden guilty of, proceedings against, **11,** 467, 473, 513
churchyard, unauthorised interference with, **3,** 410; **11,** 466, 469, 513

ECCLESIASTICAL OFFENCES—*contd.*
clergy, by, **11,** 520—522, 655, 656
doctrine, in respect of, **11,** 520, 521, 653, 654
jurisdiction in case of, **11,** 410, 520, 654—657
procedure in trial of, **11,** 520—540
ritual, in respect of, **11,** 529, 655, 665—684. *See* RITUAL.
trial of, archdeacon's court, before, **11,** 501
Clergy Discipline Act, 1892, appeal under, **9,** 50; **11,** 511, 525
jurisdiction under, **11,** 414, 438, 506, 507, 512
procedure under, **11,** 520, 522—526; **16,** 552
commission of inquiry into, **11,** 407, 441, 526
conviction in temporal court for, effect of, **11,** 522 n., 524
crime, punishment of, **11,** 522—526 n.
Crown jurisdiction in case of, **6,** 392 n.
curate, by, acting in defiance of incumbent, **11,** 657
deposition as punishment for, **11,** 526, 534, 539
deprivation as a punishment for, **11,** 521, 525, 526, 534—539, 635. *See* DEPRIVATION.
discovery in proceedings in respect of, **11,** 41 n., 42
disobedience to
commands of bishop as, **11,** 522, 657
ecclesiastical law as, **11,** 521, 526, 657
order of ecclesiastical court as, **11,** 533
disturbance of public worship, **11,** 664, 665
doctrinal nature, of a, **11,** 520, 521, 653, 654
early jurisdiction over, **11,** 504, 505
election, intimidation in regard to, **12,** 292 n.
excommunication as punishment for, **11,** 534, 539., *See* EXCOMMUNICATION.
exorcisms, practising unauthorised, **11,** 657
extortionate fees, clergyman taking, **11,** 656
fasts, unauthorised, **11,** 657
foreign authority or jurisdiction, adhering to, **6,** 392 n., 394 n.
graduate's hood, wearing, without title, **11,** 657
heresy as an, **11,** 653. *See* HERESY.
immorality of clergyman, punishment of, **11,** 522—524, 537
inhibition of clerk. *See* INHIBITION.
pending proceedings under Church Discipline Act, 1840, **11,** 528
under Public Worship Regulation Act, 1874, as a punishment for, **11,** 533, 534
jurisdiction, civil courts, of, over, **11,** 366, 367
ecclesiastical courts, of, over, **11,** 504, 505, 512, 516
lay person, by, jurisdiction in case of, **11,** 513, 515
letters of request in respect of, **11,** 508, 528
licence, colonial or foreign clergy officiating in England without, **11,** 554
marriages, in connection with celebration of, **11,** 656, 693, 703
matrimonial cause, certificate of decree in, for bishop's use, **11,** 524; **16,** 552
monition as a punishment for, **11,** 529, 531, 533, 534, 667. *See* MONITION (Ecclesiastical).
neglect of duty by clergyman, **11,** 657
nonconformity with rites of Church, penalties repealed, **11,** 366 n.
non-residence as, **11,** 610, 657, 671
officiating in parish without consent of incumbent etc., **11,** 656
ordination, assumption of power of, **11,** 656
corrupt, penalties for, **11,** 551
organist playing in defiance of minister, punishment of, **11,** 480

ECCLESIASTICAL OFFENCES—*contd.*
ornaments, in respect of, **11,** 529, 545, 655, 668—675. *See* ORNAMENTS.
parish clerk guilty of misconduct, removal of, **11,** 477
penalties and forfeitures in respect of, **11,** 521, 534, 540, 666, 667
preaching without being licensed etc., **11,** 656
preventing entrance into church as, **11,** 656, 817
proceedings in respect of, practice as to, **9,** 271; **11,** 515—517, 520—540
Public Worship Regulation Act, 1874, jurisdiction under, **11,** 512, 529
procedure under, **11,** 520, 529—531
time limit for proceedings under, **11,** 655
punishment of, censure, by, **11,** 510, 521, 533, 534 n., 539
deposition, by, **11,** 526, 534, 539
deprivation, by, **11,** 521, 525, 526, 534—539, 635. *See* DEPRIVATION.
excommunication, by, **11,** 534, 539. *See* EXCOMMUNICATION.
inhibition, by, **11,** 533, 534. *See* INHIBITION.
monition, by, **11,** 529, 531, 533, 534, 667. *See* MONITION (Ecclesiastical).
sequestration, by, **11,** 533, 534, 616—627. *See* SEQUESTRATION OF BENEFICE.
special penalties or forfeitures, by, **11,** 521, 534, 540
suspension, by, **11,** 525, 534, 535. *See* SUSPENSION.
repair, neglect to, **11,** 513, 657
riotous etc. behaviour in church, punishment of, **9,** 478; **11,** 470, 474, 521
ritual, in respect of, **11,** 529, 655, 665—684. *See* RITUAL.
Rome, appeal to, **6,** 394 n.
sentence for, **11,** 525—527
enforcement of, **11,** 531—533
further punishment on disobedience to, **11,** 526, 532
sequestration as a punishment for, **11,** 533, 534, 616—627. *See* SEQUESTRATION OF BENEFICE.
services, unlawful alteration etc. of, **11,** 655—657
sexton, removal for misconduct of, **11,** 479
simony, cognisance of, **11,** 522, 593—595, 635. *See* SIMONY.
suspension as a punishment for, **11,** 525, 534, 535
Thirty-nine Articles, neglect of clergyman to read publicly, **11,** 635
violation of, **11,** 521, 654
trading, unlawful, by clergyman, **11,** 522, 537, 557, 621, 637
visitation, non-attendance at, **11,** 657

ECCLESIASTICAL PROPERTY,
defined, **11,** 713, 784
administration of, jurisdiction of court over, **4,** 284, 294—301; **11,** 512, 513, 540, 737
Agricultural Holdings Acts, exercise of landlord's powers under, **1,** 269; **11,** 782, 798
alienation of, **11,** 760—767
provision on sale of glebe lands of, **11,** 765
allotments, acquisition for, **1,** 344; **6,** 169; **11,** 765; **26,** 682
archdeaconries, estates of, disposal of, **11,** 436, 437
augmentation of endowments, provision of, **11,** 726, 727, 774. *See* AUGMENTATION.
bequest for spiritual purposes, charitable nature of, **4,** 112, 113; **11,** 773

ECCLESIASTICAL PROPERTY—*contd.*
bishop's registry of, **11,** 718 n.
Board of Agriculture and Fisheries, powers of, **11,** 747 n., 765
burial fees as, **11,** 777
canons, property of, provisions as to, **11,** 432, 433
chapels, mission rooms etc., position of, **11,** 788—792
chapter, of, **11,** 425
Chapter Endowment Funds, provisions relating to, **11,** 418 n.
characteristics of, **11,** 713—718
church, erection and endowment of. *See* CHURCH (Building).
ownership of, **11,** 718—728
rates. *See* CHURCH RATE.
churchwardens' duties in regard to care of, **11,** 468—470
churchyard as. *See* CHURCHYARD.
civil rights in connection with, jurisdiction in regard to, **11,** 513
compulsory acquisition of, compensation on, **6,** 169
consecration of, **11,** 728—732. *See* CONSECRATION.
control over, history of, **11,** 714 n.
copyhold, enfranchisement of, **8,** 131
customary fees as, **11,** 779
dilapidations and waste in connection with, **11,** 767—772. *See* ECCLESIASTICAL DILAPIDATIONS.
Easter offerings as, **11,** 742, 775
Ecclesiastical Commissioners, vesting in, of, **11,** 724; **15,** 406
endowments, **11,** 716, 717. *See* ENDOWMENT.
fees as, **11,** 742, 776—779
fencing of, duty as to, **3,** 130, 411; **11,** 469
first fruits etc., nature of, **11,** 779
gift of property for benefit of church, legal recognition of, **11,** 357 n., 714 n.
glebe as, **11,** 753—755. *See* GLEBE.
improvement of, costs of, **11,** 759, 760
lease, sale etc. with a view to, **11,** 764
incumbent, when entitled to acquire, **11,** 727
whether an owner within Metropolis Management Acts, **11,** 732 n.
insurance of, **11,** 772, 773
Ireland, in, Irish Church Act, 1869, under, **11,** 361 n.
jurisdiction over, civil courts, in, **4,** 284, 294—301; **11,** 366
ecclesiastical courts, in, **11,** 512, 513, 540, 737
land tax, redemption of, **11,** 760; **18,** 327—330
leases of, **11,** 760—764. *See* ECCLESIASTICAL LEASES.
legal recognition of, **11,** 713
library purposes, conveyed for, **23,** 587
limitation of actions for, **19,** 152, 153
mines and minerals, disposal of, **11,** 762, 764; **20,** 519, 520, 527
mission room, in regard to, **11,** 790
monuments, fees for erection of, **11,** 777
mortgage of, **11,** 615, 616; **21,** 111
compensation to tenant of glebe, for payment of, **11,** 759
dilapidations, for cost of, **11,** 759
improvement of land, for cost of, **11,** 759
redemption of land tax, for, **11,** 760
residence, glebe, or chancel, for, **11,** 755—759
stamp duty, exemption from, **21,** 137
tithe commutation expenses, for, **11,** 760

ECCLESIASTICAL PROPERTY—*contd.*
new district, fees of, **11,** 778
ownership of, **11,** 792—794
parishioner, rights of, church, in, **11,** 737
churchyard, in, **3,** 413—415; **11,** 741
parliamentary grants as, **11,** 784 n.
parsonage house as, **11,** 742, 753—755, 758
pew rents as. *See* PEW RENT.
private benefactions as, **11,** 773—775
Queen Anne's Bounty, **11,** 779. *See* QUEEN ANNE'S BOUNTY.
rates, church. *See* CHURCH RATE.
rating of, **11,** 791; **24,** 22
registers of baptism and burial in regard to, **11,** 741
repair of church, duty as to, **11,** 469, 732—734
sale of, **11,** 760, 764—767
search of registers, fees for, **11,** 779
small holdings, acquired for, **6,** 169; **26,** 682
spiritual purposes, held for, **11,** 742, 773, 784, 791
Sunday schools exempt from rates, **11,** 791
surplice fees, taking of, **11,** 776
tenths as, **11,** 779
tenure of, statutory protection of, **11,** 369, 370
tithe rentcharge. *See* TITHE RENTCHARGE.
tithes. *See* TITHES.
trustees of, appointment etc. of, **11,** 474, 475, 793, 794
trusts affecting, construction of, **11,** 366 n., 773, 791
vesting without conveyance of, under Ecclesiastical Commission Act, 1868, **11,** 799

EDINBURGH GAZETTE,
evidence, as, **13,** 523
factory regulations published in, **14,** 482
food and drugs, notification of regulations as to, in, **15,** 54 n.
partnership, dissolution of, notification of, in, **22,** 96, 97
limited, change of, advertisement of, in, **22,** 109
private Bill, advertisement of, in, promoters, by, **21,** 730
railway, Board of Trade certificate for, publication of draft in, **23,** 625
scheme of arrangement with creditors, notification of filing of, in, **23,** 771
royal proclamation, effect of publication of, in, **7,** 15

EDITION,
defined, **8,** 161 n.; **23,** 215
author's contract with other publisher for subsequent, **23,** 217
copyright in relation to, **8,** 161 n., 162; **23,** 217
new, what constitutes, **8,** 161 n.; **23,** 215

EDITOR,
defined, **23,** 215
authority as agent of proprietor of newspaper, **23,** 216
contributor as distinguished from, **23,** 215
libellous matter etc. responsibility for, **18,** 664 **23,** 216
name of, printed beneath title of newspaper, effect of, **23,** 221
newspaper or periodical, of, powers and duties of, **23,** 215, 216
notice of termination of employment of, length of, **23,** 216, 217

EDITOR—*continued.*
power to deal with manuscripts supplied to, **23,** 218
property in manuscripts submitted to, **23,** 216—218

EDUCATION.
The title EDUCATION *is contained in Vol. XII., pp.* 1 *et seq.*
defined, **12,** 4 n.
adjustment of property, Education Act, 1902, for purposes of, **12,** 16 n., 19 n.
agriculture, in, powers of Board of Agriculture and Fisheries as to, **1,** 298; **12,** 15
annuity for maintenance and, effect of, **24,** 489
assurance of land for promotion of, enrolment of, **4,** 132, 140
mortmain law, whether within, **4,** 140
statutory powers. *See* SCHOOL SITES.
attendance at school, duty of local authority to enforce, **12,** 25, 26, 56. *See* ATTENDANCE.
order for, application of local authority for, **12,** 56, 57
authority for, local, **12,** 15 *et seq.* *See* EDUCATION AUTHORITY, LOCAL.
Board of Agriculture and Fisheries, powers of, **12,** 15
Board of Education in relation to. *See* BOARD OF EDUCATION.
borrowing for purposes of, **12,** 20, 50, 51, 88
canal boat children, of, **12,** 67
catechism, teaching of, council school, in, **12,** 23, 24
central authorities, powers etc. of, **12,** 8, 15
certificate of proficiency, employment of child, in case of, **12,** 62, 63
certified school, in. *See* CERTIFIED SCHOOLS.
charitable trust, as a proper object for, **4,** 106, 110, 111; **12,** 4
charities for, **12,** 99—116. *See* EDUCATIONAL CHARITIES.
Charity Commissioners, functions of, **4,** 187, 280, 304, 317, 318; **12,** 7 n., 13, 115
child, defective etc., of, **12,** 40—44
deserted or orphan, of, **12,** 84
Divorce Court, how considered by, **16,** 522, 578; **17,** 116
employment, in relation to, **12,** 7, 67—70; **14,** 489
equity rules to prevail as regards, **17,** 105 n.
expulsion from school, **12,** 122—124
factory or workshop, in. *See* factory etc., *infra.*
found in criminal etc, surroundings, of, **12,** 71
guardian's power over, **17,** 130, 147
local education authority, limitation on bye-laws of, **12,** 61
necessary, as a, **17,** 68
parent or employer's duties as to, **12,** 7, 54—65, 70; **17,** 115. *See* factory etc., *infra*; EMPLOYER; PARENT.
prevention of education of, penalty for, **12,** 57; **17,** 173
removal without notice, damages in respect of, **12,** 123
settlement provisions as to, **17,** 85, 86, 113; **25,** 574, 696 n.
trustees, statutory powers of, **17,** 88, 89
ward of court, in case of, **17,** 147, 148
choir schools, provisions as to masterships in, **11,** 812

EDUCATION—*continued.*
clothing for pupil, authority of schoolmaster to supply, **12,** 123
code of Board of Education, issue of, **12,** 10, 11
combination of councils for purposes of, **12,** 45, 46
common law in relation to, **12,** 4, 8, 122
compulsory, **12,** 7, 54 *et seq.* *See also* ELEMENTARY EDUCATION.
blind child, of, **12,** 44
Consultative Committee, establishment of, **12,** 8, 9
contract to educate, incidents of, **12,** 122, 123
control of, general, **12,** 9
conversion to purposes of, non-educational charities, of, **9,** 199; **12,** 115
conveyance of children to school, **12,** 21, 61 n., 64
co-ordination of all forms of, importance of, **12,** 19
corporation's right to hold land for purposes of, **12,** 119
county councillor, disqualification of, for voting purposes, **12,** 19
district board. *See* EDUCATION AUTHORITY, LOCAL.
corporation, as, **12,** 86
domicil evidenced by place of, **6,** 190
Education Department, *defined,* **12,** 9 n.
transfer of functions to Board of Education, **12,** 9, 13
educational foundations, law as to, **12,** 7, 13, 99—117. *See* EDUCATIONAL CHARITIES.
efficient schools, publication of information as to, by Board of Education of, **12,** 70
elementary. *See* ELEMENTARY EDUCATION; PUBLIC ELEMENTARY SCHOOL.
employer, duties and liabilities of, **12,** 7, 54—65, 70. *See* EMPLOYER.
endowment for. *See* ENDOWED SCHOOL; ENDOWMENT.
alike educational and charitable, apportionment of, **4,** 152
equity in relation to, **12,** 4
factory and workshop children, of, **12,** 5, 54, 67—70; **14,** 489
deduction of school fees from wages, **12,** 70
definitions in relation to, **12,** 67
enforcement of duties, **12,** 70
exceptions from obligation, **12,** 68
exemptions, **12,** 68, 69
occupier of factory, duty of, **12,** 69
parent, duty of, **12,** 68
penalties, **12,** 69
recognised efficient school for purposes of, **12,** 70
finance of public, **12,** 47—54
forestry, in, inspection and assistance of, **12,** 15
foundation scholars, position of, **12,** 98
friendly society's promotion of, **15,** 125 n.
funds for, apportionment of, Charity Commissioners, by, **4,** 318; **12,** 105 n.
grant for. *See* EDUCATIONAL GRANT.
habeas corpus in respect of master's detention of pupil, **12,** 124
higher, **12,** 10, 22—24. *See* HIGHER EDUCATION.
history of law as to, **12,** 4—8
Home Office, jurisdiction of, **12,** 15, 49
incorporated bodies engaged in, charters to, **12,** 4
industrial institutions, acquisition of land for, **12,** 121
industrial schools in, **12,** 70—79. *See* INDUSTRIAL SCHOOL.
infant, of. *See* child, *supra.*

EDUCATION—*continued.*
injury to scholar, liability in case of, **12,** 33 n.
inquiry, public, by Board of Education, **12,** 14, 27
intermediate, what is, **12,** 111 n.
Wales, in, **12,** 121 *et seq.*
land, acquisition of, arbitration as to, **6,** 166
bequest of, consent of Board of Education to, **4,** 133—136
compulsory acquisition of, compensation for, **6,** 166, 167; **12,** 27
disposal of, under Technical and Industrial Institutions Act, 1892, **12,** 121
grant of, statutory facilities for, **12,** 6, 7, 117—121. *See* SCHOOL SITES.
law as to, nature of, **12,** 4
legal, council of, constitution of, **2,** 364
recognition of, **12,** 4
Local Government Board, functions of, **12,** 7, 14, 81, 85—87
London, City of, in, **20,** 428
managers, appointed by borough council, **12,** 34
manor, grant of land by lord of, for purposes of, **12,** 118
matrimonial decree, directions as to children in, **16,** 578; **17,** 116
medals for school children, provision out of rates of municipal corporation of, **15,** 402
metropolitan
borough council, powers of, **12,** 53; **20,** 406
parishes, in, **20,** 406, 408
municipal bodies, educational work of, **12,** 7, 16, 17
officer, transfer of, compensation on, **12,** 16 n.
parent, contract with schoolmaster, **12,** 4, 122, 123
duties and liabilities of, **12,** 7, 54—65, 70; **17,** 115. *See* PARENT.
payment for, whether a portion, **11,** 21
poor law, **12,** 5, 81—85. *See* GUARDIANS OF THE POOR; POOR LAW.
power of appointment authorising provision of, exercise of, **25,** 574
primary, provision of, **12,** 6. *See* ELEMENTARY EDUCATION.
private or proprietary school, in, rules applicable to, **12,** 4 n., 122—124
Privy Council, control of, **12,** 6, 9 n.
promotion of, is charitable purpose, **4,** 110, 111
public school, **12,** 5, 97. *See* PUBLIC SCHOOL.
punishment of pupils, **12,** 124
pupil teacher. *See* PUPIL TEACHER.
rate, **12,** 23, 47, 48; **20,** 438 n.; **24,** 54 n. *See* COUNTY RATE; POOR RATE.
franchise qualification dependent upon payment of, **12,** 172
reformatory, in, **12,** 70—77. *See* REFORMATORY SCHOOL.
religious instruction. *See* RELIGIOUS INSTRUCTION.
removal of pupil, notice before, **12,** 123
Royal
Family, of, **6,** 364, 365
prerogative in relation to, **12,** 4
scholarship, improper election to, **4,** 168
school district, formation of, **12,** 85, 86
School Sites Acts, facilities under, **12,** 117—121
schoolmaster, position of, **12,** 122—130. *See* SCHOOLMASTER; TEACHER.
science and art, in, provision for, **12,** 6, 9, 24
secondary, **12,** 10, 22—24. *See* HIGHER EDUCATION.

EDUCATION—*continued.*
special classes of children, of, rules affecting, **12,** 7, 40—44
State-aided and State-provided, **12,** 4 n., 5—7, 9
statute law as to, **12,** 4—8, 15, 16
system of, local government, **12,** 7
technical, **12,** 10, 22—24
defined in Welsh Intermediate Education Act, **12,** 111 n.
acquisition of land for, **12,** 121
Wales, in, **12,** 111—114
training ship, in, **12,** 89
university, **12,** 90—97. *See* UNIVERSITY.
voluntary school. *See* VOLUNTARY SCHOOL.
ward, of, duty of guardian as to, **12,** 55 n.; **17,** 130, 147
ward of court, of, **17,** 147, 148
Welsh Intermediate, system of, **12,** 99 n., 111—114

EDUCATION AUTHORITY, LOCAL,
defined, **12,** 16, 17
accounts of, **12,** 47, 52
audit of, **12,** 14, 47, 52, 88
action by or against, **12,** 21
areas of, **12,** 17, 19 n., 25 n.
births and deaths, return by registrar of, **24,** 442
Board of Education, consultation of, **12,** 10
borough council as, **12,** 16, 17, 19, 23, 24 n., 47
borrowing powers of, **12,** 50, 51
bye-laws for area of, **12,** 13, 55, 58—62
canteen committee, in association with, **12,** 32
certified schools, defective children, for, provision of, **12,** 43, 44
children, employment of, regulations as to, **12,** 62—64
classification of, **12,** 17—19
clerk to, legal proceedings, may appear in, **12,** 21
combined action by councils, manner of, **12,** 45, 46
compensation by, land injuriously affected, for, **12,** 27 n.
compulsory purchase of land by, **6,** 166, 167; **12,** 24, 26, 117
conference between, **12,** 46
constitution of, **12,** 17
contributions by, to other education authorities, **12,** 43, 52
control over, Board of Education, by, **12,** 9—13, 18—21, 27, 31, 59
Local Government Board, by, **12,** 14, 85—88
conveyances and guides, provision of, **12,** 21, 22 n., 64
co-ordination by, **12,** 18 n., 22
councils with concurrent powers, **12,** 17, 23
county council as. *See* COUNTY COUNCIL.
creation of, **12,** 16
day industrial schools, powers with regard to, **12,** 80
default of, procedure on, **12,** 12, 13
defective children, powers with regard to, **12,** 17, 18 n., 25, 40—45
delegation of powers of, **12,** 20, 46
district board, audit of accounts of, **12,** 88
borrowing by, **12,** 88
constitution of, **12,** 86
expenses of, **12,** 87
Local Government Board, control of, **12,** 85—88
powers and duties of, **12,** 86, 87

EDUCATION AUTHORITY, LOCAL—*continued.*
education committee of. *See* EDUCATION COMMITTEE.
elementary education, powers as to, **12,** 17, 19, 20—40. *See* ELEMENTARY EDUCATION.
elementary schools, duty to maintain, **12,** 29
employers, duties of, enforcement of, **12,** 25, 54, 64
employment of young persons, power to further, **28,** 882
endowments, income of, payable to, **12,** 51
epileptic children, education of, powers as to, **12,** 24, 25, 40—44. *See* EPILEPTIC CHILDREN.
Exchequer grant to, **12,** 9, 48—50; **24,** 764
conditions of, **12,** 30
expenses of, how defrayed, **12,** 47—52
fees chargeable by, elementary schools, in, **12,** 30, 31, 39
funds at disposal of, **12,** 47—52; **24,** 764
grants to, elementary education, for, **12,** 49
higher education, for, **12,** 10, 48
parliamentary, **12,** 11, 45, 49
deductions from, **12,** 13
provided and non-provided schools, for, **12,** 11
grouping by, schools, of, **12,** 34, 39
guardians, contributions by, **12,** 51, 82
higher education, powers as to, **12,** 17, 22—24
industrial schools, powers as to, **12,** 17, 18 n., 71, 73, 74
land, acquisition of, for purposes of education, **6,** 166, 167; **12,** 21, 27, 117—121. *See* ACQUISITION OF LAND.
appropriation of, for other purposes, **12,** 21
disposal of, **12,** 21; **25,** 310
legal proceedings by or against, appearance in, **12,** 21
library authority, as, **12,** 15 n.
loans to, **12,** 47, 50, 79
London, City of, for, **12,** 53
London County Council as, **12,** 53; **20,** 399
managers, default of, power to act on, **12,** 36
mandamus to, to obey order of Board of Education, **10,** 89; **12,** 12
meals for school children, contributions of parents towards, **12,** 51
provision of, **12,** 18, 32
medical inspection, provision of, **12,** 18, 31
metropolitan borough council is not, **12,** 53
negligent act of school managers, responsibility for, **27,** 486 n.
notices of, rules as to, **12,** 22
officers of, appointment of, **12,** 20, 34, 46, 56, 64
transferred under Education Act, **12,** 16 n.
parents, duties of, bye-laws as to, **12,** 55
enforcement of, **12,** 25, 56
petition of, Board of Education, to, compulsory purchase of land, as to, **12,** 27
powers and duties of, **12,** 15—54
powers of, general, **12,** 6, 7, 20—22
provided school, conduct of, rules for, **12,** 33, 34
public elementary school, maintenance of, **12,** 29—34. *See* PUBLIC ELEMENTARY SCHOOL.
public inquiry, for costs of, order upon, **12,** 14
rate raised for, **12,** 20, 23, 47
rateability of, **24,** 16
rating by, **12,** 20, 23, 47, 48
receipts payable to, maintenance of schools, for, **12,** 47
miscellaneous, **12,** 51, 52
recreation, means of, provision of, **12,** 18, 32

EDUCATION AUTHORITY, LOCAL—*continued.*
reformatory schools, powers as to, **12,** 73, 74
religious instruction in school maintained by, **12,** 23, 24, 29, 30, 43. *See* RELIGIOUS INSTRUCTION.
relinquishment of powers by, **12,** 19
returns from, **12,** 14, 21
sales by, cooked food and needlework, of, **12,** 51 n.
school
accommodation, provision of, **12,** 24—28
attendance, bye-laws as to, **12,** 55, 58—62
failure to make, **12,** 13
committee, as, **12,** 16, 18, 25 n.
order, application for, **12,** 56, 57
non-compliance with, **12,** 57
schoolhouse, provision of, **12,** 26—28, 118 n.
science and art schools, provision of, **12,** 15 n.
transfer of, **12,** 24
secondary schools, inspection of, payment of expenses of, **12,** 23
system under, outline of, **12,** 15—17
teachers, appointment of, **12,** 20, 37
travelling expenses, teachers and children, of, paid by, **12,** 21, 22 n.
trustees of educational charity, as, **4,** 259; **12,** 21
urban district council as, **12,** 17
vacation classes, provision of, **12,** 18
voluntary schools, maintenance of, rules for, **12,** 16, 34—40. *See* VOLUNTARY SCHOOL.

EDUCATION COMMITTEE,
accounts of, **12,** 52
Board of Education, approval of, **12,** 19
constitution of, **12,** 19
delegation of powers of local education authority to, **12,** 20
disqualification for, **12,** 20
establishment of, **12,** 19, 20
failure of local authority in, **12,** 13
joint, **12,** 45
accounts of, **12,** 52
minute books of, as evidence, **13,** 478
powers of, **12,** 20
qualification for membership of, **12,** 19 n.
report to local education authority by, **12,** 20
retirement of member of, **12,** 20 n.
scheme for, default in making, **12,** 13, 19 n.
making of, **12,** 13, 19, 20, 45
school attendance proceedings, directions as to, of, **12,** 65
women, inclusion of, on, **12,** 19, 20

EDUCATIONAL CHARITIES,
defined, **12,** 101—104
Board of Education, jurisdiction of, **4,** 135, 182, 231, 317; **12,** 10, 13, 99—102, 125
scheme of, **4,** 187; **12,** 100, 105, 109. *See* scheme, *infra.*
Charity Commissioners, jurisdiction of, **4,** 152, 187, 280; **12,** 13, 100 n., 102, 125
charity school, meaning of, **4,** 213
conscience clause in case of, **12,** 116
corporations created to carry out, **4,** 283
cy-près doctrine in relation to, **4,** 191—194, 196, 199, 295; **12,** 100 n.
education as a proper charitable object, **4,** 106, 110; **12,** 4

EDUCATIONAL CHARITIES—*continued.*
elementary education, for purposes of, **12,** 115
transfer to local authority, **12,** 28
Endowed Schools Acts, 1869 to 1889, **12,** 99
charities within, **12,** 101—104
exceptions from, **12,** 102—104
endowment for. *See* ENDOWMENT.
exhibitions excluded from Endowed Schools Acts, 1869 to 1889, **12,** 104
general provisions relating to, **4,** 182; **12,** 99—117
girls entitled to benefits of endowment as far as possible, **12,** 105
grammar schools, extension of subjects taught in, **4,** 298; **12,** 116
Grammar Schools Act, 1840, powers of court under, **12,** 116
visitor's rights under, **4,** 293
incorporation of, certificate of Charity Commissioners, by, **4,** 314
land devised for, sale or retention of, **4,** 135
lease of land held upon trusts for, **4,** 231
legislation affecting, **12,** 5, 99, 102 n.
local education authority as trustees of, **4,** 259; **12,** 21
minister, churchwardens, and overseers, grant under School Sites Acts to, **4,** 258; **12,** 119, 120
non-educational charities, conversion to educational purposes, of, **4,** 196, 199; **12,** 115
ordinary, jurisdiction of, with reference to scheme under Endowed Schools Acts, **12,** 106
parliamentary interference with, **12,** 5, 99
poor, bequest for, applied to educational purposes, **4,** 196
public schools, position of, **12,** 97, 102
rating of, **4,** 212
religious instruction, provisions as to, **4,** 162; **12,** 106—108, 113, 116, 117
scheme for, Board of Education, by, **4,** 187; **12,** 53, 100 *et seq.*
court, by, notice to Board of Education, **4,** 339; **12,** 9 n.
Endowed Schools Act, 1869, under, amendment of, **4,** 189; **12,** 100, 101 n.
appeal against, **9,** 33; **12,** 100, 104, 105 n., 110, 111
making of, **12,** 100 n., 109
necessary provisions in, **12,** 105—108
non-educational endowments, relating to, **4,** 199; **12,** 115
schoolmaster as charity officer, **4,** 255, 283; **12,** 125—127
taxation etc. of, **4,** 213—216
trustees of, local education authority as, **4,** 259; **12,** 21
new, appointment of, **4,** 261, 262, 268 n., 314 n.
vested interests, saving of, in scheme, **12,** 105
visitors, powers of, **4,** 287 *et seq.*; **12,** 106
Welsh intermediate education, position of, **12,** 99 n., 111—114

EDUCATIONAL GRANT,
aid grant, amount of, **12,** 50
conditions of, **12,** 11, 12
control of, **12,** 6, 15, 48
history of, **12,** 6, 48
kinds of, **12,** 48—50
ancient endowments, parliamentary interference with, **12,** 6

EDUCATIONAL GRANT—*continued.*
annual, from Parliament, **12,** 6, 49
appropriation of, **12,** 9
blind, deaf, defective etc. children, in aid of schools etc. for, **12,** 12, 45, 50
Board of Education, by, **12,** 9, 10, 11, 12, 48, 50
library authority, to, **23,** 594, 595
boarding institution, to school attached to, **12,** 29 n.
buildings, for, **12,** 6, 11, 16, 50, 120
certified school, to, **12,** 12, 50, 73, 74, 77, 80, 81
code, grant paid in accordance with the, **12,** 49
Consolidated Fund, grants in aid from, **12,** 48, 49
county borough or council, by, to poor law authority, **12,** 88
day industrial schools, for, **12,** 80, 81
defective children, for school for, **12,** 12, 45, 50
earning of, compliance with conditions for, **12,** 10, 11, 30, 39
Education Act, 1902, s. 10, under, **12,** 12, 50
elementary education, in aid of, **12,** 10, 11, 39, 40, 47, 49—51
Exchequer, out of, **12,** 48—50; **24,** 764
fee grant by Board of Education, distribution of, **12,** 11, 12, 50
fees in schools receiving, **12,** 30, 31
higher education, in aid of, **12,** 10, 48
Home Secretary, by, in aid of industrial school, **12,** 49
industrial schools, for, **12,** 49, 73, 77
local education authority, by, **12,** 54
to, **12,** 10, 47—50; **24,** 764
marine school, to, **12,** 11 n., 29 n.
necessitous areas, to, **12,** 50
parliamentary grants, **12,** 49, 50
conditions of, **12,** 10, 11, 30, 39
meaning of, **12,** 49 n.
school year for purposes of, **27,** 435
poor law authorities, to, **12,** 88
Privy Council control of grants in aid, **12,** 6
reformatory, for, **12,** 73
school buildings, in aid of, **12,** 6, 11, 50, 120
small population grant, **12,** 11, 49
teachers, for training of, **12,** 9 n., 127
training colleges, in aid of, **12,** 10, 22
Treasury control of grants in aid, **12,** 6, 15, 48
universities and university colleges, to, **12,** 94
voluntary contributions, parliamentary interference with, **12,** 6
voluntary schools, to, **12,** 16, 38, 39
Welsh intermediate education, in aid of, **12,** 15, 113
whisky money, application of, **12,** 49 n., 113

EELS,
angling for, close time for, **14,** 616
salmon river, in, restrictions on catching of, **14,** 616

EFFECTIVE CAUSE,
act of God as, **21,** 469
causa proxima non remota spectatur. See CAUSA PROXIMA NON REMOTA SPECTATUR.
individual's own negligence as, **21,** 411, 445
injury caused by negligence, of, **21,** 378—382, 446; **27,** 471, 472
plaintiff, of, **21,** 411, 445, 446
insurance, with reference to the contract of, **17,** 437, 445, 530, 567
intervention of third party, effect of, **21,** 380—382; **27,** 471 n.

EFFECTIVE CAUSE—*continued.*
proximate cause. *See* PROXIMATE CAUSE.
remoteness of damage. distinguished from, **21,** 486, 487
tortious act resulting in injury as, **21,** 378—380; **27,** 471, 472

EFFECTS. *See also* ASSETS.
defined, **28,** 700
bequest by will of, **28,** 700, 701, 711
debtor whose debt is guaranteed, of, sale of, before recourse to surety, **15,** 560
deceased seaman, of, provisions as to, **26,** 58, 59

EGGS,
black game, of, protection of, **15,** 214 n.
game birds, of, carrier in possession of, **15,** 260 n.
game, as, **15,** 209, 236
larceny of, **15,** 214 n., 239, 260
licensed dealer having unlawful possession of, **15,** 260
property in, **15,** 214
protection of, **15,** 214 n.
taking or destroying, **15,** 214 n.
unlawfully taken, being in possession of, **15,** 260
swan, of, protection of, **15,** 214 n., 260
wild birds, of, larceny of, **15,** 214
prosecution in respect of taking etc., **1,** 408
protection of, **1,** 408; **15,** 214
wild duck, of, protection of, **15,** 214 n., 260

EJECT, RIGHT TO,
innkeeper, of, as against guest, **17,** 307, 310; **18,** 142
licensed premises, from, **18,** 141, 142
trespasser, use of force against, **27,** 854

EJECTMENT. *See* RECOVERY OF LAND.
action of, **1,** 34; **24,** 324
county court, in, admission of plaintiff's title, **8,** 502
affidavit of person claiming to be in possession, **8,** 488
appeal, **8,** 602
costs, **8,** 591, 592
court in which to be brought, **8,** 430, 435; **24,** 325 n.
execution on judgment, **8,** 569
joinder of
defendant in, **8,** 488
other causes of action with, **8,** 458
judgment, **8,** 534, 568
jurisdiction, **8,** 430, 435; **18,** 559
limitation of defence, **8,** 489
particulars, **8,** 467
plaint, **8,** 462
service of summons, **8,** 469
Mayor's Court, in, **20,** 290, 291 n., 292 n.
common law, at, **1,** 35; **24,** 324
distress after, **11,** 121, 126
estoppel, plea of, in answer to claim in, **13,** 350
High Court, when to be tried in, **8,** 435; **24,** 325 n.
highway, encroaching upon or inclosing, in case of, **16,** 55
landlord, by, against tenant, **18,** 558 *et seq.*
lessee for years, by, **24,** 147, 324
limitation of time for equitable relief after possession recovered in, **13,** 153

EJECTMENT—*continued.*
mesne profits, recovery of, in, **18,** 558; **24,** 326; **27,** 849 n.
mortgagee, by, mortgagor, against, **19,** 102; **21,** 158, 186, 191, 193
tenant, against, **21,** 165, 187
mortgagor, of, mortgagee's rights on, **21,** 168
national health insurance, suspending proceedings arising with reference to, **28,** 956
promoter wrongfully entering on land, against, **6,** 97, 151
receiver, against, leave of court, with, **24,** 381
without leave of court, **7,** 289; **13,** 55; **24,** 379, 382
relation back of demise in, **14,** 147
summary proceedings by way of, **18,** 559; **24,** 325 n.
teacher holding house with appointment, of, **12,** 121 n.
technical impediments to, removal in equity of, **13,** 47
tenant at sufferance, by, **18,** 438
tenant in common, by, **18,** 344
title to land, as a mode of trying, **1,** 35; **2,** 433; **8,** 430
visitor of charitable corporation, against, by person deprived or amoved, **4,** 300

EJUS EST PERICULUM CUJUS EST DOMINIUM,
rule of, in bailment of chattel, **1,** 541

EJUSDEM GENERIS,
rule of construction where general words follow particular words, charterparty, in, **26,** 139
contract, in, **7,** 516
deed, in, **10,** 469
statutes, in, **15,** 125 n.; **27,** 145, 276 n., 283 n.
wills, in, **28,** 682, 683, 695

ELDER BRETHREN OF LONDON TRINITY HOUSE. *See* TRINITY MASTERS.
duties in Admiralty actions of, **1,** 100

ELDEST SON,
construction of
shifting clause, in, **25,** 694 n.
trusts of portions term with reference to, **25,** 587, 588
will containing limitation referring to, **28,** 748, 749, 766, 767

ELECTION. *See also* CHOICE; OPTION; SELECTION.
abandonment of vessel in marine insurance, in favour of, **13,** 397; **17,** 472, 477, 478, 480, 487
ademption, legacy, of, gives no right of, **13,** 131
agent. *See* ELECTION AGENT.
agent treated as principal, effect on principal's liability of, **1,** 209; **13,** 397, 398
avoidance of, *See* AVOIDANCE.
board of guardians, of. *See* BOARD OF GUARDIANS.
borough councillor, of. *See* BOROUGH COUNCILLOR.
bye. *See* BYE ELECTION.
canvassers at. *See* CANVASSERS.
capitalisation of dividends of settled funds, in case of, **25,** 609

ELECTION—*continued.*
certificates in regard to. *See* CERTIFICATE.
cestui que trust, by, where trust money is wrongfully invested, **28,** 208
charge in indictment to be proceeded upon, as to **9,** 342
clerk at, **12,** 268, 269, 300
club premises used for purposes of, **4,** 434
commissioner. *See* ELECTION COMMISSIONER.
construction of uncertainty in written instrument, assisting, **10,** 457, 458; **14,** 226
constructive total loss in marine insurance, in case of, **13,** 397; **17,** 472, 477, 478, 480, 487
contract voidable at option of one party, in case of, **7,** 331, 332; **17,** 514 n.
conversion, trust for, to take property free from, **13,** 112—116. *See* CONVERSION IN EQUITY.
county councillor, of. *See* COUNTY COUNCILLOR.
court. *See* ELECTION COURT.
damages and injunction, between, **17,** 215; **27,** 580, 581
declaration of. *See* DECLARATION.
doctrine of equity as to, **13,** 116—128. *See* ELECTION (Doctrine of Equity).
estoppel, precluded by, **13,** 397; **17,** 633 n.
execution creditor taking money out of court, effect of, **17,** 633 n.
expenses. *See* ELECTION EXPENSES.
franchise for purpose of. *See* FRANCHISE.
insurable interest acquirable by, whether, **17,** 368, 371 n.
judges. *See* ELECTION JUDGES.
London, City of, in. *See* LONDON, CITY OF.
married woman, by, conversion, in case of, **13,** 114
equitable doctrine of election, in case of, **13,** 126
husband's disobedience to decree for restitution of conjugal rights, on, **16,** 564
metropolitan borough council, to. *See* METROPOLITAN BOROUGH COUNCIL.
mistake at. *See* MISTAKE.
municipal. *See* MUNICIPAL ELECTION.
offences. *See* ELECTION OFFENCES.
office, to. *See* ELECTION TO OFFICE.
option, to exercise, by bringing action of trespass, **27,** 866
parish councillor, of. *See* PARISH COUNCILLOR.
parliamentary. *See* PARLIAMENTARY ELECTION.
partner
joining firm, position of parties contracting with, **13,** 391; **22,** 15
outgoing, by, to charge continuing partner, **22,** 63, 64
personal representative, by, **14,** 226
personation at. *See* PERSONATION.
petition, municipal. *See* ELECTION PETITION (Municipal).
parliamentary. *See* ELECTION PETITION (Parliamentary).
poll at. *See* POLL.
polling agent at. *See* POLLING AGENT.
polling district for. *See* POLLING DISTRICT.
polling place for. *See* POLLING PLACE.
polling station for. *See* POLLING STATION.
reconversion of property, in respect of, **13,** 112—116. *See* CONVERSION IN EQUITY.
register of voters. *See* REGISTER OF VOTERS.
remainderman, by, to take property unconverted, **13,** 113
representative, by, **14,** 226

ELECTION—*continued.*
representee, by, on discovering misrepresentation, **20,** 740
rural district councillor, of. *See* RURAL DISTRICT COUNCILLOR.
sale of goods, appropriation of goods in case of, **25,** 169
single or instalment delivery, between, **25,** 217
subject to condition, in case of, **25,** 150
silence or lying-by, effect of, **13,** 397
solicitor, by, to charge client under Schedule II. of Solicitors' Remuneration Act, 1881, **26,** 761
uncertainty of an instrument removed by, **10,** 457—459; **14,** 226
underwriter, as against, **13,** 397; **17,** 406, 472, 477, 480, 487
university. *See* UNIVERSITY.
urban district councillor, of. *See* URBAN DISTRICT COUNCILLOR.
void. *See* AVOIDANCE.
Workmen's Compensation Act, under. *See* WORKMEN'S COMPENSATION ACT.

ELECTION (DOCTRINE OF EQUITY).
accounts for purpose of, may be taken in pending action, **13,** 124
action to ascertain value of properties may be brought, **13,** 124
acts of ownership constituting, **13,** 126
administrator, by, does not bind next of kin, **13,** 125
appointment under power, in case of, **13,** 117 n., 119, 124; **22,** 361; **23,** 62, 63
condition attached to appointment, effect of, **23,** 62 n.
delegation of power of appointment, in case of, **23,** 63 n.
successive appointments by same instrument, in case of, **23,** 63
apportionment of compensation on, **13,** 123
arrangement by consent not readily disturbed, **13,** 126
assessment of compensation, time for, **13,** 123; **23,** 63
belief of testator, evidence as to, **13,** 121
benefits to be abandoned under, extent of, **13,** 122, 123
clauses in same instrument, doctrine inapplicable as between, **13,** 117; **23,** 63
codicil, failure of gift by, gift of same property by will, **13,** 117 n.
committee of lunatic so found, by, **13,** 127; **19,** 448
compensation not forfeiture is basis of, **13,** 122, 123 n.
co-owner, as against, **13,** 122, 125
copyholds, as applied to, **13,** 119 n., 120 n.
court, by, on behalf of infant or lunatic, **13,** 114, 127, 128; **17,** 80; **19,** 448
creditors, in case of, **13,** 119 n.
Crown grant, in case of, **10,** 457; **13,** 118
death of electing beneficiary, effect of, **13,** 123, 126
deeds, application in case of, **13,** 118
derivative title, by beneficiary with, **13,** 118 n., 123, 124
different instruments, must arise under, **13,** 117; **23,** 63
dispute, provision for forfeiture in case of, **13,** 120 n.
dower, in case of, **13,** 121 n., 126 n.; **24,** 194 n.

ELECTION (DOCTRINE OF EQUITY)—*contd.*
erroneous recital in will, effect of, **13,** 122 n.
evidence going to establish, **13,** 125
excessive execution of power, effect of, **23,** 63 n.
express direction by testator as to, effect of, **13,** 118 n.
fact, exercise of right is question of, **13,** 125
failure of one gift, in case of, **13,** 117 n.
forfeiture entailed by, extent of, **13,** 122, 123
freebench, in case of, **13,** 121 n.
fund for compensation, necessity for, **13,** 123
general words in gift, effect of, **13,** 121
heir at law, application to, **13,** 119, 120; **28,** 517 n.
heirlooms, does not arise in case of, **13,** 117
husband, by, **13,** 120 n.; **24,** 187
administrator of wife, not when, **13,** 124 n.
curtesy, as tenant by the, **24,** 187, 188
ignorance of rights as affecting, **13,** 124, 125, 126
illegality, not available to cure, **13,** 119
implication of testamentary gift not raised by, **28,** 846
implied election, **13,** 125, 126
inalienable property, doctrine not applicable to, **13,** 117
inapplicable, when doctrine is, **13,** 117, 119, 120 n., 124, 126
incapacity of testator, effect of, **13,** 120 n.
incumbrancer taking under will, in case of, **13,** 122
infant, in case of, **13,** 114, 120 n., 127 n., 128; **17,** 80
information required before making, **13,** 124
inquiry ordered by court, infant, in case of, **13,** 128; **17,** 80
pending action, in, **13,** 124
instruments *inter vivos*, application to, **13,** 118
intention to dispose of particular property must be clear, **13,** 121, 122
context of will, reference to, **13,** 122
joint tenant, by widow as, **13,** 122 n.
jus relictæ, in case of, **13,** 121 n.
knowledge of
beneficiary, **13,** 124, 125
testator as to effect of his acts, whether necessary, **13,** 118, 121
land outside the jurisdiction, applicable to, **13,** 120 n.
limitation by court of time for, **13,** 125
limited interest, by devise of, **13,** 121, 122
lunatic, in case of, **13,** 114, 127; **19,** 448
marital right, effect on claim by, **13,** 120 n.
married woman, by, **13,** 126, 127; **24,** 187
heir of, by, **13,** 120 n.
mistake as affecting, **13,** 125
nature and incidents of, **13,** 116—128
next of kin, by, deceased beneficiary, of, **13,** 124 n.
married woman, of, **13,** 120 n.
onerous legacies, as to, **13,** 117 n.
paraphernalia, husband's bequest of, **13,** 121 n.
parol evidence, admissibility of, **13,** 121, 122 n.
partial failure of will, in case of, **13,** 120 n.
perpetuity, appointment void as, **13,** 119; **23,** 63 n.
personal liability arising from, **13,** 123
postponement of, infant, in case of, **13,** 128 n.
power of appointment, application to exercise of, **13,** 119, 124; **22,** 361; **23,** 62, 63
precatory trust, effect of appointment subject to, **13,** 124; **23,** 63
presumption, decision of beneficiary, as to, **13,** 126
testator's intention, as to, **13,** 121, 122

ELECTION (DOCTRINE OF EQUITY)—*contd.*
previous exercise of right, after, **13,** 124
principle of, **13,** 116, 117
property subject to, **13,** 118 n.; **28,** 524 n.
quasi-committee of person of unsound mind, by, **13,** 128; **19,** 448
receipt of annuity or legacy as affecting, **13,** 126 n.
recital in will, effect of, **13,** 122
release of debt due to third party, in case of, **13,** 119 n.
remainderman, as affecting, **13,** 125
representatives bound by, **13,** 126
restraint on anticipation as affecting, **13,** 126; **16,** 365
revocation in excess of power, effect of, **13,** 117 n.; **23,** 63 n.
satisfaction, in case of gift operating by way of, **13,** 118 n., 131, 135
scope of doctrine, **13,** 119
Scotland, ineffectual devise of land in, **13,** 120 n.
separate property of married woman, in case of, **13,** 127
settlement, arising under terms of, **13,** 118, 121 n. 131
several owners, by one of, **13,** 125
specific description of property required, **13,** 120 n., 121
succession, by persons entitled in, **13,** 125
surplus after compensation, who is entitled to, **13,** 123
tenant for life, by, **13,** 125
terce, widow's right to, **13,** 121 n.
time allowed for consideration, **13,** 124, 125
unsound mind, by person of, **13,** 127, 128
void
appointment, not raised by, **13,** 119; **23,** 63 n.
will, not raised by, **13,** 120 n.
voidable settlement, as to confirmation or repudiation of, **13,** 127 n.
widow, by, **13,** 121 n., 122 n.; **24,** 194 n.
wife, by, **24,** 187
will, infant, of, effect of doctrine on, **13,** 120 n.
intention as expressed by, reference to context in regard to, **13,** 122
partial failure of, in case of, **13,** 120 n.
recital in, effect of, **13,** 122

ELECTION AGENT,
agency, evidence as to, **12,** 270—273, 299
parliamentary common law of, **12,** 269
termination of, **12,** 273
appointment of, **12,** 266, 267, 271
revocation of, **12,** 267
assistants, workers etc. helping, number etc. of, **12,** 268—273
candidate as, **12,** 267, 341
candidate's personal expenses payable through, when, **12,** 301
claim for expenses, disputing, **8,** 624
corrupt or illegal practices by, effect of, **12,** 269—273, 301, 399 n., 402 n., 446, 447
counting votes, for, **12,** 326
county district, in, **12,** 267
declaration as to name and address of, **12,** 267
expenses, duties in connection with, **12,** 266, 297, 298, 335—338, 341, 406, 532
fine on, for neglect of duty, **12,** 406, 532
fraud of, effect of, **12,** 293
incapacity to vote of, **12,** 145, 268
municipal election, in, **12,** 341, 364
name and address of, public notice of, **12,** 267

ELECTION AGENT—*continued.*
number of, **12,** 267
office address of, **12,** 267
payment of, **12,** 267
payments made
irregularly by, **12,** 298
otherwise than through, as an illegal practice, **12,** 297
qualification for, **12,** 266, 267
returning officer's expenses to be notified to, **8,** 673
service of notices etc. on, **12,** 268
solicitor as, **12,** 268 n., 467
statement by, use of, as evidence against candidate, **12,** 273
sub-agent, appointment of, **12,** 267
urban district council election, for purposes of, **12,** 364, 375, 376

ELECTION COMMISSIONER (MUNICIPAL ELECTION PETITION),
absence of, **12,** 513
appointment of, **12,** 138, 487, 506 n.
committal of prisoner by order of, **12,** 489, 537
constables, duty of, to assist, **12,** 489
contempt of court before, **12,** 488
costs of proceedings before, **12,** 523
court of, **12,** 486, 488, 491
provision of accommodation for, **12,** 489
title of, **12,** 491
fine, power to inflict, **12,** 537
jurisdiction of, **12,** 138, 486—488, 537
order by, for payment of costs of petition, **12,** 523
qualification for, **12,** 138, 487
registrar and officers of, **12,** 489, 490
remuneration of, **12,** 490, 491, 523
resignation, death etc. of, **12,** 488
special report by, **12,** 519
statement of case by, **12,** 488
trial by, **12,** 488

ELECTION COMMISSIONERS (CORRUPT AND ILLEGAL PRACTICES),
action against, protection and privileges in case of, **12,** 472
appeal from, by person reported on, **12,** 469, 470
appointment of, to inquire as to corrupt and illegal practices, **12,** 138, 463—472
Attorney-General's duties upon report of, **12,** 462, 469, 519
certificate of indemnity to witness, grant of, **12,** 467, 469
contempt of court before, **12,** 468
costs of inquiry before, **12,** 481—483
Director of Public Prosecutions, report to, **12,** 471
evidence before, **12,** 466—468 *See* perjury; witnesses, *infra.*
expenses of, **12,** 481—483
inquiry held by, **12,** 138, 463, 464, 465—469
mandamus against, for refusal to grant certificate, **12,** 467
oath to be taken by, **12,** 464
penalties on being reported by, **12,** 471
perjury before, **9,** 490; **12,** 467, 468, 471, 531
powers and duties of, **12,** 464—469
production of books, documents etc. before, **12,** 537 n.
protection of, **12,** 472
qualification for, **12,** 464
report by, **12,** 468—470
secretary, clerks etc. to assist, **12,** 464

ELECTION COMMISSIONERS (CORRUPT AND ILLEGAL PRACTICES)—*continued.*
witnesses before, compelling attendance of, **12,** 466, 537 n.
expenses of, **12,** 471

ELECTION COURT,
defined, **12,** 410, 411, 486, 487
criminal jurisdiction of, **12,** 535—537
judges of. *See* ELECTION JUDGES.
jurisdiction of, **9,** 54; **12,** 410, 411, 487, 488
municipal election petition, for trial of, **12,** 486, 488, 515. *See* ELECTION COMMISSIONER (Municipal Election Petition).
title of, **12,** 491
proceedings in. *See* ELECTION PETITION (Municipal), (Parliamentary).
registrar of, **12,** 410, 489
roll of solicitors and agents practising before, **12,** 410
summary jurisdiction of, **12,** 532

ELECTION EXPENSES,
accounts of. *See* ACCOUNTS.
aldermen, election of, in connection with **12,** 355
colonies and dependencies, in, **10,** 519, 520
contract involving, liability of candidate on, **12,** 301
county council election, in connection with, **12,** 246, 247, 358, 360, 361
elective auditor in municipal corporation, in connection with, **12,** 356
London, City of, in, **12,** 395
mayoralty, candidate for, must not incur, **12,** 353
municipal election, in connection with, borough fund, defrayed out of, **12,** 350
conveyance of electors, **12,** 346, 348
declaration and return as to, **12,** 349, 351, 352, 529, 532
illegal, **12,** 345—349, 356
authorised excuses for, **12,** 407
limitation of, **12,** 346
maximum scale for, **12,** 346, 347
return of, **12,** 351, 352
neglect as to, **12,** 349, 351, 352, 532
parliamentary election, in connection with, candidate's personal expenses, exceptional position of, **12,** 295, 301
what are, **12,** 295 n., 301 n.
claims in respect of, disputed, **12,** 404
payment of, **8,** 624, 671; **12,** 335, 337
when to be sent in, **8,** 624, 671; **12,** 335
conveyance of voters to poll, payment for, **12,** 294, 303 n., 304
sea, by, **12,** 295
county court jurisdiction in case of recovery of, **8,** 624
declaration and return as to. *See* return etc., *infra.*
election agent's duties in connection with, **12,** 266, 297, 298, 335—338, 406, 532
exceeding maximum amount allowed by law, **12,** 295
illegal. *See* ELECTION OFFENCES.
authorised excuses for, **12,** 398—407
legal, advertising, printing etc., for, **12,** 302
agent or sub-agent, payment of, **12,** 267
assistants, payment of, **12,** 268, 269
committee rooms, for, **12,** 295
conveyance of electors, for, **12,** 294
maximum allowed, **12,** 294, 295, 302

ELECTION EXPENSES—*continued.*
parliamentary election—*continued.*
legal—*continued.*
meetings, for holding, **12,** 302
personal expenses of candidate, **12,** 295
returning officer's charges, **12,** 277, 295
time limited for payment of, **12,** 298
maximum scale for, **12,** 295, 302, 303
payment of, corrupt, **12,** 282 n.
court, by leave of, **12,** 337, 404
how to be made, **12,** 297, 298, 404
irregular, **12,** 298, 404
prescribed time for, **8,** 624, 671; **12,** 298, 404
recovery in county court of, **8,** 624
return and declaration as to, final disposal of, **12,** 338
inspection of, **12,** 338
neglect as to, **12,** 298, 335—338, 405, 406, 532
publication of summary of, **12,** 338
time within which to be transmitted, **12,** 414
returning officer's charges, account of, **12,** 333—335
exceptional position of, **12,** 295
right to, **12,** 277
security for, **12,** 277
service on agent for, **12,** 419
trade union providing out of own funds, legality of, **12,** 296 n.; **27,** 608
university election, at, **12,** 281 n.
rural district council election, in connection with, **12,** 380
town clerk's registration expenses, payment of, **12,** 247
urban district council election, in connection with, **12,** 363, 373, 375, 376
what are, **12,** 298, 302

ELECTION JUDGES,
appeal of person reported tried by, **12,** 470
appointment of, **9,** 54; **12,** 137, 408, 409
disagreement of, effect of, **12,** 474
election court of. *See* ELECTION COURT.
expenses of, **12,** 411
illness etc. of, procedure on, **12,** 440
interlocutory proceedings to be tried before, **12,** 422, 430 n., 505 n.
Municipal Election General Rules made by, **12,** 492
municipal election petition, duties in connection with, **9,** 54; **12,** 138, 487, 499, 505 n., 506 n.
receiving at place of trial of, manner etc. of, **12,** 411; **25,** 811, 842 n.
report to Parliament of, **12,** 138, 435, 437, 440, 460—463
special report by, **12,** 461
validity of, **12,** 138, 461 n.
rota, appointment by, **9,** 54; **12,** 137, 408
expiration of rota before trial of petition, effect of, **12,** 439

ELECTION OFFENCES,
action for penalties, **12,** 537—540
ballot, in regard to, **12,** 318, 530, 531
beginning of election in relation to, **12,** 263
bribery, corrupt practice, as, **9,** 484; **12,** 281—289. *See* BRIBERY.
clerk at election, payment of, **12,** 300
common informer's rights in case of, **12,** 537—539

ELECTION OFFENCES—*continued.*
corrupt practices. *See* CORRUPT PRACTICES.
corruption, general, effect of, **12,** 138, 279
innocence of candidate, immateriality of, **12,** 279
proceedings for, **12,** 138, 425, 463
double return, making or procuring, **12,** 539
false
answer by voter to questions, **12,** 530, 532
declaration respecting election expenses, indictment for, **12,** 293, 338, 345, 529
return of member, **12,** 332, 333, 539
statement, character etc. of candidate, as to, **12,** 298—300
injunction restraining, **12,** 540; **17,** 260
withdrawal of candidate, as to, **12,** 296, 347
felonies arising in connection with elections, **12,** 525—528
fines and penalties, application of, **12,** 540
fraudulent conveyance to multiply votes, avoidance of, **12,** 537
hiring, as to, **12,** 303, 304
holding false election, punishment for, **12,** 532
ignorance of candidate as to election law, whether an excuse, **12,** 402 n.
illegal
payments. *See* payment, *infra.*
practices. *See* ILLEGAL PRACTICES.
punishment for, **12,** 530, 534
incapacity to vote of person convicted for corrupt or illegal practice, **12,** 141
indictable misdemeanours arising in connection with elections, **12,** 528—532
interference with voters, prohibition of, **12,** 318, 319
intimidation, avoidance of election on account of, **12,** 280, 345
justices of the peace, triable before, **12,** 533—535
licensed premises, committed on, **12,** 471, 485, 525; **18,** 103
meeting, disturbance of public, **12,** 300
misfeasance of public officer, remedy in case of, **12,** 538, 539
nomination paper, forgery of, **12,** 530 n., 532
non-acceptance of municipal office, **12,** 539
non-compliance with prescribed rules, effect of, **12,** 322
overseers, neglect of, **12,** 532, 533
payment, illegal, **12,** 294, 297, 300—302, 346, 347, 349
defined, **12,** 300 n.
address, for exhibiting, **12,** 294
advertisement hoardings, as to, **12,** 294, 346
alderman, at election of, **12,** 355
bands and flags etc., for, **12,** 301, 347
committee rooms, excessive, for, **12,** 294, 346
conveyance to poll, for, **12,** 294, 303, 346, 348
effect of, **12,** 337, 345
employment or hiring, for, authorised excuses for, **12,** 399—404
evidence of, **12,** 448
municipal elections, at, **12,** 345—349
parliamentary elections, at, **12,** 300—304
exceeding limit allowed, **12,** 295, 302, 346
illegal practice, when converted into, **12,** 300—304
mayoralty election, at, **12,** 353
payments otherwise than by election agent, **12,** 297
personal expenses, of, **12,** 301

ELECTION OFFENCES—*continued.*
payment—*continued.*
polling agent or clerk, to, **12,** 300, 348
prescribed time, not within, **12,** 298
promote return of candidate, to, **12,** 294, 303, 345, 346
striking off vote for, **12,** 455—457
summary jurisdiction over, **12,** 534
withdrawal of candidate, to induce, **12,** 301, 347
penal action for, **12,** 537—540
perjury, punishment of, **12,** 531
personation, **12,** 292, 293, 321, 525—528. *See* PERSONATION.
polling station, misconduct in, **12,** 321, 535
publications seeking to influence election, position of, **23,** 224
return of election expenses, default as to, **12,** 532
returning officer
acting as agent, indictment of, **12,** 530
obstruction of, **12,** 258 n.
secrecy of ballot, infringing, **12,** 535
security, promise or bond to procure candidate's return, penalty for giving, **12,** 333
sheriff etc. taking fee or gratuity in connection with, **12,** 260, 261 n.
sitting and voting in Parliament without having made return of election expenses, **12,** 336, 337
summarily triable, **12,** 532—535
tampering with
nomination or ballot papers, **12,** 530, 531
notices, revision lists etc., **12,** 538
treating, **12,** 289—291. *See* TREATING.
undue influence as, **12,** 291, 292
voter's false answers to lawful questions put at time of polling, **12,** 530, 532
voting by person paid for services rendered, indictment for, **12,** 530
prohibited at local government election, **12,** 535
papers, false or fraudulent signing of, at university election, **12,** 532
withdrawal of election petition, fraudulent, **12,** 530
writ, fee or reward in respect of, taking, **12,** 260, 261 n.
neglect as to, **12,** 531, 538

ELECTION PETITION (MUNICIPAL),
abatement of, **12,** 508, 509, 511
amendment of, **12,** 494
appeal from decision on trial of, **12,** 488, 489, 506, 511, 512
Attorney-General's powers after judgment on, **12,** 519
commission for examination of witness, order for, **12,** 430, 511, 512
commissioner to try, **12,** 487. *See* ELECTION COMMISSIONER (Municipal Election Petition).
contempt of court in connection with, **12,** 488, 514
corrupt and illegal practices, claim for relief in respect of, **12,** 508, 522
report as to, **12,** 488, 519, 524, 525
costs of, practice as to, **12,** 520—523
security for. *See* security, *infra.*
county council election, calling in question, **12,** 499

ELECTION PETITION (MUNICIPAL)—*contd.*
county court, jurisdiction of, in connection with, **8,** 635, 671, 672
Director of Public Prosecutions, attendance of, **12,** 514, 521
discovery, no power to order, **11,** 41; **12,** 511
dismissal of, **12,** 508
disqualification of individuals resulting from, **12,** 524, 525
Divisional Court, jurisdiction of, **12,** 512
election court, jurisdiction of, **12,** 515, 518. *See* ELECTION COURT.
elections questioned by, **12,** 492
evidence available at trial of, **12,** 490 n., 507, 513, 514, 516. *See* witnesses, *infra.*
filing of copies of orders etc., in connection with, **12,** 512
guardian of poor law union, questioning election of, **12,** 503, 516
High Court, jurisdiction of, **12,** 423, 506, 517—519
illegal practices, alleging, **12,** 493, 494
inquiries, commissioner's power to pursue, **12,** 488, 517
inspection of ballot papers etc., order for, **12,** 511
interlocutory proceedings in connection with, **12,** 505—512
judgment after trial of, **12,** 518
law, point of, reservation of, **12,** 489, 517
list of petitions, **12,** 499
London, City of, municipal, election, questioning, **12,** 499, 500, 511; **20,** 425
mandamus inapplicable where remedy by, **12,** 504
metropolitan borough council election, questioning, **12,** 500, 501
notice, appointment of agent for petitioner, of, **12,** 496, 497, 498
intention not to oppose, of, **12,** 497, 508
interlocutory application, of, **12,** 506
presentation of petition, of, **12,** 498
produce and admit, to, **12,** 511
served with petition, **12,** 496
trial, of, **12,** 511, 513
objections of formal nature, taking, **12,** 515
order on, proof of, **12,** 488
parish council election, questioning, **12,** 501, 502
parish meeting, questioning poll taken at, **12,** 502, 503
particulars, order for, **12,** 506—508, 512
perjury at trial of, **12,** 525
petition, at issue, when, **12,** 499
form and contents of, **12,** 493
grounds which may be alleged in, **12,** 491, 492
mode of presenting, **12,** 492, 493
more than one, **12,** 512, 513
presentation of, **12,** 491—504
who may present, **12,** 492
petitioner, death of, effect of, **12,** 508, 511
procedure for trial of, **12,** 138, 488, 491—517
production and admission of documents for purposes of, **12,** 511, 516, 517
recognisance in respect of costs of, forfeiture of, **12,** 521, 522
form of, **12,** 494 n.
recount, application for, **12,** 512
recriminatory case, making out, **12,** 507, 516
relief in respect of offences, **22,** 508, 522
report to High Court on, after trial, **12,** 488, 518, 519
withdrawal of petition, as to, **12,** 510

ELECTION PETITION (MUNICIPAL)—*contd.*
respondent, death of, effect of, **12,** 496, 497 n., 509, 511
more than one, **12,** 512
non-opposition by, **12,** 497
who may be, **12,** 496, 497, 512
rules for purposes of, **12,** 492, 508
rural district council election, questioning, **12,** 501, 502
scrutiny, practice and procedure on, **12,** 517
security for costs, giving of, **12,** 494, 495, 498
payment out of money deposited by way of, **12,** 495, 496
petitioner substituted, where, **12,** 508
surety's sufficiency, affidavit of, **12,** 498 n.
shorthand writer's attendance at trial of, **12,** 514
solicitor or agent, employment of, **12,** 496, 497, 510
special case, statement of, **12,** 488, 512
stamping of documents for purposes of, **12,** 490 n.
substitution of new petitioner, application for, **12,** 508, 509
time, general rules for computation of, **12,** 504
presentation of petition, for, **12,** 493, 494, 499, 504
trial of, **12,** 512—517
adjournment of, **12,** 488, 513
countermanding notice of, **12,** 511
notice of, **12,** 511, 513
order of, **12,** 512
postponement of, **12,** 513
public nature of, **12,** 513
time and place of, **12,** 513, 515, 516
tribunal for trial of, **12,** 138, 487, 506 n., 515. *See* ELECTION COMMISSIONER (Municipal Election Petition).
urban district council election, questioning, **12,** 501, 502
withdrawal of, **12,** 509—511, 530
affidavits on, **12,** 510
witnesses, expenses of, **12,** 520, 523
indemnity to, **12,** 514
summoning and examination of, **12,** 513, 514

ELECTION PETITION (PARLIAMENTARY),
abatement of, **12,** 435
amendment of, **12,** 413
appeal in case of, **12,** 460
Attorney-General's duties on judges' report on, **12,** 462
ballot papers, inspection of rejected, **12,** 428, 511
candidate applying for relief, position of, **12,** 476, 477
causes for which petition may be presented, **12,** 411, 414, 443
Clerk of Crown, notice to, **12,** 439
collusion between petitioner and respondent, effect of, **12,** 460 n.
contempt of court in connection with, **12,** 440, 468
copies, documents, of, supplying of, **12,** 429
orders, of, filing of, **12,** 430
costs of, discretion of court as to, **12,** 477
frivolous or vexatious petitions, in case of, **12,** 474 n., 476 n.
general rules as to, **12,** 472—483
no order for, **12,** 474
order for payment by county, borough, or individual of, **12,** 474, 475
recognisance forfeited upon failure to pay, **12,** 480

ELECTION PETITION (PARLIAMENTARY)—*continued.*
costs of—*continued.*
security for, **12,** 419—422. *See* security, *infra.*
special order as to, **12,** 472—474
taxation and recovery of, **12,** 478—480
counsel, appearance by, **2,** 377; **12,** 137, 138, 442, 462 n.
member of Parliament cannot be, **12,** 442
county court, jurisdiction of, in connection with, **8,** 673, 674
Director of Public Prosecutions, costs of, **12,** 475
entitled to be heard before withdrawal of petition, **12,** 433, 434
represented at trial of, **2,** 383; **12,** 138, 442, 443
rights and duties of, **12,** 442, 443
discovery in proceedings on, **11,** 41; **12,** 430
dismissal of, **12,** 436
disqualification of individuals as the result of, **12,** 483—486; **21,** 657, 658
dissolution of Parliament before hearing of, effect of, **12,** 422, 435, 436
duties of parties to, and judges of, **12,** 444
evidence on, **12,** 445—453. *See* witness, *infra.*
agency, proof of, **12,** 446, 447
bribery, as to, **12,** 448
commission, power to order taking on, **12,** 430, 511, 512
confined to charges in petition, **12,** 448
naturalisation, of, **12,** 458
proof of corrupt practice at trial of, **12,** 446
reward offered for, **12,** 448
secrecy of vote, **12,** 449
statements admissible, **12,** 445, 447
voters, of, **12,** 445
fees payable in respect of enrolment, inspection etc., **12,** 478, 479
form of, **12,** 414, 415
formal objections to, **12,** 445
hearing of, **12,** 437—460. *See* trial, *infra.*
House of Commons resolving that seat vacant, effect of, **12,** 416
improper, taking off file of, **12,** 436
inspection of documents held by Clerk of Crown, **12,** 429
interlocutory proceedings, **12,** 422—437
interrogatories not administered in, **12,** 430
judges' jurisdiction to try, history of, **12,** 136, 408
judgment on, **12,** 460—463
finality of, **12,** 460; **13,** 340 n.
jurisdiction to try, **12,** 137, 408
law, point of, reservation of, **12,** 459, 460
list of petitions to be tried, master's duty to make, **12,** 437
master of Supreme Court, duties of, Corrupt and Illegal Practices Prevention Act, 1883, under, **12,** 409
Parliamentary Elections Act, 1868, under, **12,** 410, 412, 437
notice, intention not to oppose, of, **12,** 416, 417
presentation, of, **12,** 418
produce and admit, to, **12,** 429
service of, generally, **12,** 419, 430
trial, of, **12,** 438
countermand of, on withdrawal, **12,** 436
parchment, usually drawn up on, **12,** 415 n.
parliamentary committee, formerly tried before, **12,** 135, 136
particulars may be required, **12,** 423—427

ELECTION PETITION (PARLIAMENTARY)—*continued.*
petitioner, corruption on previous occasion by, effect of, **12,** 462 n., 466
death of, **12,** 435
new, substitution of, **12,** 433, 434
peer as, **12,** 435
who may be, **12,** 411, 412
Post Office, order on, to produce telegrams, **12,** 452
presentation of, **12,** 411—414
notice of, **12,** 418
production etc., ballot papers, of, order for, **8,** 635; **12,** 330, 428, 454, 511
documents in hands of Clerk of Crown, of, **12,** 439, 452
notice for, **12,** 429
recognisance forfeited on failure to pay costs, **12,** 480
recount, claim for, **12,** 427, 428, 458, 459
recriminatory case, costs of, **12,** 473 n.
making out of, **12,** 427, 453, 454
report of court on, corrupt practices, as to, **12,** 398, 461, 462, 463
effect of, **12,** 138, 460—463, 483—485
special, **12,** 461
respondent to, appointed to office under Crown, effect of, **12,** 436
deceased, **12,** 416, 418, 435
evidence of, **12,** 451, 452
peer, becoming, **12,** 416
returning officer as, **12,** 417
who may be made, **12,** 416, 417, 418 n.
rules applicable to, **12,** 408, 409, 477
scrutiny, claim for and object of, **12,** 454—458
costs of, **23,** 472, 473
security for costs of, **12,** 419—422
forfeiture of recognisance, **12,** 480
objections to, **12,** 421, 422
sheriff's duties in connection with, **25,** 810
shorthand writer's attendance at trial of, **12,** 431, 440
solicitors and agents of
parties, names of, to be left at master's office, **12,** 415, 419
persons charged with corrupt practices, hearing of, **12,** 462 n.
privileges of, **12,** 467, 468
roll of, **12,** 410
Speaker, report by court to, **12,** 435, 437, 440, 461
special case, statement of, **12,** 436, 437, 459
stamping of documents tendered in evidence, **12,** 452
striking off votes, causes for, **12,** 455—458
time, general rules as to, in relation to, **27,** 453
presentation of petition, for, **22,** 412—414
Treasury, notice to, **12,** 439
trial of, **12,** 437—460
adjournment of, **12,** 439
order of, **12,** 437
procedure on, **12,** 445
time and place of, **12,** 438, 439
undue return, complaining of, **12,** 427
venue for trial of, change of, **12,** 438
withdrawal of, **12,** 431—435, 530
hearing of application for, **12,** 433, 434
prohibited agreement for, **12,** 434
report of court on, **12,** 435
witness, calling and examination of, **12,** 440—442, 448
cross-examination or contradiction of own, **12,** 449

ELECTION PETITION (PARLIAMENTARY)—*continued.*
witness—*continued.*
expenses of, **12,** 477, 478
non-payment of, **12,** 480
incriminating evidence of, **12,** 450, 466, 467
indemnity to, **12,** 450, 466, 467
privilege, not excused on ground of, **12,** 450
respondent as, **12,** 451
withdrawal from court of, **12,** 448

ELECTION TO OFFICE.
The title ELECTIONS *is contained in Vol. XII., pp.* 131 *et seq.*
agent. *See* ELECTION AGENT.
agreement tending to interfere with effect of, **7,** 394, 395; **12,** 333
alderman, of. *See* ALDERMAN.
archbishop, of, **6,** 395—397
assistants, workers etc., at elections, **12,** 268—273, 341, 342, 348
avoidance of. *See* AVOIDANCE.
ballot. *See* BALLOT.
bands, flags etc., use of, **12,** 301, 347
beer supplied for treating, recovery of price of, **12,** 280 n.
beginning of, rendering liable for breach of election law, **12,** 263, 264
bishop, of, **6,** 395—397; **11,** 396
borough council, of. *See* BOROUGH COUNCILLOR.
bribery at, **9,** 484; **12,** 281—291. *See* BRIBERY.
bye-election. *See* BYE-ELECTION.
candidate at. *See* CANDIDATE.
canvass at. *See* CANVASS.
churchwardens, of, **11,** 462, 463
clerk of the Crown in Chancery, of. *See* CLERK OF THE CROWN IN CHANCERY.
club, member of, of, **4,** 414
premises used for purposes of, **4,** 434
college or hospital, determination of questions relating to, **4,** 247—250; **12,** 398
committee rooms. *See* COMMITTEE, rooms.
constable's attendance at, **12,** 311, 489, 526, 527, 535, 537 n.; **22,** 503
convocation, for, **11,** 392
corporation, **8,** 351—355; **12,** 492. *See* CORPORATION ELECTION.
corrupt practices at, **12,** 289—293, 345. *See* CORRUPT PRACTICES.
corruption at. *See* BRIBERY; CORRUPT PRACTICES; CORRUPTION; ELECTION OFFENCES.
county council, of, **12,** 190, 191, 356—359; **19,** 340, 341. *See* COUNTY COUNCILLOR.
county court jurisdiction over matters relating to, **8,** 624, 635, 671, 673, 674
Crown, duties of, in ecclesiastical, **6,** 396, 397
interference of, in parliamentary, **6,** 381; **12,** 278
excuses and exceptions mitigating law as to, **12,** 398—408
felonies and misdemeanours in relation to. *See* ELECTION OFFENCES.
freedom of, canon requiring, **6,** 381; **7,** 82; **12,** 145, 278, 345
guardians, of, **12,** 389—393; **22,** 531. *See* BOARD OF GUARDIANS.
history of law as to, **12,** 135—137
illegal
employment at, **12,** 300, 302, 303, 311 n., 348
hiring at, **12,** 300, 303, 304, 348
payments. *See* ELECTION OFFENCES.

ELECTION TO OFFICE—*continued.*
illegal—*continued.*
practices at, **12,** 293—300, 345. *See* ILLEGAL PRACTICES.
distinguished from corrupt practices, **12,** 279 n.
infant's disability to elect or be elected, **17,** 47, 48
injunction, when appropriate remedy, **12,** 540
Irish representative peers, of, **21,** 626, 627
London, City of, in, **12,** 393—395; **20,** 424—429; **25,** 797
London County Council, law relating to, **12,** 393, 397; **20,** 418, 419. *See* LONDON COUNTY COUNCIL.
metropolis, in, exceptional provisions governing, **12,** 393, 394
metropolitan borough council, of, **12,** 395—397; **20,** 433, 434. *See* METROPOLITAN BOROUGH COUNCIL.
minister of dissenting congregation, of, **4,** 252—254; **11,** 814
trustees, parishioners, or inhabitants, by, **4,** 250—252; **11,** 456 n., 472, 473
municipal. *See* MUNICIPAL ELECTION.
nomination of candidate at. *See* NOMINATION.
notice of, parliamentary election, at, **12,** 261—263
offences. *See* ELECTION OFFENCES.
parish council, of, **12,** 382—389; **19,** 242, 256, 260. *See* PARISH COUNCIL.
parliamentary. *See* PARLIAMENTARY ELECTION.
payments, illegal. *See* ELECTION OFFENCES.
workers, to, **12,** 268, 269, 297 n., 303, 341, 348
penal actions and injunctions arising out of, **12,** 537—540
perjury at, punishment of, **12,** 531
personation at, **12,** 292, 525—528. *See* PERSONATION.
petition. *See* ELECTION PETITION (Municipal), (Parliamentary).
placards, handbills etc., legality of, **12,** 279, 294, 296, 297, 305 n., 348
police, canvassing by, **12,** 539; **22,** 474, 489
duties in connection with, **12,** 311, 489, 526, 527, 535, 537 n.; **22,** 503
poll deciding. *See* POLL.
polling
agent, employment of, payment of, **12,** 268, 300. *See* POLLING AGENT.
district. *See* POLLING DISTRICT.
presiding officer. *See* PRESIDING OFFICER.
public office, for, conviction for corrupt practices at, **12,** 486
registration of voters. *See* REGISTER OF VOTERS.
representative peers of Scotland or Ireland, of, **9,** 21; **21,** 625—627
returning officer's appointment and duties at. *See* RETURNING OFFICER.
rural district council, of, **12,** 376—382; **19,** 330. *See* RURAL DISTRICT COUNCILLOR.
Scottish representative peers, of, **21,** 625, 626
Secondary, of, in city of London, **25,** 801
sheriffs for city of London, of, **25,** 796—798
Speaker of House of Commons, of, **21,** 693, 694, 695
Territorial Force, leave of absence to member of, to vote at, **25,** 73
university
non-parliamentary, **12,** 192, 193, 398
parliamentary. *See* PARLIAMENTARY ELECTION.

ELECTION TO OFFICE—*continued.*
urban district council, of, **12,** 361—375; **19,** 263, 264. *See* URBAN DISTRICT COUNCILLOR.
validity of, mandamus for testing, **11,** 815
voters' qualifications. *See* FRANCHISE; REGISTRATION OF VOTERS; VOTER.

ELECTIVE AUDITOR, **12,** 355, 356, 492; **19,** 324. *See also* AUDITOR.

ELECTORAL FRANCHISE. *See* FRANCHISE; VOTER.

ELECTRIC LIGHTING AND POWER.
The title ELECTRIC LIGHTING AND POWER *is contained in Vol. XII., pp.* 541 *et seq.*
arbitration with regard to dispute arising in connection with, **1,** 492; **12,** 578, 582, 588, 600, 604, 615, 626, 637
Board of Trade, annual report of, **12,** 645
control over works of private concerns, **12,** 640
borough council, expenses of, for electric lighting, **12,** 552, 553
compulsory acquisition of land for purposes of, **6,** 157; **12,** 557, 561, 568—570, 622 n., 629
confirmation of scheduled orders, substantial provisions in Acts, by, **12,** 638
copies of plans approved by Board of Trade, to be deposited at office of Board, **12,** 610
definitions in statutes relating to, **12,** 547—552, 628, 641
Electric Lighting Acts, enumeration of, **12,** 542 n., 549, 552
electric supply company, meaning of, **12,** 581
electrical station, meaning of, **14,** 439, 440
factories and workshops, special provisions relating to, **12,** 644
future general Acts relating to electricity, application of, **12,** 612
gas
company, grant of electric lighting powers to, **15,** 311
undertakers, relief of, in case of competition, **12,** 645; **15,** 332
highway authority may in circumstances control its own, **16,** 119
inspectors, **12,** 596, 605—607, 609. *See* INSPECTOR.
lamps. *See* LAMP.
lighting authority, who is, **12,** 628
local authority's bye-laws regulating, **12,** 546, 641
London, city of, in, local rate for expenses, **12,** 552
meter for measurement of current used, **12,** 596—598. *See* METER.
metropolitan
local authorities for purposes of Electric Lighting Acts, **12,** 616 n., 643, 644; **20,** 404
undertakings, position of, **12,** 616—626; **20,** 475. *See* ELECTRICAL UNDERTAKING.
penalties, recovery and application of, **12,** 610, 611
principal Act, meaning of, **12,** 549, 550
public purpose, meaning of, under Electric Lighting Acts, **12,** 547
railway traction, use of electrical power for, **23,** 697, 698
statutes relating to, **12,** 542, 543, 546, 547, 549, 552, 560

ELECTRIC LIGHTING AND POWER —*continued.*
streets, lighting by local authorities, powers as to, **12,** 642—644
wires etc., bye-laws of local authority as to, **12,** 641
testing stations, maintenance of, **12,** 606
tramway and light railway undertakings, position of, **12,** 583, 584
tramway traction, use of electrical power for, **27,** 796 n., 801 n., 817

ELECTRICAL UNDERTAKING. *See also* ELECTRICITY.
above ground wires, placing of, **12,** 567, 571, 630; **21,** 516; **27,** 393 n.
access of inspector, obligation to permit, **12,** 606
accident, liability in respect of, **12,** 564, 565, 576 n.
notice of, **12,** 615
accidental damage to works of, liability for, **12,** 613
accounts of, and audit thereof, **12,** 604, 605
acquisition of
other similar undertaking by, **12,** 562
patents, processes etc. by, **12,** 561
amalgamation of, with another, **12,** 602
appeal to Board of Trade, right of, **12,** 577, 587, 588, 631
arbitration to determine dispute with, **12,** 561, 578, 580—582, 590—592
arbitrator, power of Board of Trade to nominate, **12,** 615
authorised distributors, *defined*, **12,** 628
authorised undertakers, *defined*, **12,** 628
London, in, *defined*, **12,** 619
obligations of, **12,** 621
powers of, **12,** 619, 621
authority to carry on, **12,** 544, 556, 560, 568, 635—638
Bill in Parliament for, notice by promoters in case of, **21,** 731
Board of Trade, appeal to, by power company, **12,** 631
consent of, required to certain works, **12,** 570, 571, 609
determination of question arising on purchase of undertaking, **12,** 600
expenses of application to, how borne, **12,** 610
grant of provisional order by, **12,** 556—560
inquiry by, general power as to, **12,** 609
notice of accident to, **12,** 615
order for remedy of defective system, **12,** 602, 603
power to revoke special order, **12,** 603
regulations of
to insure sufficient supply, **12,** 545, 551, 611
to secure public safety, **12,** 545, 551, 609, 611, 641
breach of contract by, liability in case of, **12,** 592
breaking up
railway or tramway, powers as to, **12,** 570, 576
streets, powers as to, **6,** 157; **12,** 564, 570, 572—580, 586, 638
bridges, interference with, **12,** 573—575, 638; **16,** 198
canal, execution of works along, **12,** 578
interference with, **12,** 582
combination between undertakers, prohibition against, **12,** 562

ELECTRICAL UNDERTAKING—*contd.*
compensation
for damage done by works of, **12,** 561, 580, 583, 585, 604, 610, 611
payable by, on compulsory acquisition of land, **6,** 157
competition of unauthorised undertakers, restrictions on, **12,** 562, 639
compulsory
acquisition of land for, **6,** 155, 157; **12,** 557, 561, 568—570, 629
works to be executed by, **12,** 586—588
contract guaranteeing taking of supply as a condition to construction of works, **12,** 587, 588
contractual powers of, **12,** 561, 634
Crown rights, interference with, **12,** 612
daily penalty, imposition of, **12,** 551
default by, in supplying electricity, **12,** 592
defective works of, Board of Trade powers in case of, **12,** 602, 603
dividend of, price of supply in relation to, **12,** 633, 634
drainage, interference with, **12,** 575
earthing of circuits, restrictions on, **12,** 567
fittings etc. on consumer's premises, property in, **12,** 614, 615
gas
mains and pipes, altering, for purposes of, **15,** 358
works in proximity to, **12,** 581 n.
undertaking, interfering with, **12,** 584 n.
generating station. *See* GENERATING STATION.
highway traffic causing injury to apparatus of, liability in case of, **12,** 584
incorporation of, by Act of Parliament, **12,** 628, 629
injunction against wrongful discontinuance of supply by, **12,** 592
injury to apparatus etc. of, remedy in respect of, **12,** 584, 585, 612—614
inspection of works of, **12,** 605—607, 609
instruments to be kept by, to record observations, **12,** 606
laying down
distributing mains by, **12,** 586—588
lines etc. cost of, **12,** 590, 592 n.
restrictions on, **12,** 573, 574, 580—582
licence to
break up streets etc., **6,** 157
supply electricity, grant of, **12,** 544, 549
local authority, *defined* in Electric Lighting Act, **12,** 548
accounts of, in connection with, **12,** 554
acquisition of undertaking by, **12,** 600—602, 628, 636—638
adjustment of charges made by, **12,** 594 n.
borrowing powers of, **12,** 553, 554, 623
bye-laws of, to secure public safety, **12,** 546, 641
carried on by, **12,** 543 n., 569, 607
contractual powers of, **12,** 561
control over undertaking's lines of, **12,** 630
expenses of, how defrayed, **12,** 552
position of, **12,** 555, 623
joint exercise of powers by, **12,** 556
personal immunity of members etc. of, **12,** 607
power undertaking not usually to be acquired by, **12,** 628
provisional order, preference of, **12,** 559
receipts of, application of, **12,** 555
special provisions in Acts of, **12,** 638, 639

ELECTRICAL UNDERTAKING—*contd.*
- London Building Acts, how far exempt from, **20,** 475
- mains of. *See* MAIN.
- malicious injury to electric works, **12,** 543 n., 612, 613
- maps and sections, duty as to preparation of, **12,** 607, 610
- metropolitan, Acts and provisional orders authorising, **12,** 616, 617
 - adjustment of areas of supply, **12,** 617, 618, 620
 - generating stations, **12,** 621—623
 - kinds of, **12,** 616, 618
 - local authority, expenses and borrowing, **12,** 623
 - power to acquire etc., **12,** 616, 619, 624, 626
 - wiring by, **12,** 624
 - London County Council's powers of purchasing, **12,** 624—626
 - metropolitan borough councils having special Acts, **12,** 616 n.
 - mutual co-operation among, **12,** 619—621
 - nuisance by, prevention of, **12,** 622, 623
 - power, supply of, **12,** 621; **20,** 404 n.
 - railway or other undertaking, supply to, **12,** 621
 - savings and statutory protection of certain rights, **12,** 623, 624
 - separate supply, premises having, **12,** 623
 - sewers, discharge into, **12,** 623
 - special provisions affecting, **12,** 544, 547, 616—626; **20,** 404 n.
 - statutory provisions with regard to, **12,** 618, 619
- mines and minerals, interference with, **12,** 585
 - saving in regard to working of, **12,** 612
- model regulations of Board of Trade, **12,** 545 n.
- mortgage of, **12,** 563
- negligence, liability for, **12,** 564, 576 n., 577 n., 579—583; **21,** 408; **27,** 393 n.
- notices, orders etc. under special orders, service of, **12,** 608
- nuisance, responsibility for, **12,** 563—566, 570, 622, 629 n.; **21,** 516; **27,** 801 n.
- observatory or laboratory, interference with, **12,** 557, 595
- offences
 - against rights of, punishment of, **12,** 612—614
 - by, prosecution of, **12,** 610, 611
- overhead wires, London, in, **12,** 641, 642; **16,** 206
 - placing of, **12,** 567, 571, 630; **21,** 516; **27,** 393 n.
- penalties on, for neglect of conditions, **12,** 575, 576
 - recovery of, **12,** 610, 611
- pipes etc., undermining of, by undertakers, **12,** 581
- Post Office telegraphic lines, interference with, **12,** 572, 578, 582, 584 n., 603, 612
- Postmaster-General, monopoly of, **12,** 612
 - power to use trenches, lines etc., **27,** 367 n.
- power company, **12,** 627—635. *See* POWER COMPANY.
- private
 - installations and undertakings, position of, **12,** 639—642
 - Postmaster-General's control of, **12,** 641
 - supply, construction of line for, **12,** 586
- provisional order authorising, **12,** 544, 556—560, 635—638. *See* PROVISIONAL ORDER.
 - compulsory acquisition of land under, **6,** 155, 157; **12,** 557

ELECTRICAL UNDERTAKING—*contd.*
- railway or canal, interference with, **12,** 582, 630, 635
- rating of property of, **24,** 13 n., 38
- records of observations, keeping of, **12,** 606
- refusal to supply by, remedy in case of, **12,** 589 n.
- removal of works on determination of authority, **12,** 604
- revocation of powers of, **12,** 603, 604
 - disposal of property on, **12,** 603, 604
- safety of public, provision for, **12,** 545, 546 609
- sale of, local authority, to, **12,** 600—602, 604
 - stamp duty on, **12,** 600 n.
- security required of or by, manner of, **12,** 609
- sewers etc., interference with, **12,** 573, 585
- signalling apparatus, interference with, **12,** 582
- special
 - Act, powers under, **6,** 157; **12,** 549, 560, 627
 - order, meaning of, **12,** 550, 560 n.
 - notices etc. under, **12,** 608
- street
 - boxes, construction of, **12,** 576
 - works, construction of, **12,** 577—581, 630
- supply of electricity by. *See* ELECTRICITY.
- support, subjacent and lateral, right of, **12,** 585
- telegraph and telephone lines, affected by construction of, **27,** 365, 366
 - interference with, **12,** 572, 578, 582, 584 n., 603, 612
- testing of mains etc. of, **12,** 606, 607
- time, extension of, etc., for performance of duties by, **12,** 610
- tramway, interference with, **12,** 630, 635
- transfer, electrical undertakings, of, **12,** 556 n., 634—636
 - powers and duties, of, **12,** 562
- undertakers, meaning of, **12,** 549, 551, 552
 - powers and duties of, **12,** 560—616, 632, 633
- valuation of, on purchase by local authority, **12,** 600, 602
- ventilating apparatus, construction of, **12,** 576, 577 n.
- water undertaking, interference with, **12,** 584 n.
- wires, laying of, outside area of supply, **12,** 566 n.
- works, compulsory, **12,** 586—588
 - construction of, **12,** 561, 563, 570—585
 - maintenance of, **12,** 561
 - meaning of, **12,** 548
 - notice of intention to execute, **12,** 575, 577—582, 586
 - objection to, rights as to, **12,** 570, 571, 577
 - security for execution of, **12,** 567, 568

ELECTRICITY,
defined, **12,** 548
- access to consumer's premises, obligation to permit, **12,** 614
- approval of consumer's lines etc. before supplying, **12,** 591
- area of supply, limits of, **12,** 556, 558, 566, 595, 596
 - meaning of, **12,** 550, 552
 - partially taken over by another undertaking, **12,** 632
- Board of Trade, appeal to, on requisition for distributing main, **12,** 587, 588
 - regulations as to supply of, **12,** 567
- bulk, supply in, authority for, **12,** 557, 595, 627, 639
 - meaning of, **12,** 552

ELECTRICITY—*continued.*
charges for, agreement with consumer as to, **12,** 594, 633
Board of Trade control over, **12,** 594, 634
equality of, **12,** 589, 633
how fixed, **12,** 593, 594, 633
local authority may in circumstances be compelled to reduce, **12,** 555
maximum, **12,** 593, 594, 634
minimum amount, contract for, **12,** 590
non-payment of, remedy in case of, **12,** 590, 598
power company, of, **12,** 633, 634
public lamps, for, **12,** 594
recovery of, **12,** 598, 599
undue preference with regard to, **12,** 589, 633
cinematograph exhibition, use for purposes of, **12,** 644
connecting mains in London, laying of, **12,** 620
connection with main, cost of, **12,** 592 n.
making, **12,** 632
consumer, control over use by, **12,** 589, 591
in arrear, supply to, **12,** 590, 598
meaning of, **12,** 550, 593 n.
removal of, notice on, **12,** 598
consumer's contract to take supply, incidents of, **12,** 588—596, 598, 599, 632
stamp duty on, **12,** 615, 616
interference with other consumers, restraint of, **12,** 589
terminals, meaning of, **12,** 550, 551
contract to take supply of. *See* consumer, *supra.*
danger to public, liability in respect of, **12,** 564, 565
disconnection of meter, rights as to, **12,** 597
distress on fittings etc. hired, protection against, **11,** 141; **12,** 615
distributing main, default in laying, **12,** 586, 587
dispute as to laying, **12,** 587, 588
meaning of, **12,** 550
obligation to lay, **12,** 586, 632
requisition to lay down, **12,** 587, 632
electric line, meaning of, **12,** 548
electrical
energy, *defined,* **12,** 548 n., 550
goods, wares, or merchandise, as, **12,** 615, 616
power, meaning of, **12,** 550
electrolytic action, danger from, **12,** 565
energy, *defined,* **12,** 548 n., 550
equality of treatment among consumers, provision for, **12,** 633
excessive charges for, remedy in case of, **12,** 589 n., 634
factory, in, **12,** 644
fittings etc. on consumer's premises, property in, **12,** 614
fraudulent use of, penalty for, **12,** 612—614
general supply, meaning of, **12,** 550
improper use of energy, protection against, **12,** 631 n.
inspection of meter, rights as to, **12,** 597, 605, 614
lamps etc., restrictions as to form of, **12,** 589. *See* LAMP.
leakage, liability for, **12,** 583 n.
legislation relating to, **12,** 542, 543
local authority, supply by, **12,** 556—560; **15,** 309 n.
maximum power to be supplied to consumers, **12,** 591, 592, 632 n.

ELECTRICITY—*continued.*
meter for measurement of current used, **12,** 596—598. *See* METER.
notice as to consumer's removal from premises supplied with, **12,** 598
power, meaning of, **12,** 550
powers to supply, **12,** 543
restrictions on, **12,** 630—632
price for. *See* charges, *supra.*
private purposes, application to, **12,** 547, 586, 588
public
lamps, supply for, **12,** 592, 594. *See* LAMP.
purposes, application to, **12,** 547, 644
railway, canal or tramway, supply to, **12,** 557, 595, 621, 639
security for payment of charges for supply of, **12,** 591, 633
service line, meaning of, **12,** 550
special agreement for supply of, **12,** 588 n., 589 n. 594, 632
statutory powers enabling supply of, **12,** 543
stealing of, **12,** 543 n., 614
supply of, area of, **12,** 566
conditions to be observed by consumer requiring, **12,** 590, 591
factories and workshops, to, **12,** 644
maximum power, **12,** 591, 592, 632 n.
metropolis, in, **12,** 624; **20,** 404
obligation to furnish, **12,** 590, 632
outside area of supply, authority as to, **12,** 595, 596; **27,** 831
power company, by, **12,** 630—634
prohibition of, **12,** 566, 595
system and mode of, **12,** 567
within area of supply, powers as to, **12,** 588—596
tampering with meter, penalty in respect of, **12,** 612, 613
tenant, incoming, liability of, where charges in arrear, **12,** 598, 599
testing of consumer's apparatus, **12,** 606
theatres in London, use for purposes of, **12,** 644
undue preference in supply of, undertakers, by, **12,** 589
uniformity of pressure etc., obligations as to, **12,** 593
unit of energy defined, **12,** 593 n.
vehicles, use for lighting, **12,** 631 n.
vibration from machinery, nuisance from, **12,** 563

ELEEMOSYNARY CORPORATION,
defined, **4,** 282; **8,** 304
breach of trust by, jurisdiction of court in case of, **4,** 269, 276; **17,** 226
corporate nature of, **8,** 304
exchange of charity lands by, **4,** 233
franchise qualification of, **12,** 166
frankalmoign tenure, incidents of, **8,** 373
institutions comprised under the term, **8,** 305
lease of charity lands by, **4,** 226
limitation of actions as against, **8,** 356 n.; **19,** 152, 153
religion, presumption against exclusion on ground of, **4,** 162, 260
special trust, execution of, **4,** 255
trustee of the corporate property, as, **4,** 255
visitation of, **4,** 289; **8,** 355; **11,** 410

ELEGIT,
advowson, whether extendible, **14,** 66
applicable, when, **14,** 61—63

ELEGIT—*continued.*
assignee of judgment debt, by, **4,** 373
bankrupt's goods not covered by, **2,** 273
bankruptcy supervening before sheriff's return to, effect of, **2,** 273
boundaries, delimitation of, by commission in aid of, **3,** 117
chattels real, execution on, under, **14,** 66—69
conveyance to mortgagee of part of lands under, effect of, **14,** 70; **21,** 326
copyholds may be seised under, **14,** 66
corporation, against, **8,** 396
costs of, recovery by execution creditor of, **14,** 33
death of judgment creditor or debtor as affecting, **14,** 64
delivery of
possession to judgment creditor under, **14,** 64, 65—69; **18,** 221
writ of, to sheriff, **14,** 63
procedure after, **9,** 118, 119; **14,** 63—65; **25,** 808, 809
Divorce Division, to enforce order in, **16,** 587, 588
ecclesiastical land, no execution on, under, **14,** 66
effect of, **14,** 62
equitable interests in land, execution on, under, **14,** 67, 68
equity of redemption, no execution on, under, **14,** 68; **21,** 146
fees to sheriff payable on, **14,** 36; **25,** 839 n.
form of, **14,** 61 n., 62
freehold estates extendible under, **14,** 66
goods no longer seisable under, **14,** 65 n.
inquisition by sheriff on, **9,** 118, 119; **14,** 63—65; **25,** 808, 809
recovery of costs of, **14,** 33
issue of, **14,** 16, 63
joint tenancy, lands held in, not extendible, **14,** 67
lands available under, **14,** 61, 65—68
leasehold, execution on, under, **2,** 273; **14,** 66
mansion-house not seisable under, **14,** 67
Mayor's Court, London, to enforce judgment in, **20,** 296
nature of, **14,** 61
office, unassignable, not extendible under, **14,** 67
partition at instance of person in possession under, **21,** 827
possession under, delivery of, **14,** 65
extension of time of, **14,** 72
partition at instance of person in, **21,** 827
rights as to, **14,** 71
poundage under, **14,** 35; **25,** 836
practice under, **9,** 118, 119; **14,** 61 n., 63—65; **25,** 808, 809
property subject to, **2,** 273; **9,** 118; **14,** 61 n., 62, 65—69
registration of writ of, **14,** 70; **18,** 220, 221
remainder not extendible under, **14,** 66
rentcharge, execution on, under, **14,** 67; **24,** 469
return to, **14,** 62, 65; **25,** 815
reversion extendible under, **14,** 66
sale of land under, **14,** 71, 72; **18,** 220
satisfaction of debt, as, **14,** 69; **25,** 326
several writs of, order of execution of, **14,** 64
sheriff's
duties under, **9,** 118, 119; **14,** 63—65; **25,** 808, 809
fees on, recovery of, **14,** 36; **25,** 839 n.
inquisition in connection with, **14,** 64, 65
return to, **25,** 815
simultaneous issue in same county, **14,** 62

ELEGIT—*continued.*
Statute of Westminster II., provisions of, **9,** 118; **14,** 61 n., 68
tenancy by, chattel real, is a, **14,** 69; **24,** 163
determination of, **14,** 72
nature of, **14,** 67 n., 69, 70; **24,** 163
tenant by, account, holds subject to, **14,** 71, 73
distress for rent by, **11,** 126; **14,** 71
possession of land, rights as to, **14,** 71
postponement of, **14,** 67 n.
sale of land, rights as to, **14,** 71, 72
term of years, execution against, by, **14,** 69 n.
trustee in bankruptcy, execution against, **14,** 65
writ of, application for, **14,** 62
delivery of, *fieri facias*, with, irregular, **14,** 63
sheriff, to, **14,** 63
other process cannot issue pending currency of, **14,** 62, 63, 69
return to. *See* return, *supra.*
successive, **14,** 62, 64, 69
order of execution of, **14,** 64

ELEMENTARY EDUCATION.
See CERTIFIED SCHOOL; ENDOWED SCHOOL; PUBLIC ELEMENTARY SCHOOL; VOLUNTARY SCHOOL.
defined, **12,** 18
age of child subject to, **12,** 18, 55, 59 n., 64, 66
agent taking child into employment, liability for, under Act, **12,** 64
agriculture, for child employed in, **12,** 59 n., 61, 62
blind child, for. *See* BLIND PERSON.
Board of Education in relation to. *See* BOARD OF EDUCATION.
borrowing by local authority for purposes of, **12,** 50, 51
bursary in aid of, **12,** 18
canal boat child, for, **12,** 67; **17,** 173, 174
certificate of proficiency in, **12,** 61, 62, 69
charities for, control of, **12,** 13, 115
deaf child, for. *See* DEAF CHILD.
defective child, for. *See* DEFECTIVE CHILDREN.
definitions of statutory terms relative to, **12,** 15 n.
documents and notices, service and publication of, **12,** 22
education committee for purposes of, **12,** 19, 20. *See* EDUCATION COMMITTEE.
employer's duty and liability in respect of, **12,** 7, 54, 62—70
endowments for, **12,** 103 n.
expenses of, how met, **12,** 47, 49, 50. *See* EDUCATIONAL GRANT.
metropolitan parish, in, **20,** 408
factory and workshop, for child employed in, **12,** 5, 54, 67—70; **14,** 489. *See* EDUCATION, factory etc.
higher education, distinguished from, **12,** 17, 18
home instruction of child, **12,** 57 n., 60
local education authority, powers and duties of, **12,** 14, 17—19, 24, 25. *See* EDUCATION AUTHORITY, LOCAL.
London, City of, in, **12,** 52—54; **20,** 406
marine school, in relation to, **12,** 29 n.
neglect to provide, **12,** 56, 57
parents' duty and liability in respect of, **12,** 7, 54—62; **17,** 68, 115. *See* PARENT; PUBLIC ELEMENTARY SCHOOL.
proficiency certificate, effect of, **12,** 61, 62, 68, 69
rate for, **12,** 26, 47, 48
recognised efficient school, meaning of, **12,** 70
scholarship in aid of, **12,** 18

ELEMENTARY EDUCATION—*continued.*
school accommodation, supply of, **12,** 10, 25—28
See PUBLIC ELEMENTARY SCHOOL.
standard of proficiency, effect of reaching, **12,** 61, 62, 68, 69
State aid to, history of, **12,** 18 n.
vagrancy by reason of taking about child subject to, **17,** 173, 174
workhouse school, in, **12,** 82

ELEMENTARY SCHOOL,
defined, **12,** 29 n.
evening school is not, **12,** 29 n.
grant in aid of, **12,** 11
joint maintenance by local education authorities, **12,** 46
National Health Insurance, teacher's exemption from, **28,** 908
parliamentary grant for purpose of, **12,** 10, 28 n., 30
public. *See* PUBLIC ELEMENTARY SCHOOL.
retransfer by local education authority of, **12,** 29 n.
schoolhouse for, provision of, **12,** 118 n.
teachers' superannuation in, **12,** 15; **28,** 908
transfer to local education authority, **12,** 24, 28
Wales, in, Welsh Intermediate Education Act, 1889, in relation to, **12,** 112

ELEMENTS. *See also* COMMUNION.
celebrant's posture before, **11,** 679
elevation of, illegal, **11,** 679
manual acts in connection with, **11,** 679
mixing of, **11,** 678
number required to receive, **11,** 680, 692
provision of, **11,** 677, 678

ELISORS,
process directed to, where all coroners interested, **8,** 248
summoning of juries by, **9,** 360; **18,** 237; **25,** 809 n.

ELY,
registration of conveyances and leases at, **18,** 401; **25,** 443

EMBANKMENT,
Fen country, in, dedication to public use of, **16,** 37
highway, supporting, maintenance of, **16,** 103
inclosure of common, provision on, for, **4,** 549, 561
landowner's right to erect, though causing damage to neighbour, **27,** 849 n.
malicious damage to, **9,** 784
metropolitan area, in, management and regulation of, **16,** 201; **20,** 395; **21,** 606
path along reservoir, dedication to public use of, **16,** 37
prescriptive liability to maintain, incidents of, **24,** 103
railway company's duty as to safety etc., of, **4,** 49, 50; **23,** 783
sewer, as part of, **25,** 719 n.
rate, maintained by, **24,** 102

EMBARGO,
barratry by sailing in breach of, **17,** 444
charter-party, an excepted risk in, **26,** 109
Crown's right to impose, **6,** 446, 460; **7,** 15

EMBARGO—*continued.*
delay in prosecution of voyage, as excusing, **17,** 401
expenses incurred during, underwriters' liability for, **17,** 436
marine insurance, in relation to, detention by reason of, underwriter's liability for, **17,** 439, 443
deviation caused by, **17,** 401
expenses due to, recoverable, **17,** 436
ship detained by, not moored in good safety, **17,** 388 n., 391
proclamation of, Order in Council, by, contract, as excusing performance of, **7,** 432
risk not determined by, **17,** 391
seizure, as a loss by, **17,** 443
ship seized under, freight lost, where, **26,** 305
underwriters not liable for loss by, **17,** 439

EMBARRASSING,
pleadings etc., striking out of, **18,** 674; **22,** 435
statement of claim, when, **22,** 435 n.

EMBASSY,
ambassador, privilege of person and suite of. *See* AMBASSADOR; DIPLOMATIC PRIVILEGE.
marriage at, validity of, **16,** 280
member of foreign, partner in English firm, as, **22,** 19
privilege of, **1,** 20; **2,** 12; **6,** 233; **9,** 245; **23,** 116
recovery of rates from, **24,** 17
rating of, **24,** 17

EMBER WEEKS,
defined, **11,** 550
time for ordination, as, **11,** 550

EMBEZZLEMENT,
defined, **9,** 650
Bank of England or Ireland, by servant of, **9,** 654
bill of exchange, of, **2,** 511, 512; **9,** 727—730
clerk, by, **9,** 651—655
club property, of, by member, **4,** 407
customs officer, by, **9,** 655 n.; **24,** 589
Debtors Acts, when an offence within, **2,** 347
essentials of, **9,** 652, 653
evidence to make out or rebut, **9,** 651
friendly society's officer, by, **15,** 125 n., 127 n., 189, 190
indictment for, several charges in, **9,** 650, 651
industrial etc. society's secretary, by, **17,** 22
infant, by, **9,** 650; **17,** 74
King's service, by person in, **9,** 654, 655
larceny, conviction of, on indictment for, **9,** 650
distinguished from, **9,** 632 n., 650
whether prisoner can be convicted of, on evidence showing, **9,** 649 n.
larceny indictment, conviction on, of, **9,** 649 n.
literary or scientific institution, by member of, **19,** 202
partner, by, as a ground for dissolution of partnership, **22,** 92
police, by, **9,** 654, 655
punishment for, **9,** 650
receiver, by, **24,** 384
seaman, by, of ship's stores or cargo, **26,** 61
second prosecution not maintainable on same facts for larceny or, **9,** 649
servant, by, **9,** 650—654; **20,** 127

EMBEZZLEMENT—*continued.*
society not legally constituted, of moneys of, **9,** 653
trade union secretary, by, **27,** 639 n.
unlawful society, taking moneys of, is not, **9,** 652
valuable security, of, form of indictment for, **9,** 651
venue for trial of, **9,** 280 n., 654, 655
verdict on trial for, **9,** 649, 650

EMBLEMENTS. *See* CROPS.
defined, **1,** 282
common law right to, **1,** 282; **18,** 565, 566
contract to surrender, effect of, **1,** 282
crops subject matter of, **1,** 282; **14,** 219; **18,** 566
entry, right of, to gather, **1,** 282; **14,** 219
forfeiture of right to. *See* loss of right, *infra.*
glebe land, in respect of, **11,** 627, 632
goods within meaning of Sale of Goods Act, 1893, are, **25,** 112
holding over in lieu of, **1,** 283; **11,** 151; **18,** 566
hops the subject matter of, **1,** 282
incumbent entitled to, when, **11,** 627, 632
loss of right to, **1,** 282; **8,** 47; **11,** 632; **24,** 198
personal representative, when passing to, **11,** 627; **14,** 218, 219; **18,** 566; **24,** 177, 198
tenant, dower, in, entitled to, **24,** 198
life, for, entitled to, **24,** 177
sufferance, at, not entitled to, **18,** 438
year to year, from, entitled to, **18,** 565
tenant for life
entitled to, **24,** 177
representative of deceased, right of, to, **14,** 219; **24,** 177
statutory right of lessee from, in lieu of, **2,** 347
will, bequest in, of, **28,** 521

EMBRACERY,
defined, **7,** 291; **9,** 489
action of *decies tantum* as remedy against, **1,** 41
contempt of court by, **7,** 291, 296; **18,** 267
punishment for, **7,** 296; **9,** 490

EMERGENCY,
book, unemployment insurance, in case of, **28,** 890 n.
carrier of passengers, duty of, in case of, **4,** 45
coal mines, hours of labour in, in case of, **20,** 594, 595
declaration of, railroads, Government may assume control of, on, **7,** 69; **23,** 699, 700; **25,** 52
requisition on, **25,** 50, 51. *See* requisition, *infra.*
delegation of agency in case of, **1,** 171
electrical undertaker's acts, as excusing, **12,** 575, 577, 581
negligence, as excusing, **4,** 45; **21,** 366, 367, 448
ordinances, India, in, **10,** 601
parliamentary grant in case of national, **21,** 770, 771
railway company's right to enter upon lands in case of, **23,** 678
requisition of, for royal forces, **25,** 50; **27,** 315
disobedience to, **25,** 52
evidence, as, **25,** 50 n.
forging, **25,** 53
justice's warrant on, **25,** 50
execution of, by constable, **25,** 50
payment for, **25,** 51, 52
personation of officer or soldier entitled to make, **25,** 53

EMERGENCY—*continued.*
requisition of—*continued.*
producing false or unauthorised, **25,** 53
vessels, on, tolls not payable in case of, **25,** 50 n.
shipmaster's authority over passengers in case of, **26,** 329
workman going beyond scope of duty in, compensation for accident by, **20,** 175

EMIGRANT. *See* EMIGRANT RUNNER; EMIGRANT SHIP; EMIGRATION; EMIGRATION OFFICER; STEERAGE PASSENGER.

EMIGRANT RUNNER,
defined, **26,** 351
licensing of, **26,** 352
passage broker, employment by, **26,** 351
recovery of fees from, **26,** 352
soliciting of emigrants by, **26,** 351, 352

EMIGRANT SHIP. *See also* SHIP, immigrant.
defined, **26,** 331
anchors and chains on, **26,** 336; **27,** 545 n.
cabin passenger on, contract ticket for, **26,** 337
recovery of passage money by, **26,** 343
cargo, kind prohibited on, **26,** 79, 345, 346
cattle on, **26,** 345, 346
clearance of, **26,** 81, 82, 335, 339, 342—346
compasses on, **26,** 77
cook on, duty to carry, **26,** 341, 342
dangerous goods on, **26,** 79, 345, 346
deck cargo on, **26,** 80, 338
equipment of, **26,** 78, 336
fire apparatus on, **26,** 78
harbour authority's bye-laws as to dispatch and arrival of, **26,** 646
interpreter, when bound to carry, **26,** 342
life-saving apparatus on, **26,** 78
master's bond in respect of, **26,** 343, 344
medical
practitioner, duty to carry, **26,** 330 n., 341
inspection by, **26,** 342
stores on, provision of, **26,** 340, 341
number of passengers carried on, **26,** 331, 337
offences relating to, proceedings in respect of, **26,** 353
provisions on, **26,** 338—340
return of passengers, cross-channel, **1,** 327
European and Mediterranean ports, bound to, **1,** 327
non-European ports, bound to, **1,** 327, 328
returns by master of, Secretary of State, to, **1,** 326
sanitary regulations as to, enforcement of, **26,** 330
scale of provisions on, **26,** 340
spirits, sale of, on, **26,** 330
steward on, duty to carry, **26,** 341, 342
stowaway found on, punishment of, **26,** 345
survey of, **26,** 335, 339
unlawful landing from, master's liability in case of, **26,** 347
water on, provision of, **26,** 330 n., 338, 339
wreck of, regulations in case of, **26,** 348—350

EMIGRATION. *See* EMIGRANT RUNNER; EMIGRANT SHIP; EMIGRATION OFFICER; STEERAGE PASSENGER.
advancement for purpose of, **17,** 93 n.
board of guardians' power to assist, **22,** 565.
charitable gift to foster, validity of, **4,** 108, 123

EMIGRATION—*continued.*
child, of, certified school, in, power as to, **12,** 77
Secretary of State, powers of, as to, **17,** 165, 166
county council's power to aid, **19,** 374
fraudulent inducement of, **26,** 352
officer. *See* EMIGRATION OFFICER.
unemployed persons, of, duties of Central (Unemployed) Body for London as to, **28,** 883

EMIGRATION OFFICER,
appointment of, **26,** 353
assistant, appointment and duties of, **26,** 353
cattle and dangerous cargo, powers as to, **26,** 345, 346
clearance certificate, grant of, by, **26,** 81, 82
contract ticket, production of, to, **26,** 337
emigrant runner, recommendation of person to act as, **26,** 352
fines, recovery of, by, **26,** 353
list of passengers, countersigning of, by, **26,** 344, 345
delivery of, to, **26,** 348
medical inspection to satisfaction of, **26,** 342, 343
passage broker's agents, list of, to be supplied to, **26,** 351
passage money, recovery of, by, **26,** 346, 353
survey of ship under direction of, **26,** 335, 339—341
wreck of emigrant ship, duties in case of, **26,** 348

EMOLUMENTS. *See also* REMUNERATION; SALARY.
defined, **22,** 546 n.; **23,** 354 n.
income tax, when subject to, **16,** 656, 667, 668, 672
poor law officer's contribution for superannuation purposes out of, **22,** 546
public officer, of, compensation for, on loss of office, **23,** 354
wages as, for purposes of the Merchant Shipping Act, 1894, **26,** 47 n.

EMPEROR OF INDIA,
history of title of, **6,** 360 n.

EMPLOYED CONTRIBUTOR,
defined, **28,** 905—907
benefits payable to, **28,** 919—931, 944—958. *See* BENEFIT.
contributions, **28,** 911—916
collection of, **28,** 918 n.
employer, by, **28,** 913—915
exempted person, in case of, **28,** 916
rate of, **28,** 911, 912
temporary unemployment, in case of, **28,** 916
employer's liability for contributions of, **28,** 911, 913—916
liability to contribute, when ceasing, **28,** 913
marine, position of, **28,** 979, 980
reduced rates of sickness benefit for, table of, **28,** 1001, 1002
seaman, position of, **28,** 979, 980
soldier, position of, **28,** 979, 980
voluntary contributor, becoming, effect of, **28,** 911, 917, 918

EMPLOYEE. *See* MASTER AND SERVANT; SERVANT; WORKMAN.
bankruptcy of, effect of, **2,** 166, 167; **28,** 864
breach of contract by, procuring or encouraging **20,** 267—270
water company, in case of, **28,** 325
wilful and malicious, by, **9,** 564—566

EMPLOYEE—*continued.*
care expected of, **21,** 374; **28,** 860, 872, 873
character of. *See* CHARACTER.
child as. *See* CHILD.
contractor, of, position of, **20,** 264—267; **27,** 486
deputy, employment of, **28,** 873, 874
different employers, under, **20,** 65
duties of, towards employer, **20,** 125—127; **28,** 872
employer, when identified with, **20,** 244—260; **21,** 450; **27,** 485
employment for, when employer obliged to find, **10,** 480; **20,** 86—88; **27,** 411
expenses incurred by, indemnity in respect of, **20,** 124, 125
infant as, **17,** 69—73; **20,** 72—74; **28,** 863. *See* CHILD; INFANT.
intimidation etc. by, **9,** 565, 566
labourer as. *See* LABOURER.
liability to third parties of, **20,** 276—279
partner as distinguished from, **20,** 68
personal representatives of, liability of, **14,** 305, 314; **28,** 864, 874
rights of, Employers' Liability Act, 1880, under, **20,** 200 n.
Fatal Accidents Act, 1846, under, **20,** 149, 186 n., 199; **21,** 457
remuneration of. *See* WAGES.
trustee, when a, **13,** 156 n.

EMPLOYER. *See* MASTER; MASTER AND SERVANT.
defined, building contract, for purposes of, **3,** 159
Employer's Liability Act, under, **20,** 149
Hosiery Manufacture (Wages) Act, under, **14,** 524
Trade Boards Act, under, **27,** 519 n.
Truck Acts, under, **14,** 516
Workmen's Compensation Act, under, **20,** 190 n., 191
accident insurance by. *See* ACCIDENT INSURANCE.
bailor as distinguished from, **20,** 67
bankruptcy of, employee's rights on, **2,** 216, 217; **17,** 571; **20,** 191, 192
building contract, under. *See* BUILDING CONTRACT.
character of servant by, **20,** 121—124. *See* CHARACTER.
contractor, liability for acts of, **20,** 264, 265; **21,** 471—475, 557; **27,** 486. *See* MASTER.
relationship of, to, **20,** 67; **27,** 486
Crown as, liability in case of, **28,** 865
dispute between workman and, jurisdiction in case of, **8,** 646, 647; **20,** 102, 103, 115—117; **25,** 501
duty of. *See* MASTER.
elementary education, duties and liabilities as to, **12,** 54—70. *See* ELEMENTARY EDUCATION.
income tax return by, **16,** 657, 669
infant as, **1,** 149, 150; **17,** 56; **28,** 863
insurable interest of employee in life of, **17,** 546
justice, when disqualified as a, **19,** 556
liability of. *See* EMPLOYERS' LIABILITY ACT; MASTER; TRUCK ACTS; WORKMEN'S COMPENSATION ACT.
master, as. *See* MASTER; MASTER AND SERVANT.
National Health Insurance, in relation to. *See* NATIONAL HEALTH INSURANCE.
return, income tax purposes, for, **16,** 657, 669
Workmen's Compensation Act, under, **20,** 242

EMPLOYER—*continued.*
royal household, head of department of, as, **7,** 209
seduction by, **20,** 272
set-off as between employee and, **25,** 501
working along with employee, effect of, **20,** 65
Workmen's Compensation Act, liability under. *See* WORKMEN'S COMPENSATION ACT.
returns under, **20,** 242

EMPLOYERS' LIABILITY ACT,
action under, **20,** 151—153
appeal under, **8,** 603; **20,** 153
artificer, *defined,* **20,** 148
breach of duty, employer's liability for, **27,** 486
contracting out of, **20,** 149, 150
contributory negligence as defence under, **20,** 135, 138
county court jurisdiction under, **8,** 624; **20,** 151, 152
damages recoverable under, **20,** 146, 147
defences to claim under, **20,** 135—138
earnings, *defined,* **20,** 146
effect of, **20,** 134, 135
employer, *defined,* **20,** 149
handicraftsman, *defined,* **20,** 148
High Court jurisdiction under, **20,** 151, 153
insurance against liability under, **17,** 570, 571
stamp duty on, **17,** 516
joinder of
claim at common law with action under, **20,** 153
plaintiffs in action under, **20,** 152
journeyman, *defined,* **20,** 148
liability imposed by, **20,** 138—146
limitation of actions under, **19,** 181; **20,** 151
month, *defined,* **20,** 151
National Health Insurance benefit, as affecting, **28,** 928, 929
negligence, contributory, as defence under, **20,** 135, 138
defect in machinery etc., due to, **20,** 139—142
delegation of powers by employer, in case of, **20,** 143, 144
railway, of person in charge of, **20,** 145, 146
superintendent, of, **20,** 138, 142, 143
new trial of action under, **20,** 153
notice of injury, **20,** 150, 151
particular instructions, *defined,* **20,** 145
persons entitled to benefit under, **20,** 147, 148
plant, *defined,* **20,** 141
railway, *defined,* **20,** 145
railway company's liability under, **20,** 135 n., 138, 145, 146; **23,** 730, 731
scope of employment, act not within, as defence under, **20,** 135, 136
seaman excluded from, **20,** 148
servant in husbandry, *defined,* **20,** 148
train, *defined,* **20,** 145 n.
tramway company's liability under, **27,** 798
volenti non fit injuria as defence under, **20,** 135; **21,** 476
way, *defined,* **20,** 139
wilful act of employee as defence under, **20,** 135, 136
workman, *defined,* **20,** 147
works, *defined,* **20,** 140

EMPLOYMENT. *See also* HIRE OF WORK AND LABOUR; LABOUR; OCCUPATION; SERVICE; TRADE; WORK AND LABOUR.
defined, Factory and Workshop Act, under, **14,** 446
Workmen's Compensation Act, under, **20,** 154
advice and assistance as to, Central (Unemployed) Body, by, **28,** 882—884
distress committee, by, **28,** 883, 884
education authorities, by, **28,** 882
agency. *See* EMPLOYMENT AGENCY.
agent, of, fiduciary nature of, **1,** 182; **13,** 156 n.
arising out of or in the course of, meaning of, **20,** 168—176
breach of contract of, **20,** 107—117.
casual, National Health Insurance, in case of,
exemption in some cases, **28,** 908
orders by commissioners in special cases, **28,** 994
Workmen's Compensation Act, under, *defined,* **20,** 155
exemption in certain cases, **20,** 155
child, of. *See* CHILD.
colourable, election offence, as, **12,** 287
common, *defined,* **20,** 132. *See* COMMON EMPLOYMENT.
consideration for a restrictive covenant, as, **27,** 565
continuous, child, of, **14,** 491, 493
when deemed to be, **14,** 446
woman or young person, of, **14,** 490—492
contract of. *See* CONTRACT OF SERVICE; CONTRACT FOR WORK AND LABOUR; HIRE OF WORK AND LABOUR.
convict, of, regulations as to, **23,** 264
election, in connection with, when illegal, **12,** 300—303, 341, 348, 399—404, 457, 534
evidence establishing, **14,** 533; **20,** 64, 75, 81
factory or workshop, in, **14,** 487—524. *See* FACTORY.
fair or market, in, restriction on, **20,** 19 n.
franchise qualification in respect of, **12,** 172—174
grade, *defined,* Workmen's Compensation Act, 1906, under, **20,** 206
hire of work and labour. *See* HIRE OF WORK AND LABOUR.
home work, regulations as to, **14,** 461—463
hours of. *See* HOURS OF EMPLOYMENT.
income tax purposes, for, **16,** 656, 657, 666—668
intermittent, rights in case of, **20,** 171, 203, 204
intimidation, punishment of, **9,** 565, 566
invalid contract, under, **27,** 566 n.
knowledge acquired in course of, injunction to restrain disclosure of, **17,** 254, 255; **20,** 126
interrogatories as to, **11,** 108, 109
labour exchange, work of. *See* LABOUR EXCHANGE.
loss of, defamation, through, **18,** 731; **20,** 122
insurance against, **28,** 885—905. *See* UNEMPLOYMENT INSURANCE.
National Health Insurance. *See* NATIONAL HEALTH INSURANCE.
exempt from, **28,** 907—910
subject to, **28,** 905—907
night, during. *See* NIGHT.
obligation of employer to provide, **10,** 480; **20,** 86—88; **27,** 411
prisoner
awaiting trial, of, **23,** 245
sentenced to hard labour, of, **23,** 248, 249
register, **28,** 878—880

EMPLOYMENT—*continued.*
restrictive covenant as to, **20,** 88—90; **27,** 589 n., 602
risks incidental to, liability in respect of, **20,** 119—121
same employer, by, *defined,* Workmen's Compensation Act, 1906, under, **20,** 204 n., 205
scope of. *See* SCOPE OF AUTHORITY.
ship, of. *See* SHIP.
shop, in, hours for, **14,** 509—512
temporary absence from, injury sustained during, **20,** 172
trade union members agreeing as to conditions of, effect of, **27,** 615, 616 n.
unemployment. *See* UNEMPLOYMENT; UNEMPLOYMENT INSURANCE.
vocation as distinguished from, **16,** 656
woman, of, restrictions on. *See* WOMAN.
workshops in. *See* WORKSHOP.
yacht owner and crew, exemption from statutory provisions of, **26,** 659
young person, of, restrictions on. *See* YOUNG PERSON.

EMPLOYMENT AGENCY,
communications of employer with, privilege attaching to, **20,** 122
London, in, **28,** 881, 882
registration of, **20,** 399; **28,** 880—882
unlicensed, in Metropolis, **28,** 882

EMPLOYMENT REGISTER,
establishment and maintenance of, **28,** 878—880. *See* LABOUR EXCHANGE.

EMPTIO SPEI,
defined, **25,** 145
enforceable contract, how far a, **25,** 145

EN VENTRE SA MÈRE, CHILD. *See* CHILD EN VENTRE SA MÈRE.

ENCEINTE. *See* CHILD EN VENTRE SA MÈRE; PREGNANCY.
dismissal of servant because, **20,** 99 n.
widow of owner of freehold, descent where, **11,** 11
woman criminal, respite and arrest of judgment in case of, **9,** 375

ENCLOSURE. *See* INCLOSURE.

ENCROACHMENT,
common, on, allotment to commoners in case of, **4,** 580
approvement, by. *See* APPROVEMENT.
county court jurisdiction as to, **8,** 644
destroying right of common, **4,** 522, 533—535
determination of question as to, **4,** 556, 557
estoppel in case of, **4,** 534, 535
inclosure as affecting, **4,** 556, 579, 580
lapse of time as affecting, **4,** 533
remedies for, **4,** 514—518, 522
sea, by, **4,** 528
valuer's powers in case of, **4,** 556, 557
footpath, on, punishment for, **16,** 183
highway, on, penalty for, **16,** 163, 164, 166
sea by, common, on, **4,** 528
Crown's duty in respect of, **28,** 382
easement to prevent, **11,** 328

ENCROACHMENT—*continued.*
sea by—*continued.*
ownership of land, as affecting, **28,** 362
subject's duty in respect of, **28,** 382, 383
tenant, by, presumption in case of, **4,** 533—535; **18,** 561, 562

ENCYCLOPÆDIA,
copyright in, **8,** 147

END ON,
steamers meeting, Sea Regulations with reference to, **26,** 433—436

ENDEMIC DISEASE,
Local Government Board regulations with regard to, **23,** 464—468

ENDORSEMENT. *See* INDORSEMENT.

ENDOWED SCHOOL,
defined, **12,** 102 n.
alteration or enlargement of, consent to, **12,** 101
annual report of Board of Education respecting, **12,** 101
Board of Education, powers of, **4,** 291; **12,** 13, 99—111
chaplain of, control over, **11,** 651
Charity Commissioners, powers of, **4,** 291; **12,** 13, 100 n., 105 n., 115
educational endowment, *defined,* **12,** 101
Endowed Schools Acts, charities within, **12,** 101, 102
exceptions from, **12,** 102—104, 115
schemes under, **9,** 33; **12,** 100 n., 105—111
endowment of, *defined,* **12,** 101
application of, **12,** 28, 40, 53, 100 n., 104 n.
exhibition at, **12,** 102 n., 104
girls, extension of benefits to, **12,** 105
governing body, *defined,* **12,** 102 n., 108 n.
grammar school as, **12,** 103, 116, 117. *See* GRAMMAR SCHOOL.
legislation affecting, **12,** 5, 99 n.
master of, provisions as to, **12,** 103 n.
qualification for, **12,** 106 n.
mixed endowments, kinds of, **12,** 104, 105
religious instruction in case of, **12,** 107
scheme relating to, **12,** 104, 105, 107
patronage rights in respect of, **12,** 106
public schools excluded from Endowed Schools Acts, **12,** 102
reform of, how effected, **12,** 99, 100
religious instruction in, **12,** 106—108
scheme for, appeal with reference to, **9,** 33; **12,** 110, 111
grammar school, in case of, **12,** 116, 117
jurisdiction as to, **9,** 33; **12,** 100 n., 105, 109
necessary provisions in, **12,** 105—108
petition against, **9,** 33; **12,** 109—111
procedure for making, **12,** 100, 109
religious matters, respecting, **12,** 106—108
schools excluded from Endowed Schools Acts, **12,** 102—104
site of, removal of, **12,** 100 n.
teachers and officers in, provisions as to, **12,** 106
visitational powers in respect of, **4,** 291; **12,** 13, 106
Welsh Intermediate education, in case of, **12,** 112

ENDOWMENT,
benefice, of. *See* BENEFICE.
chapel, of, **11,** 616, 726, 727
chapel of ease, of, **11,** 616
charitable foundation, of, **4,** 285
charity, of, *defined*, **4,** 303, 304, 306
Charity Commissioners' powers over, **4,** 199, 302—308
investment of contributions, by, **4,** 306, 308
partial, mixed charities, in case of, **4,** 307
church, of, apportionment of, **11,** 728
augmentation of. *See* AUGMENTATION; BENEFICE.
bishop's approval of, **11,** 720
charge on benefice for, **11,** 616
church building destroyed, after, **11,** 720
colonies, in, **11,** 491 n.
construction of provisions affecting, **11,** 366, 369
Ecclesiastical Commissioners, powers of, **11,** 727, 728, 774
glebe as part of, **11,** 753
law applicable to, **11,** 366
licence in mortmain in case of, **11,** 727, 773
municipal corporation's funds, out of, **15,** 402
protection of, **11,** 369
special sources for provision of, **11,** 728
transfer on creation of new church or parish of, **11,** 721, 726, 727
educational purposes, for, **12,** 6, 13, 28, 40, 51, 101, 104, 105
defined, Endowed Schools Act, **12,** 101
alteration of purposes of, **12,** 100 n.
apportionment of, Board of Education, by, **12,** 104, 105
Charity Commissioners, by, **4,** 318; **12,** 13 n.
determination whether held for, **4,** 187, 318, **12,** 13 n.
local education authority, available to, **12,** 40, 51
mixed, **12,** 104, 105
property vested in Official Trustees, **4,** 187; **12,** 13 n.
schemes in respect of, **4,** 187; **12,** 100, 105, 109. *See* EDUCATIONAL CHARITIES.
voluntary school, in case of, **12,** 40, 48
London, in, **12,** 53, 54
Wales, in, **12,** 111—114
foundation constituted by, **4,** 284, 285
friendly society's members, of, **15,** 125
Jewish religious, jurisdiction of court to enforce, **11,** 826
minor canons, for, position of, **4,** 305 n.
non-educational, application of, to educational purposes, **4,** 199; **12,** 115
policy. *See* ENDOWMENT POLICY.
poor rate, applied in aid of, **12,** 48

ENDOWMENT POLICY,
defined, **17,** 544 n.
effected by husband in favour of wife, **25,** 554 n.

ENEMY,
alien. *See* ALIEN.
King's, adherence to, offence of, **9,** 450, 454, 455
innkeeper not liable for loss arising from act of, **17,** 321
ship running without lights to escape, **26,** 369 n.
shipowner not liable for damage caused by, **26,** 107, 108

ENEMY—*continued.*
neutral's right to trade with, **23,** 277 n.
property, condemnation as prize of, **23,** 277
ship, taking as prize of. *See* PRIZE; PRIZE BOUNTY; PRIZE COURT.

ENFORCEMENT.
For enforcement of any particular matter, see main-word denoting each particular matter.

ENFRANCHISEMENT,
defined, **7,** 196 n.; **8,** 109, 110; **25,** 661 n.
allotments, of land acquired for, expenses in connection with, **1,** 350
ancient demesne, in case of, **8,** 113
Board of Agriculture and Fisheries, appeal from, **8,** 128
award of, **8,** 125, 126
confirmation of, **8,** 126; **25,** 351
correction of, **8,** 126
evidence of, **8,** 126; **25,** 352
boundaries settled by, **3,** 114; **8,** 128
compensation estimated by, in case of, **8,** 121—124
consent of, to voluntary, **8,** 115, 116
costs of, **8,** 656
expenses of, power to determine, **8,** 124, 125
partition, on, declaration of, **21,** 833
persons under disability, representative of, appointed by, **8,** 116
powers of, **3,** 114; **8,** 115—129, 656; **21,** 833; **25,** 351, 352
suspension of compulsory enfranchisement by, **8,** 115
title, investigation as to, **8,** 118, 119
refusal of lord to answer enquiries as to, **8,** 129
trustees appointed by, **8,** 128
borough English, custom of, ceases upon, **8,** 126
change of tenure on, **8,** 113, 126
charitable trust, in case of manor held on, **4,** 218, 240; **8,** 134
common law, at, **8,** 111—114
admittance, without, **8,** 112, 113
effect of, **8,** 112, 113
presumed, when, **8,** 114
registration of deed of, **8,** 114
release of copyholder's estate, by, **8,** 112
release of seignorial rights, by, **8,** 112
commonable rights, as affecting, **4,** 528, 529; **8,** 112, 127
compensation for, Copyhold Act, 1894, under **8,** 119—122
distress for, **8,** 59
rentcharge, by way of, **8,** 119; **24,** 478
steward's right to, **8,** 119
valuation, determined by, **8,** 123
Lands Clauses Consolidation Act, 1845, under, **8,** 129
Settled Land Act, 1882, under, **8,** 130
compulsory, compensation on, **8,** 119; **24,** 478
Crown lands, of, **7,** 197
expense of, **8,** 124
right to, **8,** 114
conveyance to use of copyholder, by, **8,** 112
Copyhold Act, 1894, under, **8,** 114—129
appeal in special case, **8,** 128
award of, **8,** 125, 126
entry on court rolls of, **8,** 15, 126
proof of, **8,** 126; **25,** 351, 352
stamp duty on, **8,** 126; **24,** 724

ENFRANCHISEMENT—*continued.*
Copyhold Act, 1894—*continued.*
boundaries, evidence as to, **3,** 144; **8,** 128
settlement of, on, **3,** 114; **8,** 128
charges, effect on, **8,** 127
Commissioners of Woods, by, **7,** 194—197
compensation for, **8,** 119—122. *See* compensation, *supra.*
Crown lands, of, **7,** 195—197; **8,** 129
death of lord or tenant pending, effect of, **8,** 117
effect of, **8,** 126—129
expenses of, **8,** 124, 125
jurisdiction in case of dispute as to, **8,** 656
mortgage upon, **8,** 119, 122, 125; **21,** 103, 104
notice required, **8,** 118
preliminary requirements of, **8,** 117, 118
purchase of tenant's interest in lieu of, **8,** 115
rentcharge created on, **8,** 120, 121
compensation, by way of, **8,** 119; **24,** 478
tenant for life, by, **25,** 658
valuation in case of, **8,** 123, 124
Cornwall, Duchy of, in, **8,** 133, 134
corporation, by, **8,** 112, 115
county court jurisdiction in respect of, **8,** 656, 657
Crown lands, of, **7,** 194—197, 224, 225; **8,** 132, 133
compensation for, **7,** 195, 196
compulsory, **7,** 197
consideration for, **7,** 196, 225
Copyhold Act, 1894, under, **7,** 195—197; **8,** 129
Crown Lands Act, 1829, under, **8,** 132, 133
easements, grant of, on, **7,** 197, 205
enrolment of instruments relating to, **7,** 175, 194, 195; **8,** 133
presumed, when, **8,** 114
voluntary, **7,** 196; **8,** 133
easement, as affecting, **8,** 113, 127
ecclesiastical corporation, by, **8,** 112, 115, 118, 131
Ecclesiastical Estates Act, 1851, under, **8,** 131
effect of, **8,** 113, 126, 127
escheat, right to reserve, **8,** 56, 113
estate tail, as affecting, **8,** 73, 113
extinguishment, distinguished from, **8,** 109, 110
heriot extinguished by, **7,** 196 n.; **8,** 45, 113, 114, 117
infant, in case of, **8,** 116; **17,** 96, 97
Lancaster, Duchy of, in, **7,** 196, 197; **8,** 129, 133. *See also* LANCASTER, DUCHY OF.
Lands Clauses Consolidation Act, 1845, under, **8,** 129, 130
lunatic, in case of, **8,** 113, 116; **19,** 451
married woman, in case of, **8,** 116; **16,** 377, 378
mineral rights, as affecting, **8,** 113, 127; **20,** 509, 551
mortgage for, Copyhold Act, 1894, under, **8,** 119, 122, 125; **21,** 103, 104
settled land, of, **8,** 130; **25,** 661
quit rent extinguished by, **8,** 46, 113, 114
rentcharge, of. *See* RENTCHARGE.
rights and privileges destroyed on, **8,** 113, 114
Settled Estates Act, 1877, under, **8,** 130; **25,** 679
Settled Land Act, 1882, under, **8,** 130; **25,** 658, 688
tenant for life, by, **25,** 658, 661
Universities and College Estates Act, 1898, under, **8,** 131, 132
voluntary, compensation on, **8,** 119, 120; **24,** 478
Crown lands, of, **7,** 196
expenses of, **8,** 124
procedure on, **8,** 115, 116, 118
with appurtenances, effect of, **4,** 528; **8,** 113; **25,** 658

ENGAGEMENT. *See also* AGREEMENT; CONTRACT.
benefice, for resignation of, **11,** 628
crew and master of ship, of, **26,** 40—44
friendly society, of, transfer to another society, **15,** 192
industrial society, of, transfer of, **17,** 33
servant, of. *See* SERVANT.

ENGINE,
calculated to destroy life, setting, **9,** 605; **15,** 227
driver of, need not to be insured against unemployment, **28,** 887 n.
factory, in, nuisance from, **21,** 533
fixed, *defined,* fishery laws, under, **14,** 609
fixture, as, **18,** 419
game, to take, confiscation of, **15,** 238
days on which use unlawful, **15,** 209
meaning of, **15,** 209 n.
poaching with, **15,** 233, 236—238
highway, on, speed of, **27,** 313 n.
house for, erection of, improvement to land, **18,** 280 n., 284 n.
motor car, of, construction of, **27,** 323
railway locomotive, approval by company before use on line, **23,** 690
construction of, company's duty as to, **23,** 726, 727
damage or trespass by, liability for, **23,** 692, 723
detached from train, control of, **20,** 146
distraint on, powers of, **11,** 140; **23,** 723
horses frightened by, company's liability as to, **23,** 725
notice of desire to run, by third party, **23,** 690 n.
nuisance from sheds for, **21,** 533
penalty for use on line without certificate, **23,** 690, 691
powers of company to use, **23,** 634, 635, 726
smoke, consumption of own, **21,** 545; **23,** 690
nuisance caused by, **21,** 520 n., 522, 545, 546
sparks from, destruction of crops etc. by, **1,** 278—280; **23,** 727
evidence as to, **13,** 452
injury to railway passenger by, **4,** 48 n.
liability for damage caused by, **1,** 278—280; **4,** 48; **21,** 405; **23,** 726, 727
railway company's powers to prevent spread of fire from, **6,** 155
steam crane on trolly, when not a, **20,** 146
trespass by, distraint damage feasant for, **1,** 379 n.; **23,** 691 n., 723; **27,** 858 n.
stopping and reversing to avoid collision at sea, **26,** 416, 417, 420—423, 456

ENGINEER,
The title BUILDING CONTRACTS, ENGINEERS AND ARCHITECTS *is contained in Vol. III., pp.* 153 *et seq.*
building contract, in relation to, *defined,* **3,** 160, 161
appointment of, implied conditions as to, **3,** 198
approval of work by, **3,** 207
arbitrator, distinguished from, **3,** 218
charges and remuneration of, **3,** 307
contractor's duty to obey, **3,** 207, 208

ENGINEER—*continued.*
building contract—*continued.*
default of, **3,** 202
disqualification to certify, **3,** 218
duties of, **3,** 160, 161, 218, 292
employment and authority of, **3,** 288—309
fraudulent agreement by employer with, **3,** 201
qualifications and classes of, **3,** 161
quasi-judicial duties of, **3,** 292
resident, **3,** 161
marine, appeal by, in shipping casualty, **1,** 115—117
certificates of, **26,** 38
preservation of, **26,** 39
production of, **26,** 39
suspension or cancellation of, **26,** 649
negligence of, **3,** 295; **21,** 368
report of, admissibility in evidence, **13,** 563

ENGINEERING CONTRACT. *See* BUILDING CONTRACT.

ENGINEERING WORKS,
bridge included as, **23,** 652 n.
rating of machinery in, **24,** 29 n.

ENGINEMEN,
provisions as to, at mining shaft or entrance, **20,** 618

ENGLAND,
Attorney-General for, **22,** 285 n. *See* ATTORNEY-GENERAL.
Church of. *See* CHURCH OF ENGLAND.
common law of, **10,** 573, 576. *See* COMMON LAW.
courts in, jurisdiction of, **9,** 14. *See* COURTS.
crown of, descent of, **6,** 320
curtesy of. *See* CURTESY.
custom of, receiving person in an inn, **17,** 303 n., 306, 309 n.
departure from or remaining out of, as an act of bankruptcy, **2,** 20, 21
domicil in, bankruptcy, in case of, **2,** 43
jurisdiction, as giving, **9,** 15
Earl Marshal of, **9,** 116 n.; **22,** 288, 289. *See* EARL MARSHAL.
King of, title and rule of, **6,** 360, 361
knighthood in, **22,** 285 n., 286
law of, Channel Islands, in, **10,** 573
colonies, in, **10,** 565, 568
construction of will according to, **28,** 662
divisions of, **7,** 16 n.
Isle of Man, in, **10,** 576
lex domicilii, when it follows, **11,** 19, 20
peculiarities ascribed to property by, **6,** 197
technical terms of, use in will, **28,** 661
legitimacy in, **6,** 272
Lord Chief Justice of, **9,** 61. *See* LORD CHIEF JUSTICE.
Lord High Constable of, **9,** 116 n. *See* LORD HIGH CONSTABLE.
Lord High Steward of, **9,** 26, 117 n.; **22,** 277. *See* LORD HIGH STEWARD.
marriage in, **16,** 279—281
Marshal of, **9,** 116 n.
meaning of, for purpose of domicil in bankruptcy, **2,** 43
peers of, **22,** 262—265, 270, 272, 275. *See* PEER.

ENGLAND—*continued.*
Primate of, **11,** 387, 388
succession to real estate in, **11,** 20. *See* DESCENT.
union of, Scotland and Ireland, with, **6,** 322

ENGLISH CHANNEL,
speed of sailing vessels in, **26,** 419

ENGLISH INFORMATION,
abatement of, **10,** 26
absolute decree on, **10,** 24
amendment of, **10,** 20 n., 24
answer to, **10,** 23
default in, **10,** 23
special leave, by, **10,** 24
appeal from judgment in, **10,** 26
appearance to, entry of, **10,** 22
attachment of defaulting defendant, **10,** 23, 26
bill in equity, resemblance to, **10,** 20
company or corporation, in case of, **10,** 23; **11,** 46, 47
costs in, **10,** 26
cross-examination, production of witness for, **10,** 25
demurrer to, **10,** 23, 24
disability, persons under, **10,** 22, 26
dismissal of, **10,** 26
Duke of Cornwall, by, **7,** 240 n.; **10,** 20
evidence on, **10,** 25
exceptions to answer on, **10,** 24; **11,** 48 n.
fees, table of, **10,** 26 n.
filing of, **10,** 21, 22
forfeiture of estate, for, Marriage Acts, under, **10,** 21; **16,** 298
further discovery, Crown's right to, **11,** 48 n.
indorsement of, **10,** 22
infant defendant, against, **10,** 22
information and bill, meaning of, **10,** 21
interrogatories in, **10,** 20 n., 22
issue, joinder of, **10,** 25
joinder of parties in, officer or member of corporation, **11,** 46, 47
plaintiff, **10,** 20, 21
judgment on, **10,** 25
Judicature Acts and rules applicable to, **10,** 21, 25 n.
Lancaster, Duchy of, in respect of, **10,** 21
nature and object of, **10,** 20, 21
new trial, no provision for, **10,** 26
practice on, **10,** 21—26
pro confesso, information taken, **10,** 23
production of documents on, **10,** 25
replication on, **10,** 25
revivor of, **10,** 26
service of, **10,** 22
setting down for hearing or judgment, **10,** 25
special examiner, examination before, **10,** 25
subpœna to hear judgment, **10,** 25
supplemental statement, when allowed, **10,** 24
traversing note in, **10,** 24
what is recoverable by, **10,** 21

ENGLISH LANGUAGE,
indictment must be in, **9,** 346 n.
use by foreign testator as evidence of intention, **28,** 661

ENGRAVER. *See* ENGRAVING.
agreement by, with proprietor of copyright, **8,** 202 n.
art and skill of, **8,** 203

ENGRAVER—*continued.*
author of print, as, **8,** 200, 201
copyright of, **8,** 200—206
felonious
bank note etc., of, **9,** 717
share warrant etc., of, **5,** 186
stock certificate or coupon, of, **9,** 756
infringement of copyright by, painting, drawing, or photograph, in, **8,** 196
National Health Insurance, exemption from, **28,** 908 n.

ENGRAVING. *See* ENGRAVER.
author of, within Copyright Acts, **8,** 200, 201
books, contained in, registration of, **8,** 155
carrier's liability for loss of, **4,** 23
collected in a volume, are a book, **8,** 205, 206
copyright in, **8,** 201—206
assignee of, rights of, **8,** 200
assignment of, **4,** 396; **8,** 202; **10,** 423
commencement, duration and extent of, **8,** 201
infringement of, **8,** 204
forfeiture on, **8,** 200
penalties for, **8,** 205
registration before action, **8,** 205, 206
international, **8,** 200, 202
persons entitled to, **8,** 200, 201
requisites for, **8,** 201, 202
date of publication must appear on copies and plates, **8,** 201, 202
evidence as to resemblance to pictures, **13,** 482
forfeiture of, on infringement of copyright, **8,** 200
licence to reproduce, **8,** 202, 203
proprietor's name to appear on plate and copies, **8,** 201, 202, 205

ENGROSSING,
abolition of offence of, **9,** 562; **27,** 526 n.

ENJOYMENT,
as of right, *defined,* **4,** 489; **11,** 262 n., 271
easements, in case of, **11,** 271
easement, of, not to be rendered more difficult by owner of servient tenement, **11,** 237
prescription, for purposes of, **4,** 484—490; **11,** 258—264, 269—273
property, of, mutual rights of owners, **21,** 530, 531
quiet. *See* QUIET ENJOYMENT.
rateable occupation of property by, **24,** 4, 5
real property, of, life tenant, by, **24,** 175
owner in fee simple, by, **24,** 167
tenant pur autre vie, by, **24,** 179
right, of, statutory creation presumed from, **27,** 150
testamentary gift, of, effect of postponement of, **28,** 799
unrestricted rights of, inference of absolute gift from, **28,** 773

ENLARGEMENT,
award, of time for making. *See* AWARD.
base fee, of, into fee simple, **24,** 262, 263
determinable fee, of, into absolute fee simple, **24,** 171
life interest, of
release, by, **24,** 292, 294
subsequent gift over, by, **24,** 245 n.; **28,** 850
long term of years, of, conditions necessary for, **24,** 268
deed necessary to, **10,** 370; **24,** 269
effect of, **24,** 269, 270

ENLARGEMENT—*continued.*
long term of years—*continued.*
married woman, by, **16,** 379
settled term, in case of, **24,** 270
who may effect, **24,** 269
market-place or fair-ground, of, **20,** 21
public elementary school, of, **12,** 26
railway structures or spaces of, power to require, **4,** 67
redemption of mortgage, of time for, **19,** 149; **21,** 296—300. *See* REDEMPTION OF MORTGAGE.
term of years, of. *See* long term of years, *supra.*
release, by, **24,** 292, 294

ENLISTMENT,
apprentice, of, **20,** 109 n.; **25,** 39, 40, 68, 69
army, for, *defined,* **25,** 38
aliens, of, **1,** 309; **25,** 39, 67
alteration of conditions of service, **25,** 38, 39
attestation on, **25,** 41
civil rights and liabilities, effect on, **25,** 42
contract, as a, **25,** 38
fraudulent, **25,** 39 n., 40 n., 43
general service, for, **25,** 39
indentured labourer, of, **25,** 40
negro or coloured man, of, **1,** 309, 310; **25,** 39
notice of conditions of service, **25,** 41
offences in connection with recruiting, **25,** 42
particular corps, for, **25,** 39
period of service, **25,** 40
procedure on, **25,** 41, 42
railway men, of, **25,** 60 n.
reserve forces, in, **25,** 59, 60
Sunday, on, **25,** 41 n.
transfer to another corps, **25,** 39
compulsory, Crown prerogative as to, **6,** 448; **25,** 38 n.
Foreign Enlistment Act, 1870, under, **9,** 528—530
navy, for, **25,** 8
press money on, **25,** 19
Royal Fleet Reserve, in, **25,** 23, 24
Royal Marines, in, **25,** 30, 31
Territorial Force, in, **25,** 66—68
wrongful, **25,** 23

ENROLMENT OF DOCUMENTS,
acknowledgment of deeds by notary public, **21,** 501
annuity deeds, **24,** 479 n.
apprenticeship indentures, in the City of London, **20,** 80
award under Inclosure Acts, of, **4,** 538
bargain and sale of land, **10,** 364; **24,** 257 n., 282 n., 294
disentailing deed, as, **24,** 257 n.
change of name, of deed for, **21,** 354
charitable assurance, of, **4,** 131—133; **25,** 440
Charity Commissioners, in books of, **4,** 138, 139
church, for providing, **11,** 722
conveyance of land for asylum, in case of, **4,** 132 n.
copyhold or customary lands, assurance of, **8,** 14, 15, 95; **25,** 440
compulsory purchase, in case of, **6,** 136; **8,** 129; **25,** 440
disentailing assurance of, **8,** 15, 72; **24,** 256; **25,** 441
Cornwall, affecting Duchy of, **7,** 254; **25,** 441
corporation, of assurance to, **8,** 369
court rolls, on, **8,** 14, 15. *See* copyhold, *supra.*

ENROLMENT OF DOCUMENTS—*continued.*
Crown property, in case of, apportionment of rent and other payments, **7,** 175, 206 n.
assignments of leases, **7,** 174
certificate to be given on, **7,** 172
conveyances on sale, of, **7,** 171; **25,** 440, 441
deeds or instruments affecting, **7,** 171; **25,** 440, 441
deposit of duplicate, by, **7,** 173
enfranchisement, on, **7,** 194, 195
grant of lands, **7,** 171—175, 194, 195; **25,** 441
manorial rights, **7,** 175
mortgage by Commissioners of Woods, **7,** 171, 172
receivers' bonds, **7,** 175
settlements of disputed claims, **7,** 175
disentailing assurance, bargain and sale, by, **24,** 257 n.
copyholds, of, **8,** 72; **24,** 256, 257; **25,** 441
freeholds, of, **24,** 256, 257; **25,** 440, 441
certificate, in case of, **24,** 256 n.
married woman, by, **16,** 378; **24,** 256 n.
priority, effect as regards, **24,** 257
protector of settlement, of deeds relating to, **24,** 258; **25,** 692
relation back of, **24,** 257
evidence of, certificate, by, **7,** 173; **25,** 351
Crown lands, in case of, **7,** 173
indorsed memorandum, by, **7,** 173; **25,** 350
exemption from, ancient monument, of, **21,** 604
church, assurance for, **11,** 726
Mortmain Act, in case of, **4,** 132, 133
presumption of, **11,** 267
Recreation Grounds Act, 1859, under, **21,** 591
fees on, Crown property, in respect of, **7,** 172
disentailing deed, in case of, **24,** 256 n.
municipal election petition, in case of, **12,** 521
parliamentary election petition, in case of, **12,** 478
foreshore, grants of, **7,** 174, 175
inclosure awards, **4,** 538
judgment on traverse of inquisition, of, **10,** 39
Lancaster, affecting property of Duchy of, **7,** 238; **25,** 441
Lands Clauses Consolidation Act, 1845, under, **6,** 136; **8,** 129; **25,** 440
lease by tenant in tail, of, **18,** 360, 361
letters patent, of, **7,** 174
loan society's rules, of, **19,** 219
married woman's disentailing deed, of, **16,** 378; **24,** 256 n.
memorial of charities, copy of, **4,** 244
Metropolitan Paving Act, 1817, of assurance under, **25,** 440
Michael Angelo Taylor's Act, of assurance under, **25,** 440 n.
National Gallery, conveyance of land for purposes of, **19,** 213, 214
nunc pro tunc, Crown property, in case of, **7,** 174
place of, central office of Supreme Court, **7,** 174; **18,** 360; **24,** 256 n.; **25,** 351, 440, 441
Chancery, **8,** 319
Charity Commissioners, books of, **8,** 369
court rolls, **6,** 136; **7,** 175; **25,** 440, 441
Duchy office, **25,** 441

ENROLMENT OF DOCUMENTS—*continued.*
place of—*continued.*
office of Land Revenue, Records, and Enrolments, **7,** 171—175; **25,** 441
registry of friendly societies, **19,** 219
presumption of, **11,** 267
proof of, **13,** 606; **25,** 350, 351
stamping necessary before, **24,** 705
surrender of charter, **8,** 319

ENROLMENT OF PERSONS,
election petition agents and solicitors, **12,** 410
fees on, **12,** 478
notary, public, of, **21,** 495
solicitor, of, **26,** 855
defective, ground for striking off, **26,** 848

ENSIGN. *See* COLOURS; FLAG.
armorial, **6,** 361
blue, vessels entitled to display, **6,** 362 n.; **26,** 660
yacht, of, **26,** 660, 661
red, mercantile, **6,** 362 n.; **26,** 11
royal, when flown, **6,** 362
Union Jack to be used on His Majesty's, **6,** 362
white, auxiliary fleet vessels do not use, **25,** 4
penalty for improper use of, **1,** 77; **6,** 362, 363
vessels entitled to display, **6,** 362 n.; **25,** 3; **26,** 660

ENTAIL. *See* ESTATE TAIL.

ENTERIC,
burial of person dying of, **3,** 549, 550
notification of, **20,** 338 n.

ENTERTAINMENT,
children, employment of, in public, restrictions on, **17,** 152, 153
charitable entertainment exempt from, **17,** 152, 153
provisions for safety of, at, **17,** 173
cinematograph. *See* CINEMATOGRAPH EXHIBITION.
committee, liability of, **28,** 866
corrupt practice by provision of, **12,** 289, 290
hissing at, as amounting to conspiracy, **27,** 410
public, disqualification of licensee of, **18,** 56; **27,** 422
licensing of place used for, **27,** 415—424. *See* MUSIC AND DANCING LICENCE; PUBLIC ENTERTAINMENT.
Sunday, on, **27,** 422, 423, 424
unlicensed place of, deemed to be disorderly house, **9,** 543, 544; **27,** 423
rateability of military or volunteer property used for, **24,** 15 n.

ENTIRE CONTRACT,
distinguished from divisible, **7,** 522
sale of goods by instalments, in case of, **25,** 215—221. *See* INSTALMENTS; SALE OF GOODS.
solicitor's retainer to conduct action is usually an, **26,** 738; **28,** 869 n.
work and labour, for, employer can recover nothing unless completed, **3,** 183; **28,** 869
employer preventing completion, effect of, **3,** 183; **28,** 869, 870

ENTIRETIES, TENANCY BY,
alienation of estate, **24,** 211
alteration of estate since December 31st, 1882, **16,** 355; **24,** 212
chattels real, in, **24,** 212
creation of, **24,** 199
divorce as affecting, **16,** 355
nature of, **16,** 354, 355; **24,** 211, 212
seisin *per tout et non per mie*, **24,** 211
severance of, **16,** 354; **24,** 211
survivorship, right of, **24,** 211

ENTRANCE FEE,
club, to, **4,** 406, 407, 418

ENTRY,
action of, **1,** 33, 34
appeal, of, Court of Appeal, in, **23,** 197—199
books, in, banker's pass-book, in, is a receipt, **9,** 726
broker's book, in, as a contract, **7,** 351
burial register, in, **3,** 557, 558, 560—562; **9,** 741, 742
court rolls, in. *See* COURT ROLLS.
satisfaction of mortgage, of, **21,** 312 n.
false or fraudulent, public registers, in, **3,** 561, 562; **9,** 705, 742
garnishee's payment into county court, of, **8,** 575
Land Register, in, **9,** 705; **24,** 320, 321
log-book of ship, in. *See* LOG-BOOK.
register, in. *See* REGISTER.
register of births, deaths, marriages, baptisms, or burials, in, **3,** 561, 562; **9,** 741, 742. *See* REGISTRATION OF BIRTHS etc.
customs, bill of sight, by, **24,** 588
dutiable goods, of, **24,** 587—589
failure to make, effect of, **26,** 280, 281
importer's duty as to, **24,** 587, 588; **26,** 281
landing at wharf, on, **26,** 281, 282
perfect, **24,** 588
excise, *defined*, **24,** 610
avoidance of, **24,** 611
beer dealers, by, **24,** 650
brewer of beer not for sale, by, **24,** 633
canteen, of, **24,** 654
cider or perry licence premises, of, **24,** 655, 656
distiller, by, **24,** 638
glucose or invert sugar, by makers of, **24,** 634
licensed trader, by, **24,** 610
methylated spirit retailers, by, **24,** 661
motor spirit dealer, by, **24,** 662
off licence premises, of, **24,** 653
on licence premises, of, **24,** 652
owner of business must make, **24,** 610
rectifier or compounder of spirits, by, **24,** 642
saccharine maker, by, **24,** 636
snuff manufacturer, by **24,** 645
spirit licence, by applicant for, **24,** 670
tobacco grower or manufacturer, by, **24,** 644, 645
vinegar maker, by, **24,** 647
wholesale spirit dealers, by, **24,** 668
false or fraudulent, **3,** 561, 562; **9,** 740, 741, 742, 743, 744
Land Transfer Register, in, **9,** 705
register of births etc. in, **9,** 742
judgment, of, Admiralty Courts, in, **1,** 103
Appeal Court, in, **18,** 203. *See* APPEAL.

ENTRY—*continued.*
judgment—*continued.*
Chancery Division, in, practice as to, **18,** 199, 200
county court, in, **8,** 535
damages, for, **18,** 185—187; **22,** 452
indictment, on, **9,** 377
King's Bench Division, in, practice as to, **18,** 199
satisfaction of, **18,** 221
land, on. *See* ENTRY ON LAND.
plaint in county court, of, **8,** 460
right of. *See* ENTRY ON LAND; RIGHT OF ENTRY.
trial, for, assizes, at, **23,** 175
High Court, in, **23,** 175, 176
London, Middlesex, Manchester, and Liverpool, practice in, **23,** 175
time of, after notice, **23,** 175
withdrawal by consent, **23,** 160

ENTRY ON LAND,
agent, by, possession, as, **24,** 325 n.
burglary, necessary to constitute, **9,** 671
compulsory purchase of land, on. *See* COMPULSORY PURCHASE OF LAND.
conditional estate, required to terminate, **24,** 169
constable, by, **4,** 434, 436, 437; **18,** 133; **27,** 420, 423, 426
constructive possession by, **27,** 853
contract, under, right given by, **27,** 868
sale of land, on, **25,** 368
coparcener or tenant in common, by, deemed entry of all, **24,** 185
Crown, by, on land alienated in mortmain, **8,** 369
denial of, as defence to trespass, **27,** 859
distress, for purpose of levying, **11,** 163—165
sale under, in connection with, **11,** 183
drainage of land, for purpose of, **18,** 301—303
dwelling-house, of, with intent to commit felony, **9,** 673
easement, to abate interference with, **11,** 331
electric light officials, by, **12,** 614
Employment of Children Act, 1903, under, **17,** 151
escheat, after, **10,** 36; **11,** 26
exchange of land, when necessary on, **24,** 295 n.
excise officer, by, **18,** 133, 145
fire, in case of, **27,** 862 n.
insurers, by, to ascertain loss, **17,** 541
forcible. *See* FORCIBLE ENTRY.
forfeiture, on, copyholds, of, **8,** 50—52
lease, of, **18,** 536
statutes of mortmain, under, **8,** 368, 369
goods, for recovery of, **27,** 862, 863, 868
hunting and similar purposes, for, **27,** 861
invalid conveyance, under, effect of, **19,** 124
justification of, actions of trespass, in, **27,** 860—862
licence, by, **27,** 860
landlord, by. *See* RE-ENTRY.
lawful, becoming unlawful, whether trespass, **27,** 856 n.
lease, under, when necessary, **18,** 335, 404, 529; **24,** 265, 294 n.
licence, by, **27,** 860, 861
sale of distress, on, **11,** 183 n.
light, to remove obstruction to, **27,** 861 n.
limitation of time for making, **19,** 109 *et seq.* *See* LIMITATION OF ACTIONS FOR RECOVERY OF LAND, *the period and conditions for which are the same as for making entry.*

ENTRY ON LAND—*continued.*
local authority, by, infectious diseases, in case of, **23,** 467
nuisances, in case of, **21,** 543, 572; **23,** 604
London Building Acts, under, **20,** 480
lord of manor, by, alienation in mortmain, on, **8,** 368
escheat, on, **11,** 27
forfeiture, on, **8,** 50—52
Metropolitan Water Board officers, by, **28,** 351, 352
mortgagee, by, **21,** 189—191
demand before, **21,** 191
exercise of right of, **21,** 191—193
forcible, **21,** 193
interest not in arrear, when, **21,** 221, 222
liabilities after. *See* MORTGAGEE IN POSSESSION.
notice before, **21,** 191, 192
part of premises, on, **21,** 193
power of sale, merely, under, **21,** 189 n.
premature, damages for, **27,** 869
property subject to a tenancy, **21,** 192
receipt of sum equal to rent from mortgagor's agent, is not, **21,** 194
receiver in possession, where, **21,** 192, 193, 196
second mortgagee, **21,** 190, 192
time for, **21,** 189, 191
National Insurance Act inspectors, by, **28,** 904
neighbour, of, justification for, **3,** 127
nuisance, abate, to, **21,** 548, 549, 572; **23,** 604; **27,** 861 n.
justice's order, under, **21,** 572, 573
owner's authority, by, **27,** 860
part, upon, operates as entry upon the whole, **24,** 325 n.
places of entertainment, in case of, **27,** 423
police, by. *See* constable, *supra.*
cinematograph exhibition, **27,** 420
clubs, **4,** 434, 436, 437
superintendents, by, **4,** 436, 437; **22,** 506
possession obtained by, **24,** 215 n.
premises deserted, where, **18,** 561
preservation of life or property, for, justifies a trespass, **27,** 862
public billiard table kept, where, **27,** 426
quiet enjoyment, no disturbance of, before, **18,** 529
railway company, by, in case of urgency, **23,** 678
recovery of posesssion of land by, **24,** 325 n.
limitation of time for. *See* limitation of time, *supra.*
relation back of title by, **27,** 851, 852
rentcharge recovered by, **24,** 515, 516
right of. *See* RIGHT OF ENTRY.
search warrant, under, **4,** 434; **15,** 39, 40; **22,** 479, 506. *See* SEARCH WARRANT.
seisin obtained by, **24,** 215 n.
several owners, by one of, **24,** 185
sheriff, by, **14,** 40; **25,** 813, 814; **27,** 856 n.
site of building, on, contractor after forfeiture, by, **3,** 253
trustee in bankruptcy of contractor, by, **3,** 252
statutory powers, under, justifying trespass, **27,** 861 n.
stranger, by, ratification by person entitled, **24,** 325 n.
summary jurisdiction, under, to give possession, **18,** 560
surveyor, by, London, in, **20,** 477
taking possession distinguished from, **24,** 325 n.

ENTRY ON LAND—*continued.*
tenant, by, commencement of lease may be defined by, **18,** 457
tenant in common, by one, **24,** 185
testator's house, of, personal representative, by, to remove personal effects, **14,** 237
title of owner, for preservation of, **19,** 129, 130
trespass, as, **27,** 848—863. *See* TRESPASS ON LAND.
unsound food, to search for, **15,** 38 n., 40, 42 n.
unusual way, by, not justified by licence, **27,** 861
void or invalid lease, under, effect of, **18,** 385; **19,** 113, 123, 124
writ of summons equivalent to, **18,** 536

ENVOY,
notarial powers of, **21,** 497
public minister, as, **6,** 428

EPIDEMIC DISEASE,
authority to enforce regulations in metropolis, **20,** 410, 412
borrowing powers of local authorities in connection with, **23,** 467
cremation regulations, suspension of, **3,** 573, 574
Local Government Board's powers in respect of, **23,** 464—468
London County Council, delegation of powers to, **20,** 410
Metropolitan Asylums Managers' powers as to, **20,** 412
National Health Insurance, effect on, **28,** 955, 956
regulations as to treatment and prevention of, **23,** 464—468
execution of, by local authority, **20,** 410; **23,** 467

EPILEPSY,
accident caused by, within Workmen's Compensation Act, **20,** 163 n.
children subject to, education of. *See* EPILEPTIC CHILDREN.

EPILEPTIC CHILDREN,
defined, **12,** 41
certificate required for, **12,** 42
compulsory education of, **12,** 55—57, 60
local education authority, by, **12,** 43
period of, **12,** 55
contributions to education expenses of, guardians, by, **12,** 51, 82
parents, by, **12,** 51
elementary education for, ordinary, **12,** 42, 43
special, **12,** 24, 25
examination of, periodical, **12,** 42, 43
expenses of education of, **12,** 44
grant by Board of Education for, **12,** 11 n., 12, 49, 50
local education authority's powers and duty as to, **12,** 17, 25, 41—43, 56, 57
order requiring, to be sent to certified school, **12,** 56, 57
parent, contribution by, **12,** 51
liability of, for school attendance, **12,** 61
religious instruction of, **12,** 43
schools for, **12,** 18 n., 42, 43

EPITHELIOMA,
disease within Workmen's Compensation Act, **20,** 165 n.

EPPING FOREST,
Commissioners of, disobedience to order of, **7,** 190
common rights over, **21,** 601 n., 602 n.
Crown rights and interests in, control of, **7,** 135, 185 n.
statutory provision relating to, **7,** 186 n.; **21,** 601
Waltham Forest, as part of, **7,** 185 n.

EQUALISATION CHARGE,
metropolitan rates, for, calculation of amount of, **24,** 127
levy of, **20,** 443; **24,** 127

EQUALISATION FUND (METROPOLITAN RATES),
defined, **24,** 127
accounts of, to Local Government Board, **20,** 443; **24,** 127
administration of, **20,** 442, 443; **24,** 127
application of payment made out of, **20,** 443
contribution to, **20,** 442; **24,** 127
formation of, **20,** 442; **24,** 127
forms for, **20,** 443

EQUALITY,
electricity, of charges for supply of, **12,** 589, 633
equity, in, **13,** 69, 70. *See* EQUITABLE DOCTRINES AND PRINCIPLES.
exchange, of, payment for, **24,** 295, 297; **25,** 647, 661. *See* EXCHANGE.
inheritance, in, gavelkind, by custom of, **11,** 15; **24,** 152—155
partition, of, agreement by parties, in case of, **21,** 815, 825
Board of Agriculture, under order of, **21,** 828
Settled Land Acts, under, **25,** 647, 661

EQUERRY,
change of ministry as affecting, **7,** 107

EQUIPMENT,
emigrant ship, of, **26,** 78, 336
fishing boats, of, **26,** 78
railway, of, reasonable facilities, **4,** 65—72
rolling stock, **23,** 690—693. *See* CARRIAGE.
signals and points, **23,** 684, 685, 693
ship, of, **26,** 77, 78
anchors and chains, **26,** 336, 502 n.
appeal from order as to provision of, **26,** 336
fog-horn, **26,** 502 n.
foreign ships, as to, **26,** 78
general average, sacrifice of, **26,** 319
mast for lights, **26,** 502 n.
negligence in providing, **26,** 369, 502
passenger ships, as to, **26,** 336
steering gear, **26,** 502 n.
steamship, of, British sea-going, **26,** 77, 78
home-trade passenger, **26,** 336
sea-going passenger, **26,** 336
Territorial Force, of, liability for loss or damage, **25,** 78

EQUITABLE,
action, county court, in. *See* COUNTY COURT ACTION.
assets. *See* EQUITABLE ASSETS.
assignee, agreement to take assignment, under, **13,** 97 n.
liabilities of, **5,** 386—391; **18,** 589
petition in bankruptcy by, **2,** 37
rights of, **2,** 37; **4,** 376, 379—386, 391—393

EQUITABLE—*continued.*
assignment. *See* EQUITABLE ASSIGNMENT.
charge. *See* EQUITABLE CHARGE.
chose in action. *See* CHOSE IN ACTION.
conversion, doctrine of, **13,** 104—116. *See* CONVERSION IN EQUITY.
counterclaim, **13,** 62, 63
decrees of foreign court, action upon, **6,** 283
defence. *See* EQUITABLE DEFENCE.
election. *See* ELECTION (Doctrine of Equity).
estates and interests. *See* EQUITABLE ESTATES AND INTERESTS.
estoppel, **13,** 376. *See* ACQUIESCENCE; ESTOPPEL BY REPRESENTATION; MAKING GOOD; STANDING BY.
execution. *See* EQUITABLE EXECUTION.
extinguishment of claims and interests, **13,** 146—149. *See* MERGER.
heirlooms, **24,** 241
jurisdiction. *See* EQUITABLE JURISDICTION.
lien. *See* EQUITABLE LIEN.
maxims and rules. *See* EQUITABLE DOCTRINES AND PRINCIPLES.
mortgage. *See* EQUITABLE MORTGAGE.
notice, **13,** 84—88. *See* NOTICE.
power, *defined*, **23,** 3
practice and procedure. *See* EQUITY.
presumptions. *See* PRESUMPTION.
principles and rules. *See* EQUITABLE DOCTRINES AND PRINCIPLES.
priorities, **13,** 79—84. *See* PRIORITY.
relief. *See* EQUITABLE RELIEF.
rights, exoneration, of. *See* EXONERATION.
married woman, of. *See* EQUITY TO A SETTLEMENT; SEPARATE PROPERTY OF MARRIED WOMAN.
mortgagor, of. *See* EQUITY OF REDEMPTION.
satisfaction, **13,** 128—139 *See* SATISFACTION.
securities. *See* EQUITABLE SECURITIES.
set-off, **13,** 161—164. *See* SET-OFF.
waste, **13,** 90; **24,** 176

EQUITABLE ASSETS,
copyhold and customary lands as, **8,** 70
creditor's rights in, partial payment out of legal assets, after, **13,** 33 n.
distribution of, creditors, between, **13,** 70
land charged with payment of debts, **13,** 34, 35; **14,** 286, 287
legal assets distinguished from, **13,** 33, 34; **14,** 244—247, 256
married woman's separate estate as, **13,** 34 n.
personal property subject to general power of appointment formerly considered as, **13,** 34 n.; **14,** 245 n.
proceeds of sale of realty as, **13,** 34; **14,** 245
realty as, **13,** 34; **14,** 245, 246
retainer not allowed out of, **14,** 256
specialty debts have no priority in, **13,** 33; **14,** 245
statutory priority of debts in regard to, **14,** 249—251

EQUITABLE ASSIGNMENT,
defined, **4,** 375; **21,** 77
after-acquired property, of, **4,** 375; **13,** 104
agreement, by, **4,** 375, 377; **10,** 376 n.; **21,** 77
assent of debtor or freeholder to, **4,** 379, 380
assignee under. *See* ASSIGNEE.
bill of exchange distinguished from, **4,** 378
stamp duty, for purpose of, **7,** 499, 500

EQUITABLE ASSIGNMENT—*continued.*
chose in action, of, **4,** 374—393. *See* CHOSE IN ACTION.
complete or incomplete, **7,** 498; **13,** 97; **15,** 428—430
consideration, how far necessary, **13,** 103
contingent or expectant right, title or interest, of, **4,** 376; **13,** 9, 10, 102, 103
contract, of rights under, **7,** 406—500; **13,** 102, 103
debt, of, priority over attachment, **3,** 274
declaration of trust, by, **4,** 377; **7,** 498, 499; **15,** 413, 429
deed required for, when, **10,** 373—378
discharge and receipt by assignee, in case of, **4,** 393
donatio mortis causâ, by way of, **7,** 498, 499; **15,** 432
equities, is subject to, **4,** 386—391; **13,** 103, 104. *See* EQUITABLE ESTATES AND INTERESTS.
expectancy, of, **4,** 376; **13,** 9, 10
form of, **4,** 375—379; **7,** 497, 498; **13,** 103; **21,** 77
freight, of, rights of assignee, **26,** 302, 303
immovables, in case of, conflict of laws as to, **6,** 208
incomplete, when enforced, **4,** 376; **7,** 498; **10,** 373; **13,** 97; **15,** 428—430
informal legal assurance as, **10,** 418
leaseholds, of, **18,** 582
breach of covenant, as, **18,** 576
effect of, **13,** 64 n.; **18,** 392
mortgage, of, **21,** 180, 214
notice of, **4,** 379, 386; **13,** 103; **21,** 77, 78. *See* CHOSE IN ACTION.
operation in equity, **13,** 10
option to purchase lease, does not pass, **18,** 392
partial, by charge on debt or fund, **4,** 375
policy of life insurance, of, **17,** 558—562
possibilities, of, **13,** 102, 103; **21,** 76 n.
prior assignment, where assignee has notice of, **4,** 380
priority of, **4,** 380; **13,** 79, 103
rent, of, landlord, by, **18,** 473
revocation of voluntary, **4,** 376
spes successionis, of, **4,** 376
stamp duty on, **4,** 379; **7,** 499, 500
theory of, **13,** 102
title under, **13,** 103

EQUITABLE CHARGE,
defined, **21,** 83
abstract of title need not refer to, **25,** 346
agreement to give, effect of, **13,** 93; **21,** 83, 84
assignment, condition against, not broken by, **18,** 533, 534
chattels subject to, not exempted from distraint for poor rate, **11,** 215
removal by chargee to avoid distress, **11,** 190
creation of, **13,** 92; **21,** 83
declaration as to rights, claim for, **21,** 284, 285
deposit of title deeds, by, with or without memorandum, **13,** 92; **21,** 80. *See* EQUITABLE MORTGAGE.
enforcement of, **13,** 93; **21,** 83, 272, 292
county court, in, **8,** 444
foreclosure, **21,** 272, 277
sale not foreclosure usually ordered, **13,** 93; **21,** 83, 292
estate duty as, **13,** 223 n.
foreclosure, order for, **21,** 272, 277

EQUITABLE CHARGE—*continued.*
legal mortgage as extinguishing, **21,** 326
merger of, **21,** 326. *See* MERGER.
mistake, effect of, **21,** 84
nature of, **13,** 92; **21,** 83
registration of, company in case of, **5,** 364; **15,** 513 n.
Land Registry, in, **21,** 84—87
Middlesex, in, **24,** 302 n.
Yorkshire, in, **15,** 513 n.; **24,** 304
release of, whether deed required for gratuitous, **10,** 376
ship, on, **21,** 133; **26,** 23
specification of property is necessary for, **21,** 84, 85
sub-mortgage by, **21,** 181
surety entitled to, on payment, **15,** 513

EQUITABLE DEFENCE,
acquiescence, **13,** 166—168. *See* ACQUIESCENCE.
agreement not to sue, **19,** 173
county court, in, **8,** 432, 487
High Court, in, right to set up, **13,** 62, 63; **15,** 533 n.; **21,** 217 n.; **22,** 447
laches, **13,** 168—174. *See* LACHES.
pleading, **22,** 447 n.
Probate, Divorce and Admiralty Division, in, **13,** 63 n.
release, **13,** 164, 166. *See* RELEASE.
set-off, **13,** 161—164. *See* SET-OFF.
Statutes of Limitation, analogy to, **13,** 175; **19,** 170
waiver, **13,** 165, 166. *See* WAIVER.

EQUITABLE DOCTRINES AND PRINCIPLES,
assignments, as to, **13,** 102—104. *See* EQUITABLE ASSIGNMENT.
clean hands, injunction, in application for, **17,** 247
plaintiff must come with, **13,** 70, 72
common law courts, in, **13,** 9, 51
conversion, as to, **13,** 104—116. *See* CONVERSION IN EQUITY.
election, in regard to, **13,** 116—128. *See* ELECTION (Doctrine of Equity).
equal equities, legal estate prevails in, **13,** 81—84; **21,** 329
priority of time as affecting, **13,** 79—81; **21,** 329
equality is equity, **13,** 69
joint tenancy, as to, **13,** 69, 70
equitable assignment, as to, **13,** 102—104. *See* EQUITABLE ASSIGNMENT.
equity follows the law, **13,** 68, 93. *See* legal principles, *infra*.
equity looks on that as done which ought to be done, **13,** 73, 74, 139—142
forfeiture, as to, **13,** 153, 154
fraudulent use of statute not allowed, **13,** 75, 76
registration after notice of prior charge, in case of, **21,** 335 n.
he who seeks equity must do equity, **13,** 63 n., 70, 71. *See* plaintiff etc., *infra*.
in personam, equity acts, **13,** 7 n., 65, 66
foreign immovable, in case of, **6,** 202—207; **13,** 65, 66
injunction, as to, **13,** 46—51; **17,** 236. *See* INJUNCTION.
intent and not form, equity looks to, **10,** 373—378
intention to fulfil obligation, as to, **13,** 139—142

EQUITABLE DOCTRINES AND PRINCIPLES—*continued.*
Judicature Act, 1873, effect of, **13,** 64
legal estate gives priority, **13,** 81—84; **21,** 329
notice of trust, after, **13,** 83, 84
legal principles followed, **13,** 7 n., 8, 43, 68, 69
contracts, in case of, **13,** 8, 27
deeds, in respect of, **10,** 373—378
defective disentailing deed, in case of, **24,** 258
gavelkind descent, in case of, **24,** 154
legal assets, in distribution of, **13,** 33
making good, **20,** 721—723. *See* MAKING GOOD.
marshalling of assets and securities, as to, **13,** 39, 142—146. *See* MARSHALLING.
merger of estates and charges, as to, **13,** 146—149. *See* MERGER.
mortgage, beneficial title, effect on, **24,** 259 n.
priorities, **13,** 80
redemption of, **13,** 90—92; **21,** 138—157. *See* REDEMPTION OF MORTGAGE.
estate tail, in case of, **24,** 260
once a mortgage, always a mortgage, **21,** 142, 143
tacking, **13,** 81—84; **21,** 330—338
multiplicity of suits, as to prevention of, **13,** 58, 59
notice, **13,** 84—88. *See* NOTICE.
particeps criminis may be assisted, **13,** 20 n., 54, 73 n.
penalties, as to, **13,** 150—153. *See* PENALTY.
performance and obligation treated as equivalent **13,** 73, 74, 139—142
covenant to settle lands, in case of, **13,** 139
intestacy, by, **13,** 141
testamentary provision, by, **13,** 142
plaintiff seeking equity must do equity, **13,** 62 n., 70—72
equitable defence, application to, **13,** 63 n.
priority between equities, **13,** 79—81
equities rank in order of time, **13,** 79; **21,** 334
mortgages, in case of, **13,** 80; **21,** 334
profits, account of, **13,** 67, 68
damages claimed at law exclude account of profits, **13,** 67
property, affecting, **13,** 10, 54—58, 102—150
purchaser for value without notice, in case of, **13,** 76—79. *See* PURCHASER FOR VALUE.
remedy, equity will not suffer wrong without, **13,** 4—10
satisfaction, as to, **13,** 128—139. *See* SATISFACTION.
statute not to be made an instrument of fraud, **13,** 75; **21,** 335 n.
subrogation of estates and charges, **13,** 63 n., 149, 150. *See* SUBROGATION.
tabula in naufragio, **13,** 83
time as of essence of contract, **3,** 190; **7,** 413, 414; **13,** 64, 154; **27,** 67, 68. *See* TIME.
useless order, equity will do nothing in vain, **13,** 113 n.
vigilantibus et non dormientibus lex succurrit, **13,** 168. *See* LACHES.

EQUITABLE ESTATES AND INTERESTS. *See* TRUST.
abstract of title to, when necessary, **25,** 347
after-acquired chattels, by assignment of, **13,** 64 n.
agreement for sale of, stamp on, **7,** 534, 535; **11,** 275
assurances of, **13,** 94; **28,** 41—44
declaration of trust, by, **15,** 414

EQUITABLE ESTATES AND INTERESTS—*continued.*
assurances of—*continued.*
deed not required for, **10,** 374; **13,** 94 n.
early and modern systems, under, **13,** 94 n.
fraudulent as against creditors or subsequent purchaser, **15,** 79, 94, 99
limitation of estates in, **13,** 93, 94, 95 n.; **24,** 166 n.; **28,** 40
married woman, by, **16,** 377—381
notice to trustee, when necessary, **4,** 379, 386; **28,** 41—44
passes no more than the grantor had, **13,** 79 n.
restraint on, **22,** 411
voluntary settlement, by way of, **13,** 98
writing required for, **10,** 374. 375; **13,** 94; **28,** 41 n.
charge on land, by, **13,** 93
Land Transfer Acts, under, **21,** 85
chattels, in, instrument conferring, whether bill of sale, **3,** 6, 13, 14, 72
settled, **24,** 241
collateral and personal contract does not create, **13,** 81 n.
compensation for, on compulsory acquisition of land, **6,** 34
concurrent, **13,** 93
construction of limitations of, **13,** 93—96; **28,** 40
contingent remainder not defeated by failure of prior particular estate, **13,** 94 n.; **24,** 225, 226 n.; **28,** 40
contract, under, **7,** 534, 535; **13,** 96—100
copyholds, in, **8,** 81; **21,** 185, 312; **28,** 522 n.
covenant, by, **11,** 247; **13,** 97; **21,** 312
creation of, when writing necessary for, **10,** 374, 375; **13,** 89; **28,** 10
curtesy in, **13,** 96 n., 107; **16.** 348 n.; **24,** 183 n., 184 n.
cy-près doctrine, under, appointment. in case of, **23,** 52
dealings with, **13,** 94; **28,** 41—44
debts, liability for payment of, **13,** 94
declaration of trust of, owner, by, **15,** 414
descent and devolution of, **11,** 7; **13,** 94; **28,** 41
copyholds, in case of, **8,** 88. 89; **11,** 6; **13,** 94 n.; **21,** 184, 185
customary freeholds, in case of, **11,** 14
estate *pur autre vie*, in case of, **11,** 12, 13
freeholds, in case of, **11,** 7; **14,** 136
devise of, **8,** 74; **13,** 94; **28,** 517, 522 n.
disentailing assurance of, **21,** 98 n.; **24,** 258
distringas notice, protection by, **21,** 341
dower out of, **13,** 96 n.; **24,** 189 n.
formerly not allowed out of, **13,** 73 n., 95, 95 n., 96 n.; **24,** 189 n.
easements, **11,** 247
equitable securities as, **13,** 92, 93
equity of redemption as, **13,** 91; **21,** 138; **24,** 283, 284. *See* EQUITY OF REDEMPTION.
escheat of, **11,** 24; **13,** 95, 96 n.; **20,** 13 n.
estate tail in, barring of, **13,** 94 n.; **16,** 378; **24,** 252 n., 258
copyholds, in case of, **8,** 71 n., 72
executed and executory trusts, under, distinction between, **13,** 94 n.; **24,** 227 n.; **28,** 22, 23
execution in respect of, *elegit*, under, **14,** 50 n., 67, 68
equitable, **2,** 273; **14,** 118
fieri facias, under, **14,** 49

EQUITABLE ESTATES AND INTERESTS—*continued.*
fee simple in, words of limitation not necessary to pass, **13,** 95; **24,** 166 n.
franchise market, in, **20,** 13 n.
franchise qualification, as, **12,** 147, 150
fraudulent alienation of, **15,** 79, 94
freebench not allowed out of, **8,** 80; **13,** 96 n.
gavelkind, in, **24,** 154
gift of, when notice to trustees necessary, **13,** 98; **28,** 41—44
imperfect gifts, under, **13,** 97, 98; **15,** 429
incidents of, **13,** 93—96
interpleader in regard to, **17,** 582
judicial notice of, in Supreme Court, **13,** 484
laches, **13,** 168—174. *See* LACHES.
land, in, **24,** 283. *See also* real property, *infra.*
leaseholds, in, liability under lease, **13,** 97 n.
successive interests, **24,** 266
legal estates, dealt with on same principles as, **13,** 93, 94; **28,** 40, 41
distinguished from, **13,** 64
resemblance to, **13,** 94; **24,** 283
limitation of time for action in case of, **13,** 64; **19,** 169—174
arrears of rent or interest, in case of, **19,** 97
land or rent, in case of, **19,** 105, 137, 139—143
Limitation Act, 1623, not applicable, **19,** 40
money charged on land, in case of, **19,** 82
trustee, in action against, **19,** 161—169
married woman, of, assignment by husband, **16,** 332
husband's interest in, **13,** 94 n., 96 n.; **16,** 324; **24,** 298
real estate, in, **24,** 298—301
separate property, as, **16,** 377—381
term of years, in, **16,** 324
merger in legal estate, **11,** 9; **13,** 64; **24,** 333. *See* MERGER.
mortgage of, **13,** 92; **21,** 74, 76—78. *See also* EQUITABLE MORTGAGE.
muniments of title, in, **24,** 239 n.
nature of, **13,** 88—98
notice as affecting purchaser of, **13,** 78, 81—84, 86, 87; **25,** 197, 444
option to purchase may create, **22,** 320, 321
patent, in, **4,** 396
perpetuities, application of rule against, **22,** 317—322
personal property, in, **13,** 96, 97
mortgage of, **21,** 76—78
pleading of, **22,** 455
prior estate or interest, notice of, **13,** 81 n.
priority of, order of time, **13,** 79—81
purchaser with notice, over, **13,** 81—84; **21,** 186 n. *See also* NOTICE; PRIORITY.
protector of settlement, in case of, **24,** 252 n.
pur autre vie, **11,** 12, 13; **14,** 231; **24,** 180 n.
purchaser of land pending completion, of, **25,** 364—367, 387
real property, in, **13,** 88—96; **24,** 283, 284
contracts for sale, under, **13,** 98—100; **25,** 364—367
fraudulent conveyance of, **15,** 94
legal interest, when treated as equivalent to, **13,** 64 n.; **18,** 367
notice of assignment of, **4,** 379, 386; **28,** 41
sources of, **13,** 88; **24,** 283
restraint on alienation cannot be imposed, **22,** 411
restrictive covenants, under, **11,** 247; **13,** 100—102

EQUITABLE ESTATES AND INTERESTS—*continued.*
reversionary interests, alienation of, set aside as fraudulent, **15,** 79
set aside deed, assignment of equity to, **13,** 90
shares, in, notice to company, effect of, **5,** 151; **14,** 114 n.
Shelley's Case, application of rule in, **13,** 94 n.; **24,** 227
ship, in, recognition of, **26,** 30, 31
solicitor's lien as affected by, **26,** 817
stamp duty on conveyance of, **25,** 450
statutes of limitation affecting. *See* limitation of time etc., *supra.*
successive, **13,** 93; **24,** 266; **28,** 40
tenancy in common in, **24,** 201
tenant for life of, liability for permissive waste, **25,** 607
rights to possession and title deeds, **25,** 599
term of years, in, **24,** 266
third party rights in respect of, **13,** 95, 97
title deeds, owner's right to custody of, **24,** 281 n.; **25,** 599
title to, follows the law, **13,** 68, 69, 93, 96
trust, under, **13,** 88—90; **24,** 283, 284; **28,** 40—44
unborn person, limitation in favour of child of, forbidden, **13,** 94 n.
vendor's lien as, **13,** 79
will, as subject of disposition by, **13,** 94; **28,** 522
words of limitation for, **13,** 93, 94, 95 n.; **24,** 166; **28,** 40
writing, necessity for, on creation or transfer, **10,** 374—377; **13,** 89; **28,** 10, 12, 41 n.

EQUITABLE EXECUTION,
defined, **14,** 115, 116
administration action, in, **14,** 119 n.
Admiralty cases, in, **24,** 342, 343
affidavit on application for, **14,** 122 n., 123
alimony, to recover, **24,** 356
appeal from decision as to, **14,** 124
application for, **14,** 62, 116 n., 122, 124; **24,** 344, 345
pending action, in, **13,** 62 n.
attachment, in lieu of, **14,** 117
bankruptcy of debtor, in case of, **2,** 65, 271, 273, 274
cases where order usually made, **13,** 56; **14,** 118—121, 123
Chancery, in High Court of, jurisdiction, **13,** 54, 56; **14,** 115, 116
practice in, **14,** 122, 122 n.; **24,** 344, 345
charging order, by, **14,** 103 n., 117, 118. *See also* CHARGING ORDER.
companies, against, **24,** 343
conditional order for, **14,** 123 n.
conditions required for, **14,** 116, 117
costs of obtaining, **14,** 124
county court, in, **8,** 505 n., 550, 556 n., 557; **11,** 749; **14,** 124; **24,** 342 n., 344
delay in entering judgment, after, **14,** 120 n.
discretion of court to grant, **14,** 123, 124
district registry, out of, **14,** 122; **24,** 343
divorce cases, in, **16,** 590; **24,** 342, 356
emergency order for, **14,** 122 n.; **24,** 346, 375
equitable estate or interest, against, **13,** 94 n.; **14,** 116 n., 118—120
equity of redemption, on, **14,** 118, 121; **24,** 342 n.
ex parte application for, **14,** 122 n.; **24,** 346, 375
expense of, taken into consideration, **14,** 123

EQUITABLE EXECUTION—*continued.*
forfeiture clause, operation in respect of, **14,** 116 n., 119 n.; **28,** 840 n., 841 n.
forms of, **14,** 117, 118
fresh proceedings for, whether necessary, **14,** 9, 122
garnishee proceedings, in lieu of, **14,** 95 n., 117 n., 118, 119
half-pay of military officer not subject to, **24,** 368
High Court of Justice, in, **13,** 56; **14,** 116, 117
incumbered equitable interest in land, on, **14,** 116 n., 118
injunction by way of, **14,** 118
pending appointment of receiver, **14,** 119 n., 120 n., 122 n., 123 n.
inquiries directed before granting, **14,** 123
interest conferred by, **14,** 125 n.
interlocutory order for, **14,** 123
Judgment Extension Act, 1868, applies in case of, **6,** 292; **14,** 4 n., 116 n.
King's Bench Division, practice in, **14,** 122; **24,** 342, 344
legal execution, distinguished from, **14,** 4 n., 115, 229 n.
possible, not available where, **14,** 117, 117 n., 119 n.; **24,** 349
married woman, against, **14,** 15, 119, 120; **16,** 369, 457; **24,** 367 n.
money in hands of receiver, title to, **24,** 386
mortgaged land, on, **14,** 118, 121; **24,** 342 n.
notice, application, of, **14,** 123
order, of, **14,** 125
old practice as to, **14,** 116 n.
order for, effect of, **14,** 116 n., 119, 124—126
form of, **14,** 124
payment into court, to enforce, **14,** 117
pension, against, **14,** 118 n., 121
personalty, effect in case of, **14,** 118 n., 119, 125, 126
possession, in case of receiver in, **14,** 121; **23,** 767 n.; **24,** 370
prior legal or equitable estates, in case of, **13,** 54, 55 n.; **14,** 116 n., 126
priority, charging order, over, **14,** 126 n.
not conferred by, **14,** 125, 126
process of, when applicable, **14,** 115—117
property liable to, **14,** 117—122
public undertaking, against, **24,** 343
railway company, in case of, **14,** 14; **23,** 765—767; **24,** 344, 367
receiver, accounts of, **14,** 124
appointment of, **13,** 56, 62 n.; **14,** 122—124; **24,** 342
bankruptcy, as affecting proceedings in, **2,** 271, 273
district registries, in, **24,** 343
person to be appointed, **14,** 124
service of summons for, **14,** 123
injunction in aid of, **14,** 125
relation back of title of, **14,** 125 n.
security by, **14,** 124, 125; **24,** 372 n., 374, 375
title to receive money not complete till given, **14,** 125
trustee, as, **14,** 126 n.
receiver in possession, when, **14,** 121; **23,** 767 n.; **24,** 370
redemption proceedings, to give effect to, **14,** 116 n.
refusal to grant, in what cases, **14,** 120 n., 121, 122, 123; **24,** 357—359
registration of order, **14,** 125

EQUITABLE EXECUTION—*continued.*
representatives of judgment creditor, by, **14,** 122 n., 229 n.
restraint on anticipation, in case of, **14,** 119 n., 120 n.; **16,** 369
salary, against, **14,** 121
sale of land, in case of uncompleted contract for, **25,** 387
sale under, order for, **14,** 125
Scottish judgment, under, **14,** 122 n.
secured creditor in bankruptcy, execution creditor as, **14,** 119, 126
sequestration, in lieu of, **14,** 117
small debt, refusal of order in case of, **14,** 123
solicitor, by, taxed costs, for, **14,** 122 n.
stop order, by, **14,** 119 n.
taking in execution, as, **14,** 4 n.
forfeiture clause, within, **14,** 116 n.
trust property, against, **14,** 121
undertaking in damages, when required, **14,** 122 n.
winding-up order referred to, **14,** 4 n.

EQUITABLE JURISDICTION,
absence of legal remedy, in case of, **13,** 6
accident, in case of, **13,** 10, 13 n., 25—27, 153 n.
bill *de bene esse*, as basis of, **13,** 46
bond lost or destroyed, in case of, **3,** 101; **13,** 7 n., 25
deed, loss or destruction of, **10,** 414 n.
destruction of assets by fire, **13,** 48 n.
document lost or destroyed, **10,** 414; **13,** 25, 26, 518
foundation of jurisdiction, **13,** 43
law, concurrent remedy at, **13,** 25
no remedy at law, in case of, **13,** 25
restrain of legal remedy, reason for, **13,** 48
will, no relief for omission to make, **13,** 27
accounts, as to, **6,** 206, 207; **13,** 10, 27, 28, 43; **19,** 170
administration of estates, **9,** 60; **13,** 10, 30—38, 61; **14,** 333
insolvent estate, in case of, **13,** 64; **24,** 417
advantages of, **13,** 7, 10
apportionment, as to, **13,** 28, 29
auxiliary, **13,** 6, 42—61
concurrent jurisdiction, distinguished from, **13,** 57 n.
average, **13,** 70
bills of peace, **13,** 42, 58, 59
boundaries, as to, **3,** 116—118; **13,** 10, 39. *See also* BOUNDARIES.
legal title, importance of, **13,** 39
wrongful possession, proof of, **13,** 39
Bristol Tolzey Court, none in, **9,** 148; **14,** 129
cancellation of documents, as to, **13,** 42, 52—54
Chancellor, Lord High, of, **7,** 64; **13,** 4 n., 5, 6 n., 8
Chancery Division, of, **13,** 61. *See* CHANCERY DIVISION.
charges on land, **9,** 61; **13,** 61
charities, as to, **4,** 294—302; **13,** 9
chose in action, as to assignments of, **13,** 9, 10. *See* CHOSE IN ACTION.
commission to examine witnesses, **3,** 117; **13,** 42, 45, 46
common law courts, of, **13,** 51
concurrent, **13,** 10—41; **17,** 202
Court of Chancery, of, **13,** 6
grounds of, **13,** 10
injunction, in respect of, **17,** 202

EQUITABLE JURISDICTION—*continued.*
contract, matters of, **1,** 51; **6,** 205, 206; **13,** 11, 65
contribution, as to, **13,** 10, 30, 70
convenience, when based on, **13,** 32 n., 40
conversion in equity, **13,** 10, 104—116. *See also* CONVERSION IN EQUITY.
corrective, **13,** 8 n.
counterclaim on equitable grounds in High Court, **13,** 62, 63
county court, of, **8,** 432—434, 442—447. *See also* COUNTY COURT JURISDICTION.
costs in, **8,** 589
Court of Exchequer, of, **9,** 53; **13,** 5
crimes not restrained by injunction, **13,** 49 n.
damages, in regard to, **13,** 12 n., 51, 67
de bene esse suit, **13,** 42, 46
declaration of legal right without terms, **13,** 62 n., 72 n.
defendant to action founded on an equitable right, **13,** 63 n.; **23,** 102
delivery, chattels, of, **13,** 12, 13
documents, of, **13,** 42, 52—54
detinue, in action of, **27,** 917
discovery, as to, **11,** 38; **13,** 31, 43, 44
disentailing assurance, in case of defective, **24,** 258
doubtful rights, restraining assertion of, **13,** 42
dower, as to, **13,** 41, 42; **24,** 191 n.
election, as to doctrine of, **13,** 10, 116—128
equitable claims by plaintiff or defendant in High Court, **13,** 62
exclusive, subjects of, **13,** 6, 9, 10
exercise of, **13,** 6—9, 65—73; **27,** 6, 7
foreign
law, no order in breach of, **13,** 66
proceedings restrained, **6,** 204, 300, 301; **13,** 48; **17,** 263
property, as to, **1,** 51; **6,** 202—213; **13,** 65, 66
forfeiture, as to, **13,** 10, 153, 154
fraud, as to, **6,** 206; **13,** 13—15, 47, 48, 53, 75, 153 n.
constructive fraud, as to, **13,** 15—22, 53
probate obtained by, **14,** 211
wills, in case of, **13,** 13
High Court of Chancery, of, **9,** 52 n., 60 n.; **11,** 333 n.; **13,** 5—7, 40, 43, 49; **17,** 103 n., 202
High Court of Justice, of, **9,** 54; **13,** 12, 61—64
history and general description of, **9,** 52 n.; **13,** 4—6
illegal or immoral transactions, in case of, **13,** 73 n.
improvident transactions, as to, **13,** 15—17
in personam, **6,** 202—207; **13,** 65, 66; **27,** 7
infants, in respect of, **17,** 46, 47, 86, 103 n., 105 n.
inferior courts of record, of, **9,** 131
injunctions, as to, **13,** 46—51; **17,** 202—204, 236
early use of, **11,** 333 n.; **13,** 5
interpleader, as to, **13,** 6, 56—58; **17,** 580, 581, 583 n.
judgments obtained at law, enforcement of, **13,** 42. *See* EQUITABLE EXECUTION.
preventing improper use of, **13,** 42, 47
Judicature Act, 1873, effect of, **9,** 52; **13,** 61—65
leases, in case of defective, **18,** 363—365
legal
proceedings, as to restraining, **13,** 32, 33, 42, 48, 63
remedy inadequate, when, **13,** 11
right, equitable defences to, **13,** 62
law prevails in questions of, **13,** 43, 65
libel, in case of, **13,** 49 n.

EQUITABLE JURISDICTION—*continued.*
limitation of action in relation to, **13,** 175; **19,** 105, 169—174
limits of, **13,** 66; **27,** 6, 7
local courts, of, **13,** 5 n.
losses, adjustment and apportionment of, **13,** 70
lost documents, in case of, **13,** 25, 26
lunatic, in case of, **13,** 10 n.; **19,** 411
making good, **13,** 48 n.; **20,** 723. *See* MAKING GOOD.
married woman's property, as to, **13,** 9; **16,** 341—353. *See* EQUITY TO A SETTLEMENT; SEPARATE PROPERTY.
marshalling of assets and securities, **13,** 10, 37, 70, 142—146. *See* MARSHALLING.
Master of the Rolls, of, **13,** 5 n.
Mayor's Court, in, **20,** 286
decree under, **20,** 295
procedure under, **20,** 290, 291, 294
transfer of cause to Chancery Division, **10,** 157, 158; **20,** 301
misrepresentation, as to innocent, **13,** 15, 48; **20,** 721, 737
mistake, in case of, **13,** 9 n., 10, 22—25, 153 n.; **21,** 2 *et seq.* *See* MISTAKE.
mortgages, as to, **13,** 10, 61, 64, 65; **21,** 71 n.
equity of redemption under, **13,** 90—92. *See* EQUITY OF REDEMPTION.
multiplicity of actions avoided under, **13,** 10, 42, 43, 61
nature of, **13,** 6—9; **27,** 5—7
ne exeat regno, writ of, **13,** 59—61
palatine courts, of, **9,** 120—122, 124—127; **13,** 5
partition, **13,** 40, 41, 66; **21,** 827 n., 834 n.
partnership matters, **9,** 61; **13,** 38, 39; **22,** 88
penalties, as to, **13,** 150—153. *See* PENALTY.
perpetuation of testimony, **13,** 44—46, 54
plaintiff in action founded on equitable right, **13,** 54, 62 n., 63 n., 72, 73 n.; **17,** 250; **23,** 101
power, defective execution of, **23,** 54, 55
preservation of property, **13,** 42, 54, 66
Probate Court, of, **13,** 13; **14,** 211 n.
quia timet action, **13,** 51, 52
receiver, appointment of, **6,** 207; **13,** 54—56, 62; **24,** 341, 353, 354. *See* RECEIVER.
rectification of documents, **13,** 24. *See* RECTIFICATION OF INSTRUMENT.
refunding of payments, **13,** 70, 71. *See* REFUNDING.
Requests, of Court of, **13,** 5
rules of equity to prevail in High Court, **13,** 64
Salford Hundred Court, does not obtain in, **14,** 129
satisfaction, doctrine of, **13,** 10, 128—139. *See* SATISFACTION.
securities, enforcement of, **13,** 55. *See* EQUITABLE SECURITIES.
setting aside deeds and transactions, **13,** 16—25, 62 n.
specific performance, as to, **13,** 7, 11, 12; **27,** 3, 5, 6. *See* SPECIFIC PERFORMANCE.
standing by, **13,** 48
Statute of Uses, effect of, **13,** 89 n.; **24,** 271 *et seq.*
statutes of limitation, applicable to, **19,** 105, 109, 169—174
staying proceedings in action, **13,** 63, 63 n.
subrogation, **13,** 63 n. *See* SUBROGATION.
Supreme Court of Judicature, of, **13,** 54, 61
suretyship, **13,** 48, 51, 52
surprise, in case of, **13,** 153

EQUITABLE JURISDICTION—*continued.*
technical impediments, removal of, **13,** 7, 41, 42
third parties, protection of, **13,** 42
tithes, as to, **13,** 10
trade mark and name, **13,** 15. *See* PASSING OFF.
trespass, as to, **13,** 49, 50; **27,** 859 n.
trusts and trustees, **6,** 204; **13,** 9, 88, 154—158
unconscionable transaction, as to, **13,** 20—22; **15,** 111; **21,** 53
undue influence, in case of, **13,** 17—22; **15,** 103—111, 113. *See* UNDUE INFLUENCE.
uses, as to, **13,** 89 n.; **24,** 273 n.
vice-chancellors, of, **13,** 6 n.
voluntary settlement, setting aside of, **13,** 17. *See* VOLUNTARY SETTLEMENT.
Wales, courts of, **13,** 5
ward of court, as to, **17,** 146—149
waste, **13,** 49; **17,** 232

EQUITABLE LIEN. *See also* LIEN.
defined, **19,** 14, 15
abandonment of, default in completing contract, by, **19,** 31
failure to register, by, **19,** 31
instances of, **19,** 30—32
intention of parties considered, **19,** 30, 31
taking security, by, **19,** 30, 31
assignment of, **19,** 18
certificate under Land Transfer Acts, by deposit of, **21,** 83
charge upon land, distinguished from, **19,** 14 n.
club property, on, **19,** 19 n.
co-adventurers, as between, **19,** 20
common law lien distinguished from, **19,** 14, 15
compulsory acquisition of land, on, **19,** 16
consignee of West Indian estate, of, **19,** 22, 28
contract, under, **19,** 31
co-owners, claims against, **19,** 20
covenant to charge or settle specific property, under, **19,** 24, 25; **25,** 547, 548
damages in lieu of specific performance, for, no right to, **19,** 17
declaration as to rights, claim for, **21,** 284
defaulting executor, against, **19,** 24 n.
deposit, by, land registration certificate, of, **21,** 83
life policy, of, **17,** 563
title deeds, of, **19,** 24; **21,** 80 n., 82
devolution of, bankruptcy, on, **19,** 18
enforcement of, **13,** 10, 93; **19,** 27, 28; **21,** 273, 274, 286, 292
equitable charge, distinguished from, **19,** 14
expenditure on property of another, for, **17,** 563; **19,** 19—21
extent of, **19,** 15—19
fiduciary vendor, against, **19,** 17
foreclosure not granted, **19,** 27; **21,** 273
incumbrancer, of, **19,** 21, 22
indemnity, by way of, **17,** 563; **19,** 23; **28,** 158
judicial lien, distinguished from, **19,** 4
jurisdiction of Chancery Division in respect of, **19,** 27
limitation of action to enforce, **19,** 14, 84, 87
limited owner, of, **19,** 21
loss of, **19,** 30—32. *See* abandonment, *supra.*
partial, **19,** 31 n.
manager of estates, of, **19,** 22
maritime law, under, **19,** 23
married woman, of, **19,** 22; **25,** 547 n.
mortgage, distinguished from equitable, **13,** 92
mortgaged property, on, **19,** 20

EQUITABLE LIEN—*continued.*
mortgagee, of, **17,** 563; **19,** 19—21, 24
deposit of deeds, by, **19,** 24; **21,** 82
mortgagor, against, **19,** 17
no claim by, **19,** 20
nature of, **19,** 14
operation of law, by, **13,** 92
part owners, as between, **19,** 18 n.
partnership, in case of, **19,** 16, 18, 19, 30, 32; **22,** 61, 62
payment into court, after, **19,** 23
personal property, against, **19,** 18
personal representative, of, **14,** 339
pleading, **21,** 286
policy of insurance, in case of, **17,** 559 n., 563; **19,** 22
possessory lien distinguished from, **19,** 4, 14
priority of, **19,** 24, 28
property subject to, partner, in case of, **19,** 18, 19; **22,** 62
vendor, in case of, **19,** 15, 16
public company, on acquisition of land by, **19,** 16, 27, 28
purchase money of land, for, **19,** 15, 16. *See* VENDOR'S LIEN.
purchaser of land, of, **19,** 16—18
purchaser without notice, against, **19,** 23
registration of, in case of registered land, **19,** 31
remainderman, of, for waste, **19,** 23, 24
rentcharge, for, **24,** 474
representatives of purchaser, against, **19,** 16
resale by unpaid vendor under, power of, **19,** 27
rescission of contract, unpaid vendor, by, **19,** 27
sale, enforcement by, **13,** 93; **19,** 27, 28; **21,** 292
on, mortgagee or trustee, by, **19,** 17
superfluous land, of, **19,** 16
salvage, doctrine of, **17,** 563; **19,** 19
security, no discharge by taking of, **19,** 30
solicitor, of, **19,** 23
standing by, in case of, **19,** 21
sub-purchaser of land, of, **19,** 17
subrogation, application of doctrine of, **17,** 563; **19,** 19
tenant for life, of, **25,** 610
transfer of benefit of, **19,** 18
trust estate, in case of, **19,** 23, 27; **28,** 158
trustee, against, **19,** 17, 27
in favour of, for expenditure, **17,** 563; **19,** 19, 21, 23; **28,** 158
unauthorised expenditure, in case of, **19,** 19—21
vendor, of, **13,** 79; **19,** 15, 27, 30; **21,** 345. *See* VENDOR'S LIEN.
waste, in case of, **19,** 23, 24
West Indian Incumbered Estates Acts, under, **19,** 22, 28

EQUITABLE MORTGAGE. *See also* EQUITABLE SECURITIES.
defined, **21,** 74
Stamp Act, 1891, for purpose of, **21,** 136 n.
after-acquired property, of, **21,** 77
agreement to execute mortgage, by, **13,** 93; **21,** 74, 75, 79
banker, in favour of, **1,** 632—634, 636, 638; **27,** 231
blank transfer and deposit, by, **1,** 636; **27,** 236, 237
breach of trust, postponement in case of, **21,** 334, 345
building
agreement, of, form of, **21,** 74 n.
society, notice to, of, **3,** 369

EQUITABLE MORTGAGE—*continued.*
chose in action, of, **21,** 77, 78, 93, 94
company, by, **5,** 365—367
consolidation of, **21,** 210, 211. *See also* CONSOLIDATION.
contract for, **21,** 74, 75
copyholds, of, **8,** 94; **21,** 78, 80
costs, mortgagee, of, **21,** 234, 238
scale of, **25,** 761 n.
creation of, **21,** 74
crops, mortgagee's right to, **21,** 198
debenture, of, **5,** 359
deposit, by, actual delivery required for, **1,** 633 n.; **13,** 92
agent, by, **1,** 635
agreement to execute legal mortgage, by, **1,** 633; **13,** 93; **21,** 78
banker, with, **1,** 632—639
building society, with, **3,** 369
change of parties, effect of, **1,** 632, 633; **21,** 175 n.
charge
created by, **21,** 79
not created by mere deposit, **21,** 80, 81
copyholds, in respect of, **8,** 94; **21,** 78, 80
costs of mortgagee in respect of, **21,** 234 n.
documents to be deposited, **21,** 79—81
effect of, **1,** 633, 636; **17,** 563; **21,** 78, 79, 80
estoppel in case of, **1,** 633
evidence as to nature of, **17,** 563; **21,** 79—82
examination of papers on, **21,** 80
extent of property charged by, **21,** 82
foreclosure in case of, **1,** 633, 636; **13,** 92, 93; **21,** 277, 291; **27,** 235. *See* FORECLOSURE.
form of, **21,** 78, 79
foundation of charge by, **13,** 71; **21,** 78, 79
further advances, as cover for, **1,** 633; **13,** 92; **17,** 563
goods, in case of, **1,** 638
holder of deeds, communication to, effect of, **21,** 79 n.
indemnity of surety by, **15,** 516; **21,** 78 n.
injunction to restrain transfer, **1,** 636 n.; **17,** 252
interest on, implied right to, **21,** 115
lien created by mere deposit, **17,** 563; **21,** 80 n.
limited owner, by, **21,** 82
limits of security created by, **21,** 81
loss of deeds, effect of, **19,** 24; **21,** 82
memorandum on, **1,** 633; **13,** 71, 92; **15,** 516; **21,** 78 n., 79, 81
form of, **1,** 635 n.; **21,** 78 n.
without deposit, effect of, **21,** 79
merger in legal mortgage, **21,** 326
misappropriation of deposited muniments, in case of, **19,** 24; **21,** 82
mistake, deposit by, **21,** 81
mortgagee's right to retain muniments, **21,** 205
negotiable securities, of, banker, with, **1,** 635
part performance, based on, **13,** 92 n.; **21,** 79
parting with documents, effect of, **21,** 82, 344
partner's authority to effect, **1,** 634
persons to whom documents should be delivered, **21,** 81, 82
pleading, **21,** 286
pledge, distinguished from, **21,** 174; **27,** 233, 235
policy of assurance, **1,** 637, 638; **17,** 563
power of sale in case of stock, **21,** 246

EQUITABLE MORTGAGE—*continued.*
deposit—*continued.*
presumption arising from, **21,** 80
previous advances, when covered, **21,** 81
priority in case of, **21,** 344
registered land, in case of, **21,** 83
registration of memorandum of, **1,** 633; **21,** 86, 87, 335—338
Middlesex, in, **21,** 86
Yorkshire, in, **1,** 633; **21,** 87
remedies under, **13,** 92, 93; **21,** 277, 292
rents, receipt of, by mortgagee under, **21,** 192
sale under, court, by, **21,** 275 n., 292
securities, of, **1,** 635—637; **27,** 235—237
share certificate, of, **1,** 636; **5,** 197; **27,** 233, 236, 237
solicitor with client, by, **21,** 80 n., 82
special purpose, for, effect of, **21,** 81
Statute of Frauds, application of, **13,** 92 n.; **21,** 79
stock exchange loan, on, **27,** 232
stockbroker, by, **27,** 231
sub-mortgage by, **21,** 82, 175 n., 181
tenant in tail, by, effect of, **21,** 99
title deeds of freehold or leasehold property, of, **21,** 78—83, 148, 155, 326
transfer of, **13,** 98 n.; **21,** 174
discharge of, how taken, **21,** 312, 313
dismissal of redemption action, effect of, **21,** 155
enforcement of, **13,** 10, 92; **21,** 277, 291. *See* foreclosure; sale, *infra.*
entry and possession under, **21,** 190
equitable charge as, **13,** 92; **21,** 74, 83, 84, 169
equity of redemption, of, **13,** 10, 92; **21,** 74, 76, 190, 277, 312
stamp on, **21,** 135
estate and interest of mortgagee under, **13,** 80; **21,** 169
fixtures comprised in, **21,** 119
foreclosure under, **13,** 92, 93; **21,** 272, 273, 277, 291—293. *See also* FORECLOSURE.
future advances, for, **1,** 632, 633; **21,** 81
gift of, by delivery, **15,** 429
goodwill of business not included in, **21,** 76 n.
growing crops, mortgagee's right to, **21,** 198
injunction for protection of, **1,** 636 n.; **17,** 252
interest in land, of, **21,** 74
interpleader by mortgagee, **17,** 596, 613
jurisdiction in respect of, **13,** 10
kinds of, **13,** 92; **21,** 74, 75
leaseholds, of, **21,** 169 n., 313 n.
legal mortgage, in form of, **13,** 92
merger of, in formal mortgage, **21,** 326
mortgagee's rights under, **21,** 169. *See* foreclosure, *supra*; receiver; remedies; sale, *infra.*
mortgagor's right to redeem, when barred, **19,** 149 *See* EQUITY OF REDEMPTION; REDEMPTION.
notice of intention to pay off, when not necessary, **21,** 148
pawn distinguished from, **21,** 136, 174; **22,** 236
personal property, of, nature of, **21,** 75, 76, 77, 132
remedies on, **13,** 96; **21,** 273
writing not essential in case of, **21,** 75
possession, whether mortgagee entitled to, **21,** 190
priority of, execution creditor, against, **21,** 346
fraud, in case of, **21,** 343
hire purchase agreement, against, **21,** 119
judgment creditor, against, **21,** 326

EQUITABLE MORTGAGE—*continued.*
priority of—*continued.*
legal and equitable claims, against, **13,** 80, 81 ; **21,** 327—346
unpaid vendor, against, **21,** 345
property which may be comprised in, **21,** 73, 74
puisne mortgage as, **21,** 76
receiver in respect of, **21,** 190, 261—263
recognition and enforcement of, **13,** 10, 92
reconveyance in case of, **21,** 312
registration of, Ireland, in, **21,** 336 n.
Land Transfer Acts, under, **21,** 338
Middlesex, in, **21,** 86, 334—336, 338
Yorkshire, in, **1,** 633 ; **10,** 422 n. ; **15,** 513 n. ; **21,** 336—338 ; **24,** 305
remedies of mortgagee, **13,** 92 ; **21,** 262, 272, 273, 291, 292
sale, order for, **21,** 292
statutory power, under, **21,** 248
Scotland, in, enforcement of, **13,** 65 n.
seal, under, receiver, right to appoint, **21,** 190
sale, power of, **21,** 248
shares in company, of, **1,** 636 ; **5,** 197, 198 ; **21,** 246 ; **27,** 233, 236, 237
ship, of, **26,** 23
receiver, appointment of, **24,** 342
stamp duty payable on, **21,** 136
Statute of Frauds, effect of, **13,** 92 n. ; **21,** 74, 75, 79
stockbroker, by, **21,** 345 ; **27,** 231
sub-mortgage of, **21,** 181, 182 ; **27,** 233
tacking in case of, **21,** 330—333
title deeds, priority by possession of, **1,** 633 ; **21,** 344
trade fixtures, of, **21,** 74 n.
trustee's inability to invest on, **21,** 108, 133 n. ; **28,** 133
wife's chose in action, of, husband, by, **16,** 332
writing when necessary for, **10,** 422 ; **21,** 74, 75, 77 n.

EQUITABLE RELIEF. *See also* EQUITABLE JURISDICTION.
account of profits not damages, **13,** 67, 68
burdensome contract, in case of, **13,** 27
condition, on breach of, **28,** 595, 596
consideration, illegal, in case of, **13,** 54
inadequate, in case of, **13,** 16, 17 ; **27,** 42
damages inadequate, when, **13,** 11
deceit, in action of, **20,** 724 n.
forfeiture, against, **13,** 6, 10, 153, 154 ; **27,** 7
common law courts, jurisdiction of, **13,** 153
donee under will, against, **28,** 595
gift over on breach of condition, not given in case of, **4,** 172
onus of proof as to, **4,** 173
lease, breach of covenant in, **13,** 153 ; **18,** 539 n., 542 n.
negligence, not given in case of, **13,** 153 n.
rent, in case of non-payment of, **18,** 544—546 ; **19,** 100
wilful, not given in case of, **13,** 72 n.
High Court, in, **13,** 61—65
Judicature Acts, under, follows previous practice, **13,** 61—65
legal right lost through interference of equity, when, **13,** 48
limits of, **13,** 27
mistake, on ground of, **13,** 9 n., 22—25 ; **19,** 173 ; **21,** 2 *et seq.* *See* MISTAKE.

EQUITABLE RELIEF—*continued.*
penalties, against, **13,** 6, 10, 150—153. *See also* PENALTY.
plaintiff restrained from suing at law, in case of, **13,** 48, 49
principle on which given, **13,** 151 n.
surprise as ground of, **13,** 17
unconscionable transactions, in case of, **13,** 20—22 ; **15,** 111 *et seq.* *See* UNCONSCIONABLE BARGAIN.
undue influence as ground of, **13,** 17 ; **15,** 103 *et seq.* *See* UNDUE INFLUENCE.

EQUITABLE SECURITIES. *See* EQUITABLE CHARGE ; EQUITABLE LIEN ; EQUITABLE MORTGAGE.
bills or notes, effect of deposit of, **1,** 634
creation and incidents of, **13,** 92, 93, 96. *See* EQUITABLE MORTGAGE.
distinction between, in regard to remedy of incumbrancer, **13,** 92
enforcement of, **13,** 54, 92
life policy, on, **13,** 96 n.
unauthorised legal mortgages as, **21,** 96 ; **22,** 26 n.

EQUITIES,
accounts between mortgagor and mortgagee as affecting, **4,** 389 ; **21,** 216
agreement by debtor not to enforce, **4,** 390 ; **13,** 103
assignee takes subject to, bill of exchange, in case of, when, **2,** 507, 514 ; **4,** 391
bond, in case of, **3,** 97 ; **4,** 387
building contract, on assignment of, **3,** 267, 269, 270
chose in action, in case of, **4,** 367, 373, 383—391 ; **13,** 104 ; **20,** 758 ; **21,** 78 ; **25,** 496
exclusion of rule by agreement, **3,** 270 ; **4,** 390 ; **13,** 103
intermediate assignor, against, **4,** 388
statutory provision for preserving, **4,** 367 n.
company securities, in case of, **4,** 387 ; **5,** 359, 739
contract, on assignment of benefit of, **3,** 267, 269 ; **4,** 390 ; **7,** 497 n., 500, 501
debentures, in case of, **3,** 227 ; **4,** 387, 390 n. ; **5,** 358, 359, 739
debts, in case of, **4,** 367, 369 n., 373, 374. *See also* mortgage debt, *infra.*
freight, on assignment of, **26,** 302
fund in court, on assignment of share of, **4,** 389
legacy, on assignment of, **4,** 389 ; **14,** 268
legal chose in action, in case of, **4,** 367, 369 n., 373, 374
Lloyd's bonds, in case of, **3,** 227
mortgage debt, in case of, **4,** 389, 390 ; **21,** 177, 178 n.
mortgaged property, in case of, **21,** 178
partnership, on assignment of share in, **4,** 390 n. ; **21,** 96 ; **22,** 57
patent, on registration of assignment of, **13,** 87 n. ; **22,** 186 n.
satisfied bond, in case of, **4,** 387
securities on stock exchange, in case of, **27,** 235, 236
shares of company, in case of, **3,** 227 ; **4,** 387 ; **5,** 197, 198 ; **27,** 236
trust fund, of share in, **4,** 388, 389 ; **28,** 41—44, 152

EQUITIES—*continued.*
assignment, effect of notice of, **3,** 227, 267, 269; **4,** 374, 387, 388; **7,** 497
assignor and assignee of chose in action, between, **4,** 388
bankruptcy trustee takes subject to, **2,** 154; **4,** 381; **13,** 79
breach of trust, in case of, **4,** 389; **28,** 186—188
building contractor and employer, between, **3,** 227, 267, 269, 270
cheque assigned free from, **1,** 592 *et seq.*; **2,** 506, 508, 514; **4,** 391
chose in action assignable free from, when, **4,** 390; **13,** 103
conditional deed, in case of, **10,** 389 n.
conflict of laws, in case of, **6,** 203, 209
constructive notice, effect of doctrine of, **4,** 373; **13,** 86—88. *See* CONSTRUCTIVE NOTICE.
debenture-holder and company, between, **3,** 227; **4,** 387, 390 n.; **5,** 347, 359, 360
defence, as ground of, **13,** 62
elegit, as affecting tenant by, **14,** 67, 70
employer and building contractor, between, **3,** 227, 267, 269, 270
enlargement of long term of years, effect of, **24,** 269
equitable assignment subject to, **4,** 386—391; **13,** 103, 104
execution creditor takes subject to, **5,** 352; **13,** 63 n., 79; **14,** 50, 57, 67, 70
executrix, on assignment by, **4,** 389 n.
floating charge, notice of debentures operating as, **4,** 387 n.
priority over execution creditor's rights, **5,** 352
foreclosure action, in, **13,** 62 n.
foreign immovables, in case of, **6,** 203, 207, 209
fund in court, in case of, **4,** 388, 389
goods, as affecting disposition of, **25,** 197
High Court, jurisdiction of, to deal with, **13,** 61—65
interpleader proceedings, in, **13,** 63 n.; **17,** 582
judgment creditor takes subject to, **13,** 79; **14,** 50, 57, 67, 70
land, against enforcing possession of, **13,** 62 n.
legal title as protection against, **13,** 76—79, 81—84
stocks and securities, in case of, **27,** 235, 236
lex loci rei sitæ, under, **6,** 203
mortgage of chose in action subject to, **21,** 78
mortgagor and assignee of mortgage, between, in foreclosure, **21,** 278
negotiable instruments assigned free from, **2,** 514; **4,** 387, 391
notice of, effect of, **13,** 79, 81—88. *See* NOTICE.
legal estate, as against owner of, **13,** 81—84
patent, on assignment of, **13,** 87 n.; **22,** 186 n., 192 n.
presumption as to, **13,** 84—88; **27,** 236. *See* CONSTRUCTIVE NOTICE.
priority, as affecting, **27,** 235, 236
purchaser for value, as affecting, **13,** 79
stock exchange transactions, in, **27,** 235, 236
voidable conveyance, in case of, **15,** 115
partnership, assignment of share in, is subject to, **4,** 390 n.; **21,** 96; **22,** 57
patent, on registration of, **13,** 87 n.; **22,** 186 n., 192 n.
priority as between, **4,** 367, 369 n., 373; **13,** 79—81
legal estate, effect of acquiring, **13,** 76—79, 81—84; **27,** 235
notice, effect of, **13,** 84—88

EQUITIES—*continued.*
promissory notes assigned free from, **2,** 514; **4,** 391
purchase of land, in case of uncompleted contract for, **25,** 366
purchaser for value without notice, in case of, **13,** 78, 79, 81—84; **15,** 115
receipt for money remaining unpaid, effect of, **4,** 390; **21,** 178
registered land, in, creation by unregistered dealings, **24,** 321
leaseholds, in case of, **24,** 314, 320
release of, by debtor, **4,** 390
representation as affecting, **4,** 390 n.
securities, in dealings with, **4,** 387; **5,** 359, 739; **27,** 235, 236
set-off by debtor, right of, **3,** 269; **4,** 387, 388; **13,** 103, 104
ship, in transaction relating to, **13,** 87 n.; **26,** 17, 28, 29
stock exchange transactions, in case of, **27,** 235, 236
sub-mortgagee takes subject to, **21,** 181, 182
tenant, of, purchaser of land, against, **13,** 88 n.; **25,** 452
term of years, in, marital rights as affected by, **16,** 325
time, priority in order of, **13,** 79
transfer of mortgage, on, **4,** 389, 390; **21,** 177, 178
trust fund, on assignment of, **4,** 388, 389; **28,** 41—44, 152
vendor of land, alienee from, when subject to, **25,** 376, 377
lien of, distinguished from, **13,** 79

EQUITY.
See EQUITABLE ASSETS; EQUITABLE ASSIGNMENTS; EQUITABLE CHARGE; EQUITABLE DOCTRINES AND PRINCIPLES; EQUITABLE ESTATES AND INTERESTS; EQUITABLE EXECUTION; EQUITABLE JURISDICTION; EQUITABLE LIEN; EQUITABLE MORTGAGE; EQUITABLE SECURITIES; EQUITY OF REDEMPTION; EQUITY TO A SETTLEMENT.
The title EQUITY *is contained in Vol. XIII., pp.* 1 *et seq.*
defined, **13,** 4
accident, relief in case of, **13,** 25—27. *See* ACCIDENT.
acquiescence, doctrine of, **13,** 166—168. *See* ACQUIESCENCE.
administration of, prior to Judicature Acts, **13,** 4
aim of, **13,** 7
assets in. *See* EQUITABLE ASSETS.
assignment in, **13,** 102—104. *See* EQUITABLE ASSIGNMENT.
caveat emptor applied in contract of sale, **13,** 14 n.
common law, compared with, **13,** 6, 8, 10—42, 64, 68
common law maxims adhered to, **13,** 8
conscience, good faith or reason as basis of, **13,** 6, 7 n.
construction, contracts, of, the same as at law, **7,** 510
statutes, of, equitable, **13,** 69 n.; **27,** 153
contract not completed in, when agreed mode fails, **13,** 27
conversion in, **13,** 104—116. *See* CONVERSION IN EQUITY.
Cornwall, Duchy of, claims in respect of, **7,** 241

EQUITY—*continued.*
courts of. *See* CHANCERY, COURT OF; CHANCERY DIVISION.
deed, necessity for, in, **10,** 373—378
defendant resorting to, must accept entire principles, **13,** 63
development of, adherence to precedent, **13,** 8
discharge in, contract by deed, of, **10,** 416 n.
debt, of, by payment to one of two trustees, **21,** 308 n.
dower, assignment of, **13,** 42; **24,** 197
jurisdiction as to, **13,** 10, 41
draftsman in, certificate to practise as, **2,** 365 n.
disqualification as bar student, **2,** 363 n.
privileges of, **2,** 378; **26,** 857 n.
undertaking by bar student not to act as clerk to, **2,** 366 n.
duress, in case of, **13,** 19
election in, **13,** 116—128. *See* ELECTION (Doctrine of Equity).
equality in, **13,** 69
equitable interest, distinguished from, **21,** 345 n.
equities. *See* EQUITABLE ESTATES AND INTERESTS; EQUITIES.
escrow in, liability under, **10,** 388 n., 389 n.
estoppel in, *See* ACQUIESCENCE; MAKING GOOD; STANDING BY.
exoneration in, of married woman's property charged for husband's benefit, **16,** 405—407
surety, of, **15,** 517
following trust assets in, **13,** 159—161; **21,** 345; **28,** 207—209
foreclosure in, **21,** 272. *See* FORECLOSURE.
High Court of Justice, administered in all divisions of, **13,** 62
illegal transactions not assisted in, **13,** 73 n.
in personam, not *in rem*, acts, **13,** 65
information in, **10,** 20—26. *See* ENGLISH INFORMATION.
intention to fulfil an obligation imputed in, **13,** 73
interest, recovery of, in, **21,** 40
interference of, ground for, **13,** 7
Judicature Acts, effect of, **13,** 61—65
jurisdiction in, **13,** 4—65. *See* EQUITABLE JURISDICTION.
laches as a bar in, **13,** 168—174; **19,** 174. *See* LACHES.
law, deficiency of, supplied by, **13,** 7
difference from, grounds of, **13,** 7
effect of, on, **13,** 7
followed, in what matters, **10,** 373; **13,** 7, 8, 65, 68
fusion with, **13,** 61
mitigates rigour of the, **13,** 7
mandamus not excluded by remedy in, **10,** 103
marshalling in, **13,** 142—146. *See* MARSHALLING.
maxims of. *See* EQUITABLE DOCTRINES AND PRINCIPLES.
merger in, **13,** 146—149; **21,** 318—326. *See* MERGER.
nature of, **13,** 6—9
notice in, constructive, **13,** 84—88. *See* CONSTRUCTIVE NOTICE.
equitable assignment, of, **4,** 379—386. *See* CHOSE IN ACTION.
purchaser for value without, **13,** 76—79. *See* PURCHASER FOR VALUE.
partner seeking relief must do, **17,** 250; **22,** 80

EQUITY—*continued.*
partnership property, personalty as, **11,** 7; **13,** 39; **22,** 56
survivorship as to, not recognised in, **22,** 55, 56
performance of obligation presumed in, **13,** 139—142
precedent, adherence to, **13,** 8
presumptions in, **13,** 507. *See* PRESUMPTION.
fraud, of, in improvident transaction, **13,** 16
performance of covenant to settle land, of, **13,** 139, 507
satisfaction of legacies and portions, of, **13,** 129, 136, 507
principles of, **13,** 6, 7 n., 65—88. *See* EQUITABLE DOCTRINES AND PRINCIPLES.
emphasised by Judicature Acts, **13,** 4
priorities in, **13,** 79—84
Probate, Divorce and Admiralty Division, in, **13,** 63 n.
redemption, of. *See* EQUITY OF REDEMPTION.
refunding of legacies in, **13,** 160, 161; **14,** 278
release in, **13,** 164, 166. *See* RELEASE.
restrictive covenants in, **13,** 100—102
rights in, not enforced by mandamus, **10,** 99
Roman law as source of, **13,** 8
rules of, establishment of, **13,** 8, 9
prevail over rules of common law, **13,** 64
satisfaction in, **13,** 128—139. *See* SATISFACTION.
set aside a deed, to, **13,** 90
set-off in, **13,** 161—164; **25,** 486 n., 487 n., 491 n., 492 n., 500. *See* SET-OFF.
settlement, to a. *See* EQUITY TO A SETTLEMENT.
statute, in construction of, **11,** 181 n.; **13,** 69 n.; **27,** 153
Statute of Frauds not allowed to be an instrument of fraud, **13,** 12, 75
statutes of limitation, acts on analogy of, **13,** 175; **19,** 170
application of, in, **19,** 105, 109, 169—174
subrogation in, **13,** 149, 150. *See* SUBROGATION.
surrender to uses of will implied in, **24,** 138 n.
system of, when settled, **13,** 8, 9
tacking of mortgages in, **13,** 71, 83; **21,** 330—333. *See* TACKING.
terms may be imposed on claimant in, **13,** 62 70
time as of essence of contract in, **7,** 413, 414; **13,** 64, 154; **27,** 67, 68
trusts and trustees in, **13,** 154—161. *See* TRUST; TRUSTEE.
volunteers protected in, **13,** 97, 98
waiver in, **13,** 165, 166. *See* WAIVER.

EQUITY OF EXONERATION,
assets, in administration of, **14,** 286—288
incumbered land, when allowed in respect of, **14,** 288, 289
personal property of deceased person, in respect of, **14,** 288
property of wife charged for husband's benefit, **16,** 405—407
bankruptcy law, unaffected by, **2,** 159; **16,** 407
presumption as to, **16,** 405, 406
rebuttal of presumption as to, **16,** 406
waiver of, **16,** 407
surety, in case of, **15,** 517—526; **21,** 304—307. *See also* INDEMNITY.

EQUITY OF REDEMPTION. *See also* REDEMPTION OF MORTGAGE.
defined, **13,** 90, 91 ; **21,** 71
action for redemption, **21,** 149—156. *See* REDEMPTION ACTION.
appointment operating on, **23,** 25
assignee of, non-liability for payment of mortgage debt, **21,** 270
party to foreclosure action, as, **21,** 282
pendente lite, rights in redemption action of, **21,** 140
assignment of, Judicature Act not applicable, **4,** 369
power of sale as affected by, **3,** 369
bill of sale, under, receiver of, **14,** 121
charge on, foreclosure action, in relation to, **21,** 281, 282
clog on, *defined*, **13,** 91 ; **21,** 71
application of rule generally, **13,** 91, 92 ; **21,** 71
bonus as, **21,** 144
collateral advantage to mortgagee may amount to, **13,** 91 ; **21,** 143, 242
collateral agreement not amounting to, **13,** 91 ; **17,** 252 ; **21,** 143
company's securities, in case of, **5,** 360 ; **13,** 92 ; **21,** 143 n.
contemporaneous independent transactions not regarded as, **21,** 144
examples of, **21,** 142—145
forbidden, **13,** 91 ; **21,** 71, 142, 143
foreign land, on mortgage of, **13,** 65 n.
postponement of redemption, by, **13,** 91 ; **21,** 142, 143
subsequent independent transactions not regarded as, **21,** 144
consolidation as affecting, **21,** 212—214
copyholds, in, descent of, **8,** 94
curtesy in, **21,** 146
customary freeholds, in, descent of, **11,** 14
date fixed for payment, commences at, **13,** 91 ; **21,** 147
debenture or debenture stock may be irredeemable, **5,** 346 ; **13,** 92 ; **21,** 143 n.
descent and devolution of, **8,** 94 ; **11,** 7, 14 ; **13,** 94 n. ; **19,** 150 ; **21,** 145, 146
disposition of, *inter vivos*, or by will, **21,** 145, 146
distraint by or on behalf of owner of, **11,** 128, 129 ; **21,** 161
dower in, **13,** 96 n. ; **21,** 146 ; **24,** 189 n.
duration of, **21,** 71
enforcement of, **21,** 147—156. *See* REDEMPTION ACTION ; REDEMPTION OF MORTGAGE.
enlargement of long term, effect of, **21,** 146
escheat of, **11,** 24 ; **13,** 95 n. ; **21,** 142, 146
essential to mortgages, **21,** 71, 72, 113
estate duty on, **13,** 196
estate in land, as, **13,** 91 ; **21,** 138 ; **24,** 283
execution against, *elegit* not applicable, **14,** 68 ; **21,** 146, 147
fieri facias not applicable, **14,** 49 n.
receiver, by appointment of, **14,** 118 ; **21,** 146, 147 ; **24,** 342 n.
foreclosure, proceedings for. *See* FORECLOSURE.
legal mortgage, under, **13,** 90 ; **21,** 147
loss of, concealment of prior charge, by, **21,** 156, 157
foreclosure, by, **21,** 71, 293
lapse of time, by, **19,** 149, 150 ; **21,** 156
purchase of life estate by mortgagee, effect of, **19,** 150
merger, by, **21,** 156, 318 *et seq.*

EQUITY OF REDEMPTION—*continued.*
loss of—*continued.*
release, by, **21,** 156, 295
sale by mortgagee, by, **21,** 71, 156, 246, 256, 259
marshalling in respect of, **21,** 304, 305
merger of, **21,** 156, 318—326
mortgage of, an equitable security, **13,** 10, 92 ; **21,** 76
nature of, **13,** 90, 91 ; **21,** 71, 138
origin of, **13,** 6, 10, 90
owner's rights against tenant, **13,** 64 n. ; **21,** 161—168
persons entitled to, **21,** 139—142
position of, **21,** 71 n., 157—168. *See* MORTGAGOR.
settlement, under, **21,** 140
postponement of, **21,** 143
power of sale, effect of exercise of, **21,** 259
proviso for redemption, on omission of, **21,** 72
purchase of, indemnity to vendor on, **21,** 146 n., 270 ; **25,** 428
inquiries to be made on, **25,** 444
investment under Settled Land Acts, as, **23,** 647
merger on, **21,** 323
notice to mortgagee on, **25,** 444
right of purchaser before completion, **21,** 142 ; **25,** 366 n.
receiver of, county court, in, **24,** 342 n.
equitable execution, by way of, **14,** 118, 121 ; **21,** 146
reconveyance after change of title to, **21,** 312
redemption, action for. *See* REDEMPTION ACTION.
release of, effect of, **21,** 156, 295
remaindermen's right in, under statutes of limitation, **19,** 150
sale of. *See* purchase, *supra.*
compulsory powers, under, **6,** 142
equitable execution, after, **14,** 125 ; **21,** 146, 147
loss of right of redemption by, **21,** 156
settlement of, parties to foreclosure action in case of, **21,** 281
statutes of limitation, as affected by, **19,** 149
surplus proceeds of sale, rights to, **15,** 100 n.
severance of, effect on right to consolidate, **21,** 212, 213
stamp duty on conveyance of, **25,** 448
suspension of, **21,** 145
transfer of mortgage as affecting, **21,** 172

EQUITY TO A SETTLEMENT,
defined, **2,** 158 ; **16,** 334, 335
adultery of wife, in case of, **16,** 340
assignee for value of husband, against, **16,** 339, 340
barring of, **16,** 340
basis of right to, **13,** 71 ; **16,** 335
children, rights of, against husband, **16,** 336, 337
terms usually imposed in favour of, **16,** 337, 338
chose in action, in, **16,** 332
consideration for settlement, as, **25,** 563 n.
domicil as affecting, **16,** 335
enforcement of, **16,** 336
fraud of wife, after, **13,** 72 n. ; **16,** 340
payment to husband or his assignee, after, **16,** 340
property subject to, **16,** 335, 336
chose in action, **16,** 377
income, **16,** 338, 339
property under jurisdiction of court of equity, **16,** 335, 336

EQUITY TO A SETTLEMENT—*contd.*
release of, **16,** 339
retractation of, **16,** 341
set-off, not prejudiced by claim to, **16,** 336; **25,** 499
settlement, terms of, **16,** 337, 338
trustee in bankruptcy, against, **2,** 158; **16,** 331, 337, 339
waiver of, **16,** 337, 340, 341
grant in consideration of, good against creditors, **15,** 82
infant, by, **16,** 341; **17,** 80

EQUIVOCATION. *See* AMBIGUITY.
defined, **10,** 454; **28,** 644, 645
evidence of testator's intention admissible on, **28,** 643, 644
identity of christian name, by, **28,** 645 n.
when not arising, **28,** 645, 646

ERASURE,
affidavit as to, discovery of documents, on, **11,** 91
codicil, in, **28,** 559 n.
contract, in, construction and effect of, **3,** 173; **7,** 424—426
deed, in, effect of, **10,** 411—416. *See* ALTERATION.
presumption as to time of, **10,** 411; **13,** 506
General Medical Council, erasure of name by. *See* GENERAL MEDICAL COUNCIL.
infringing mark or label, of, order may be made for, **27,** 772
instrument under hand altered by, **10,** 431
will, in, admittance on probate of, **14,** 168
chemicals may not be used, **14,** 168
deciphering, practice as to, **14,** 168; **28,** 559
effect of, **28,** 559
evidence as to, **28,** 560
magnifying glass may be used to decipher, **14,** 168; **28,** 559
presumption as to time of, **13,** 506; **28,** 560
revocation by, **28,** 559

ERECTION. *See* BUILDING.
allotments, on, of buildings or houses, **1,** 355
monument, of, cemeteries, in, **3,** 511. *See* MONUMENT.
churchyard, in, **3,** 416—418, 441, 442
fees for, **3,** 430, 480, 481
reservation of right of, consecration of churchyard, on, **3,** 441, 442
sale of right of, **3,** 473, 520
new building, of, meaning of, **23,** 415, 416. *See* BUILDING.
trespass by means of, remedies for, **27,** 857

ERROR. *See* MISDESCRIPTION; MISTAKE.
arbitrator's award, in, formal, **6,** 83
assessment of income tax, in, **16,** 680
building contract, in, **3,** 173, 174, 181
certiorari, writ of, distinguished from, **10,** 169
grant of, in case of error, **10,** 192
writ of error in regard to, **10,** 160
clerical. *See* CLERICAL ERROR.
common, as ground for refusing specific performance, **27,** 47
compensation for, conditions of sale as to, **27,** 103—105
correction, instrument, in, by intrinsic evidence, **10,** 454—457
defence, as, specific performance action, in, **27,** 47, 48

ERROR—*continued.*
description of property etc., in. *See* DESCRIPTION.
distress warrant, in, **11,** 214 n.
face of proceedings, on, appeal from Mayor's Court, London, **20,** 300
quashing of decision, *certiorari,* by, **10,** 198
gas measure, in, **15,** 346, 349
judgment or order of court, in, how and when rectified, **18,** 214
liability for loss resulting from, **21,** 369
notice of distress, in, **11,** 167
order of Board of Agriculture and Fisheries, in, correction of, **21,** 832
pleadings or proceedings, in, amendment of, **22,** 440
proceedings in. *See certiorari, supra;* writ, *infra.*
appeal, as ancient method of, **1,** 45
assignment of counsel in, **2,** 386, 387
functions of King's Coroner, **8,** 230
trade mark, in application for, **27,** 707
trade marks registration, in, rectification of, **27,** 713—718
writ of, abolition of, **2,** 387 n.; **9,** 433
distinguished from *certiorari,* **10,** 169
sheriff's fees in case of, **25,** 839 n.

ERYSIPELAS,
burial of person dying of, **3,** 549, 550
death from, whether within Workmen's Compensation Act, **20,** 170 n.
notification of, **20,** 338 n.

ESCAPE,
defined, **9,** 508
aiding, child, of, committee, from, **17,** 166 n.
custody on civil process, from, **9,** 509
fugitive offender, of, **14,** 424
lawful custody, from, **9,** 509, 510
naval prison, from, **25,** 19
prison, from, **9,** 510
prisoner, of, punishments for, **9,** 509, 510
prisoner of war, of, **9,** 510
animals, of, liability of owner for, **1,** 375—377; **21,** 395, 396 n.
bailiffs' liability for, **8,** 425
convict, by, punishment for, **23,** 232
criminal lunatic, of, penalties for, **9,** 510; **23,** 270
fire, from, provision of means for, factories and workshops, in, **14,** 467—470
gas, of. *See* GAS.
industrial school, from, **12,** 75
inebriate reformatory, from, **18,** 170
lunatic, of, persons authorised to retake, **19,** 525
negligence in permitting, **9,** 509
officer guilty of, **9,** 508, 509
prevention of, felon convict, by, **23,** 266
Prison Commissioner's liability for, **23,** 232
private person, by, **9,** 508, 509
recapture after, **9,** 509; **25,** 814
reformatory school, from, **12,** 75
sewage, of, **25,** 741; **27,** 497 n.
sheriff, from, liability for, **25,** 820
right of recapture by, **25,** 814
shooting to prevent, **23,** 266
water, of, act of God, by, **21,** 469, 470; **28,** 383, 453, 454
cistern, from, **28,** 455
flood, in case of, **28,** 456
liability for, **21,** 401, 402, 528 n., 529 n.; **28,** 295 n., 453—457

ESCAPE—*continued.*
water—*continued.*
percolation, by, **28,** 455
storage under statutory authority, from, **28,** 456

ESCHEAT,
defined, **11,** 23; **24,** 145
acquisition by, purchase for purpose of descent, as, **11,** 7
action to enforce, mesne lord, by, **8,** 54; **11,** 27
basis of, **11,** 24
cestui que trust, on death of, **8,** 55; **11,** 24
old law, **11,** 24 n.; **13,** 95 n.
commission of, how issued, **10,** 35, 36
conversion, effect of equitable doctrine of, **11,** 24 n.; **13,** 107 n.
copyholds, of, Crown, to, **8,** 56; **11,** 26; **14,** 187
lord of manor, to, **4,** 529; **8,** 54—56, 126; **11,** 26
Cornwall, in Duchy of, **9,** 110; **11,** 26 n.
corporation or company, on dissolution of, **5,** 568; **8,** 400, 401; **11,** 25
court of, **9,** 110
Crown, to, administrator's rights on, **7,** 178; **14,** 187
adverse possession, barred by, **11,** 27
copyholds, in respect of, **8,** 56; **11,** 26; **14,** 187
corporation lands, of, **8,** 401; **11,** 25
entry on, not usual, **10,** 36
failure of trusts, on, **28,** 53
inquiry on. *See* inquisition, *infra*.
Land Transfer Act, 1897, effect of, **7,** 178; **11,** 27
lord paramount, as, **11,** 26
mortgaged property, of, **11,** 25 n.
trust property, of, **11,** 25 n.
debts, subject to payment of, **8,** 56; **11,** 27; **24,** 164
derivation of word, **11,** 23 n.
determination of fee simple, on, **24,** 213
Durham, in County Palatine of, **7,** 216
effect of, charges by former owner, on, **11,** 23, 24
common, on rights of, **4,** 529
conditions attached to land, on, **8,** 56
copyholds, on tenure of, **8,** 55, 56, 111
debts of tenant, on liability for, **8,** 56; **11,** 27; **24,** 164.
dower, on right of, **24,** 192
easements, as to, **11,** 252
heriots, on right to, **8,** 41, 42
licence by lord of manor, on, **8,** 55
power of appointment, on, **8,** 55
redemption of mortgage, on, **8,** 55; **21,** 142
tenant's estate, on, **8,** 111
trusts affecting land, on, **8,** 55; **11,** 24, 25
old law, **11,** 24 n.; **13,** 89 n., 95 n.
enfranchisement, after, **8,** 56, 126
enlargement of long term, after, **24,** 269 n.
entry by lord to perfect title by, **11,** 27
equitable estate, of, **8,** 55; **11,** 24
estate tail, of estate expectant on, **11,** 24
felo de se, none in case of, **8,** 54; **11,** 26
forfeiture distinguished from, **8,** 54
gavelkind land, in case of, **11,** 26 n.
inquisition of, *absque hoc*, meaning of, **10,** 38 n.
amendment of, **10,** 37
amoveas manus, judgment of, **10,** 38
attornment by tenant on, **10,** 36

ESCHEAT—*continued.*
inquisition of—*continued.*
commissioners' powers on, **10,** 36
confession by Crown on, **10,** 38
contents of, **11,** 27
costs on traverse of, **10,** 39
effect of, **11,** 27
England and Wales, in, **10,** 35
evidence on, **10,** 36
filing of traverse of, **10,** 38
form of, **10,** 36
informality or omission in, amendment of, **10,** 37
judgment on traverse of, **10,** 38
enrolment of, **10,** 39
jury on, **10,** 36
Lancaster, Duchy of, procedure in, **10,** 37, 39
leave to traverse, how given, **10,** 38
melius inquirendum, award of, **10,** 37; **11,** 27
necessity for, **11,** 27
objection to, **10,** 37
order of court for, **11,** 27
ouster le main, judgment of, **10,** 38
pleadings on traverse of, **10,** 38
procedure rules, 1889, **10,** 35 n.
return of, **10,** 36, 37; **11,** 27
rules for traverse of, **10,** 36 n.
sans ceo, meaning of, **10,** 38 n.
traverse of, **10,** 37—39
form of, **10,** 38
Intestates Estates Act, 1884, under, **8,** 55; **11,** 24
Lancaster, in Duchy of, **7,** 219; **9,** 110; **11,** 26
rules for, **10,** 36 n.
mesne lord, to, **8,** 54; **11,** 26, 27
mortgagee, effect on death of, **8,** 55; **11,** 25
mortgagor, effect on death of, **8,** 55; **11,** 24
outlawry, in case of, **8,** 54, 55; **11,** 26
perpetuities, rule against, not applicable to, **22,** 331
procedure on. *See* inquisition, *supra*.
property subject to, copyholds, **8,** 54—56; **11,** 26
customary freeholds, **8,** 54
equitable estate, **8,** 55; **11,** 24; **13,** 95 n., 96 n.
equity of redemption, **13,** 95 n.; **11,** 24
fee simple, estate in, **11,** 24; **24,** 145, 164, 213, 331, 332
franchise market, **20,** 13 n.
incorporeal hereditaments, **11,** 24
manors, **8,** 20
proceeds of sale of real estate, **11,** 24 n.
real estate, **11,** 23—28
remainder, **11,** 27 n.
rentcharge, **11,** 24; **24,** 512
reversion, **11,** 27 n.
socage land, **11,** 24
propter defectum tenentis, **11,** 25, 26, 27
propter delictum tenentis, **11,** 26, 27
quasi, reverter in case of, **24,** 171 n., 172 n.
real representative's title as against Crown, **7,** 178; **11,** 27
redemption of mortgage after, **8,** 55; **21,** 142
regrant after, copyhold land, of, **4,** 529; **8,** 56
Crown, by, **11,** 27
rentcharge
is subject to, **11,** 24; **24,** 512
not subject of, formerly, **11,** 24 n.; **24,** 512 n.
reservation of right of, enfranchisement, on, **8,** 56
reversion distinguished from, **11,** 23

ESCHEAT—*continued.*
reverter distinguished from, **24,** 146, 237 n.
rule against perpetuities, exemption from, **22,** 331
socage, of land held in, **11,** 24
suicide, none in case of, **8,** 54; **11,** 26
tenure formerly essential for, **11,** 24 n.
title by, perfecting of, mesne lord, by, **11,** 27
treason, felony and *felo de se*, for, abolition of, **8,** 54; **11,** 26
trust or mortgage estate, none of, **8,** 55; **11,** 25
trustee, none on death of, **8,** 55; **11,** 25
old law, **8,** 55 n.; **11,** 25 n.; **13,** 95 n.
unaffected by enfranchisement, when, **8,** 126
waiver of, acts of lord amounting to, **8,** 55 n.
Crown, by, **11,** 27
writ of, abolished, **8,** 54 n.
year, day, and waste, Crown's right to, **11,** 27 n.

ESCROW,
defined, **10,** 387
agreement in writing as, **7,** 527
assignment for benefit of creditors as, **2,** 14
avoidance of, on non-happening of contingency, **10,** 407
bankruptcy, conveyance delivered as escrow not regarded as act of, **2,** 14
bond delivered as, **3,** 84
capacity of party delivering, **10,** 390
conditional delivery of bill of exchange, distinguished from, **2,** 483
delivery of deed as, **10,** 387—390
equity, in, **10,** 388 n.
estoppel as to, **10,** 389 n.
form of delivery of, not essential, **10,** 387
fulfilment or performance of condition, evidence as to, **7,** 527; **10,** 390
pending, **10,** 388, 389
persons to whom delivery may be made, **3,** 84; **10,** 388
purchaser for value, as against, **10,** 389 n.
relation back of, **10,** 389, 390
statutory receipt on building society's mortgage as, **3,** 371

ESCUAGE,
commuting of knight service for payment of, **24,** 140
incident of tenure, as, **24,** 140
tenure by, **24,** 141 n.

ESPLANADE,
amusements on, lawful by reason of restricted dedication, **16,** 47
bye-laws as to use of, **27,** 273
highway, as, **16,** 47 n.

ESSENCE,
stamp duty on sale of, **20,** 377 n.
time as of the, of the contract, **3,** 190, 191; **7,** 412—415, 522; **13,** 154; **25,** 152, 323; **27,** 67. *See* TIME.

ESSOIGN,
defined, **8,** 13, 40 n.
heriot, in case of, **8,** 40
non-attendance of tenant at manor court, **8,** 13
pence, fines and amerciaments as profits of court leet, **9,** 215 n.

ESTABLISHED CHURCH. *See* CHURCH OF ENGLAND.
constitutional status of, **11,** 371—373
coronation oath for preservation of, England, in, **6,** 325
meanings of, **11,** 364 n.
Free Church distinguished from, **11,** 364 n.
meaning of word in ecclesiastical law, **11,** 364
religion, seditious attacks on, **9,** 531, 532

ESTABLISHMENT,
expenses, isolation hospital, of, *defined*, **23,** 442
licences, *defined*, **24,** 685
declaration by person liable to take out, **24,** 685
exemptions in respect of, **24,** 686
grant of, **24,** 685, 686
production of, **24,** 685
repayment of duty for, **24,** 686
transfer of, **24,** 685
where obtainable, **24,** 685
lighthouse authorities, of, **26,** 633

ESTATE. *See* ESTATES IN LAND.
defined, **24,** 162
will, as used in, **28,** 701
administration, deceased person's estate, of. *See* ADMINISTRATION OF DECEASED'S ESTATE.
agent. *See* ESTATE AGENT.
bill, **21,** 759; **25,** 527. *See* ESTATE BILL.
cestui que trust, of, **28,** 40, 41
clause, conveyance of property, in, **10,** 472, 473
deed necessary to imply, **10,** 370
omission of, **25,** 424
deceased person, of, administration of. *See* ADMINISTRATION OF DECEASED'S ESTATE.
duty. *See* ESTATE DUTY.
gift by will of, effect of, **28,** 701
joint. *See* JOINT TENANCY.
land, in. *See* ESTATES IN LAND.
legal. *See* LEGAL ESTATE.
life, for. *See* LIFE INTEREST.
of another. *See* ESTATE PUR AUTRE VIE.
lives, for. *See* ESTATE FOR LIVES.
particular, **24,** 212. *See* PARTICULAR ESTATE.
peerage, in, nature of, **22,** 269
personal. *See* PERSONAL PROPERTY.
pur autre vie. *See* ESTATE PUR AUTRE VIE.
real. *See* REAL PROPERTY.
realm, of the, **21,** 616
rentcharge, in, **24,** 161 n., 181 n.
residuary. *See* RESIDUARY ESTATE.
reversion, in. *See* REVERSION; REVERSIONARY INTEREST.
separate. *See* SEPARATE ESTATE; SEPARATE PROPERTY OF MARRIED WOMAN.
tail, **11,** 12; **24,** 242. *See* ESTATE TAIL.
trust. *See* TRUST ESTATE.
trustee, of, **28,** 94—101
years, for. *See* ESTATE FOR YEARS; LEASEHOLD; TERM OF YEARS.

ESTATE AGENT,
authority of, **1,** 166, 167
notice to quit, authority to give or receive, **18,** 451—454
payment of, capital money, out of, **25,** 648

ESTATE BILL,
defined, **21,** 759 ; **25,** 527
attendance of consenting parties, necessity for, **21,** 760
consent necessary to, **21,** 760
examination after first reading, **21,** 760
first reading, time of, **21,** 759, 760
fraud, relief against, in case of, **25,** 527
introduced, how, **25,** 527
judges, reference to, **21,** 759, 760
nature of, **25,** 527
notice of, mortgagees, to, **21,** 758 n.
petition against, **21,** 759 n.
procedure, House of Commons, in, **21,** 760
presentation of petition, on, **21,** 759
report of committee on, **21,** 760
representation of infants on, **21,** 760 n.
second reading and committee stage, interval between, **21,** 759
settlement by, **25,** 527

ESTATE CLAUSE,
conveyance of property, in, **10,** 472, 473
deed necessary to imply, **10,** 370
omission of, **25,** 424

ESTATE DUTY,
The title ESTATE AND OTHER DEATH DUTIES *is contained in Vol. XIII., pp.* 177 *et seq.*
defined, **13,** 183
account duty, effect of payment of, **13,** 199
account for purposes of, duty payable on delivery of, **13,** 213
executor, by, **13,** 215
person other than executor, by, **13,** 216
persons accountable. *See* accountable persons, *infra.*
accountable persons other than executor, **13,** 216—218
account, form of, **13,** 216
debtors to the Crown are, **13,** 217 n.
national interest, on sale of objects of, **13,** 217
persons not accountable, **13,** 218
request by, to executor to pay, **13,** 216
active service, exemption relating to, **13,** 182, 201
additional succession duty, allowance for, **13,** 199
administration *pendente lite*, in case of, **13,** 215 n.
administrator, liability of, **13,** 214—216, 218
advowson, payable on sale of, **13,** 214
when not payable in respect of, **13,** 202
affidavit, Inland Revenue, on, **13,** 213, 215; **14,** 166, 167. *See* Inland Revenue affidavit, *infra.*
after-acquired property covenanted to be settled, in respect of, **13,** 197
aggregation of property to ascertain the rate, **13,** 202—204
accretions after death, in case of, **13,** 204
expectancy, interests in, **13,** 203, 204
limited, on death after 8th April, 1900, **13,** 203 n.
national interest, not applied to things of, **13,** 203
once only on any death, **13,** 203
property in which deceased never had an interest not aggregated, **13,** 203
small estates, in case of, **13,** 203
agricultural property, *defined*, **13,** 208
deduction for management in small estates, **13,** 208

ESTATE DUTY—*continued.*
agricultural property—*continued.*
exception relating to, **13,** 208
expectation to convert to more profitable use, **13,** 208
rule where death before April 30th, 1909, **13,** 208
allowances in respect of, **13,** 199, 200, 206—208, 210—212. *See* ALLOWANCE (Estate Duty).
annuity, in respect of, annuitant not liable for, when, **13,** 222 n., 240 n.
capital sum set aside to meet, in case of, **13,** 194 n.
exemption where not exceeding £25, **13,** 201
instalments, payment by, **13,** 214
no allowance for, when ceasing on the death, **13,** 212
purchased by deceased, **13,** 192
appeal, Commissioners, from, **8,** 648—650; **13,** 226, 227
county court, from, **13,** 227
appointed personal property, general power, in case of, **13,** 219
special power, in case of, **13,** 220, 222 n.
apportionment of, accounts accepted by Commissioners, **13,** 222
between owner and incumbrancer, **13,** 221
disputes as to, how determined, **13,** 222
donation *inter vivos*, in case of, **13,** 220
estates in dower, as to, **13,** 222
gift of clear amount or value, on, **13,** 222 n.
assets for purpose of executor's liability includes personal property appointed under general power, **13,** 218 n.
attachment may issue for non-compliance with writ, **13,** 226
beneficiaries, rateable liability of, **13,** 221 n.
British possession, allowance of death duty paid in, **13,** 200
commissioners cannot take proceedings in, **13,** 226
not a charge on property in, **13,** 221
capital money may be applied in payment of, **13,** 223; **25,** 648
certificate of discharge, **13,** 182
commutation of duty, on, **13,** 225
conclusive evidence that duty is a first charge, **13,** 221
debts and incumbrances should be specified in, **13,** 221
effect of, **13,** 218, 224
fraud, rendered inoperative by, **13,** 219, 224
issue of, **13,** 207, 218, 220, 224
production of, on demand for repayment, **13,** 221 n.
property not passing to executor as such, in case of, **13,** 220, 221, 222
subsequent rectification of rate, effect on, **13,** 207
cesser of interest, benefit accruing by, **13,** 208, 209
discretionary trust for payment of income, under, **13,** 193
extent of duty payable, **13,** 186, 187
settled property on which duty has already been paid, in case of, **13,** 197
charge, first, on property not passing to executor as such, **13,** 220
limitation of, in case of purchasers and mortgagees, **13,** 223
power to, to raise duty, **13,** 223

ESTATE DUTY—*continued.*
charity property, on, **4,** 205, 206
collection of, **13,** 212—228
grant *pendente lite,* in case of, **13,** 215 n.
stamps, by means of, or as Commissioners prescribe, **13,** 212; **24,** 706
Commissioners of Inland Revenue, duties of, in regard to, **13,** 181, 182, 207—228, 297, 316
commutation of, **13,** 224
contingencies to be considered, **13,** 225
competent to dispose, meaning of, **13,** 185
property deceased was, deemed to pass on death, **13,** 185
composition for, **13,** 181, 225
consideration in money, property passing on death by purchase for, not liable, **13,** 195
what is, **13,** 195
partial, **13,** 195
corporations, liability of, **8,** 378
costs of raising, apportionment of, **13,** 223 n.
county court, appeal to, **13,** 227
fund in, **8,** 500
jurisdiction of, **8,** 648—650
covenant debt, allowance not made for, **13,** 197, 198
whether liable to bear portion of, **13,** 219
curtesy, on estate by the, **13,** 184
death duty, is a, **13,** 180
death must occur after August 1st, 1894, **13,** 183
death of settlor after April 8th, 1900, but before April 19th, 1907, limited aggregation in case of, **13,** 203
deductions. *See* ALLOWANCE (Estate Duty).
deemed to pass, *defined,* **13,** 185
annuity or interest arising on the death, **13,** 192
donation *mortis causâ,* **13,** 187
expectancy, interest in, **13,** 186
fiduciary power, property subject to, **13,** 186
gift for public or charitable purpose, **13,** 188
inter vivos, gift made, **13,** 188, 189
interest ceasing on death of deceased, **13,** 186
investment in joint names, **13,** 191
life estates released to remainderman, **13,** 186
money chargeable by deceased on property of another, **13,** 186
non-exclusion of donor, in case of gift, **13,** 189
policy money, **13,** 190
property passing under Wills Act, sect. 33, **13,** 186
property which is, **13,** 185—192
reservations in settlements, **13,** 190
reversion on lease, **13,** 186
definitions for purposes of, **13,** 183, 184. *See* meaning, *infra.*
directions for payment out of particular funds, **13,** 222 n.
disbursement within Solicitors Act, 1843, estate duty is not a, **13,** 215 n.
donatio mortis causâ is liable for, **13,** 187
dower, estates in, subject to, **13,** 184
due, when duty is, **13,** 213, 214
enlargement of life interest into an absolute interest, no liability on, **13,** 194
equitable charge, as, **13,** 223 n.
equity of redemption, on, **13,** 196
estate
under £100, in case of, **13,** 201
what constitutes an, for purposes of, **13,** 202, 203

ESTATE DUTY—*continued.*
exceptions to charge of, **13,** 192—202. *See* exemptions, *infra.*
executor, *defined,* **13,** 215
accountable for payment of duty, **13,** 214, 215
accounts of all property liable, must furnish, **13,** 215
payment by, at request of other persons accountable, **13,** 216
personal liability of, limits of, **13,** 218
property for which he is liable to pay duty, **13,** 215, 219, 220
refunding to, trustees or owners of property, by, **13,** 221
relief from liability after lapse of time, **13,** 218
wilful non-compliance with Finance Act, 1894, in case of, **13,** 225
exemptions from, **13,** 192—202
account duty paid, or payable, where, **13,** 199
annuity purchased by deceased, **13,** 201
bonâ fide purchase, **13,** 195
charitable grants and benefits, **13,** 196
corporation sole, property held in capacity of, **13,** 196
death of settlor before August 2nd, 1894, in case of, **13,** 199
enlargement of life interest, on, **13,** 194
expectancy sold or mortgaged, **13,** 196
foreign property, in case of, **13,** 192, 193
gifts in consideration of marriage or not exceeding £100, **13,** 185 n., 201; **15,** 428 n.
husband's interest reverting to wife on his death, **13,** 195
Indian pension to officer's widow, **13,** 201, 202
interests ceasing at death, **13,** 196
mortgage paid out of personalty on which probate duty paid, **13,** 199
national, scientific, historic, or artistic interest, things of, until sold, **13,** 202
normal expenditure, gifts made as part of, **13,** 201; **15,** 428 n.
office, interest by reason of, **13,** 196
partial, purchase for partial consideration of money, on, **13,** 195
premature failure of interest in settled property, in case of, **13,** 193
probate duty paid or payable, where, **13,** 199
property reverting to disponer in his lifetime, **13,** 194
public or charitable purposes, assurances for, made more than twelve months before death, **13,** 187
purchase for full consideration in money, **13,** 195
reasonable gifts, **13,** 201; **15,** 428 n.
reservation released three years before donor's death, **13,** 189
resettlement, in case of, **13,** 198
reverter of interest in settled property to settlor, on, **13,** 194
seamen, marines, or soldiers dying on service, in case of, **13,** 201
settled property, in case of, **13,** 196, 197
small estates, **13,** 203
succession of spouse to income under settlement, **13,** 194
sums under £100, **13,** 201
trust property, **13,** 193

ESTATE DUTY—*continued.*
expectancy, on interest in, aggregation on sale or mortgage after August 1st, 1894, and before April 9th, 1900, **13,** 204
allowance for debt incurred in respect of, **13,** 210, 211
commutation of claims in respect of, **13,** 224
effect of sale or mortgage of, prior to August 2nd, 1894, **13,** 196
mortgage of, when no allowance made, **13,** 211
mortgagee of, liability of, **13,** 196, 209
mortgagor of, liability of, **13,** 196, 205 n.
passes on death of person competent to dispose of it, **13,** 186
probate duty, payment of, effect of, **13,** 199
rate of duty on sale or mortgage after April 18th, 1907, and before April 30th, 1909, **13,** 205
repayment of duty after sale of, **13,** 196
sale or mortgage of, after 8th April, 1900, and before April 19th, 1907, **13,** 206
settled property on which estate duty has already been paid, **13,** 197
spes successionis regarded as an, **13,** 186 n.
time for payment of duty, **13,** 213
valuation of, **13,** 203, 209
expenses incurred in payment of, **13,** 223
failure of interest under settlement, in case of, **13,** 193
fiduciary power not a competency to dispose, **13,** 186
fixed duty, duties covered by payment of, **14,** 166 n.
estates over £300 and under £500, **13,** 206; **14,** 166
interest on, when not payable, **13,** 225
paid by adhesive stamp, **13,** 212 n.
foreign property, in case of, test of liability, **13,** 192, 193
fractional parts of value, on, **13,** 206 n.
friendly society, right of nomination to sum exceeding £100 in, **15,** 152
fund in court, on, retention in case of, **13,** 225 n.
gift, antecedent moral or enforceable voluntary obligation, made under, **13,** 188
bonâ fide and not within three years of donor's death, **13,** 188
bonds, of, which remained unpaid at donor's death, **13,** 193
child or issue, to, who predeceases testator leaving issue, **13,** 186, 237
claim by donor in excess of annual interest on, when, **13,** 190
covenant for donor's benefit, subject to, **13,** 190
delay in assuming possession and enjoyment under, **13,** 189; **15,** 428
disposition by way of, how made, **13,** 188
donee's covenant for donor's benefit, effect of, **13,** 190
duty imposed on, **13,** 187—190; **15,** 428
enjoyment of, payment, on, **13,** 189
exclusion of donor required in, **13,** 187, 189; **15,** 428
inter vivos not made *bonâ fide*, **13,** 187—190
meaning of, in sense of *res data* not of *res donata*, **13,** 188 n.
member of restricted class, to, **13,** 189
mortis causâ, in case of, **13,** 187; **15,** 435

ESTATE DUTY—*continued.*
gift—*continued.*
possession distinguished from right to possess, **13,** 189
reservation to donor of contingent reversion in *corpus*, effect of, **13,** 190
retention of use or benefit of, donor, by, **13,** 189
return of, donor, to, **15,** 428
heirlooms, on, how defrayed, **25,** 646 n.
husband and wife, as between, settled property, on, **13,** 194
inalienable property, on, **13,** 220
income to date of death included in estate, **13,** 184
Inland Revenue affidavit, *defined*, **13,** 215
accounts annexed to, **13,** 215
correcting statement in, **13,** 216
duties of executor before swearing, **13,** 215 n. **14,** 166, 167
estate duty due on delivery of, **13,** 213
form of, **13,** 215, 216
persons before whom it may not be sworn, **13,** 215 n.
inspection for purpose of valuation, **13,** 209
insurance moneys payable to representative of person domiciled abroad, on, **13,** 217 n.
interest on. *See* INTEREST ON MONEY.
remission of, **13,** 182
Ionian Bank, provision as to, payment of duty, after, **13,** 215 n.
joint investments, on survivorship in, **13,** 191, 192
land settled by Act of Parliament or royal grant, on, **13,** 184, 220
lapse of time, charge on property as affected by **13,** 223
personal liability as affected by, **13,** 218
leasehold property, appeals in respect of, **13,** 227
personal estate, included in, **13,** 219
life tenant, liability of, **13,** 194
lunatic, payment by committee of, **13,** 221
market price for purposes of, *defined*, **13,** 207, 207 n.
agricultural property, in case of, **13,** 208
benefit accruing by cesser of interest in, **13,** 208, 209
shares in private company, in case of, **13,** 208
marriage, dispositions or gifts in consideration of, **13,** 185 n., 188 n.
settlement on, premiums on policy paid out of husband's interest, **13,** 192 n.
marshalling in relation to, **13,** 37 n.
meaning of expressions, agricultural property, **13,** 208
bona fide, gift may be, though made to avoid duties, **13,** 188
competent to dispose of, **13,** 185, 186
deemed to pass, **13,** 185
executor as such, property passing to, **13,** 219
Inland Revenue affidavit, **13,** 215
passing, **13,** 185
passing at death, **13,** 180, 183
passing under, **13,** 190 n.
possession and enjoyment, **13,** 189
price in open market, **13,** 207 n.
principal Act, Finance Act, 1894, referred to as, **13,** 183 n.
principal value, **13,** 207
property, **13,** 183
settled property, **13,** 184
settlement, **13,** 198
upon or by reason of death, **13,** 202

ESTATE DUTY—*continued.*
mortgagee or mortgagor, liability of, **13,** 196, 216 n.
national interest, provision for objects of, **13,** 182, 202, 214, 217
over-payment of, practice as to, **13,** 228
repayable with interest, **13,** 227
payment of, application for administration *pendente lite,* in case of, **13,** 215
capital money, out of, **25,** 647, 648
debt, out of, **13,** 219 n.
directions as to, **13,** 222 n.
discount not allowed on, **13,** 225 n.
fund in court, in case of, **8,** 500 ; **13,** 223 n.
Inland Revenue affidavit, on delivery of, **13,** 215
instalments, by, **13,** 213, 214, 221
insufficiency of general estate, on, **14,** 292 n.
limited owner, by, **13,** 221
payment out of county court, before, **8,** 500
postponement of, when allowed, **13,** 214
pro rata on benefit reserved to donor, **13,** 189, 190
property to be applied for, **13,** 219
real or leasehold property may be taken in satisfaction of, **13,** 212, 213
settled property, in case of, **13,** 196, 197; **25,** 646 n., 648
when due, **13,** 213, 214
penalties relating to, **13,** 225, 226
reduction of, **13,** 226
waiver of, **13,** 226, 303
personal liability for, limitation of, **13,** 218
policy of assurance kept up for donee's, benefit on, **13,** 190
power of revocation, settlement, in, effect of, **13,** 191
principal value how estimated, **13,** 207
probate duty, direction to pay, **13,** 219 n.
payment of, effect of, **13,** 199
mortgage, on, **13,** 199 n.
property
liable to, **13,** 183—192
not passing to the executor as such, on, **13,** 216—218, 220
passing on the death, what included in, **13,** 183, 184
provision of annuity or other interest made by deceased, on, **13,** 192
purchase for consideration in money, property passing by reason of, not liable, **13,** 195, 196
purchaser for valuable consideration without notice, charge for duty void as against, **13,** 220
not liable or accountable for duty, **13,** 218
trustees of marriage settlement as, **13,** 220 n.
raising money for payment of, powers for, **13,** 223
rateable payment out of appointed sums, **13,** 222
rates of, **13,** 204—207
aggregation to determine, **13,** 202—204. *See* aggregation, *supra.*
death after April 29th, 1909, in case of, **13,** 204
rectification of, **13,** 207
statement of, **13,** 204, 205, 282
real property, appeals in respect of, how made, **13,** 227
charge of duty on, **13,** 220 n.
leaseholds for years, whether included in, **13,** 213 n.

ESTATE DUTY—*continued.*
real property—*continued.*
liability of, **13,** 220 n.
option to pay by instalments in respect of, **13,** 213
receiver, appointment of, **13,** 226 ; **24,** 357
recovery of, proceedings for, **13,** 226
referee, appeal from, **13,** 227
registration of title under Land Transfer Acts, on, liability to be noted on register, **24,** 311 n.
remission of, objects of national interest, in case of, **13,** 182
power to grant, **13,** 224
repayment of, expectancies, in case of, **13,** 196
overpayment, in case of, **13,** 227
repeated liability under same settlement, in case of, **13,** 196—200
reservation to settlor, in case of, **13,** 190, 191
resettlement, appendage to original settlement, as, **13,** 198 n.
person expectantly entitled, by, **13,** 198
residue of appointed property, payment out of, **13,** 222
reverter of property to disponer, on, **13,** 194
savings bank, regulations as to depositor in, **13,** 201
settled property, additional duty on, **13,** 228—231. *See* SETTLEMENT ESTATE DUTY
double duties not required in case of, **13** 199 n.
provisions for, **13,** 184, 196—199
when not aggregated, **13,** 203
settlement, continued subsistence of, what constitutes, **13,** 193
failure of interest under, **13,** 193
personal property, of, by will of person dying before August 2nd, 1894, **13,** 199
reservation of life interest or power of revocation by settlor, **13,** 190, 191
small estates, no aggregation, **13,** 203
under £300 or £500, **13,** 206
springing estates, on, **13,** 192 n.
stamp duty, is a, **13,** 212
surrender of estate or interest, after, **13,** 187
survivorship, on property passing by, **13,** 191, 194, 195
temporary, incidence of, **13,** 181
probate duty, payable in addition to, when **13,** 312 n.
succession duty, payable in addition to, when **13,** 283 n.
testamentary expense, as, **13,** 219 n.
timber or woodlands, on, how payable, **13,** 213
persons to account on sale of, **13,** 217
trust property, in case of, **13,** 193, 217
trustees, liability of, on death of tenant for life, **13,** 217
valuation, agricultural property, of, **13,** 208
arbitration as to, **13,** 228
benefit accruing by cesser of an interest, of, **13,** 208, 209
binding between parties interested, **13,** 222
business, of, **13,** 208 n.
certificate of acceptance by commissioners, **13,** 209
cost of, when defrayed by commissioners, **13,** 209
deductions to be made in, **13,** 207. *See* ALLOWANCE (Estate Duty).
expectancy, of interest in, **13,** 209, 210
how made, **13,** 209

ESTATE DUTY—*continued.*
valuation—*continued.*
incumbrances and debts which are not allowed for, **13,** 210
no allowance for duty paid, **13,** 200
property settled by Act of Parliament or royal grant, of, **13,** 209
shares in company with restriction on alienation, of, **13,** 208
time of death not a later date to be taken for fixing value, **13,** 207, 208
valuer, appointment of, county councils, by, **13,** 227, 228
remuneration of, scale of charges for, **13,** 228

ESTATE FOR LIFE. *See* LIFE INTEREST.

ESTATE FOR LIVES
copyholds, in, **8,** 73—76
power to nominate successor, **8,** 74
covenants attached to, **24,** 179
franchise, for purposes of, **12,** 146
freehold estate, is a, **18,** 459; **24,** 163, 178
gavelkind custom as affecting, **24,** 154 n.
inheritance, not an estate of, **8,** 76
land within the Inheritance Act, 1833, as, **11,** 3 n.
lessee of, party to common recovery, as, **24,** 247 n.
limitation of, **18,** 459—461; **24,** 178

ESTATE FOR YEARS. *See* LEASE; LEASEHOLD; TERM OF YEARS.
copyholds and customary freeholds, in, **8,** 76
creation of, **24,** 265
tenant in tail, by, **24,** 260
determinable on death, **24,** 219
duration of, as compared with life estate, **24,** 252
future date, may commence from, **18,** 459; **24,** 265
origin of, **24,** 264, 265

ESTATE PUR AUTRE VIE,
defined, **11,** 12; **13,** 236 n.; **24,** 173, 178
alienation of, powers of, **14,** 231; **24,** 179, 180
annuity granted for, **24,** 487
assets, as, **8,** 75; **11,** 12, 13; **14,** 231; **24,** 180, 181, 182 n.
base fee distinguished from, **24,** 263
cestui que vie. See CESTUI QUE VIE.
copyholds or customary freeholds, in, **8,** 74—76
creation or limitation of, **14,** 231; **24,** 178—180, 182; **23,** 526, 527
alienation of life estate, by, **24,** 177—179
lease for lives, by, **18,** 459—461
remainder, by way of, **24,** 180 n.
will, by, **23,** 526, 527
cross-remainders implied in settlement of, **25,** 596
customary right of granting, **8,** 74, 75
debts, liability for, **24,** 181, 182 n. *See* assets, *supra.*
descent of, **11,** 12—14; **14,** 231; **24,** 180, 181
determination of, **24,** 182
devise of, **8,** 75; **24,** 181, 182, 235; **28,** 520
devolution on death, common law, at, **11,** 12, 13; **24,** 180, 181
copyholds or customary freeholds, in, **8,** 75
Land Transfer Act, 1897, under, **11,** 13; **24,** 181
disposition by tenant for tail, under, **24,** 260
distress, tenant's power of, **11,** 125
dower cannot attach to, **24,** 180 n., 191

ESTATE PUR AUTRE VIE—*continued.*
duration of, as compared with life estate, **24,** 178 n., 332 n.
emblements, right of tenant to, **24,** 179 n.
enjoyment of, tenant, by, **24,** 179
equitable, may be, **14,** 231
occupancy of, **14,** 231; **24,** 182
estate tail, limitation in *quasi-*, **24,** 180 n.; **25,** 596
estovers, tenant's right to, **24,** 179
executory devise of, **24,** 235
extendible under writ of *elegit,* **14,** 66
fines on renewal of, copyholds, in case of, **8,** 76
foreign owner of, legacy duty payable by, **13,** 238
freehold estate, as, **18,** 459; **24,** 178
general occupant of, **14,** 231; **24,** 181
copyholds, in case of, **8,** 75 n.
heir, limitation to, **14,** 231; **24,** 178—182
special occupant, as, **11,** 13; **14,** 231; **24,** 180
hereditament, not classed as, **24,** 160 n.
holding over after death of *cestui que vie,* **24,** 179 n., 183
in futuro, commencement, **18,** 459
inheritance, not classed as estate of, **11,** 13; **14,** 231; **24,** 180 n., 183
joint lives, for, **24,** 178
lease, by, **18,** 459
legacy duty on, **13,** 235, 236, 238
occupancy, doctrine of, **24,** 180. *See* SPECIAL OCCUPANT.
permissive occupation distinguished from, **24,** 183 n.
personal estate, when applicable as, **8,** 75; **11,** 13; **14,** 231
possibility of issue extinct, tenancy in tail after, **24,** 179 n.
rentcharge, in, **24,** 181 n., 484
resulting trust of, **8,** 75
rights incident to, **24,** 179
Settled Land Acts, powers of tenant under, **24,** 179 n.; **25,** 626 n., 628
Shelley's case, rule in, application of, **24,** 227
special occupant, **14,** 231; **24,** 180. *See* SPECIAL OCCUPANT.
tenancy in dower as, **24,** 179
trustees' powers, Settled Land Acts, under, **25,** 626 n.
vacant possession in case of, **24,** 181
waste by tenant, **24,** 179

ESTATE TAIL. *See also* TENANCY IN TAIL.
defined, **11,** 12; **24,** 242
absolute interest in personalty, as, **22,** 414; **23,** 9; **24,** 266, 267; **25,** 703, 704; **28,** 768 n.
Act of Parliament, by, **19,** 137; **25,** 527 n.
advowson, in, remainder after, when barred, **19,** 154
annuity not subject to limitation as, **24,** 470, 471
appointment construed as, *cy-près* doctrine, under, **23,** 52
assurance of, base fee, as, **24,** 263
bankruptcy, on, **8,** 73
trustee's powers, **2,** 121; **24,** 256
barring of. *See* DISENTAILMENT.
alien, by, **24,** 256
convict, by, **24,** 256
deed acknowledged, by, wife, by, **16,** 365, 378, 381
disentailing deed, by, **24,** 255. *See* DISENTAILING ASSURANCE.
fine, by, **24,** 248, 249

ESTATE TAIL—*continued.*
barring of—*continued.*
recovery, by, **24,** 247, 248
unfettered right of, **24,** 248, 250
base fee, conversion into, **24,** 250, 262—264. *See* BASE FEE.
borough English lands, in, descent of, **11,** 12; **24,** 154 n.
chattels real not capable of limitation for, **24,** 267
children as words of limitation, **24,** 245 n.; **28,** 787, 788
classification of, **24,** 243
conditional fee converted into, Statute *De Donis,* by, **24,** 172
copyholds and customary freeholds, in, **8,** 68, 70, 71, 73; **11,** 12 n.
covenant to settle after-acquired property, effect of, **25,** 549
creation or limitation of, common law, at, **24,** 243—246
copyholds, in, **8,** 70; **11,** 12 n.; **24,** 241 n.
statute, words of limitation authorised by, **24,** 246
cy-près doctrine, under, **28,** 787
De Donis, provisions of Statute, **24,** 241, 242
deceased person, limitation to heirs of the body of, **24,** 246
descent of, **11,** 11, 12; **24,** 242, 264
destructible limitations expectant on, rule against perpetuities as affecting, **22,** 323, 324
devise of, does not lapse, **28,** 610
devolution on death of tenant in tail, **11,** 4 n.; **24,** 264
discontinuance of, feoffment, by, **24,** 291 n.
disentailing deed. *See* DISENTAILING ASSURANCE.
disentailment of, **24,** 247—257. *See* barring, *supra;* DISENTAILMENT.
disposition of, intention, as affected by, **24,** 259, 260
donation as appropriate word for grant of, **24,** 290 n.
elegit, seizure of lands under, **14,** 66
enlargement of, disentailment, by, **24,** 259
effect of shifting clause after, **25,** 694 n.
equitable estate in copyholds, in, **8,** 71
escheat, as affected by, **11,** 24
estates derived out of, not barred by common recovery, **24,** 248
ex provisione viri, disentailment in case of, **24,** 261 n.
executory
limitation, effect of, **24,** 235
trusts, under, **24,** 227 n.
failure of issue, effect of, **11,** 24; **24,** 242
fee simple at common law, is, **24,** 244 n.
female, descent of, **11,** 12; **24,** 242—246
feudum talliatum, as, **24,** 242
frankmarriage, by grant in, **24,** 244 n.
freehold tenure of, **24,** 214
gavelkind land, in, descent of, **11,** 12; **24,** 154
general, nature of, **24,** 242
heirs, limitation to, **24,** 245; **28,** 764, 765
male or female, limitation to, **24,** 242, 243 n., 245
husband and wife, in, **24,** 246
implied, in what cases, **28,** 850—852
inalienable or indestructible, Act of Parliament, by, **19,** 137; **24,** 261; **25,** 527 n.

ESTATE TAIL—*continued.*
inalienable or indestructible—*continued.*
lands granted for public services, in case of, **24,** 250
possibility of issue extinct, in case of, **24,** 250, 260
reversion in Crown, by reason of, **24,** 261
Settled Land Acts, is within, **25,** 627
Statute *De Donis,* under, **24,** 247
incumbrance on, not barred by common recovery, **24,** 248
inheritance, as estate of, **24,** 214
joint, **24,** 243
leaseholds not capable of limitation for, **24,** 241 n., 267
life estate, not cut down to, without clear words, **24,** 230 n.
limitation, words of, necessity for, **24,** 243—247
male, descent of, **11,** 12; **24,** 242, 245
limitation of, **24,** 245 n.
marriage articles, under, **25,** 538, 539
marriage settlement, usual limitations in, **25,** 595, 596
merger, exemption from, **24,** 333
mortgage by tenant in tail, effect of, **21,** 97; **24,** 259, 260
name and arms clause, effect of, **25,** 697—699
necessity for words of limitation, **24,** 243—247
origin of, **24,** 172, 241, 242, 288
perpetuity, formerly considered as, **22,** 297
personalty, absolute interest in, given by words purporting to limit, **22,** 414; **23,** 9; **24,** 266, 267; **25,** 703, 704; **28,** 768 n.
possession of, meaning of, **25,** 694 n.
possibility of issue extinct, after, **24,** 173—175, 178 n., 250, 260; **25,** 629
powers barrable by tenant are not obnoxious to rule against perpetuities, **22,** 362
precedent power, effect of disentail, **24,** 259 n.
private Act, under, not barrable, **24,** 261
protector of the settlement, rights and duties of, **24,** 250—254. *See* PROTECTOR OF THE SETTLEMENT.
qualification for county franchise by, **12,** 145, 146
Quia Emptores, non-application of Statute of, **24,** 214 n.
reference, by, barred estate, in case of, **25,** 707
remainders expectant on, limitation of, **24,** 218 n.
rentcharge, in, **24,** 472, 484
representative on death, property not vested in, **24,** 264
restricted, how may be, **24,** 242, 243
restrictions on barring of, **24,** 261
rule against perpetuities, application of, **22,** 323—326
Settled Land Acts, application of, to, **25,** 627
Shelley's Case, as affected by rule in, **24,** 228
shifting clause, operation of, **25,** 693 n.
special, **24,** 243, 245, 246, 278 n.; **28,** 765, 766
statutes of limitation, effect of, inalienable estate, in case of, **19,** 137
statutory
prohibition against disentailer, **24,** 261
provision as to words of limitation, **24,** 246
tail male, when daughters may take under limitation in, **24,** 243 n.; **28,** 755 n.
tenant's interest not destroyed by disentail, **24,** 259
term of years not subject to limitation as, **24,** 266, 267

ESTATE TAIL—*continued.*
tortious feoffment, effect of, **24,** 291 n.
uses of, conversion into legal estate, **24,** 273, 274, 276, 277 n.
waste, liability as to, **24,** 242
Wild's Case, under rule in, **24,** 245 n.; **25,** 539 n.
will, no power of disposition by, **28,** 524
words of limitation, deed, in, **24,** 244—247
heirs, **28,** 764, 765
importance of, **24,** 229 n., 244
issue, as, **24,** 245 n.
necessity for, **24,** 243—247
right heirs for ever, **24,** 246 n.
statutory provision as to, **24,** 246
will, in, **24,** 244 n.; **28,** 764—767

ESTATES COMMITTEE. *See* ECCLESIASTICAL COMMISSIONERS.

ESTATES IN LAND,
defined, **10,** 472 n.; **24,** 138, 145, 162, 163
alienation of, **24,** 143, 148, 167, 168, 170, 286—289. *See* ASSURANCE; CONVEYANCE OF LAND; GRANT OF LAND.
alternative contingent remainders, **24,** 219
assurances of, **24,** 290—308, 318—320. *See* ASSURANCE; CONVEYANCE OF LAND; GRANT OF LAND.
base fee, in, **16,** 381; **24,** 250, 262—264, 269 n., 484. *See* BASE FEE.
change of, effect on right to commit waste, **25,** 603
chattel, **24,** 138, 163, 264—271. *See* CHATTELS REAL.
classification of, **24,** 138
collateral limitation for determination of, **24,** 170, 171
common, tenancy in, **24,** 206—210. *See* TENANCY IN COMMON.
common law, at, **24,** 164—241, 275
concurrent, **24,** 199—212. *See* COPARCENERS; JOINT TENANCY; TENANCY IN COMMON.
condition, upon, creation of, **24,** 168, 169
grantor only can enter for breach, **24,** 168, 170, 217 n.
how defeated, **24,** 169, 331
powers of owners of, **24,** 173
conditional fee, **8,** 70—73; **24,** 169 n., 172, 241. *See* CONDITIONAL FEE.
confirmation or restoration of, base fee, in case of, **24,** 264
limitation to right heirs of ancestor, by, **11,** 9 n.
resettlement, on, **25,** 672, 691
settlement, by, **24,** 252 n.
contingent, **24,** 220—231. *See* CONTINGENT REMAINDER.
coparcenary, in, **11,** 10; **24,** 210, 211
copyholds, in, **8,** 68—111
curtesy, by the, **8,** 78; **24,** 183—189. *See* CURTESY.
custom, by, **8,** 68; **24,** 138
customary freeholds, **24,** 149. *See* CUSTOMARY FREEHOLDS.
cy-près doctrine as affecting, **22,** 367—369
derivative and original, **24,** 213
derived out of estate tail, not destroyed by recovery, **24,** 248
descent of. *See* DESCENT.
determinable fee, **24,** 170, 171

ESTATES IN LAND—*continued.*
determination or defeasance of, condition, on, **24,** 168—170
enlargement of long term, by, **24,** 269 n.
forfeiture, surrender, or merger, by, **24,** 224, 330 n.
shifting devise, by, **24,** 235
shifting use, by, **24,** 279, 280
disclaimer of, **10,** 400, 408, 409. *See* DISCLAIMER.
discontinuance of, **24,** 250 n., 291 n. *See* DISCONTINUANCE.
disentailing deed, effect of, **24,** 258—260
disseisin, by, **10,** 472; **24,** 292
joint tenancy, in case of, **24,** 200, 201
dower, in, **8,** 78; **24,** 189—199. *See* DOWER.
easements as appurtenant to, **11,** 235
enlargement of. *See* ENLARGEMENT.
entireties, by. *See* ENTIRETIES, TENANCY BY.
equitable, **11,** 14; **24,** 283, 284. *See* EQUITABLE ESTATES AND INTERESTS.
executory limitation, by, **24,** 221 n., 231—237
fee simple, in, **24,** 164—168, 169 n. *See* FEE SIMPLE.
descent of, **11,** 7—12
remainder or reversion, as, **24,** 213
fee tail, in. *See* ESTATE TAIL.
feoffee to uses, of, **24,** 278 n.
fine, effect of, **24,** 248, 249
forfeiture of, **24,** 330, 331. *See* FORFEITURE.
franchise qualification, as, **12,** 162
frankmarriage, in, **24,** 244 n.
freebench, by, **8,** 78—80. *See* FREEBENCH.
freehold of, **24,** 214, 216. *See* FREEHOLD; FREEHOLDS.
future. *See* REMAINDER; REVERSIONER.
alienation of, **24,** 289
creation by will of, **28,** 526
executory limitations, by way of, **24,** 231—237. *See* EXECUTORY DEVISE; EXECUTORY LIMITATION.
freeholds, in, cannot be limited at common law except as remainders, **24,** 216
incorporeal hereditaments, as, **24,** 160 n.
limitation of actions in regard to, **19,** 116—120. *See* LIMITATION OF ACTIONS FOR RECOVERY OF LAND.
nature of, **24,** 160 n.
Statute of Uses, created under, **24,** 232, 278—280
grant of, **24,** 293, 294. *See* GRANT, land.
grantee to uses, of, **24,** 274
disclaimer of, **10,** 409
heritable. *See* inheritance, of, *infra.*
is land within the Inheritance Act, 1833, **11,** 3 n.
implied, **22,** 368; **24,** 245 n.
in futuro. See future, *supra.*
inheritance, of, **22,** 368; **24,** 145, 214, 263; **28,** 849—851
interesse termini distinguished from, **24,** 265
intervening, waste, in case of, **17,** 232
joint, **24,** 199—206. *See* JOINT TENANCY.
jus relictæ distinguished from, **24,** 238 n.
land within Inheritance Act, 1833, as, **11,** 3 n.
leaseholds, in, Statute of Gloucester, under, **24,** 265. *See* CHATTELS REAL; LEASEHOLD.
legal. *See* LEGAL ESTATE.
life, for, **8,** 73, 74; **24,** 146, 173—183. *See* LIFE INTEREST.

ESTATES IN LAND—*continued.*
limitation of, habendum, by, **10,** 473; **24,** 174 n.
will, in, **24,** 166; **28,** 764
lives, for. *See* ESTATE FOR LIVES.
lord of manor, of, **8,** 69
married woman, of, **16,** 321—355; **24,** 283, 298—301. *See* SEPARATE PROPERTY OF MARRIED WOMAN.
merger of, **13,** 146; **24,** 332—334. *See* MERGER.
modified fee, **24,** 168—173
mortgage. *See* MORTGAGE.
particular, **24,** 212, 278, 279. *See* PARTICULAR ESTATE.
poor law settlement by, **22,** 582—584
possession, acquired by, **19,** 155—157. *See* POSSESSORY TITLE.
in, **24,** 212
power of appointment, subject to, **23,** 3 *et seq.* *See* POWERS.
prescription, by, **19,** 155; **24,** 283
preservation of contingent remainders, for, **8,** 77; **24,** 222—226, 234 n., 279 n.
protector of settlement, of, **24,** 250—254
pur autre vie, **8,** 74, 75; **24,** 173, 178—183. *See* ESTATE PUR AUTRE VIE.
purchase, by, for the purpose of the Inheritance Act, **11,** 7
qualified fee, **24,** 172, 173
recoveries, effect of, **24,** 247—249
registered land, in, **24,** 313
registration of title to, **24,** 312, 314, 318, 322
release of, **24,** 292. *See* RELEASE.
remainder, in, **8,** 77; **24,** 161 n., 212—237. *See* REMAINDER.
rent, reservation of, **24,** 286
rentcharge, in, **24,** 161 n.
restraint on alienation of, **15,** 422—424; **24,** 261, 287, 288
reversion, in, **8,** 77, 78; **24,** 212—237. *See* REVERSION.
reverter, by possibility of, **24,** 237
right, distinguished from, **10,** 472 n.
right of entry, conversion into, **10,** 472 n.; **24,** 250 n., 291 n. *See* RIGHT OF ENTRY.
settlement, under, **25,** 529, 570 *et seq.*
severalty, in, in case of joint tenancy, **24,** 202 n.
Shelley's Case, rule in, effect of, **24,** 226—231
shifting
devise as affecting, **24,** 235
use as affecting, **24,** 279
spes successionis distinguished from, **24,** 238
springing or shifting use or devise, under, **24,** 231—237, 279, 280
statute, created by or under, **24,** 241—283
Statute of Uses, under, **24,** 271—282
subjects of, division of, **24,** 161 n.
successive. *See* SUCCESSIVE, interests.
grant of, **24,** 212—214, 241
will, by, **28,** 526
surrender of, **24,** 292, 293. *See* SURRENDER.
tail, in, **8,** 70—73; **24,** 241—264. *See* ESTATE TAIL.
tenant in common, of. *See* TENANCY IN COMMON; TENANT IN COMMON.
tenement as meaning an estate in land, **24,** 138
term of years, in, **24,** 147, 219, 252 n., 264—271
title distinguished from, **10,** 472 n.
tortious feoffment of, effect of, **24,** 291 n.
trust. *See* TRUST ESTATE.
vested, **24,** 218—220
vesting of. *See* VESTING.

ESTATES IN LAND—*continued.*
voidable. *See* FRAUDULENT CONVEYANCE.
tenant in tail, created by, **24,** 263, 264
years, for, **8,** 76; **24,** 264—271. *See* ESTATE FOR YEARS; LEASEHOLD.

ESTATES OF THE REALM,
meaning of, **21,** 616

ESTIMATE,
cost of works, of, whether disqualification of architect as certifier, **3,** 218
deceased surveyor, by, as evidence, **16,** 144
expense, of, inclosure of commons, on, **4,** 582
special sewers rate, before making, **24,** 112, 113
undertaking proposed by local bill, of, **21,** 734, 735
local authority, by, private street works, in case of, **16,** 229
street works, before executing, **16,** 216
mistake in, excess of land compulsorily taken through, **6,** 27
parliamentary vote, of amount required on, **21,** 769. *See* ESTIMATES IN PARLIAMENT.
rate, for general district, **24,** 87, 88
surveyor's duty to prepare, **16,** 229
tender for building contract described as, **3,** 167
value, of, compulsory purchase, on, **6,** 36, 37
debts or claims, of, in winding up, **5,** 508

ESTIMATES IN PARLIAMENT,
approval of, Treasury, by, **24,** 539, 540
army, for, division of, **21,** 768, 769; **24,** 538
civil service, for, division of, **21,** 769
grants out of, to universities, **12,** 94 n.
Treasury responsibility for, **21,** 768; **24,** 540
classes, division into, **21,** 769
form of vote in, **21,** 769
navy, for, division of, **21,** 768, 769
preparation of, **21,** 768
submission of, to House of Commons, **21,** 768
supplementary, practice as to, **21,** 769
votes, division into, **21,** 768, 769
on account, practice as to, **21,** 769, 770

ESTOPPEL,
The title ESTOPPEL *is contained in Vol. XIII., pp.* 321 *et seq.*
defined, **13,** 322
acceptor of bill of exchange, of, **2,** 495, 517, 518; **13,** 394
account stated, by, **13,** 336 n., 388 n.; **25,** 485
acquiescence, by, **1,** 179; **13,** 166—168, 395—397; **25,** 485. *See* ESTOPPEL BY CONDUCT.
building contract, in assignment of, **3,** 271
distinguished from equitable doctrine of, **13,** 396
acts establishing relations of parties, by, **13,** 324
administrator not subject to, in respect of acts prior to grant, **13,** 368 n.; **14,** 147
admission in former suit, effect of, **13,** 606 n.
affidavit, of party swearing, **13,** 378 n., 622, 630
agency by, **1,** 158; **13,** 390. *See* ESTOPPEL BY CONDUCT.
expiration of authority, after, **17,** 359 n.
test of, **1,** 159
agent, of. *See also* principal, of, *infra.*
false account stated, by, **13,** 386 n., 388
principal as to, **1,** 159; **13,** 395; **25,** 193
relief in interpleader, no bar to granting, **17,** 583

ESTOPPEL—*continued.*
agent—*continued.*
rights of principal, as to, **1,** 192
signing bill in firm's name, by, **13,** 391 n.
alteration in position essential to, when, **4,** 390
approbation and reprobation, **13,** 116, 364, 365. *See* APPROBATION AND REPROBATION; ESTOPPEL BY CONDUCT.
arbitration, of party to. *See* ESTOPPEL QUASI OF RECORD.
assignee of patent licence, when not estopped, **13,** 413 n.
assignment of patent, effect of, on subsequent partner of assignor, **13,** 413 n.
assignor of patent, of, **22,** 219
attornment, by, bailee, of, **13,** 406
knowledge of purchaser and ignorance of bailee, in case of, **13,** 408 n.
mortgagor, by, **11,** 127; **21,** 160
puisne mortgagee, to, **21,** 160
receiver, to, **11,** 130 n., 131 n.; **18,** 358
sale of goods, in case of, **25,** 210
tenant, of, **18,** 336, 358; **21,** 160
warehouseman, of, **13,** 408
auctioneer, of, **1,** 515; **13,** 406 n., 408
authority of agent continued by, **17,** 359 n.
bailee, of, **1,** 562, 563; **13,** 406—408. *See* ESTOPPEL BY CONDUCT.
bailment, in case of, **1,** 562; **13,** 324, 406—408
Bank of England, of, registration of stock, by, **13,** 411
banker, of, error in pass-book, by, **13,** 388 n.
pass-book, by, **1,** 619, 620
representation to customer, by, **13,** 386 n.
banking customer, of, carelessness in preparation or custody of negotiable instrument, by, **13,** 400—402
duty to bank, neglect to observe, **21,** 432
neglect to give information, by, **13,** 385
pass-book, by entries in, **1,** 619, 620
bankrupt patentee and assignee of trustee, between, **13,** 413 n.
bankruptcy, doctrine not applied to court of, **2,** 57
fraudulent preference, trustee not bound in case of, **13,** 348
right of trustee in, **13,** 348
beneficiary under will, of, **13,** 374
bill of
exchange, by. *See* BILL OF EXCHANGE; ESTOPPEL BY REPRESENTATION.
lading, by. *See* ESTOPPEL BY REPRESENTATION.
sale as affected by. *See* ESTOPPEL BY DEED.
blank, material part of negotiable instrument left in, effect of, **13,** 392
signatory of instrument executed in, **13,** 392, 401, 402, 412. *See* ESTOPPEL BY CONDUCT.
bond, condition in, **3,** 90, 91; **13,** 372
recital in, by, **3,** 90, 91
bookmaker, of, **15,** 276 n.
carrier, of common, **13,** 406 n.
cause of action, is not, **13,** 322 n., 378
certain to every intent, must be, **13,** 330 n., 361 n., 366, 379
exception to rule, **13,** 341 n.
chattel, of owner parting with possession of, **13,** 379
cheque, of drawer of, **13,** 400, 401
classification of, **13,** 322

ESTOPPEL—*continued.*
clerical error, effect of, **13,** 370 n.
college, by expulsion or rustication from, **13,** 328, 363
company, of, **13,** 381, 388 n., 393 n., 401, 408—411
agent's acts or torts, by, **5,** 195, 211, 294, 300; **13,** 390, 392
certificate, by reason of, **5,** 182, 183, 194, 195, 325, 690, 691; **13,** 411
debentures, in case of assignee of, **5,** 359, 360
director's acts, by, **13,** 390
forgery as affecting, **5,** 195
inquiry on transfer of shares, object of, **13,** 410
irregular or invalid issue of share capital, in case of, **5,** 146
managing director's powers, as to, **13,** 390 n.
negligence of director, claim in respect of, **5,** 232
purchaser for value of shares, against, **13,** 410
register of members, effect of, **13,** 410
secretary's certification of shares, effect of, **5,** 194
share certificate, by, **5,** 182, 183, 325
concealment of material fact, effect of, **13,** 381
conclusive evidence distinguished from, **13,** 324
conduct, by, **13,** 388—398. *See* ESTOPPEL BY CONDUCT.
consequences in law of known facts are immaterial, **13,** 386 n.
contemnor, of, not binding on sequestrators, **14,** 85
copyhold land, by grant of, **8,** 82
not raised by surrender of, **8,** 95
copyholder, of, **8,** 95, 100; **13,** 375 n.
corporation, application of doctrine to, **8,** 356
dishonesty, no duty to take special precautions against, **13,** 399
ultra vires, in respect of acts which are, **13,** 327 n., 371, 380
court rolls do not operate by way of, **8,** 17
covenants running with estate, by, **13,** 372 n.
criminal proceedings, in, **9,** 356; **13,** 331 n., 342, 349 n., 356 n.
Crown not bound by, **6,** 410; **13,** 403 n.
debtor, of, not binding on sheriff or judgment creditor, **14,** 52
deed, by, **13,** 365—374. *See* ESTOPPEL BY DEED.
dentist's name, effect of erasure from register, **13,** 342
deposit of title deeds, by, **1,** 633
deprivation of a living, by, **13,** 328
directors of company, of, **5,** 211; **13,** 378, 389, 396
disability of infancy or coverture, of person under, **13,** 397
dissenting creditor under deed of assignment not bound by, **13,** 395 n.
distraining landlord, of, **11,** 143
distress, husband's right of, **11,** 129 n.
payment of rent under threat of, no conclusive admission of distrainor's title, **13,** 406
dower, effect of husband's deed on widow's claim for, **13,** 346 n.
drawer of bill of exchange, of, **2,** 518
duty, effect on performance of, **13,** 380
silence as breach of, **13,** 395
easement by, effect of subsequently acquired interest, **11,** 245
ejectment, in action of, **13,** 404 n.
election to proceed in particular way, by, **13,** 380 n.

ESTOPPEL—*continued.*
employer, of, acquiescence in assignment of building contract, by, **3,** 271
injury to workman, in case of, **20,** 181, 182, 190
encroachment by tenant, as to, **4,** 534, 535
equitable, meaning of, **13,** 376, 377 n.; **20,** 722 n.; **27,** 20. *See* ACQUIESCENCE; MAKING GOOD; STANDING BY.
estate, by acceptance or surrender of, **13,** 375
estoppel against estoppel doth put the matter at large, no decision supporting maxim, **13,** 361, 381
evidence, as branch of law of, **13,** 322, 366, 378; **20,** 722; **27,** 21
excess of authority, effect of acts done in, **13,** 394
execution by sheriff or sequestrators not affected by, **14,** 52, 85
extension of doctrine not favoured, **13,** 351
feeding of, by acquisition of title, **13,** 104 n., 373; **18,** 336 n. *See* ESTOPPEL BY DEED.
forgery as affecting, indorsement on genuine bill, in case of, **13,** 395 n.
secretary of company, by, **5,** 195
transfer of shares, in case of, **5,** 194, 195; **13,** 410, 411
fraud of tenant, effect of, on surrender of lease, **13,** 376 n.
fraudulent conduct of agent, effect of, **13,** 386 n.
friendly society, of, as to enforcement of rules, **15,** 137
heiress-at-law, of, probate proceedings, by, **13,** 327 n.
holding out person as agent or partner, by. *See* ESTOPPEL BY REPRESENTATION; HOLDING OUT.
husband holding out wife as agent, of, **16,** 430
in pais, defined, **13,** 323, 324, 375
acts establishing certain relations of parties, by, **13,** 324
conclusive evidence, is of the category of, **13,** 325 n.
conduct, by, **13,** 324. *See* ESTOPPEL BY CONDUCT.
equitable estoppel, resemblance to, **13,** 376
extension of application of phrase, **13,** 375
landlord and tenant, as between, **18,** 336 n.
licence by tenant to place goods on premises does not bar denial of tenant's title, **13,** 404
misrepresentation, by, **20,** 657, 658
partner of assignor of patent not barred by, **13,** 413 n.
patentee and licensee, between, **13,** 413; **22,** 194, 219
pleading of, not required, **13,** 350 n.
representation, by. *See* ESTOPPEL BY REPRESENTATION.
surrender by operation of law, in case of, **13,** 375
transfer of possession by tenant to landlord referred to doctrine, **13,** 375 n.
indorsee of bill of exchange, of, **13,** 346 n.
indorser of bill of exchange, of, **2,** 495, 512 n., 520; **13,** 324
infant's
deed, effect of, **17,** 62 n.
settlement, effect of, **17,** 104
informality distinguished from *ultra vires,* **13,** 381
insurance broker, of, receipt of premium, as to, **13,** 388 n.
insurer and assured, between, **13,** 388

ESTOPPEL—*continued.*
interest reipublicæ ut sit finis litium, application of maxim, **13,** 326
interpleader, in relation to, **13,** 358 n., 407 n.; **17,** 583
judgment, by, **13,** 325—365. *See* ESTOPPEL BY JUDGMENT.
jus tertii, auctioneer barred from setting up, when, **1,** 515; **13,** 406 n., 408 n.
bailee barred from setting up, **1,** 562, 563; **13,** 406—408
insurance agent barred from setting up, **13,** 407 n.
mortgage, in case of, **13,** 407 n.
tenancy, in case of, **18,** 337 n.
landlord, of, acceptance of rent, by, **13,** 324; **18,** 537
tenant's title, as to, **13,** 389 n., 403
transfer of tenancy, after, **13,** 403 n.
lease under power, by, **18,** 361
legal estate, protection against claims, as, **13,** 82 n.
right of re-entry attendant on, **18,** 534
want of, in lessor, effect of, **13,** 406
lessee not debarred from showing that lessor had not title to pass to an assignee, **13,** 373, 402—406
lessor and lessee, between, **13,** 324, 373, 402—406; **18,** 336, 361; **21,** 164, 165
letters patent, effect of grant of, **13,** 349 n.
licence to use patent, on assignment of, **22,** 195
licensee in possession and tenant, no distinction between, **13,** 404
licensor and licensee, between, land, in case of, **13,** 404
patent, in case of, **13,** 413; **22,** 194, 219
life tenant under void will acquiring possessory title, effect of, **13,** 374; **19,** 158
local authority, of, notice *intra vires,* by, **13,** 380 n.
lunacy, effect of verdict in inquisition of, **13,** 329, 338 n., 341, 342
mandamus, by return made to, **13,** 358
married woman not bound by, restraint on anticipation, in case of, **13,** 168 n.; **16,** 366. *See* restraint on anticipation, *infra.*
master, of, acts of servant, by, **20,** 245, 246
member of
friendly society, of, **13,** 365 n.
mutual insurance company, of, **13,** 380 n.; **17,** 508
misrepresentation, when not a cause of action, **13,** 378 n.; **18,** 337 n.
mistake, effect of, **13,** 396; **18,** 337 n.
money-lender, effect of taking securities from, **13,** 413 n.
mortgage by deposit of deeds made good by, **1,** 633, 635
mortgagee, of, after-acquired interest, defective title cured by, **21,** 118, 119
judgment against mortgagor only, by, **13,** 346
tenant of mortgagor, in favour of, **13,** 386 n.; **21,** 165
mortgagor, of, attornment to mortgagee, by, **11,** 127; **21,** 160
distress, as to landlord's right to levy, **11,** 127
jus tertii, in respect of, **13,** 407 n.
lease, on grant of, **11,** 129 n.; **18,** 357; **21,** 164, 165
purchaser of equity of redemption as privy to, **13,** 344 n.

ESTOPPEL—*continued.*
mortgagor—*continued.*
receipt clause, by, as to payment of consideration, **13,** 371; **15,** 115
second incumbrancer as privy to, **13,** 347 n.
solicitor's authority to receive consideration money, as to, **13,** 372
mutual or reciprocal, must be, **13,** 325, 349, 403 n.
negligence, by, **13,** 324, 398—402. *See* ESTOPPEL BY CONDUCT.
nemo debet bis vexari pro eâdem causâ, application of maxim, **13,** 326
notice as affecting, **13,** 383 n.
agent, when given to, **1,** 215, 216
company, in respect of, **5,** 183
obligor of bond, of, **3,** 97; **13,** 372
odious, estoppels are, **13,** 351
old name for, **13,** 322
opening of, **13,** 350 n., 369, 370
owner of goods as affected by, **13,** 379; **25,** 192
parties bound by, **13,** 325
partner, of, **13,** 391, 413 n.; **22,** 13—16, 68, 219
partnership by, **13,** 390 n., 391; **22,** 13, 14
patent, assignor cannot dispute validity of, **22,** 219
expiration of licence of, effect of, **13,** 413
extent of, may be disputed by licensee, **13,** 413; **22,** 194, 195
infringement and validity of, as to, **13,** 357 n., 361 n.
licensee cannot dispute validity of, during continuance of licence, **13,** 413; **22,** 194
royalty, patentee's right to, **13,** 413
patentee, of, agent's authority, as to, **13,** 390 n.
assignee of bankruptcy trustee, not estopped against, **13,** 413 n.
assignment of patent, after, **13,** 413; **22,** 219
notice of rights not required, **13,** 395 n.
payment into court, by, **13,** 355 n., 358, 359
pleading of, defence, as, **13,** 350; **22,** 219, 447 n.
ejectment action, in, **13,** 350 n.
necessity for, **13,** 350; **16,** 485; **22,** 219
pledge of property, in case of, **13,** 407 n.
poor law settlement by, **22,** 590
Postmaster-General not bound by, **27,** 358 n.
premature delivery of goods to buyer, in case of, **13,** 392
principal, of. *See also* agent, of, *supra.*
act of agent, by, **1,** 201, 207, 635; **13,** 368, 392—394
admission of agent, by, **1,** 215
agent's representation, by, **13,** 385; **20,** 713
authority of agent, as to, **1,** 158, 159, 201, 207
contract of agent, by, **1,** 207
fraudulent conduct of agent, effect of, **13,** 386, 386 n.
ignorance, from pleading, **1,** 215, 216
indicia of authority to agent in excess of actual fact, by, **13,** 392
knowledge of agent, by, **1,** 216; **13,** 385, 386; **17,** 570
insurance agent, in case of, **17,** 570
limitation of agent's authority, in case of, **1,** 159; **13,** 392
knowledge of, effect of, **13,** 390
non-disclosure by executor of gift over to himself, effect of, **13,** 395 n.
notice of termination of agency, when necessary, **1,** 235, 236
ostensible agency, in case of, **13,** 395

ESTOPPEL—*continued.*
principal—*continued.*
ratification of agent's acts, by, **1,** 179
scope of authority, agent's representation must be within, **13,** 385
secret withdrawal of agent's authority, in case of, **13,** 391
securities not fully negotiable, disposition by agent of, **1,** 635
set-off by person dealing with agent, right of, **13,** 395
third persons, as against, **1,** 201
unauthorised agent, by contract or act of, **1,** 203, 207; **13,** 391
prisoner, of, release by agreement, after, **13,** 390 n.
privies, of, **13,** 343—348, 368, 374. *See* PRIVITY.
prize court, effect of decision by, **13,** 340, 341
promissory note, of maker or signatory of, **2,** 519; **13,** 324
public authority or official, of, **23,** 350; **27,** 358 n.
purchaser from licensee of patent not bound by, **13,** 413 n.
quasi of record, **13,** 362—364. *See* ESTOPPEL QUASI OF RECORD.
railway company's advice note, effect of, **13,** 384
ratification, by, **1,** 179
receipt, by, deed of conveyance or mortgage, in, **10,** 464 n.; **13,** 371, 387; **15,** 115
ordinary form not under seal, effect of, **13,** 371 n., 383 n.
receiver, lease by, operation of, **13,** 358; **24,** 394
payment of rent in own name, effect of, **24,** 401
rent paid to, effect of, **21,** 266 n.
record, by, **13,** 325—361. *See* ESTOPPEL BY RECORD.
remainderman not barred by, **13,** 352 n.
rent, by payment of, **18,** 473, 474
representation, by, **13,** 376—402. *See* ESTOPPEL BY REPRESENTATION.
res judicata, by, **13,** 323, 325—348; **23,** 166—168. *See* RES JUDICATA.
restraint on anticipation cannot be defeated by, **13,** 168 n., 327 n., 380; **16,** 366
retired partner's liability founded on agency by, **13,** 391
reversion by, assignment of, **21,** 165
supports a distress, **11,** 124; **13,** 406
reversioner, of, by direction to pay rent, **18,** 474
sale of goods, on, unauthorised person, by, **25,** 192 n., 193
scope of agent's authority, **13,** 385, 392
seal, effect of receipt not under, **13,** 371 n., 383 n.
shareholder, of, **5,** 146; **13,** 389 n., 408—412
sheriff's return, by, **13,** 359—361. *See* ESTOPPEL BY RECORD.
ship, of owner or master of, bill of lading, by, **13,** 383 n., 385, 387 n.
shipper of wine branded with his name, of, **13,** 389 n.
shipping agent, of, accounts, by, **13,** 386 n.
signatory of bill of lading, of, **13,** 387
silence, effect of, **13,** 379 n., 395—397
solicitor, of, by representation to client, **13,** 386 n.
standing by, under doctrine of. *See* ESTOPPEL BY CONDUCT; STANDING BY.
statement, by, **13,** 386—388. *See* ESTOPPEL BY REPRESENTATION.
statutes, doctrine not applied to, **27,** 196

ESTOPPEL—*continued.*
statutory, bill of exchange, in case of, **13,** 392, 394
factor's dealings with goods, in respect of, **13,** 391
stranger not affected by, **13,** 325
sub-lease of tenancy at will, by, **18,** 406
surety, of, friendly society, for, **13,** 389 n.
reconstruction of company, on, **15,** 500, 528 n.
warrant of attorney, in case of, **15,** 528 n.
surrender of lease by, **13,** 375
lease for lives, in case of, **13,** 376 n.
subdemise, after, **13,** 324, 376
tenant, of, **13,** 373, 402—406
agent for unnamed landlord, against, **18,** 336 n.
alteration in landlord's title may be shown, **13,** 404 n.
assignment by landlord, after, **13,** 402 n., 404, 405
attornment, by, **18,** 336, 337 n.
deed, not confined to leases by, **13,** 402
defective title of lessor, notwithstanding, **18,** 336 n.
demise operating as assignment, after, **13,** 406
determination of landlord's title, effect of, **13,** 403
distress, by submission to, **13,** 406; **18,** 337 n.
eviction under paramount title, effect of, **13,** 404
landlord's title, as to, **13,** 402, 405, 405 n.; **18,** 336
lessor's right to distrain, as to, **13,** 406
mortgagor's lease, by, **21,** 164, 165
mutuality, extent of, **13,** 325
new lease from original lessor, effect of, **13,** 375, 405 n.; **18,** 549
payment of rent, effect of, **13,** 405; **18,** 337 n., 473, 474
possession, by acceptance of, **18,** 336
surrender of possession, when necessary, **13,** 404
who are bound by doctrine, **13,** 402, 403
title of landlord by, **18,** 336, 337 n.
transferee of shares, of, **5,** 325; **27,** 242 n.
trustee in bankruptcy, of, **2,** 166; **13,** 348, 389
truth precluded by, **13,** 322, 367, 368
ultra vires, effect of act or contract, **5,** 285; **13,** 327 n., 371, 380
unauthorised use of title deeds, effect of, **13,** 394
underwriter, of, acceptance of notice of abandonment, as to, **17,** 488
unratified contract of unauthorised agent, effect of, **13,** 391
validity of patent, as to, **13,** 413; **22,** 219
value, purchaser for, effect of fraud in case of, **13,** 351
vendor allowing premature possession to buyer, of, **13,** 392
voidable settlement, in case of, **13,** 127 n.
volenti non fit injuria as defence, **27,** 500, 501
warehouseman, of, **13,** 386 n., 399, 408
wharfinger, effect of delivery order given by himself to, **13,** 408 n.
words, by. *See* ESTOPPEL BY REPRESENTATION.
workman, as to payment of compensation to, **20,** 181, 182
wrongful conversion of drain into sewer, by, **25,** 757, 758

ESTOPPEL BY CONDUCT,
defined, **13,** 323, 324
acceptance, by, bailment, of, **13,** 324
benefits as shareholder, of, **5,** 325
composition deed, of payment under, **13,** 389 n.
dividends, of, **5,** 146; **13,** 389
estate in land, of, **13,** 375
freight, of, **13,** 389 n.
gift, of, **28,** 598
insurance premiums, of, **13,** 388; **17,** 508, 530, 549
lease, of, **13,** 375, 389 n.
patentee, by, royalties, of, **22,** 195
payment into court, of, **13,** 358
rent, of, **13,** 324
shares, of, **5,** 146
specific order for goods, of, **13,** 408
acceptor of bill, of, **2,** 495, 512 n., 517, 518; **13,** 324, 394, 395
account stated, by, **13,** 386 n., 388 n.; **25,** 485
acquiescence, by, account stated, in case of, **25,** 485
application and requisites of doctrine, **1,** 179; **13,** 166—168
bankruptcy, in act of, **2,** 15, 34
building employer, of, assignment of contract, in, **3,** 271
congregation, of, minister's property, as to, **13,** 395 n.
foreign prize court, in judgment of, **13,** 351 n.
presumption of, **11,** 266
silence, inferred from, **13,** 395—397
admission of forged signature, by, **1,** 616; **2,** 512 n.
adoption of cheque forged or fraudulently altered, by, **1,** 617
agency by, **1,** 158, 201, 207, 635; **13,** 390—394; **17,** 359 n.
agent, of, acting as principal, **13,** 391 n., 395; **25,** 193
denial of principal's title, as to, **1,** 159
false account stated, by, **13,** 386 n., 388
principal, acting on behalf of, **1,** 159, 192
agreement for acceptance of shares, by, **5,** 146
alteration of cheque, in case of, **1,** 615—617
appeal, by abandonment of right of, **19,** 678
approbation and reprobation, alternative remedies, effect of pursuing one of two, **13,** 365
bill of sale, in case of, **3,** 55; **13,** 364 n.
equitable doctrine, as, **13,** 116
friendly society converted into company, by member of, **13,** 365 n.
grantor of bill of sale, by, **3,** 55
order made in ignorance of true facts, going behind, **13,** 365
party taking advantage of order cannot reprobate, **13,** 364
policy of assurance, in case of, **13,** 365 n.
sale proceeds paid into court, effect of taking, **13,** 365
specific performance, order for, as bar to subsequent action for damages, **13,** 365 n.
arbitration, in, time, award made out of, **1,** 463
unqualified arbitrator, objection to jurisdiction of, **13,** 389 n.
assignment for benefit of creditors, effect as act of bankruptcy, **13,** 395 n.
attendance at creditors' meeting, by, **13,** 395 n.
attornment, by. *See* ESTOPPEL.
authority to borrow limited sum on security of title deeds, effect of, **13,** 394

ESTOPPEL BY CONDUCT—*continued.*
bailee, of, **1,** 562, 563; **13,** 324, 406—408
administrator's claim to goods, effect of, **13,** 407 n.
attornment, after, **13,** 406
auctioneer, on sale of goods by, **13,** 406 n.
bailor, as against, **13,** 406; **27,** 914
common carrier's delivery of goods to true owner at his request, effect of, **13,** 406 n.
defending action in own interests, **13,** 407 n.
eviction by title paramount, in case of, **13,** 406
expiration of bailor's title since bailment, in case of, **13,** 407 n.
fraud of bailor, in case of, **13,** 406 n.
interference by third parties, after, **13,** 406
interpleader, how far a protection, **13,** 407 n.
jus tertii, setting up of, **1,** 562, 563; **13,** 324, 407; **27,** 869
lien for freight, in case of, **13,** 406 n
refusal to deliver goods to true owner, conversion by, **13,** 406
subsequent mortgage by bailor of ship, effect of, **13,** 407 n.
bailment, by acceptance of, **13,** 324
banker, of, cheque certified with blanks, effect of, **13,** 401
collection of bill of exchange, after, **13,** 386
customer's carelessness, effect of, **13,** 401 n.
beneficiary taking possession under will, of, **13,** 374
blank
bill of exchange, in case of, **2,** 473 n.; **13,** 392, 401
delivery order in, effect of giving, **13,** 392
negotiable instrument, in case of, **13,** 392, 401
transfer of shares, effect of signing, **13,** 412
buyer of goods, as against, **25,** 193
calls on shares payable by, **13,** 411
care, duty to use, **13,** 398, 399
certain to every intent, must be, **13,** 366, 379
cheque, forgery or fraudulent alteration of, **1,** 616, 617
possibility of tampering with signature of, effect of, **13,** 400
clerk, by employment of dishonest, **13,** 399 n.
collateral security, release of, does not discharge original security, **13,** 389 n.
company, of. *See also* ESTOPPEL.
contractor, by transfer of Lloyd's bonds to, **13,** 393 n.
debentures, on assignment of, **5,** 359, 360
delay and acting on fraudulent transfer, in case of, **13,** 397 n.
director, in respect of claim against, **5,** 232
forged transfer, effect of, **5,** 195; **13,** 410
fraudulent transfer, by acting on, **13,** 397 n.
holding out person as agent, by, **13,** 390
irregularity in issue of debentures, in case of, **13,** 381
reference to register, effect of, **13,** 410
secretary's conduct, by, **5,** 183 n.
completion of contractor's work, as to, after payment, **13,** 383
compulsory purchase of land, in case of, **6,** 74
conditions essential for, **13,** 399 n.
contract effected by, **7,** 349, 350, 464
conversion of goods, as affecting action for, **27,** 914, 915
copyholder, of, admittance, by, **8,** 100
fealty, by, **13,** 375 n.
copyholds, by grant of, **8,** 82

ESTOPPEL BY CONDUCT—*continued.*
credit given to agent, in case of, **13,** 397, 398
delay, by, company, of, **13,** 397 n.
customer of bank, of, in giving information as to forged cheque, **13,** 385, 396, 401
delivery of goods to wrong person, in case of, **13,** 396
election, in signifying, **13,** 397
repudiation by underwriters of insurance policy, **13,** 384 n.
delivery orders, by issue of, **13,** 384, 386 n., 392, 398, 399, 408
detinue, in action of, **27,** 914, 915
directors of company, of, duty to notify change in identity of guaranteed company, **13,** 396 n.
invalid appointment, in case of, **5,** 211
validity of their appointment, as to, **5,** 211; **13,** 389, 396 n.
disability is no excuse for standing by, **13,** 380 n.
dishonest clerk, effect of employment of, **13,** 399 n.
dishonesty, no duty to guard against, **13,** 399
distress, waiver of right of, **11,** 143
dividends, by receipt of, **13,** 389 n.
dock warrant, issue of, is not attornment, **13,** 408 n.
drawer of bill of exchange, of, **2,** 517, 518
duplicate documents of title, by issue of, **13,** 399
duration of agent's authority, as to, **13,** 390; **17,** 359 n.
duty to correct error, **13,** 396
election by, **13,** 397
employer, of, assignment of building contract, in case of, **3,** 271
claim under Workmen's Compensation Act, in case of, **20,** 181, 182, 190
error, party contributing to, cannot take advantage of, **13,** 390
execution or signature in blank, by, cheque, of, **13,** 392
delivery note, of, **13,** 392
instruments generally, of, **13,** 393 n.
negotiable instrument, of, **2,** 489 n.; **13,** 392, 402
promissory note, of, **13,** 401 n.
transfer of shares, of, **13,** 392 n., 401 n., 412
failure to answer letter as to proposed transfer of shares, effect of, **13,** 409 n.
forged signature, in respect of, **1,** 616, 617; **13,** 394, 395
forgery, in case of, **1,** 616, 617; **2,** 512; **13,** 384, 395 n., 396, 401
no duty to guard against, **13,** 400
non-essential document of title, in case of, **13,** 394
fraud of broker, in case of, **13,** 412
friendly society, enforcement of rules by, **15,** 137
surety for loan by, cannot allege it to be *ultra vires*, **13,** 389 n.
guarantee policy, in case of, **17,** 572
holding out person as agent or partner, by. *See* ESTOPPEL BY REPRESENTATION; HOLDING OUT.
ignorance of title, effect of, **13,** 168 n.
infant standing by to prejudice of purchaser, of, **13,** 397
innocent conduct amounting to misrepresentation, effect of, **13,** 381
insurance premiums, effect of receipt or retainer of, by company, **13,** 386 n.; **17,** 508, 549, 554 n.

ESTOPPEL BY CONDUCT—*continued.*
interpleader, in, contract of applicant, by, **17,** 583
taking money out of court, by, **13,** 365; **17,** 633 n.
investigation of title, by, **13,** 389 n.
irregularity, conclusive evidence of waiver of, **13,** 389
forfeiture of shares, in, **13,** 395 n.
joinder of parties in partnership action, as to, **22,** 68
jurisdiction, objection to want of, whether waived, **13,** 389 n.
landlord and tenant, between, **13,** 324. *See* ESTOPPEL.
litigant carrying on proceedings with knowledge of irregularity, of, **13,** 389
managing director's powers as agent, as to, **13,** 390 n.
market overt, after sale in, **13,** 398
master, of, for servant's acts, **20,** 245, 246
membership of company by, **5,** 146
mercantile agency, in case of, **13,** 391
money draft, omission to send separate advice of postage of, **13,** 399, 401 n.
money had and received, in action for, **7,** 486
mutual insurance association, of member of, **17,** 508
negligence as affecting, **13,** 398—402
banker's customer, by, **13,** 400
bills of exchange, in dealing with, **13,** 400
cheque
carelessly drawn, **13,** 401
left in open drawer, **13,** 401
company permitting transferor to obtain share certificates, **13,** 401 n.
conduct amounting to representation, by, **13,** 324
corporation permitting secretary to have custody of seal, **13,** 399
inherent in transaction, must be, **13,** 400
mercantile documents, in issue of, **13,** 399
negotiable instrument, completion and delivery of, effect of, **13,** 394, 402
proximate cause of loss, must be, **13,** 400, 401, 412 n.
recovery of insurance policy handed to mortgagee for alteration, **13,** 401 n.
representation by, included in representation by conduct, **13,** 377
negotiable instrument, unauthorised transfer of, **13,** 402 n.
want of care in custody of, **13,** 401
negotiation, by delay consequent on, **19,** 182
non-disclosure of forgery, by, **2,** 512
obligor of bond, of, assignee, against, **3,** 97
omission to send separate advice of postage of money draft, effect of, **13,** 399 n., 401
partner, of, after retirement from firm, **13,** 391
partnership by, **13,** 390 n.; **22,** 13, 14
patent, licensee cannot dispute validity of, **13,** 413
patentee, of, acceptance of royalties, by, **22,** 195
holding out agent as authorised to sell free from conditions, effect of, **13,** 390 n.
no duty to give notice of rights, **13,** 395 n.
payment of unauthorised bill of exchange does not raise, **13,** 390 n.
pledge of property, in case of, **13,** 407 n.
possession of property, by parting with, **13,** 379, 391—394

ESTOPPEL BY CONDUCT—*continued.*
principal, of. *See* ESTOPPEL.
by authority given to agent, **1,** 159, 201, 203, 207, 215, 216, 635; **13,** 368, 390—395
Factors Act, 1889, under, **13,** 391
prisoner, of, acquiescence in arrangement with sheriff, by, **13,** 390 n.
promissory note, in case of, **13,** 392 n.
public
authority, waiver of statutory protection by, **23,** 350
duty, performance of, cannot be waived or renounced, **13,** 380
purchaser, of, objection to mode of sale, **13,** 389 n.
ratification, by, **1,** 179; **27,** 915
release of liability by, **7,** 454
rent, by acceptance of, as waiver of forfeiture, **13,** 389 n.; **18,** 537
representation, by, **13,** 323; **20,** 663 n., 672—676. *See* ESTOPPEL BY REPRESENTATION.
reprobation, by. *See* approbation and reprobation, *supra.*
safe custody, effect of depositing promissory note for, **13,** 401
sale by, **25,** 124
satisfied negotiable instrument, negligence in recovering, **13,** 402
scope of agent's authority, as to, **13,** 392—394
secretary known to have committed forgery, effect of appointment of, **13,** 401
seller of unappropriated goods accepting delivery order from pledgee, of, **13,** 408
set-off may be barred by, **25,** 485
shareholder, of, by acts of ownership, **5,** 146; **13,** 389 n., 411
shares, in respect of agreement to take, **5,** 146, 183, 195
shipper of wine branded with his name, of, **13,** 389 n.
signatory of
bill of exchange or promissory note, of, **13,** 324, 394, 395
instrument executed in blank, of, **13,** 392, 401, 402, 412
silence, effect of, **13,** 379 n., 395—397
specific performance, in action for, **27,** 12
standing by. *See also* STANDING BY.
contract for purchase, during, **13,** 396
distinguished from equitable doctrine of, **13,** 396, 397
doctrine of, **13,** 166 n., 395—397
expenditure of money, during, **13,** 397
misrepresentation of title, as, **13,** 166 n.
statutory defence, from pleading, **23,** 350
stolen property, in case of, **27,** 903 n.
surety, of, reconstruction of guaranteed company, on, **15,** 500
surrender, copyholds, of, does not raise, **8,** 95
lease, of, after forfeiture by subletting, effect of, **13,** 389 n.
tenant, of, distress, by submission to, **13,** 406
request for removal of distress, effect of, **11,** 184 n.
transfer of document on its face transferable by delivery, by, **13,** 393
transferee of shares, of, filling up blanks in own favour, effect of, **13,** 392 n., 401, 401 n., 412
receipt of benefits, after, **5,** 325
right of seller to receive indemnity, as to, **27,** 242 n.
trover, in action of, **27,** 914, 915

ESTOPPEL BY CONDUCT—*continued.*
trustee in bankruptcy, of, allowing bankrupt to continue trading, **13,** 389
unauthorised sale of goods, on, **25,** 192
underwriter, of, acceptance of notice of abandonment, as to, **17,** 488
payment of loss, by, **17,** 496
recovery of salvage, as to, **17,** 496
unregistered transfer of shares, in case of, **5,** 325; **13,** 412
vendor's title on sale of goods, as to, **25,** 192, 193
void lease, acceptance of, will not work a surrender, **13,** 375
voidable lease afterwards made void, effect of acceptance of, **13,** 375 n.
waiver of irregularity, by, **13,** 388
warehouseman's attornment to buyer of goods, effect of, **13,** 408
what may constitute, **13,** 388—398
workman's compensation, as to payment of, **20,** 181, 182, 190
wrongful conversion of drain into sewer, effect of, **25,** 757, 758

ESTOPPEL BY DEED,
defined, **13,** 323
alteration by agent in deed, effect of, **13,** 368
ambiguity in deed, effect of, **13,** 366, 367, 372
anterior deed, effect of recitals in, **13,** 367 n.
assignee of lessor, of, as to lessee's title, **13,** 403
bill of sale, by, grantor, of, **3,** 55
ownership of goods, as to, **3,** 30
statutory provisions, effect of, **3,** 30; **13,** 370
binding, upon whom, **3,** 90; **13,** 368
bond, by recital in, **3,** 90
certain to every intent, must be, **13,** 366, 379
collateral matter, in case of, **13,** 372
construction of deed, as to, **13,** 368
conveyance, not raised by operative words of, **13,** 367
copyholds, in case of, **13,** 367 n.
corporation, of, effect of act or contract *ultra vires,* **13,** 371
covenant, effect of, matrimonial cause, in, **16,** 486
power to convey, as to, **13,** 372
Crown lease, doctrine has no application to, **13,** 403 n.
date of deed does not raise, **13,** 366 n.
disability, of persons under, **13,** 370, 371
duress as affecting, **10,** 360; **13,** 369
effect of, **10,** 357
eviction under paramount title, effect of, **13,** 404 n.
exceptions to creation of, **13,** 369—371
execution of deed necessary to raise, **13,** 366 n.
extent of patent may be disputed by licensee, **13,** 413; **22,** 194, 195
false representation of contents of deed, effect of, **13,** 369
feeding, conveyance, in case of, **13,** 104 n.
easement, in case of, **11,** 245
lease, in case of, **13,** 373; **18,** 336 n.
foreshore, by conveyance of, **3,** 119
forgery as affecting, **13,** 369
fraud as affecting, **10,** 359; **13,** 369, 412
grant of estate or interest larger than possessed, effect of, **11,** 245; **13,** 373
heir-at-law, of, as privy in estate, **13,** 374
illegality of purpose as affecting, **13** 369, 370
implication, not raised by, **13,** 367
incomplete recital, not raised by, **13,** 367

ESTOPPEL BY DEED—*continued.*
infant when bound by, **13,** 370, 371; **17,** 104
inference not sufficient to raise, **13,** 366, 367
instruments affected by doctrine, assignment of patent, **22,** 219
attornment, **11,** 130 n., 131 n.; **13,** 367 n., 408; **18,** 336, 358; **21,** 160
bill of sale, **3,** 30, 55; **13,** 370
bond, **3,** 90, 91, 97
cancelled or invalid document, **10,** 410, 411; **13,** 366 n., 367, 368
conveyance by grant or lease and release, **13,** 367
covenant not to sue, **16,** 486
deed poll, **13,** 323, 365 n., 389 n., 403 n.
innocent conveyance, **13,** 367 n.
insurance policy, **13,** 368 n.
lease, **13,** 366 n.; **18,** 336; **21,** 164, 165
licence of patent, **22,** 219
memorandum indorsed on deed, **13,** 368
mortgage, receipt clause in, **15,** 115
recitals in deed, **3,** 90; **13,** 345, 366—368, 372, 389 n.; **21,** 118, 119
release under seal, trustee, of, **13,** 371 n., 372 n.
separation deed, **16,** 445
settlement by infant, **17,** 104
testatum of deed, **13,** 366 n.
title, covenant for, **13,** 372
landlord, of, **13,** 403—406
lease by, **13,** 373, 403 n.; **18,** 361
ultra vires of lessor, **21,** 165
legal estate, by mortgagor's conveyance of, **21,** 118
life tenant and remainderman, as between, **13,** 374
marine insurance, constructive total loss in, **13,** 372 n.
married woman, of, **13,** 371, 380
misrepresentation as affecting, **10,** 360
mistake as affecting, **10,** 359, 406; **13,** 370
mortgagor's lease, under, **11,** 129 n.; **18,** 357; **21,** 164, 165
mutuality of, depends on construction of deed, **13,** 325
non-mutual right of landlord's widow, in case of, **13,** 349 n.
obligor of bond, of, **3,** 90; **13,** 372
opening of, fraud, effect of, **13,** 369
illegal transaction, in case of, **13,** 370
pleading, by, **13,** 350 n.
operative words in deed, **13,** 367
parcels comprised in lease, dispute as to, **13,** 366 n.
patent, assignor cannot dispute validity of, **22,** 219
licensee cannot dispute validity of, **13,** 413; **22,** 194, 219
patentee, of, after assignment of patent, **13,** 413; **22,** 219
pleading of, **13,** 350; **22,** 219
power, lease under, when good, **18,** 361
prescriptive title, against, **13,** 374
principal and agent, as affecting, **13,** 368
principle of, **13,** 365
privies in estate bound by, **13,** 368, 374
receipt, by, conveyance, in, **13,** 371, 372, 387
mortgage, in, **4,** 390; **13,** 371, 372; **15,** 115
share transfer, in, **13,** 387
solicitor's authority, as to, **13,** 372
recital, by, bond, in, **3,** 90
deed, in, **7,** 333; **13,** 372; **21,** 118, 366, 367

ESTOPPEL BY DEED—*continued.*
recital—*continued.*
devise, of, **13,** 366
policy by deed poll, in, effect of, **13,** 389 n.
when no estoppel, **13,** 345
rectification of deed not barred by, **10,** 360
remainderman, as affecting, **13,** 374
royalties, patentee's right to, **13,** 413
separation deed, under, **16,** 445
solicitor's authority, as to, **13,** 372
stay of proceedings in matrimonial cause, as affecting, **16,** 539
stranger to deed, party may be, **13,** 368
subsequent acquisition of title, effect of, **13,** 373
surety, of, after payment under defective instrument, **15,** 528 n.
tenant, of, **13,** 345, 402—406; **18,** 336 n.; **21,** 164, 165
testatum of deed, **13,** 366 n.
trustees for public purpose, of, **13,** 371
truth
apparent in same instrument, effect of, **13,** 354 n., 367
inability to set up, **13,** 367, 368
void
deed, not raised by, **13,** 369
lease, person entering under, may plead Statute of Limitations, **13,** 403

ESTOPPEL BY JUDGMENT. *See also* ESTOPPEL BY RECORD; RES JUDICATA.
absent parties not bound by judgment by consent, **13,** 342
accounts remaining to be taken, in case of, **13,** 326
acquittal in Exchequer, effect of, **13,** 328 n., 350 n.
Admiralty Court, in, **13,** 339, 363
admissions, effect of judgment as result of, **13,** 327
alternative
claims, trespass by quarrying stone, in case of, **13,** 356
defences, judgment on one of several, **13,** 349
pleadings, by, **13,** 358 n.
ambiguity in judgment, effect of, **13,** 341
appeal pending, in case of, **13,** 326
assignor and assignee of bond, privity between, **13,** 345
bailor or bailee, of, **27,** 869
balance of claim, action for, after recovery of part, **13,** 358 n.
bankruptcy, adjudication or order of discharge in, **13,** 329
right to set aside judgment debt in, **13,** 352 n.
bill of exchange, second action on, where not barred, **13,** 355
capacity or right, party must sue or defend in the same, **13,** 346
certain to every intent, must be, **13,** 366, 379
change of circumstances since first action, effect of, **13,** 349, 350, 355 n.
cited party in probate action, position of, **13,** 342
class, effect of judgment for or against, **13,** 348
collusion, effect of. *See* fraud or collusion, *infra.*
company, effect of order for dissolution of, **13,** 329
condemnation in Exchequer, effect of, **13,** 340 n., 343
confession of defence, by, **13,** 358
consent, effect of judgment by, **13,** 327, 357
contract *ultra vires* of corporation, effect on, **13,** 327

ESTOPPEL BY JUDGMENT—*continued.*
county court, effect of decision by, **8,** 534; **13,** 335, 337
criminal proceedings, in, **9,** 356 n.; **13,** 331 n., 342, 349 n., 356 n.
damages, effect of assessment of, **13,** 335
recovery of, **13,** 334, 335, 336 n., 337 n., 338. *See* RES JUDICATA.
default, effect of judgment by, **13,** 357—359
defendant, judgment for, not always decisive, **13,** 349
demurrers to plea of *res judicata*, when formerly allowed, **13,** 354
dilatory grounds, effect of judgment on, **13,** 349
disability of party, effect of, **13,** 327
dismissal of action, effect of, in nullity suit, **13,** 343
distribution of assets, in suit for, **13,** 331 n.
divorce proceedings, in, **13,** 326, 331, 342; **16,** 486, 539
Ecclesiastical Courts, in, **13,** 339 n., 343 n., 362
inquiries remaining to be made, in case of, **13,** 326
false imprisonment, action for, no bar to action for malicious prosecution, **13,** 338
final, judgment must be, **13,** 326, 327
when judgment is, **13,** 327
findings in other actions, by, **13,** 330, 331
foreclosure action, in, effect of usury laws, **13,** 355
foreign court, administration proceedings, in **13,** 354 n.
contractual relations established in, **13,** 339 n.
decree of nullity by, cannot be impeached here while standing, **13,** 352 n.
effect of judgment of, **6,** 289—291, 295—298; **13,** 326, 338 n., 354, 359 n.
fraud as affecting judgment of, **6,** 287; **13,** 351 n.
matrimonial status in, **13,** 339 n., 352 n.
fraud or collusion, effect of, **13,** 351, 352
foreign judgment obtained by, **13,** 351 n.
letters of administration obtained by, **13,** 351 n.
nullity decree obtained by, **13,** 351 n., 352 n.
setting aside judgment obtained by, **13,** 352
friendly action to prevent hostile action, no bar to second action, **13,** 352
ground for, how far must be found on face of default judgment, **13,** 358
heiress-at-law bound by decree in probate proceedings, **13,** 327 n.
immovables, effect of declaration as to status of, **13,** 327
implication, effect of matters decided by, **13,** 356
in personam, effect of judgment, **6,** 289; **13,** 327, 330, 331, 343—348
parties or privies, binds only, **13,** 338
in rem. *See* judgment *in rem, infra.*
inter partes, effect of judgment, **13,** 330, 331, 343—348
evidence of facts, as, **13,** 344
not affected by judgment *in rem*, where, **13,** 361
interlocutory order operating as final, **13,** 324
interpleader issue, by decision in, **13,** 358 n.
intervention of King's Proctor, effect of, **13,** 326
Irish court, principle as applied to decision of, **13,** 354 n.
issue
directed by court, principle applied in case of, **13,** 356
fact, of, determination of, **13,** 323, 330

ESTOPPEL BY JUDGMENT—*continued.*
issue—*continued.*
matters not in, do not raise, when, **13,** 357
previously decided, judgment must be looked at to ascertain, **13,** 356
jactitation of marriage, not raised by decree in suit of, **13,** 362 n.; **16,** 595
joint and several liability of defendant, effect of, **13,** 349 n.
judgment *in rem, defined,* **13,** 327
binding on all persons within the jurisdiction, **13,** 338
collateral matters, in case of, **13,** 339
conclusive, how far, **13,** 338, 339, 342
conflicting, effect of, **13,** 361
consent, by, **13,** 342
continuing state of facts, as to, **13,** 342
co-ordinate jurisdiction, in case of, **13,** 339 n.
criminal cases, in, **13,** 342
exception to rule, **13,** 343
distinguished from judgment *in personam,* **13,** 338
divorce, in, **13,** 342
effect of, **13,** 327—329, 338—343, 361
evidence, when admissible in, **13,** 341, 342
examples of, **13,** 328, 329
fact, as to findings of, **13,** 339 n., 340, 341
lunacy, by jury's verdict on inquisition in, **13,** 338 n., 341, 342
matters affected by, **13,** 339
non-essential finding of fact, in case of, **13,** 340 n.
persons affected by, **13,** 338
poor law settlement of pauper, as to, **13,** 338 n., 340 n.
prize cases, in, **13,** 340
probate, by grant of, **13,** 338, 342
property affected by, **13,** 338
purchaser for value, against, **13,** 342, 351
strangers, how far conclusive against, **13,** 339, 340, 342
territorial extent of, **13,** 338
ways in which the *res* must be affected, **13,** 327
judicial separation, by decree of, effect on previous separation deed, **13,** 364 n.
jurisdiction, effect of absence of, **13,** 330 n., 353, 354 n.
foreign court, of, **13,** 351, 354
juror, effect of withdrawal of, **13,** 359 n
jury, effect of discharge of, without finding on issue submitted, **13,** 359
legitimacy, effect of decree as to, **13,** 329
libel action, in, repetition of libel, in case of, **13,** 355 n.
limited efficacy of judgment, **13,** 327
liquidator barred by finding as to shareholder, **13,** 331 n.
lis pendens without judgment does not raise, **13,** 361
matrimonial cause, effect of judgment in, **13,** 343 n., 354 n.; **16,** 485, 486
foreign court, in, **13,** 339 n.
repetition of charges in, **16,** 485
matter subsequent, effect of, **13,** 333
mesne profits, in action for, **13,** 331
money paid under judgment, action to recover, **13,** 326 n.
nullity, by decree for, **13,** 343
parties bound by, **13,** 338—348

ESTOPPEL BY JUDGMENT—*continued.*
patent, injunction by consent, effect of, **13,** 357 n.
judgment for infringement, effect of subsequent judgment for revocation, **13,** 361 n.
penalties, on information in Exchequer for, **13,** 343
plaintiff, defendant in former action, as, **13,** 331 n.
judgment for, not necessarily conclusive, **13,** 355
pleading of, **13,** 330; **16,** 485
ejectment, in action of, **13,** 350 n.
plene administravit, by judgment on plea of, **13,** 331 n.
point of law, on, **13,** 331
possession, judgment for, not conclusive as to title, **24,** 329
price of goods, judgment for, no answer to action for damages for defects in quality, **13,** 355
principle, application of, **13,** 326 n.
prior verdict, when not raised by, **13,** 355
privies, of, **13,** 343—348. *See* PRIVITY.
privity, similarity of interest does not create, **13,** 345
prize cases, anomaly of, **13,** 340 n.
probate, grant of, **13,** 327 n., 340 n., 342 n.
practice in court of, **13,** 361 n.
prosecution, dismissal of action for want of, when a bar, **13,** 327 n.
public right, by decision affecting, **13,** 343 n.
purchaser *bonâ fide* and for value not bound by, **13,** 351
reasons for judgment cannot be looked at, **13,** 340
receiving order, refusal of, no adjudication on debt, **13,** 353 n.
recitals in prize court judgment, effect of, **13,** 341
recovery of judgment, by, **13,** 334—338. *See* RES JUDICATA.
redemption action barred by decree for foreclosure, **13,** 326 n.
registrar's book as evidence of proceedings at trial, **13,** 357 n.
remainderman not party to former proceedings, action by, **13,** 352 n.
replevin, by finding in action of, **13,** 331
res judicata, distinguished from plea of, **13,** 330, 331
revocation of probate or administration, right to bring action for, **13,** 338 n.
salvage action, effect of judgment in, **13,** 339
Scottish judgment not a bar in suit for declaration of legitimacy, **13,** 349 n.
several demands by statement of claim, effect of judgment for one only, **13,** 356
status established by judgment, in case of, **13,** 323, 327 n., 338
staying action to set aside judgment, **13,** 352
stranger to proceedings not bound by, **13,** 339, 342
tithes for different years, effect on actions for, **13,** 355 n.
trespasses, in action for successive, **13,** 331 n.
trover, judgment for defendant in, no answer to action for money received, **13,** 350 n.
use and occupation, successive actions for, no estoppel by, **13,** 355
verdict, minute of, how far binding, **13,** 354 n.
not followed by judgment, effect of, **13,** 326, 354
will, effect of probate of, **13,** 340 n.

ESTOPPEL BY RECORD. *See also* ESTOPPEL BY JUDGMENT.
defined, **13,** 323
acquittal, effect of, **13,** 328 n., 350 n.
Admiralty Court, by sentence of, **13,** 363
affiliation order, when no bar to new action, **13,** 359 n.
agreed facts material to action, by, **13,** 357
allegations not inconsistent with record not subject to, **13,** 354
approbation and reprobation by person not party to proceedings, effect of, **13,** 365
architect's certificate of building line, nature of, **13,** 329
autrefois convict, defence amounting to, **13,** 352 n.
averments which are not a basis of, **13,** 358
award by jury under Lands Clauses Consolidation Act, 1845, effect of, **13,** 353 n.
bankrupt's action, abandonment of, by trustee, **13,** 346 n.
bill of exchange, second action on, when not barred, **13,** 354, 355
certain to every intent, must be, **13,** 366, 379
certificate of dismissal of charge of assault without hearing, no bar to subsequent action, **13,** 353 n.
consent, dismissal of action by, effect of, **13,** 359
fraud, obtained by, effect on judgment, **13,** 352
conviction for crime as, **9,** 356 ; **13,** 349 n.
court unknown to the law, doctrine not applicable to, **13,** 353 n.
criminal proceedings, principle applied in, **9,** 356 n. ; **13,** 331 n., 342, 349 n., 356 n.
Crown and grantee of letters patent, between, **13,** 349 n.
disability, effect of, **13,** 327 n., 379
discontinuance without leave, no bar to subsequent action, **13,** 359 n.
dismissal of action or bill, how far a bar, **13,** 343, 359 n.
divorce proceedings, effect of verdict in, **13,** 326
doctrine not to be extended, **13,** 351
evidence, when admissible to contradict record, **13,** 356, 357
extension of principle to judgments of tribunals not of record, **13,** 362
failure for want of evidence, probate action, of, no bar to new action, **13,** 359
final, order must be, **13,** 323
foreign court, in case of. *See* ESTOPPEL BY JUDGMENT.
fraud or collusion, allegations of, must be specific and material, **13,** 352
effect of, **13,** 351, 352. *See* ESTOPPEL BY JUDGMENT.
indemnity, as between parties to contract of, **13,** 347
indorsee of bill of exchange not affected by proceedings after indorsement, **13,** 346 n.
injunction, on application for, **17,** 299
issue, matters must be in, **13,** 355
judgment, by, **13,** 325—365. *See* ESTOPPEL BY JUDGMENT.
jurisdiction, effect of lack of, **13,** 353, 354
necessity for, **13,** 323
jury, effect of discharge of, without finding on issue submitted, **13,** 359
letters patent are matters of record, **13,** 325, 349
locus classicus as to, **13,** 340 n.
lunacy, finding on inquisition of, **13,** 329

ESTOPPEL BY RECORD—*continued.*
magistrate's dismissal of information, where *ultra vires*, effect of, **13,** 353
married woman, of, **13,** 327 n. ; **16,** 366
matter subsequent, effect of, **13,** 333
maxims expressing doctrine, **13,** 326
mutual or reciprocal, must be, **13,** 325
non-pleader of, effect of, **13,** 350
oral evidence, admissibility of, **13,** 357
order good on its face and objection not raised effect of, **13,** 354
patent action, in, effect of consent to injunction, **13,** 357 n., 361 n.
pauper, by order of sessions relating to, **13,** 349 n.
payment into court, effect of, **13,** 355 n., 358, 359
persons bound by, **13,** 338—348
plaintiff, effect of judgment for, **13,** 349
pleaded, must be, if opportunity available, **13,** 350 ; **16,** 485 ; **22,** 219, 446, 447 n.
pleadings, raised by, **13,** 325, 357
point of law, as to, **13,** 331
poor law settlement by justices' order, **22,** 589, 590
privies, of, **13,** 343—348. *See* PRIVITY.
probate, by grant of, **13,** 338, 342, 342 n.
prohibition of action for goods sold, no bar to action for account stated, **13,** 356 n.
purchaser for value *bonâ fide*, fraud as affecting, **13,** 351
quasi of record, **13,** 362—364. *See* ESTOPPEL QUASI OF RECORD.
reasons for judge's decision cannot be looked at, **13,** 356
record, court rolls are not documents of, **8,** 17
ecclesiastical courts are not courts of, **13,** 362
matters of, what are, **13,** 325
verdict of jury under Lands Clauses Consolidation Act as matter of, **13,** 353 n., 354 n.
what constitutes, **13,** 356
rectification of completed agreement, action for, **13,** 355 n.
refusal by magistrate to order delivery up of goods not an adjudication on title, **13,** 353
removal order under poor law, effect of, **13,** 340 n.
return by corporation to writ of mandamus, effect of, **13,** 358 n.
roll not in accordance with written findings of jury does not raise, **13,** 354
seal, to avoid necessity of using corporate, **13,** 327 n., 357 n.
separation order as evidence of desertion, **13,** 340 n.
sheriff's return, by, **13,** 359—361, 379 n.
action for false return not barred by, **13,** 360
averment not admitted against, **13,** 359
bar to rescuer showing cause against attachment, as, **13,** 360
conclusive as to value of goods seized, **13,** 360
denial of what he did not affirm not barred, **13,** 361, 379 n.
fees taken by bailiff, conclusive as to, **13,** 360
fieri feci showing defeasible title of execution debtor, effect of, **13,** 360
how far conclusive, **13,** 359, 379
limitation of estoppel as to, **13,** 359
loss of goods by act of God, in case of, **13,** 360 n.
peculiar position of, **13,** 359
perishable goods, in case of, **13,** 360 n.
remedy applicable to, when false, **13,** 359

ESTOPPEL BY RECORD—*continued.*
status of person or property, as to, **13,** 323, 327 n., 338, 339
Statute of Frauds cannot be pleaded against, **13,** 356 n.
truth appearing on record, effect of, **13,** 354
ultra vires, as to act or contract which is, **13,** 327 n.
university court of vice-chancellor, court of record, as, **13,** 363 n.
verdict on one of two heads of claim, not raised by, **13,** 356
want of equity, dismissal of bill for, how far a bar, **13,** 359 n.
warrant of attorney, by, **13,** 325
who may take advantage of, **13,** 349, 386 n.
Workmen's Compensation Act, effect of agreement under, **13,** 355 n.
review of application under, **20,** 231

ESTOPPEL BY REPRESENTATION,
acceptor of bill, of, adoption of signature, by, **2,** 518
drawer's signature or authority, as to, **2,** 495, 517
fictitious bill, in case of, **13,** 394, 395
incomplete cancellation of bill, effect of, **13,** 402 n.
no duty to protect subsequent holders, **13,** 400
account stated, by, **13,** 386 n., 388 n.; **25,** 485
acquiescence as raising, **13,** 166—168. *See* ESTOPPEL BY CONDUCT.
advice note of railway company, not raised by, **13,** 384
affidavit showing payment does not raise, **13,** 378 n.
agency, in case of, **1,** 201, 207; **13,** 385
agent, of, false statement of accounts, by, **13,** 388
agreement by, to accept shares, **5,** 146
allottees of shares, third parties when taken to be, **13,** 411 n.
alteration in position necessary to raise, **13,** 377 n., 384
ambiguous expression, by explanation of, **13,** 377 n., 378 n.
application for shares in name of person under disability, by, **13,** 387
assignment of chose in action, on, **4,** 390
assumption, unfounded, may be basis of, **13,** 382
authority to deal with property, by giving, **13,** 393
bank pass-book, effect of entry in, **1,** 619, 620; **13,** 388 n.
bankers, of, manager's representation, by, **13,** 386 n.
bankrupt, of, by representing himself to be trader, **13,** 377 n.
benefit of, who may take, **13,** 383
bill of exchange, by, dead person's name, in, **13,** 383 n., 394 n.
express or implied statements in bill, as to, **13,** 324
fictitious payee, payable to, **13,** 394 n.
forgery, in case of, **1,** 616; **2,** 512, 518
holder in due course, against, **2,** 495; **13,** 400—402
mutual arrangement, by, **13,** 383 n.
non-destruction of bill after return to acceptor, effect of, **13,** 402 n.
statutory provisions as to, **13,** 394
bill of lading, by, agent's signature, effect of, **26,** 145, 146, 153—155

ESTOPPEL BY REPRESENTATION—*continued.*
bill of lading—*continued.*
delivery of all goods shipped, effect of statement as to, **13,** 387 n.
erroneous statement as to, payment of freight, effect of, **13,** 387
identification marks may be shown incorrect, **13,** 387 n.
knowledge that purchasers will act on statements, effect of, **13,** 384
master of ship may make statements as to condition of goods, **13,** 385 n.
owner not bound by signature of master, **13,** 387 n.; **26,** 153—155
shipowner, against, **13,** 385, 387 n.; **26,** 145, 153—155
shipping of goods, as to, **26,** 145
signatory of, **13,** 387; **26,** 153—157
signed by master, contents unknown, effect of, **13,** 383 n.
statutory provision as to, **13,** 387; **26,** 155
treated as conclusive evidence by agreement, **13,** 387 n.
blank, by execution or signature in. *See* ESTOPPEL BY CONDUCT.
bookmaker, of, acting as principal, **15,** 276 n.
buyer given premature possession, in case of, **13,** 392
certain to every intent, must be, **13,** 366, 379
certification of shares by company, effect of, **13,** 411, 412
forged transfer, in case of, **5,** 195; **13,** 410
change of intention, effect of, **13,** 378
commercial significance, effect of documents not having, **13,** 387 n.
company, of, officer's representation in course of business, by, **13,** 385
secretary's statement, by, **13,** 412 n.
transferee for value, as against, **5,** 195, 325; **13,** 408—410
concealment of material fact, effect of, **13,** 381
conditions essential for, **13,** 377, 399 n.
conduct
amounting to promise or representation, **13,** 388; **20,** 663 n.
conducing to erroneous statement, effect of, **13,** 381 n.
contract, illegal, effect of, **13,** 380 n.
sale of entirety, for, by party having partial interest only, **13,** 377 n.
corporate body when not bound by, **13,** 380
damage or prejudice, not measured by, **13,** 385
trover, in action of, **13,** 385
debentures, in respect of, **5,** 359, 360
default of party invoking, effect of, **13,** 381
defrauding creditors, parting with title deeds for purpose of, **13,** 379
directors of company, as to powers of, **13,** 378
disability, of person under, **13,** 379, 380, 397
dock warrant, effect of issue of, warehouseman, by, **13,** 408 n.
drawer of bill of exchange, of, **2,** 518
duty to correct mistake by which another is misled, **13,** 396
easement by, effect of subsequently acquired interest, **11,** 245
equitable estoppel compared with, **13,** 166 n., 376; **20,** 722 n.; **27,** 20
erroneous inference of law, not raised by, **13,** 378
evidence, as rule of, **20,** 722; **27,** 21

ESTOPPEL BY REPRESENTATION— *continued.*

factor of goods for consignment or sale, protection of dealer with, **13,** 391
false statement of fact, by, **13,** 378, 386 n.
fictitious
bill of exchange, in case of, **13,** 394
name, application for shares in, **13,** 387 n.
payee, in case of bill payable to, **13,** 394 n.
fire insurance policy, by statement in, **17,** 527 n.
forged bills coming forward for payment, effect of notice of, **13,** 400 n.
forgery as affecting, issue of certificate on forged transfer, effect of, **5,** 195; **13,** 409 n., 410
fraud, no duty to prevent, **13,** 400
freight, as to payment of, **13,** 387
fully-paid shares, as to, **5,** 183, 325; **13,** 388 n., 410, 412 n.
holding out, by, agent's authority, as to, **1,** 158, 159, 201; **13,** 390; **16,** 430; **17,** 359 n. *See* HOLDING OUT.
partner, as, **22,** 13—16
illegal state of things cannot be created by, **13,** 379
incumbrances on fund, effect of statement as to, **13,** 379
indorser of bill, of, **2,** 495, 520
inducement to party to alter his position, effect of, marriage contract, in case of, **25,** 535 n.
infancy, excluded by, **13,** 380 n.
influence of statement on conduct, effect of, **13,** 323
innocent misrepresentation, effect of, **13,** 378 n.
insurance broker, of, allowance in account, by, **13,** 388 n.
intention, not raised by declaration of, **13,** 166 n., 377, 384
person making representation, of, **13,** 382
invoice, effect of naming person as seller of goods in, **13,** 387 n.
irregularities in matters of form, effect of, **13,** 380, 381
knowledge of truth, effect of, **13,** 390 n., 411 n.
licence to assign lease, by, **13,** 386 n.
local authority, of, by public notice, **13,** 380 n.
making good, distinguished from equitable doctrine of, **13,** 376, 377; **27,** 20, 21
managing director's powers, presumption as to, **13,** 390 n.
marriage contracts, as applied to, **13,** 376 n.; **25,** 535
married woman, of, **13,** 380
maxim that estoppels are odious, application of, **13,** 351
mercantile
agent, possession of goods by, with consent of owner, **13,** 391
documents, by statements in, **13,** 387
mind, state of, as a fact, **13,** 378
miscellaneous instances of, **13,** 386
misrepresentation, arising from, **13,** 378 n.; **20,** 657, 658; **25,** 535
money held for use of plaintiff, representation as to, **7,** 486
nationality of ship, as to, **13,** 375 n.
notice of untruth as preventing, **13,** 383 n.
parting with possession of chattel, effect of, **13,** 379
partner, of, **22,** 13—16
partnership firm, creditors' option to claim against old or new, **13,** 391

ESTOPPEL BY REPRESENTATION— *continued.*

patent, statement as to novelty in petition for, **13,** 383 n.
payment of money under mistake, damage or prejudice caused by, **13,** 384
pledge of share certificate obtained on forged transfer, effect of, **13,** 409 n.
possession as raising, chattels, in case of, **13,** 379, 392
title deeds, in case of, **13,** 379, 394
promissory note, of maker of, **2,** 519
puffing exaggeration of value does not create, **13,** 382 n.
purchaser without notice may set up, **13,** 392
recalling representation, right of, **13,** 383, 385 n.
receipt, effect of, **13,** 383 n.
conveyance, in, **13,** 387. *See* RECEIPT CLAUSE.
where third party has acted upon it, **13,** 389 n.
refusal to register transferee of shares, liability for, **13,** 409
register of members of company is only *primâ facie* evidence of contents, **13,** 411
registration of transfer, duty of company on, **13,** 410, 412 n.
representation, clear and unambiguous, must be, **13,** 379
continuous state of things, as to, **13,** 378
contract or licence, should amount to, **13,** 382
deed, in, **13,** 323, 365—374. *See* ESTOPPEL BY DEED.
estate and interest in land, as to, **13,** 377 n.
existing fact, must be of, **13,** 377
fact and law, of, **13,** 378
false, ownership of goods, as to, **13,** 386 n.
future state of things, as to, **13,** 377
improbability of, effect of, **13,** 383
inability to contribute to mining expenses, as to, **13,** 382 n.
induced by party seeking advantage, when, **13,** 381
influence of, on conduct, **13,** 323, 383, 384
knowledge of falsity, by party making, effect of, **13,** 382
legal effect of instrument, as to, **13,** 379
materiality of, question of fact, is, **20,** 701 n.
must be acted upon by party to whom made, **13,** 383, 384
necessary elements of, **13,** 377
possession of money held for use of representee, effect of, **7,** 486
restrictive covenant in lease, as to, **13,** 378
time of making, materiality of, **13,** 384 n.
tithes, as to, on sale by lay impropriator, **13,** 377 n.
true as far as it goes, **13,** 379
truth of, **13,** 382
value of horses tendered for carriage, as to, **13,** 386 n.
voluntary, should be made with care, **13,** 399
whole of, must be looked at, **13,** 379
withdrawal of, at any time, **13,** 383, 385 n.
retention by vendor of goods or documents as raising, **13,** 391, 392
reversioner, of, by direction for payment of rent, **18,** 474
rules, doubtful advantage of reduction to, **13,** 376 n.
secretary's ostensible authority to bind company, limitation of, **13,** 411, 412 n.

ESTOPPEL BY REPRESENTATION—*continued.*
settled account, return of bank pass book by customer not evidence of, **1,** 619, 620; **13,** 388 n.
share certificate, Companies Clauses Acts, under, **5,** 690, 691
condition for production of, before registration of transfer, **13,** 409
effect of, **5,** 182—184, 195, 325; **13,** 388 n., 408—412
forgery, in case of, **5,** 194, 195; **13,** 409 n., 410
implied warranty, does not amount to, **5,** 182; **13,** 409
what it amounts to, **13,** 411
sheriff's return, by. *See* ESTOPPEL BY RECORD.
shipmaster, representation of, when binding on owner, **13,** 387. *See* bill of lading, *supra.*
shipowner, of, good order and condition of goods shipped, as to, **13,** 385, 387 n.
shipping agents, of, accounts, by, **13,** 386 n.
signatory of bill, of, **13,** 324
signature obtained by false statement does not raise, **13,** 401
silence, effect of, **13,** 379 n., 395—397
solicitor advising client of investment of money on mortgage, of, **13,** 386 n.
specific performance, in action for, **27,** 21
standing by, effect of. *See* ESTOPPEL BY CONDUCT; STANDING BY.
statement, by, comparative rarity of, **13,** 386
statutory, bills of lading, in respect of, **13,** 387
stranger's inability to take advantage of, **13,** 383
surrender of lease, effect of innocent misrepresentation on, **13,** 376 n.
title deeds, effect of parting with possession of, **13,** 379, 394
limitation of authority to borrow on security of, **13,** 394
trader, of person representing himself to be, bankruptcy, in, **13,** 377 n.
trustee's legal estate is not a representation of authority as against *cestui que trust,* **13,** 393
ultra vires, must not be, **13,** 379, 386
non-compliance under formalities, distinguished from, **13,** 380
vendor's retention of goods, effect of, **13,** 392
warehouseman, effect of statements by, recognising title to goods, **13,** 386 n.
when created, **13,** 383
wilful misrepresentation of fact, effect of, **13,** 323

ESTOPPEL IN PAIS, 13, 323, 324, 375—413. *See* ESTOPPEL.

ESTOPPEL QUASI OF RECORD,
defined, **13,** 323
Admiralty Court, conclusiveness of sentence of, **13,** 362, 363
arbitrator, appointment of unqualified, party ignorant of fact not estopped, **13,** 362 n., 364 n., 389 n.
conclusiveness of award by, **13,** 362 n., 364
unqualified, effect of award of, **13,** 353 n.
certain to every intent, must be, **13,** 366, 379
college's sentence of expulsion, by, **13,** 328, 363
commissioners of sewers, orders of, admissible as evidence, **13,** 364
court-martial, by sentence of, **13,** 363

ESTOPPEL QUASI OF RECORD—*contd.*
decisions to which doctrine has been applied, **13,** 362
domestic tribunal, by decision of, **13,** 363
ecclesiastical courts, by decrees of, **13,** 362
final, decision or order must be, **13,** 323
General Medical Council, by order of, **13,** 364
issue of fact, by decision on, **13,** 323
jurisdiction essential to, **13,** 323
martial law, by sentence of court administering, **13,** 363
matters preventing doctrine from arising, **13,** 364
nature of, **13,** 323, 362
naval court, by order of, on complaint against seamen, **13,** 363
schoolmaster, by dismissal of, trustees, by, **13,** 363
status of parties, as to, **13,** 323
tribunal capable of raising, **13,** 323
visitor's sentence of deprivation, by, **13,** 363

ESTOVERS,
defined, **4,** 447, 466; **18,** 429 n.
common of, alteration of house as affecting, **4,** 467
appendant, **4,** 466
approvement in case of, **4,** 508; **20,** 552
appurtenant, **4,** 466
bote as, **4,** 447 n.
distinguished from right of estovers, **4,** 467
exercise of right of, **4,** 469
extent of right of, **4,** 467, 468
extinguishment of, **4,** 467, 527
gross, how far exerciseable in, **4,** 469
limitation on right of, **4,** 468, 469
litter, for, **4,** 468
nature of right of, **4,** 447, 466
property in respect of which right exists, **4,** 466, 467
regulation of right to, **4,** 602
severance of, from dominant tenement, **4,** 525
whole of product, right to, under, **4,** 469
right of, copyhold tenancy, in respect of, **8,** 25
kinds of, **4,** 467 n.; **24,** 176
tenant for life, in case of, **4,** 467 n.; **24,** 176; **25,** 600
tenant's right, **3,** 128; **18,** 429 n.
timber as, **4,** 467; **18,** 429 n.

ESTRAYS,
defined, **1,** 531 n.; **7,** 214; **8,** 6
Crown's right to, **1,** 278; **7,** 214; **8,** 6; **22,** 402
King's beasts, no right to take, as, **7,** 214
lord of manor, right of, to, **7,** 214; **8,** 6
markets, proclamation in, of, **7,** 214; **20,** 6 n.
preservation of, **7,** 214
property in, how acquired, **7,** 214; **8,** 6

ESTREATMENT,
bail, of, **9,** 351
recognisances, of, **9,** 413
sheriff's duty as to, **25,** 821

ETCHING,
copyright in respect of, **8,** 200—206

ETHERS,
customs duties on, **24,** 603 n.

ETHYLS,
customs duties on, **24,** 603 n.

ETIQUETTE,
barristers, of, **2,** 369, 404
medical profession, of, **20,** 310 n.
solicitors, of, **26,** 850
Stock Exchange, London, of, **27,** 226

ETON COLLEGE,
advowsons held by, provisions as to, **11,** 578, 579; **12,** 98 n.
chapel of, **12,** 98
copyright of, in books bequeathed or given, **8,** 174
land tax, how far exempted from, **18,** 311
lands of, Board of Education, not under control of, **12,** 98
lease, grant of, by, **18,** 366
masters of, appointment of, **12,** 98
mortmain, power to hold land in, **12,** 98 n.
Mortmain and Charitable Uses Act, 1888, how far exempt from, **4,** 140; **12,** 98 n.
mining lease, power to grant, **20,** 534
provost of, **12,** 99 n.
Public Schools Acts, application of, to, **12,** 97
religion, statutes affecting, in, **12,** 99 n.
Roman Catholics may not hold office in, **11,** 805; **12,** 99 n.

EUCHARIST. *See* COMMUNION.
celebration of the, **11,** 680

EVENING PRAYER,
duties of clergy as to, **11,** 657

EVENING SCHOOLS,
conscience clause, rules as to, in, **12,** 23
elementary school, is not, **12,** 29 n.
grant in aid of, Board of Education, by, **12,** 10, 48
maintenance of, as higher education, **12,** 18

EVESHAM,
local court of, **9,** 160

EVICTION,
apportionment of rent in case of, **13,** 29; **18,** 484, 485
lessee's liability for rent after, **18,** 479, 480
tenant of, how affecting rent, **18,** 479—482
unlawful, no apportionment of rent in case of, **18,** 488
what will amount to, **18,** 480
title paramount, under, effect upon rent, **18,** 480
underlessee, of, **18,** 408

EVIDENCE.
The title EVIDENCE *is contained in Vol. XIII., pp.* 415 *et seq. As to particular documents regarded as evidence, see* DOCUMENTARY EVIDENCE.
accident, to rebut defence of, **13,** 453
accomplice, of, duty of judge as to, **9,** 408; **13,** 421 n., 603
acts of
ownership as, **13,** 441—443, 446. *See* ACT OF OWNERSHIP.
treatment as, **13,** 445, 446
Admiralty references, in, **1,** 98, 102, 118, 119; **13,** 624
admissibility of. *See* excluded, *infra. See also under the descriptions of the different kinds of evidence, and of the different matters and circumstances.*

EVIDENCE—*continued.*
admissibility of—*continued.*
extrinsic evidence, of. *See* EXTRINSIC EVIDENCE.
judge, question for, **13,** 421, 428
admission as, **13,** 423, 424, 456—462. *See* ADMISSION.
admission for purposes of trial, how made, **13,** 484
adultery, of, **13,** 452, 455; **16,** 477—479. *See* ADULTERY.
advertisement for, no contempt of court by, **7,** 288; **23,** 223
affection, as to, **13,** 609
affidavit, by, **8,** 531; **13,** 554, 609, 618—630. *See* AFFIDAVIT.
isolated facts, of, **13,** 623
affidavit of documents, to contradict, **11,** 61—63. *See* AFFIDAVIT OF DOCUMENTS.
affiliation proceedings, in, **2,** 448, 449, 453
age, as to, **13,** 482, 483. *See* AGE, evidence, proof.
child or young person, of, **12,** 66; **13,** 483 **14,** 534
agency, of, **7,** 525; **15,** 470; **27,** 25
alibi, of, **13,** 448
animals, of knowledge of viciousness of, **1,** 373
another cause, taken in, notice to use, **23,** 146, 147
Appeal Court, in, **23,** 200—204
arbitration, at, **1,** 446, 462, 479, 480, 489; **13,** 419 n., 433, 597 n.; **23,** 718. *See* ARBITRATION.
governed by ordinary rules, **13,** 433
attachment for contempt, on application for, **7,** 310—315
bankruptcy proceedings, at, **2,** 316—318. *See* BANKRUPTCY.
barrister, by, **2,** 396; **13,** 572, 592, 593
belief, of, **13,** 482, 595, 607—609
best, **9,** 390; **13,** 420—422
bigamy, on charge of, **9,** 534, 535
bill of exchange, as to, **2,** 467, 483, 536, 551, 576. *See* BILL OF EXCHANGE.
bill of sale, as to, **3,** 74—77. *See* BILL OF SALE.
birth, of, **11,** 687 n.; **13,** 533, 537; **25,** 9, 353
bond, in case of, **3,** 83, 85, 87
boundaries, of, **3,** 138—150. *See* BOUNDARIES.
breach of promise of marriage, in action for, **13,** 603; **16,** 272, 274—276. *See* BREACH OF PROMISE OF MARRIAGE.
bribery, of, **12,** 286—288
suppression of evidence by, **7,** 291
brothel, of user of licensed premises as, **13,** 138
burden of proof, **13,** 433—436. *See* BURDEN OF PROOF.
burglary, as to, **9,** 672
burial, of, **3,** 560, 575; **13,** 538
bye-law, of, **8,** 340, 341; **13,** 526; **23,** 393, 400, 728; **26,** 647; **27,** 202
capacity to give, **13,** 444, 569, 570
criminal cases, in, **9,** 388, 401 n., 408
Carlisle Tables, admissibility of, in, **13,** 479
certificate, admissibility of, as, **13,** 476—478, 533—536
character, as to, **13,** 454, 455, 483; **18,** 64. *See* CHARACTER.
criminal proceedings, in, **9,** 380, 382—384
damages, in reduction of, **13,** 454
prisoner, of, **13,** 483
witness, to impeach credit of, **13,** 454
charitable trust, as to, **4,** 154, 155, 159, 160. *See* CHARITABLE TRUST.
Charity Commissioners, before, **4,** 309; **12,** 13 n.

EVIDENCE—*continued.*
child, of, **17,** 170. *See* CHILD; WITNESS.
circumstantial. *See* CIRCUMSTANTIAL EVIDENCE.
clerk, entry made by, admissibility in, **13,** 465
closing hours, licensed premises open during, of, **18,** 126, 127. *See* CLOSING HOURS.
collision at sea, in case of, **13,** 437 n.; **26,** 500, 501. *See* COLLISION.
commission to take, **13,** 609, 610. *See* COMMISSION.
commissioner to take, **13,** 610
committal for contempt, on application for, **2,** 341, 342; **7,** 310—315
Committee of Claims, before, **6,** 329, 330
common, of rights of, **4,** 482—491, 520. *See* COMMON.
common gaming-house, against, **15,** 288
company proceedings, in. *See* COMPANIES; WINDING UP.
complaints as, **9,** 394; **13,** 439, 446
compulsory purchase, at assessment of compensation on, **6,** 82, 90
conclusive, estoppel distinct from, **13,** 324
conduct as, **2,** 430; **10,** 451; **13,** 424, 445, 446, 450
admission, of, **13,** 446
confession as, **9,** 394—400. *See* CONFESSION.
conflict of laws as to. *See* CONFLICT OF LAWS.
translation of document, as to, **5,** 759; **6,** 230
conflicting, question for jury, **13,** 429
consul's duty to assist British subjects by preparing, **6,** 437
contempt of court in connection with. *See* CONTEMPT OF COURT.
continuing act, as to, **13,** 438 n.
contract, of, not to be performed within a year, **7,** 365; **13,** 425
production of, **13,** 422
recital in deed as, **27,** 19 n.
sale of goods, for, **13,** 426, 437 n.; **25,** 127
sale of land, for, **13,** 426; **25,** 290—296
writing in, when necessary, **7,** 361 *et seq.*; **10,** 419
conversion, of, **27,** 894—896, 898 n., 899 n.
conveyancing, **25,** 349—355. *See* TITLE TO LAND ON SALE, proof of.
conviction, of, **9,** 382
Factory Acts, under, **14,** 536
highway, in regard to, **16,** 44, 145
copyhold, as to
admittance, **8,** 101
grant, **8,** 82
surrender, **8,** 95
copyright, as to, drawings, paintings, photographs, **8,** 197
foreign or colonial, **8,** 142
of assignment of, **8,** 156, 158, 159
corpus delicti, of, **9,** 378, 379 n., 588; **13,** 451
corroboration of, **13,** 603, 604. *See* CORROBORATION; WITNESS.
county court, at, **8,** 513—520, 531—533; **13,** 624. *See* COUNTY COURT ACTION.
appeal from, on, **8,** 601, 603, 608
course of business or office, from, **13,** 441; **25,** 487
court-martial, before, **25,** 45. *See* COURT-MARTIAL.
credibility of, how determined, **13,** 421
witness, of, **9,** 384—386; **13,** 600—603
criminal proceedings, in, **9,** 377—408. *See* CRIMINAL PROCEEDINGS.
Crown land, in respect of, **7,** 198, 199

EVIDENCE—*continued.*
cruelty, of, **1,** 411; **13,** 449; **16,** 473—477. *See* CRUELTY.
custom, of, manor, of, **4,** 491; **8,** 8—10; **13,** 539—541
right of common, as to, **4,** 491
custom or usage, of, **10,** 236—238, 261—266, 270—274. *See* CUSTOM; USAGE.
proof of, **13,** 445
unexpressed incidents, to annex to contract, **13,** 444, 445. *See* EXTRINSIC EVIDENCE.
damage, of, **10,** 346. *See* DAMAGE, proof.
special, of, **10,** 347. *See* SPECIAL DAMAGE.
damages, in mitigation of. *See* MITIGATION OF DAMAGES.
date of instrument, of, **10,** 445, 446
de bene esse, **13,** 46, 618 n. *See* DE BENE ESSE.
death, of. *See* DEATH.
declarations as, **13,** 424, 437, 450, 463—472. *See* DECLARATION.
dissuading person from giving, contempt of court by, **7,** 291
Divorce Division, in, **16,** 531—537. *See* DIVORCE DIVISION PRACTICE.
document, ancient, as, **13,** 442, 505, 512—515. *See* ANCIENT.
construction of, **13,** 429, 430. *See* CONSTRUCTION OF DOCUMENTS.
contents, of, **13,** 517 *et seq.* *See* PROOF OF CONTENTS OF DOCUMENT.
execution, of, **13,** 510—515
lost, as to, **13,** 430, 516; **25,** 350, 536 n.
public. *See* public, *infra*; PUBLIC DOCUMENTS.
documentary, **13,** 510—568. *See* DOCUMENTARY EVIDENCE.
domicil, of change of, **6,** 187—190. *See* DOMICIL.
drunkenness, of, when relevant, **13,** 450
Ecclesiastical Court, in, **11,** 518
election, in relation to. *See* ELECTION; ELECTION PETITION.
embezzlement, on charge of, **9,** 651
English information, on, **10,** 25
estoppel as, **13,** 322 n. *See* ESTOPPEL.
excluded, **13,** 436, 437
extrinsic. *See* EXTRINSIC EVIDENCE.
hearsay, **13,** 455
opinions, **13,** 479
similar facts, of, **13,** 450—454
executor's promise to be personally liable, of, **13,** 425
experiment, of, to support or rebut expert, **13,** 481
expert, **13,** 480—482. *See* WITNESS; EXAMINATION OF WITNESS; EXPERT.
extradition, on, **14,** 411—414. *See* EXTRADITION,
extrinsic, **10,** 444—453; **13,** 566—568. *See* EXTRINSIC EVIDENCE.
fact, continuance of, **13,** 440, 441
evidential, **13,** 436
in issue, **13,** 436—439
main, **13,** 437
probative of, **13,** 440—447
relevant, **13,** 436, 440
to the issue, **13,** 439—455. *See* FACT.
nature of, **13,** 439
similar, **13,** 450—454
admitted, when, **13,** 453
agency, **13,** 452
animals, conduct of, **1,** 373; **13,** 452
course of practice, to prove, **13,** 451
custom or usage, **13,** 452
divorce, in, **13,** 452

EVIDENCE—*continued.*
fact—*continued.*
similar—*continued.*
excluded, when, **13,** 450—452
state of mind, to show, **13,** 453
title, on question of, **13,** 452
which may be proved, **13,** 436
false
imprisonment, in action for, **13,** 434
pretences, on charge of, **9,** 692, 693
fishery, title to, **14,** 585—588. *See* FISHERY.
foreclosure action, in, **21,** 286, 287
foreign tribunal, for use before, **13,** 630, 631
forgery, on charge of, **9,** 764
franchise, notice of claim of, of, **12,** 228, 229
household, claim of, **12,** 166
fraud, of, **13,** 453
fraudulent conveyance, in case of, **15,** 83—87. *See* FRAUDULENT CONVEYANCE.
fresh, Admiralty reference, on appeal in case of, **1,** 121, 122
Court of Appeal, in, **23,** 200
criminal appeal, on, **9,** 438, 439
leave to call, **13,** 599; **23,** 201 n., 203
shipping casualty appeal, on, **1,** 114, 116, 126
summary jurisdiction proceedings, in, **16,** 600
friendly societies' registration, of, **15,** 132
General Medical Council, before, **20,** 323
guarantee, as to, **13,** 425. *See* GUARANTEE.
habeas corpus, application for writ, on, **10,** 59, 60
controvert return to writ of, to, **10,** 69, 70
handwriting, of, **13,** 607, 608. *See* HANDWRITING.
health, of, **9,** 375; **13,** 508
hearsay, **13,** 423, 455—479. *See* HEARSAY.
original distinguished from, **13,** 423, 471
high treason, on charge of, **6,** 352; **9,** 457
highway, dedication, of, and acceptance of, **16,** 33 *et seq.*
repair of, to establish liability for, **16,** 144, 145
husband and wife, in case of, admission of wife, **13,** 462
conversation between, evidence of overheard, **13,** 574 n.
criminal proceedings, in, **9,** 405—407
incriminating spouse, refusal to answer, **13,** 574
privileged communications between, **9,** 407; **13,** 427, 573
identity, as to, **13,** 447, 448, 451, 480, 482, 607. *See* IDENTITY.
in camerâ, **13,** 594; **16,** 465
inclosure of commons, on. *See* INCLOSURE OF COMMONS.
income tax, of liability for, **16,** 683
industrial society's rules, of, **17,** 13
information in summary jurisdiction, effect of variation from, **19,** 592
injunction, application for, on, **17,** 278—281, 293, 297. *See* INJUNCTION.
breach of, **17,** 293
innkeeping, of, **17,** 306 n.
inquest, at, **8,** 264—268. *See* INQUEST.
insanity, of, **13,** 480; **16,** 282; **19,** 392, 393, 406—410.
inspection, by, **13,** 507—510; **23,** 143, 144. *See* INSPECTION.
intention, of, **9,** 236, 237; **13,** 449, 450, 453
abortion, in procuring, **9,** 596, 597
cruelty to animals, in case of, **1,** 411; **13,** 449
domicil, as to, **13,** 450
passing off cases, to deceive in, **13,** 449 n.
testator, of, **28,** 643, 644, 647, 650, 651

EVIDENCE—*continued.*
interlocutory proceedings, in, **13,** 618, 619
internal. *See* INTRINSIC EVIDENCE.
connecting separate documents, **7,** 369; **25,** 134
interpleader proceeding, in, **17,** 594, 595, 614, 615
interrogatories, limits of, **11,** 93, 94, 101, 104 n. *See* INTERROGATORIES.
intrinsic, **10,** 454—457; **28,** 651 *et seq.* *See* INTRINSIC EVIDENCE.
issue in previous proceedings, as to, **13,** 356, 357
judge, of, **13,** 592
judge and jury, functions of, **13,** 421, 428—433; **19,** 680, 681. *See* JUDGE.
judgment as, **13,** 483, 484. *See* ESTOPPEL BY JUDGMENT; JUDGMENT.
Judicature Acts, power under, to make rules as to, **13,** 419 n.
judicial
notice, **13,** 427, 484—497. *See* JUDICIAL NOTICE.
Committee of Privy Council, before, **9,** 45; **10,** 580, 581
jury, sufficient to go to, **13,** 429
justices' powers as to, **9,** 318; **13,** 419 n.; **19,** 598, 599
knowledge, of, **13,** 448, 453
testator, of, **28,** 640, 641
land tax, of redemption of, **18,** 324
larceny, on charge of, **9,** 649
law, British dominions, of, **13,** 487, 488, 490, 491
foreign, of, **13,** 480, 481, 487—491. *See* FOREIGN LAW.
law of, **13,** 419
lease, of, **13,** 426; **18,** 383, 384
agreement for, of, **18,** 372—377
ancient, **13,** 515
settled land, of, statements in, **25,** 655
legitimacy, of, **2,** 428—431. *See* LEGITIMACY.
letter, as to
delivery, **13,** 441, 556
posting, **13,** 441, 556, 557
sealing, **13,** 441
lex fori, governed by, **6,** 307; **13,** 420, 490
licensing matters, in. *See* JUSTICES' LICENCE.
loan society rules, of, **19,** 220
Local Government Board, of order of, **22,** 525
loss of, plaintiff's delay, by, **13,** 171
lunacy matter, in. *See* LUNACY; LUNATIC.
malice, of, **13,** 453. *See* EXPRESS MALICE; MALICE.
malicious prosecution, in action for, **13,** 434; **19,** 682, 683, 685, 687. *See* MALICIOUS PROSECUTION.
manor, as to
boundaries of, **13,** 442
existence and extent of, **8,** 18
marine insurance, in case of. *See* MARINE INSURANCE.
marriage, of. *See* MARRIAGE.
mens rea, **9,** 233—238; **13,** 449 n. *See* MENS REA.
mental or physical condition, of, **13,** 438
mine or quarry, customary right to work, **20,** 521, 522
miner, free, of registration in Forest of Dean, **20,** 646 n.
minerals out of waste, of right to get, **20,** 521
mining rights, as to, Derbyshire, in, **20,** 640

EVIDENCE—*continued.*
means, as to. *See* DISCOVERY IN AID OF EXECUTION.
minister's household, of membership of, **6,** 433
misprision of treason, at trial for, **6,** 354
misrepresentation, as to. *See* MISREPRESENTATION.
mistake, in case of, **21,** 6, 7, 25—27. *See* MISTAKE.
defence of, to rebut, **13,** 453
motive, of, **13,** 447
criminal proceedings, in, **9,** 379 n.
murder or manslaughter, on trial for, **9,** 588—591
Naval Discipline Act, for purposes of, **25,** 9
necessaries, on question of, **13,** 431, 432; **17,** 67, 69
negative, proof of a, **13,** 433
negligence, of. *See* NEGLIGENCE.
contributory, **21,** 446, 447
servant, by, **21,** 451
nuisance, of, **21,** 562
opinion as, **13,** 479—483, 595, 607—609
expert, of, **13,** 480—482
witness, of ordinary, **13,** 482, 483
affidavit, in, **13,** 482
defamation action, in, **13,** 483; **18,** 638 n.
inadmissible, when, **13,** 608 n.
oral, **13,** 566. *See* EXTRINSIC EVIDENCE.
out of court, taken, **13,** 609—631. *See* COMMISSION; EXAMINATION OF WITNESS.
examination of witness, **13,** 615—617
return and use of, **13,** 617, 618
ownership, of, **13,** 441—443. *See* ACT OF OWNERSHIP; PROPERTY (Ownership).
parol. *See* EXTRINSIC EVIDENCE; PAROL EVIDENCE.
pars rei gestæ, **13,** 437 n.
partnership, of, **22,** 5—16
dissolution, of, **22,** 96
patent, in relation to. *See* PATENT.
infringement of, on, **13,** 437 n.; **22,** 220, 222. *See* INFRINGEMENT OF PATENT.
paternity, of, **2,** 427—431, 448; **13,** 440; **16,** 479
payment, memorandum as evidence of, **19,** 80
tithe, of, as evidence, **13,** 446
pedigree, of, **13,** 446, 469, 470, 479, 480, 543, 560, 564. *See* PEDIGREE.
peerage claim, in, **21,** 623 n.; **22,** 279—281. *See* PEERAGE.
perjury, on charge of, **9,** 390 n., 494
perpetuation of, **13,** 44, 45, 630. *See* PERPETUATION OF TESTIMONY.
perpetuity rule, as to validity of limitation under, **22,** 334, 335
pleading, not to be stated in, **22,** 422, 423
poaching, of, **15,** 229 n., 234, 236, 237
possession, as to, **13,** 441—443. *See* POSSESSION.
ancient, **13,** 442
power, as to existence of, **23,** 36, 37
prescription, of, **4,** 484, 485; **11,** 258, 260, 265, 269. *See* PRESCRIPTION (Legal).
presumptions, **13,** 497—510. *See* PRESUMPTION.
primary, **13,** 420—422, 517, 518. *See* PRIMARY EVIDENCE.
private relation, of, **13,** 444
privileged communications of **13,** 427, 571—573. *See also* PRIVILEGE OF WITNESS.
Privy Council appeals, on, **9,** 45; **10,** 580, 581
prize court, before, **23,** 289, 290
proof. *See* PROOF.
burden of. *See* BURDEN OF PROOF.

EVIDENCE—*continued.*
proof—*continued.*
contents of documents, of. *See* PROOF OF CONTENTS OF DOCUMENTS.
distinct from, **13,** 419
modes of, **13,** 484—510
not required, where, **13,** 427
writing necessary, where, **13,** 425, 426
protest, of, **2,** 536
public
appointment, of, **13,** 443
documents as evidence, **13,** 472—479. *See* PUBLIC DOCUMENTS.
copies of, as evidence, **13,** 522—525
proof of, **13,** 525—553. *See* PUBLIC DOCUMENTS.
publication of, as contempt of court, **7,** 287
putting in, **13,** 424
quarter sessions, on appeal to, **19,** 647
Railway and Canal Commission, before, **23,** 759
rape, on charge of, **9,** 613
ratification of agent's authority, of, **1,** 179
receiver, on application for, **24,** 347, 348
receiving stolen goods, on charge of, **9,** 681
record of inferior court as, **10,** 166
referee, taken before, decision by court on, **1,** 486
reference for trial, at, **1,** 489
reinsurance loss, of, **17,** 375, 376
reputation, of, **13,** 479, 480, 607
family pedigree, to prove, **13,** 479
identity, to prove, **13,** 480
marriage, to prove, **13,** 446, 480; **16,** 309
public rights, to prove, **13,** 479, 480
res gestæ, **13,** 420, 437. *See* RES GESTÆ.
res inter alios acta, **13,** 450, 452. *See* RES INTER ALIOS ACTA.
res judicata, defence of, **13,** 333. *See* RES JUDICATA.
revenue cases, in, **13,** 541; **24,** 741, 742
revising barrister, before, **12,** 222, 230—232. *See* REVISING BARRISTER.
riotous demolition of building, on charge of, **9,** 778
rules of, cardinal, **13,** 420
how formulated, **13,** 419
rumour as, **13,** 449. *See* reputation, *supra*.
salvage agreement, as to, **26,** 570
sanity, of, **13,** 446; **16,** 282; **19,** 408—410
seaworthiness, of, **13,** 441, 446; **17,** 423, 424, 428
secondary, **13,** 422. *See* SECONDARY EVIDENCE.
seditious libel, on charge of, **9,** 462
seduction, in action for, **13,** 455; **20,** 271—274. *See* SEDUCTION.
service, contract of, of, **20,** 75—78, 81
settlement, of, infant's, on application for sanction to, **25,** 561
relief of pauper as, **22,** 590
sheriff, action against, in, **25,** 829, 830
appointment of, as to, **25,** 840 n.
ship, in action as to sale of, **13,** 426
similar
errors, of, **9,** 651
facts, of, **13,** 450—454
offences, of, **9,** 381 n.
specific manner, when to be given in, **13,** 425, 426
specific performance, in claim for. *See* SPECIFIC PERFORMANCE.
stamp, when necessary. *See* STAMP DUTY, unstamped document.
state of mind, of, **13,** 448—450. *See* STATE OF MIND.
statements accompanying an act, of, **13,** 437, 438

EVIDENCE—*continued.*
subornation of false witness as, **13,** 446
subsequent conduct, of, **13,** 447
summary jurisdiction, under, **19,** 598
surety, in action by creditor against, **15,** 479
system, of, **13,** 453
testing, **13,** 421, 422
title, of. *See* TITLE.
easement, to, **13,** 442. *See* EASEMENT.
land on sale, to. *See* TITLE TO LAND ON SALE, proof of.
payment of rent as, **13,** 405, 442
private capacity, to act in, **13,** 444
property, to, **13,** 441—443
public capacity, to act in, **13,** 443
trade mark, in action for infringement, **27,** 771
treason, on trial for, **6,** 352; **9,** 457
trespass, in case of, **13,** 442; **27,** 858, 860—862, 868
usage, of, **10,** 270. *See* custom or usage, *supra*; USAGE.
vendor and purchaser summons, on, **25,** 395
will, admissible on construction of. *See* CONSTRUCTION OF WILL; EXTRINSIC EVIDENCE.
witness, of, **13,** 569—609. *See* WITNESS.
obtaining, **13,** 609—615. *See* ATTENDANCE OF WITNESS; EXAMINATION OF WITNESS.
perception, limited to, **13,** 421, 423. *See* HEARSAY.
writing, in, when necessary, **7,** 361; **10,** 419—421; **13,** 425
when transaction evidenced by, it must be produced, **13,** 422
written document, to vary, **13,** 427, 566, 567. *See* EXTRINSIC EVIDENCE.

EX NUDO PACTO NON ORITUR ACTIO. *See* NUDUM PACTUM.

EX PARTE,
application, chambers, in, **23,** 127, 189
judge, to, **23,** 127 n.
master, to, **23,** 127 n.
Court of Appeal, to, **23,** 197
distress warrant, for, **11,** 214, 222 n.
garnishee order *nisi*, for, **16,** 589
injunction, for, **17,** 273, 276—278
evidence on, **17,** 278, 279
order for detention, inspection, or preservation of property, **17,** 282
time for, **17,** 274, 275
interrogatories, for leave to deliver, **2,** 318; **11,** 106 n.
receiver, for, **24,** 346
refusal of, **23,** 197
arbitration, proceeding in, **1,** 461
distress warrant, when granted, **11,** 214, 222 n.
election petition, hearing of, **12,** 444 n.
injunction, **17,** 273, 276—278
dissolution of, **17,** 296 n., 297, 298
justices, proceedings before, **19,** 599
order, setting aside of, **18,** 218
receiver, appointment of, **23,** 127 n.; **24,** 346
summons, King's Bench Division, not used in, **23,** 127 n.

EX TURPI CAUSÂ ACTIO NON ORITUR,
disease, in case of infection with, **27,** 874 n.
hire of chattels, in case of contract for, **1,** 550
maxim, application of, **13,** 73 n.

EX TURPI CAUSÂ ACTIO NON ORITUR—*continued.*
recovery of property, in case of action for, **13,** 487 n.
trade mark etc. proceedings, in case of, **27,** 774

EXAMINATION,
anatomical, direction by deceased person for, **15,** 409 n.; **20,** 342
rules to be followed by schools conducting, **20,** 341—343
apothecary, for admission as, **20,** 346, 347
architects not bound to undergo, **3,** 160
bankruptcy, in, private, **2,** 76, 140—143
appeal from order for, **2,** 302
application for order for, **2,** 141
conduct of, **2,** 142, 143
documents at, production of, **2,** 143
evidence at, **2,** 142
expenses of, **2,** 141
incriminating answers at, **2,** 142
notes of, solicitor or counsel not entitled to take away, **2,** 141
object of, **2,** 76, 118, 140
payment or delivery of property, order for, at, **2,** 140
professional assistance for witness at, **2,** 141
registrar's duty at, **2,** 142
scope of, **2,** 142
solicitor's privilege at, **2,** 142
who may be examined, **2,** 140
witness at, expenses of, **2,** 141
position of, **2,** 142
professional assistance, right to, **2,** 141
refusal to attend, **2,** 140
public, **2,** 70—74
adjournment of, **2,** 72
sine die, adjudication on, **2,** 72, 86
conclusion of, **2,** 74
debtor's failure to attend, **2,** 72
dispensed with, when, **2,** 72
evidence, admissibility of debtor's answers as, **2,** 73
attempt to suppress, is contempt of court, **2,** 74
holding of, **2,** 71
joint debtors, in case of, **2,** 72
oath, debtor examined on, **2,** 73
open court, held in, **2,** 310
postponement where criminal proceedings pending, **2,** 73
proof of answers at, **2,** 73
registrar of court, by, **2,** 72, 310
scope of, **2,** 73
solicitor, notes of, used before Law Society, **26,** 854
who may take part in, **2,** 72, 73
bar, before call to the, **2,** 364, 365
chemist and druggist, for admission as, **20,** 353
debtor, of, in aid of execution, **8,** 551, 552, 569, 570; **14,** 126—128. *See* DISCOVERY IN AID OF EXECUTION.
summons for, affidavit of service of, **14,** 127 n.
dentist, for admission as, **20,** 364, 365
fellowship of college, for election to, **4,** 250
Inn of Court, before admission to, **2,** 363
inspector of weights and measures, for appointment as, **28,** 474
lunatic, of alleged, mode of, **19,** 421, 422

EXAMINATION—*continued.*
medical practitioner, for admission as, **20,** 325—330
midwife, for admission as, **20,** 366, 367
nullity of marriage, of person in suit for, **16,** 527, 528
ordination, before, **11,** 549, 550
post-mortem. *See* POST-MORTEM EXAMINATION.
prisoner's person, of, without consent, as constituting an assault, **9,** 607 ; **13,** 508 n. ; **27,** 873 n.
Private Bills, of, in Parliament, **21,** 740—743
Royal College of
Physicians, for membership of, **20,** 311
Surgeons, for membership of, **20,** 314
sale of goods, on, buyer's right before acceptance, **25,** 228
time and place of, **25,** 229
solicitor, for admission as, final, **26,** 718
appeal from refusal of certificate for passing, **26,** 719
exemption from, **26,** 718, 719
intermediate, **26,** 717
exemption from, **26,** 717, 718
necessity for, **26,** 716
preliminary, **26,** 716
exemption from, **26,** 716, 717
veterinary surgeon, for admission as, **20,** 372, 373
winding up company, on, private, **5,** 52, 474—477
application for, **5,** 474, 555, 583
attendance at, **5,** 476, 477
before whom held, **5,** 474
books at, production of, **5,** 476
conduct of, **5,** 475
contributories' attendance at, **5,** 476
costs of, **5,** 477
counsel, attendance of and notes of, **5,** 476
creditor's attendance at, **5,** 476
depositions at, **5,** 477
documents, production of, **5,** 474
enforcement of order for, **5,** 475, 476
failure to attend, **5,** 475
incriminating answers at, **5,** 476
notes of, **5,** 476, 477
official receiver's attendance at, **5,** 477
order for, **5,** 474, 475, 583
procedure on, **5,** 474
professional assistance allowed at, **5,** 476
questions which may be asked at, **5,** 476
witness, of, procedure, **5,** 475
attendance of, how procured, **5,** 474, 475
professional assistance, right to, **5,** 476
public, **5,** 52, 429—434
adjournment of, **5,** 433, 434
application for, **5,** 430, 431, 554
before whom held, **5,** 431, 554, 555
conduct of, **5,** 432
costs of, **5,** 434
counsel or solicitor, attendance of, **5,** 432, 436
discharge of order for, **5,** 431
failure to attend, **5,** 432
notes of, **5,** 433, 484, 485
official receiver's report for, **5,** 428—430
order for, **5,** 52, 430
refusal to answer at, **5,** 432, 433
time and place of, **5,** 431
notice of, to be given, **5,** 431, 432
witness, of. *See* COMMISSION; EXAMINATION OF WITNESS.

EXAMINATION OF WITNESS,
abroad, **13,** 613—615. *See* COMMISSION; LETTERS OF REQUEST.
foreign law, as to, **13,** 614 n.
India, taken in, **9,** 387 n. ; **13,** 615
order for, **13,** 614
reference by consent, in, **1,** 458 n., 462 n.
taking the evidence, **9,** 387 n. ; **13,** 615—617
Admiralty proceedings, in, **1,** 97, 98. *See* ACTION IN REM IN ADMIRALTY.
abroad, **1,** 98
hearing, at, **1,** 101, 102
hearing, before, **1,** 97
adultery, as to his, **13,** 576 ; **16,** 532
affiliation proceedings, in, **2,** 448, 449
ancient records, to explain, **13,** 594 n.
answer, contradiction of, **13,** 484, 600—602
affiliation proceedings, in, **2,** 448
improperly obtained, subsequent proceedings, inadmissible in, **13,** 575
arbitration, at, **1,** 458, 461, 462 ; **6,** 82
bankruptcy proceedings, private, at, **2,** 140—142, 415
debtor, of, **2,** 71—74
Board of Trade inspector, by, **26,** 651
Charity Commissioners, before, **4,** 309; **12,** 13 n.
chief, in, **13,** 594
commission, on, **13,** 609. *See* COMMISSION.
highway, not as to non-repair of, **16,** 144 n.
compulsory purchase of land, on arbitration in case of, **6,** 82
county court, in, after trial, **8,** 532
at trial, **8,** 531—533
affidavits, use of, **8,** 531
before trial, **8,** 516—518
depositions, **8,** 517, 518
documents for examiner, **8,** 517
expenses of person attending at, **8,** 517
oath, administration of, **8,** 518
objection to answer, **8,** 518
order for attendance, **8,** 516
persons entitled to be present at, **8,** 517
refusal to be sworn or answer questions or produce document, **8,** 517
report of examiner, **8,** 518
credit, to impeach, opponent's witness, of, **13,** 601, 602
party's own witness, of, **13,** 600
re-establish, to, **13,** 603
Criminal Appeal Court, before, **9,** 438, 439
criminal trial, at, **2,** 416 ; **9,** 363 *et seq.*
cross-examination, **13,** 597—599. *See* CROSS-EXAMINATION OF WITNESS.
de bene esse, **13,** 44—46. *See* DE BENE ESSE.
Divorce Division, in, **16,** 531—537
affidavits, use of, **16,** 534, 535
out of court, **16,** 537
out of jurisdiction, **16,** 535—537
examiner, before, **9,** 66 ; **13,** 610 *et seq.* *See* out of court, *infra.*
abroad, **13,** 613—618
Admiralty proceedings, in, **1,** 98
bankruptcy proceedings, in, **13,** 609 n.
contempt of court, in case of, **13,** 615
documents to be furnished to, **13,** 616
duties of examiner, **13,** 616
fees, liability for, **13,** 617
notification of examiner, **13,** 617
oath, power to administer, **13,** 616

EXAMINATION OF WITNESS—*contd*
examiner—*continued.*
present, persons entitled to be, **13,** 617
procedure, **13,** 610, 616
expert, **13,** 480—482. *See* EXPERT.
extradition proceedings, at, **14,** 413, 414
foreign court, before, letters of request, under, **13,** 610 n., 611
for use of, **13,** 630, 631 ; **14,** 414
further evidence, **13,** 599
General Medical Council, before, **20,** 323
hostile country, in, **13,** 615
House of Lords, before, **21,** 762
illness, in case of, at home, **13,** 611 n.
inference of law or fact, as to, **13,** 437
inquest, at, **8,** 264 *et seq.* *See* INQUEST.
Insurance Commissioners, before, **28,** 1000
interrogatories, by, **13,** 609 n., 613. *See* INTERROGATORIES.
Judicial Committee of the Privy Council, before, **9,** 45
justice, before, **9,** 314—318 ; **19,** 598, 599
dangerous illness, in case of, **9,** 327, 328 ; **19,** 599 n.
who may conduct, **19,** 596 n.
Law Society, at inquiry before, **26,** 853
leading questions, **13,** 437, 594, 598
letters of request for, **1,** 98 ; **13,** 609, 611, 614 ; **16,** 537. *See* LETTERS OF REQUEST.
liquidation proceedings, in, **2,** 415
lunacy, commissioners or visitors in, before, **19,** 530
inquiry before master in, at, **19,** 414
mandamus for, **10,** 109 ; **13,** 611
mining accident, before court of inquiry into, **20,** 610, 611
misfeasance summons, on, **5,** 484, 485. *See* MISFEASANCE PROCEEDINGS.
mode of, **2,** 410 ; **13,** 594
municipal election petition, at, **12,** 511, 513, 514
notary public, by, **21,** 501
oath or affirmation, on, **13,** 590—592. *See* OATH.
opinion and belief, as to, **13,** 479—483, 595, 607—609. *See* EVIDENCE.
out of court, **13,** 609—618
arbitration, in compulsory, **13,** 609 n.
bankruptcy, in, **2,** 318
commission, on, **13,** 609, 610. *See* COMMISSION.
contempt of court, in case of, **13,** 615
co-plaintiff, **13,** 615
criminal case, in, **9,** 327, 328, 387 ; **13,** 611 n. 613, 614 n., 615
dangerously ill, when, **9,** 327 ; **13,** 613 ; **19,** 599 n.
depositions, return of, **13,** 617
documents for examiner, **13,** 616
examiner, before, **13,** 609, 610, 615—617
foreign defendant, **13,** 614
India, in, **13,** 614 n.
jurisdiction, out of, **13,** 613—615. *See* COMMISSION.
within, **13,** 613 ; **16,** 537
methods, **8,** 516 ; **13,** 609, 615—617
order for, **8,** 516 ; **13,** 611—615
disclosure of name on, **13,** 612
return and use of evidence, **13,** 617, 618
parliamentary
committee, before, **21,** 755
election petition, at, commissioners, before, **12,** 466—468
judges, before, **12,** 440 *et seq.*

EXAMINATION OF WITNESS—*contd.*
party by opponent, **13,** 600
patent, application for, at, **22,** 168, 169
infringement of, in action for, **22,** 222
previous conviction, as to, **9,** 382, 383 ; **13,** 601
Probate Court, in, **14,** 152, 153
procedure on, **2,** 410—412, 414
question, admissible, **13,** 436, 437
alternative form, in, **13,** 594
leading, **13,** 437, 594, 598
railway accident, Board of Trade inquiry into, at, **23,** 749
Railway and Canal Commissioners, before, **23,** 759
recall, **13,** 599
examiner, by, **13,** 617
judge or party at judge's discretion, by, **13,** 599
receiver of wreck, by, **26,** 550
re-examination, **13,** 599. *See* RE-EXAMINATION.
refreshing memory, **13,** 595—597. *See* REFRESHING MEMORY.
Slave Trade Act, under, **9,** 387 n.
summary jurisdiction court, in, **9,** 82 ; **19,** 598 599
trial, before. *See* county court, *supra.*
use at trial of deposition, **13,** 618
where, **13,** 611, 612
winding-up proceedings, at, **5,** 475—477

EXAMINER,
Admiralty, in, qualification for, **2,** 384
apothecaries, of, appointment of, **20,** 346, 347
chemists and druggists, of, appointment of, **20,** 353
dentistry, in, election of, **20,** 313, 365
evidence, to take. *See* EXAMINATION OF WITNESS.
gas, of, appointment of, **15,** 352, 354, 390
duties of, **15,** 353, 391—393
General Medical Council, appointment by, **20,** 327, 328
patents, of, duty of, **22,** 165—167
report of, **22,** 165, 166
amendment of specification on, **22,** 166
inspection of, **22,** 167
specification, reference of, to, **22,** 158, 165
private Bills, of petitions for, appointment of, **21,** 740, 741
Bills referred before second reading to, **21,** 743
certificate and report of, **21,** 741
duty as to making reports, **21,** 742
Royal College of Veterinary Surgeons, of the, **20,** 372
surgery, in, election of, **20,** 313

EXCAVATION,
fencing of, **3,** 128—130 ; **16,** 111, 255
electricity works, in case of, **12,** 575
mines under foreshore in Cornwall, **7,** 259
negligence in regard to, liability for, **21,** 410
injury by, to party wall, **3,** 136
leave of court to make, for purposes of inspection, **23,** 144 n.
nuisance, as, **3,** 129 ; **21,** 525

EXCEPTED RISKS,
carrier's liability for, **4,** 9
marine insurance, in, **17,** 432—436, 446

EXCEPTION,
Bill of Lading, in, **26,** 189, 325, 326
charterparty, in, **26,** 107—118, 129—133, 189

EXCEPTION—*continued.*
charterparty—*continued.*
charterer, protecting, **26,** 129—133, 194
when operative, **26,** 201
shipowner, protecting, **26,** 107—118
effect of, **26,** 107, 118, 189
fitness of ship, effect of, **26,** 189, 190
mutual, bar for, **26,** 118
contract, in, construction of, **7,** 517
conveyance, in, *defined,* **10,** 470 ; **11,** 249 n.
construction of, **10,** 441, 471 ; **25,** 425
distinction between reservation and, **10,** 470, 471 ; **11,** 249 n., 343 n.
easement is not the subject-matter of, **10,** 470 ; **11,** 249
mines and minerals, of, **10,** 471 : **20,** 549—551
profits à prendre not subject-matter of, **11,** 343
deed, in, **10,** 441, 470—472. *See* conveyance, in, *supra.*
lease, in, nature of, **18,** 427
regrant, operating as, **18,** 428
trees, of, extent of, **10,** 471 ; **18,** 431—433
statute, in, construction of, **27,** 137, 138
indictment, form of, in case of, **9,** 338
repugnant, effect of, **27,** 137

EXCESSIVE
assessment, burden of proof as to, **16,** 681
damages, new trial in case of, **10,** 350 ; **18,** 720 ; **23,** 205
distress, **11,** 197, 205, 207
election expenditure as illegal practice, **12,** 295, 296
innkeeper, indictment of, for taking excessive price, **17,** 313
sickness, National Insurance Act provisions as to, **28,** 954—956
toll, liability of owner of market or fair for taking, **20,** 37
weight, highways, on, **16,** 172—180. *See* EXTRAORDINARY TRAFFIC.

EXCHANGE,
advowsons, of, **11,** 584, 606
articles at British Museum, of, power of trustees as to, **19,** 212
benefices, of, consents necessary to, **11,** 632
mode of, **11,** 632, 633
penalty for corrupt, **11,** 633
bill of exchange, of, rate of, **2,** 469
easements, of, Settled Land Acts, under, **24,** 295 n. ; **25,** 662, 663
goods, of, *defined,* **25,** 109
sale, when treated as a, **25,** 109
transfer, by, **22,** 406, 407 ; **25,** 203
land, of. *See* EXCHANGE OF LAND.

EXCHANGE OF LAND,
Allotments Acts, under, **1,** 349, 350, 353
allotments for public purposes, in case of, **4,** 596
fuel allotments, in case of, **1,** 335 ; **4,** 233, 596
recreation allotment, in case of, **4,** 592
Baths and Washhouses Acts, under, **19,** 257, 258 ; **23,** 493
Board of Agriculture and Fisheries, by order of, **4,** 232 ; **21,** 833 ; **24,** 296, 297
charity land, of, **4,** 231—233
Board of Agriculture and Fisheries, by order of, **4,** 232
Charity Commissioners, authorised by, **4,** 232, 596

EXCHANGE OF LAND—*continued.*
Commissioners of Woods, by, **7,** 169
common law, at, **24,** 295
compulsory acquisition of land for, **6,** 25
Cornwall, Duchy of, in, **7,** 256
Crown land, of, **7,** 169, 170
copyholds, in case of, **7,** 169, 170
equality of, money for, **7,** 169
Inclosure Acts, under, **7,** 170
deed necessary to valid, **10,** 367, 368 ; **24,** 295
education authority, by local, **12,** 21
field gardens, in case of, **1,** 338 ; **4,** 594
friendly society, by, **15,** 169
fuel allotments, in case of, **1,** 335 ; **4,** 233, 596
Inclosure Act, under, **4,** 580, 592 ; **24,** 296.
infant party to, when bound, **17,** 77
Lancaster, Duchy of, in, **7,** 226, 227
library authority's power as to, **19,** 257, 258 ; **23,** 588
limited interests, in case of, **24,** 295, 296
literary or scientific institutions, in case of, **19,** 200, 258
lunatic's land, of, master's power to order, **19,** 445
mutual conveyance, by, **24,** 295, 296
parish land, of, **4,** 233 ; **19,** 253
partition in regard to, **21,** 820
power of, in settlement, is a usual power, **23,** 5, 74
priority of, **23,** 88
recreation allotments, in case of, **4,** 592
settled land, of, easements, exchange of, **25,** 662, 663
equality of exchange, capital money for, **25,** 647
mortgage for, **25,** 661
mansion-house, exchange of, **25,** 641
notice by tenant for life of, **25,** 638—640
powers as to, **25,** 657, 658
tenant for life's power to effect, **25,** 657, 658, 664—667, 669
settlement
of land acquired by, **25,** 651, 652
power under, to carry out, **23,** 5, 74, 88
trustees of, by, **25,** 687, 688
stamp duty on, **24,** 728

EXCHEQUER, 7, 100—102
account, advances out of, **24,** 542
Auditor-General, report by, as to, **24,** 539
Banks of England and Ireland, duties in respect of, **24,** 541, 542
control of Consolidated Fund, **21,** 767
Suez Canal Company, dividends upon shares in, paid into, **24,** 543
sums paid into, **21,** 767 ; **24,** 541, 542, 543 n., 548
Treasury bills, money raised by, paid into, **24,** 548
bill. *See* EXCHEQUER BILL.
Chancellor of, **7,** 101, 102. *See* CHANCELLOR.
Consolidated Fund, Treasury bills charged on, **2,** 566 ; **21,** 768 ; **24,** 548
contribution account, *defined,* **19,** 351, 352
grants from, purposes of, **19,** 352, 353
court of, equity side of, transferred to Court of Chancery, **13,** 5
jurisdiction of, **9,** 53 n.
fund payable out of, chose in action, is, **4,** 363
grants from, county councils, to, **19,** 350—353
education authorities, to, **12,** 48—50 ; **24,** 764

EXCHEQUER AND AUDIT DEPARTMENT,
appointment of staff of, **24,** 541
Comptroller and Auditor-General as head of, **24,** 541
functions of the, **24,** 541

EXCHEQUER BILL,
duration of, **2,** 566; **24,** 548, 549
forgery of, **9,** 731
form of, **2,** 565
gift of, **15,** 413
interest on, **2,** 566; **24,** 548, 549
negotiability of, **2,** 565, 566; **15,** 413
paper for, purchasing or receiving, misdemeanour, as, **9,** 732
purposes of, **24,** 548
tramway loans, investment by local authority as sinking fund for, in, **27,** 807
what are included in, **9,** 732 n.

EXCISE,
bonds, stamp duties on, **3,** 103—105
compulsory acquisition of land for erecting buildings for protection of the revenues of, **6,** 7, 161
duty. *See* EXCISE DUTY.
entry. *See* ENTRY.
licence. *See* EXCISE LICENCE (Intoxicating Liquors); EXCISE LICENCE.
management of, by the Treasury, **24,** 540
officer. *See* EXCISE OFFICER.
proceedings, court of summary jurisdiction, in, **15,** 247 n., 738—743
warehouse, *defined*, **18,** 151 n., 152 n.

EXCISE DUTY,
defined, **24,** 587
allowances, classes of goods on which payable, **24,** 699, 700
limitation of time for payment of, **24,** 700
beer, on, **24,** 613—615. *See* BEER.
chemist, retail, excise duty on drugs not payable by, **20,** 380
chicory, on, **24,** 615, 616
clubs, on liquor supplied to, **24,** 616, 617
coffee mixtures or substitutes, on, **24,** 617, 618
compensation fund charges, payment with licence duty, **24,** 612
contracts in violation of, effect of, **24,** 612
double, when may be claimed, **24,** 738
drawbacks, allowance of, **24,** 615, 618, 623, 625, 627, 697—699. *See* DRAWBACK.
excise entries in respect of, **24,** 610, 611
glucose, on, **24,** 618
Isle of Man not part of United Kingdom for purpose of, **24,** 592
lien in respect of, **24,** 737, 738
medicine labels, on, **20,** 379, 380; **24,** 619, 620
motor spirit, on, **24,** 620, 621
pawnbroker's licence, on, **22,** 249
playing cards, on, **24,** 621
railway passenger fares, on, **23,** 639—641; **24,** 622
recovery of, already paid, **24,** 611
High Court, in, **24,** 737, 738
seizure and sale, by, **24,** 737
summary jurisdiction court, in, **24,** 738—743
saccharine, on, **24,** 622, 623, 636
sale of goods, price as affected by change of duty, **25,** 148

EXCISE DUTY—*continued.*
spirits, on, **24,** 623—625. *See* SPIRITS.
survey books, as evidence of contents, **24,** 611
tobacco, on home-grown, **24,** 626, 627

EXCISE LICENCE,
appraisers, for, **1,** 500, 501; **3,** 162; **24,** 627, 648, 659; **28,** 227, 228
armorial bearings, for, **24,** 684, 685, 688, 689
auctioneer, for. *See* AUCTIONEER.
brewer, for, **18,** 10—16; **24,** 630—633. *See* BREWER.
business, to carry on, when required, **24,** 648—683
by whom granted, **24,** 612
carriage, for, **24,** 689—692. *See* CARRIAGE (Vehicle).
commencement of, **24,** 627, 628
confectioner, sale by, in regard to, **20,** 379
sale of waters by, **20,** 379
contravening provisions of, penalty for, **24,** 629
county council, administrative powers of, **24,** 684
duties of, **24,** 685
transfer of powers to, **24,** 684
distiller, for, **18,** 146; **24,** 637—639. *See* DISTILLER.
dogs, on, **1,** 403, 404; **15,** 253, 254; **24,** 686, 687. *See* DOG.
drugs, to sell, **20,** 379; **24,** 660
establishment, **24,** 685, 686. *See* ESTABLISHMENT.
excise entries in case of, **24,** 610, 611
extent of, **24,** 627
form of, **24,** 627
irregularity in, **24,** 628
fraud, obtained by, effect of, **24,** 628
game, dealer in, for, **15,** 254—262; **24,** 656, 657. *See* GAME.
to kill, **15,** 246—251; **24,** 694, 695. *See* GAME LICENCE.
glucose, in respect of, **24,** 633, 634. *See* GLUCOSE.
guns, for, **15,** 251—253; **24,** 695, 696. *See* GUN.
hawker, for, **20,** 55—57; **24,** 657, 658. *See* HAWKER.
house agent, for, **24,** 659, 660. *See* HOUSE AGENT.
intoxicating liquors, in respect of. *See* EXCISE LICENCE (Intoxicating Liquors).
irregularity in form of, effect of, **24,** 628
sale under, **24,** 629
local taxation licences, **24,** 684—696
male servant, for, **24,** 692—694. *See* SERVANT.
manufacture, to, **24,** 630—648
medicine, in respect of, **20,** 379; **24,** 634, 660
methylated spirits, for, **24,** 639—641, 660, 661. *See* METHYLATED SPIRITS.
motor
bicycles and tricycles, for, **24,** 690, 691
cars, for, **24,** 690, 691. *See* MOTOR CAR.
spirit, in respect of, **24,** 635, 636, 661, 662. *See* MOTOR SPIRIT.
occasional, **24,** 662, 663. *See* OCCASIONAL EXCISE LICENCE.
offences against terms of, **24,** 629
patent medicines, in respect of, **24,** 660
pawnbroker, for, **22,** 248, 249; **24,** 664, 665. *See* PAWNBROKER.
plate dealer, for, **24,** 665, 666. *See* PLATE.
playing cards, in respect of, **24,** 633. *See* CARDS.
production of, penalty for refusing, **18,** 129; **24,** 629 n.
saccharine, in respect of, **24,** 636, 637.
drawbacks in respect of, **24,** 632, 636, 697

EXCISE LICENCE—*continued.*
sale of goods in contravention of terms of, offence by, **24,** 629
signboards on licensed premises, **24,** 612
still, for, **24,** 675
tobacco, in respect of, **24,** 644—647, 663, 678—680
trade or business, to carry on, **24,** 648—683
transfer of, **24,** 628
vinegar, in respect of, **24,** 647, 648

EXCISE LICENCE (INTOXICATING LIQUORS), *defined,* **18,** 7
agencies, in case of, **18,** 110, 111, 115
appeal, pending, **18,** 47
application for, **18,** 23, 38, 39, 44—46
aqua vitæ, for sale of, **18,** 13
auctioneer, in respect of sale of intoxicating liquors, **1,** 502; **18,** 21
ball, at, **18,** 98
beer, in respect of, **24,** 650—654. *See* BEER.
beerhouse, for. *See* BEERHOUSE.
black beer, in respect of, **18,** 16
brewer, for, **18,** 10, 11; **24,** 630—633. *See* BREWER.
by whom granted, **18,** 17, 18
canteens, in respect of, **18,** 106; **24,** 654, 673; **25,** 98
certiorari, no power to set aside by, **10,** 172; **18,** 86
chemist, position of, in regard to, **18,** 16; **24,** 673
cider, in respect of, **18,** 13—15, 57, 60; **24,** 654, 655. *See* CIDER.
classes of, **18,** 10
closing hours, **18,** 87—98, 124—129. *See* CLOSING HOURS.
club, for sale at, when required, **4,** 429—431; **24,** 673
commencement of, **18,** 39; **24,** 627, 628
Commissioners of Customs and Excise, powers of, as to, **18,** 17—20, 98, 105, 106
compensation fund charges, payment of, with, **18,** 73; **24,** 612
contravening provisions of, penalty for, **18,** 117
conviction for felony as disqualification from holding, **9,** 430 n., 431 n.; **18,** 56, 114, 116
conviction of licensee, effect of, **18,** 54, 55
dinner, occasional licence for sale of liquors at public, **18,** 98
discretion as to grant or refusal of, **18,** 62
disqualification of
persons to hold, **18,** 54, 55, 116. *See* conviction, *supra.*
premises, **18,** 57, 58
distiller, in respect of, **18,** 10, 39, 146; **24,** 637—639
duration of, **18,** 20
exemptions from, **18,** 8—10, 16
extent of, **18,** 20, 21
fairs, in respect of, **18,** 100, 101
forfeiture of, on forfeiture of justice's licence, **18,** 116
form of, **18,** 104
irregularity in, **24,** 628
fraud, obtained by, **24,** 628
grant of, **18,** 17—21
by whom made, **18,** 17, 18
certiorari, no power to set aside by, **18,** 86
discretion as to, **18,** 62

EXCISE LICENCE (INTOXICATING LIQUORS)—*continued.*
grant of—*continued.*
justice's licence a condition precedent to, **18,** 116; **24,** 629
kinds of, **18,** 18—20
occasional, **18,** 98—101. *See* OCCASIONAL EXCISE LICENCE.
gauging, penalty for attempt to defeat, **18,** 148
holder of, name of, upon premises, **18,** 130
innkeeper, for, **18,** 98
irregular sale under, penalty for, **24,** 629
justice's. *See* JUSTICE'S LICENCE.
licence duty repayable on expiration of, **24,** 629
licensed premises, *defined,* **18,** 8
liquor
kept on premises contrary to, **18,** 121
sale of, without, **18,** 113—116
manufacturer's, **18,** 10, 11; **24,** 630—633
duration of, **18,** 20
sale without, **18,** 113
wholesale dealing, authorises, **18,** 11
mead, in respect of, **24,** 680. *See* MEAD.
medicated wines, when required for, by chemists, **24,** 682 n.
name to be affixed to premises by holder of, **18,** 130
next sessions, until, **18,** 47
obstructing entry of excise officer, penalty for, **18,** 145, 148
occasional, **18,** 98—101. *See* OCCASIONAL EXCISE LICENCE.
off-licence, **18,** 14, 15. *See* OFF-LICENCE.
offences against, **18,** 107—159; **24,** 629
on-licence, **18,** 13, 14. *See* ON-LICENCE.
partnership, in case of, **18,** 20, 21; **24,** 627
passenger ships, in respect of, **18,** 105, 106; **24,** 663
Peninsular War, privileges of relatives of persons engaged in, effect of, **18,** 116
premises, drinking upon, contrary to, **18,** 117
one set of, only available for, **18,** 21; **24,** 627
qualification of, **18,** 57, 58
production of, penalty for refusing, **18,** 129
protection order, indorsement of, on, **18,** 48
qualified
persons to hold, **18,** 54, 55, 116
premises as regards, **18,** 57, 58
races, at, **18,** 100, 101
railway
refreshment rooms, for, **18,** 60; **23,** 698
restaurant cars, in respect of, **18,** 106; **24,** 666
refreshment house, in respect of, **18,** 99; **22,** 472; **24,** 666
register of, **18,** 101, 102
renewal of, **18,** 18; **24,** 628
restaurant selling without, **18,** 113
retailer's, **18,** 13—15, 39; **24,** 669—675
sale without, **18,** 113
void, becoming, effect of, **18,** 114
sale under, penalty for irregular, **24,** 629
sale without, agent, by, **18,** 110
conviction, after, **18,** 114
disqualification upon, **18,** 54, 55
informer's reward for information as to, **18,** 113
licence becoming void, effect of, on, **18,** 114
place of sale for purpose of conviction for, **18,** 113
retail, by, **18,** 113
Spirits Acts, offences under, **18,** 115, 116

EXCISE LICENCE (INTOXICATING LIQUORS) —*continued.*
sheriff's officers disqualified from holding, **18,** 54; **25,** 804
spirits, in respect of, **24,** 667—675. *See* SPIRITS.
spruce beer, in respect of, **18,** 16
sweets, for, **18,** 14, 15; **24,** 676—678. *See* SWEETS.
taking orders, for, **18,** 115; **24,** 629
temporary, **18,** 47
theatres, in respect of, **18,** 106, 107. *See* THEATRE LICENCE.
transfer of, **18,** 18, 19; **24,** 628. *See* TRANSFER.
traveller for licensee, when requiring, **18,** 115
void licence, effect of grant of, **18,** 111
who may hold, **18,** 54, 55
wholesale dealer's, **18,** 11, 12
dealing without, **18,** 113
duration of, **18,** 20
unnecessary, when, **18,** 12
wine, in respect of, **18,** 14, 15; **24,** 680—682. *See* WINE.

EXCISE OFFICER,
appointment of, **24,** 545
presumption as to, **13,** 444
assault on, penalty for, **18,** 155, 156
brewer's premises, right of entry upon, by, **18,** 133, 145
disqualified to act as magistrate, when, **19,** 556; **24,** 740
embezzlement by, **24,** 589
evidence by, before justices, **18,** 112, 113
inspection of
premises by, **24,** 611
spirits by, **18,** 134
legal proceedings, may conduct, **24,** 546
licensed premises, entry upon, right of, **18,** 133
obstruction of, penalty for, **18,** 156; **24,** 546
powers of, **24,** 546
privileges of, **24,** 546
search by, power of, **18,** 145
wrongful seizure by, damages for, **24,** 546

EXCOMMUNICATION,
defined, **11,** 539 n.
burial of person under, **3,** 421; **11,** 710
clergyman, of, assault in churchyard, for, **3,** 423
contumacy or contempt, for, **11,** 533 n., 539
Ecclesiastical Courts, jurisdiction of, as to, **11,** 533 n., 534, 539
ipso facto, when prescribed, **11,** 539 n.
Rome, from, punishment for obtaining, **6,** 357, 358
unlawful, remedy for, **11,** 415
writ *de excommunicato capiendo,* **11,** 532

EXECUTED,
consideration, *defined,* **7,** 384
distinction between executory consideration and, **7,** 384
effect of, **7,** 384—389; **15,** 453
Statute of Frauds does not apply to, **7,** 366
contract, **7,** 381, 382; **27,** 4
defined, **7,** 332 n., **27,** 4
distinction between executory contract and, **27,** 3, 4
Statute of Frauds, effect of, on, **7,** 366, 381, 382
trust, *defined,* **28,** 7
distinction between executory trust and, **28,** 7

EXECUTION,
The title EXECUTION *is contained in Vol. XIV., pp.* 1 *et seq.*
attachment, of writ of, **7,** 318
creditor. *See* EXECUTION CREDITOR.
criminal, of. *See* EXECUTION OF CRIMINAL.
debtor. *See* EXECUTION DEBTOR.
distress, warrant, of, **11,** 225
costs of, account of, **11,** 226
equitable. *See* EQUITABLE EXECUTION.
instrument, of. *See* EXECUTION OF INSTRUMENT.
judgment or order, of. *See* EXECUTION OF JUDGMENT OR ORDER.
county court action, in. *See* EXECUTION OF JUDGMENT OR ORDER (County Court).
power, of. *See* EXECUTION OF POWER.
warrant of
arrest, of, **9,** 307—310; **19,** 564, 565, 596; **22,** 497—499
service of, **1,** 84, 85
committal, of, **7,** 318—320
writ of. *See* ASSISTANCE; CAPIAS; CAPIAS AD SATISFACIENDUM; DELIVERY; ELEGIT; FIERI FACIAS; SEQUESTRATION; WRIT OF POSSESSION.

EXECUTION CREDITOR,
administration of insolvent estate, rights in, **2,** 272
assignee, as, **13,** 79
bankruptcy
notice, acceptance of security after issue of, effect, **2,** 29
receiving order in, effect on, **2,** 274
rules as to, inapplicable in winding-up of company, **2,** 272; **5,** 513
bill of sale, avoidance of, as against, **3,** 61
priority as against grantee of, **3,** 51, 61, 69, 72; **14,** 55; **17,** 589, 604
collusion, in case of, **11,** 175
equities, takes subject to, **13,** 79
execution, benefit of, when deprived of, **2,** 274, 275
interpleader, in
county court, in, admission of claim, **17,** 629, 630, 631
appeal by, **17,** 639
bailiff's fees, payment of, by, **17,** 638
claim for damages by, **17,** 635, 636
second execution, effect of, **17,** 632, 633
service of summons on, **17,** 635
High Court, in, abandonment of seizure, right of sheriff on, **17,** 604
action against, power of court to restrain, **17,** 603
admission of claim by, **17,** 589, 600, 603, 604, 625, 630, 631
affidavit as to particulars of claim not required, **17,** 598
Bankruptcy Act, 1890, costs of execution creditor not costs of execution within, **17,** 624
burden of proof, when upon, **17,** 609
claimant's costs, payment of, by, **17,** 626
jus tertii, right to set up, **17,** 613
non-appearance of, power of court on, **17,** 602
notice of claim to, **17,** 599
plaintiff, when, **17,** 609
sale, non-liability for damages in case of, **17,** 606
rights as to, of, **3,** 62, 63; **17,** 604—606

EXECUTION CREDITOR—*continued.*
interpleader—*continued.*
High Court—*continued.*
second execution, effect of, **17,** 608
service of summons on, **17,** 600, 601
trustee in bankruptcy's rights against, **2,** 275
sheriff's
costs, liable for, **17,** 623
mistake, not liable for, **17,** 603
where claim admitted by, **17,** 625
married woman, delay in entering up judgment against, effect of, **14,** 14; **16,** 369
rent, arrears of, liability for, **11,** 175; **14,** 53
payment of, by, sheriff's demand for, **11,** 178
sheriff, action against, by, **14,** 57 n.; **25,** 812
fees of, liability for, **14,** 36; **17,** 623, 625; **25,** 837 n., 840
indemnification of, by, **25,** 812 n.
takes subject to prior equities, **13,** 79
wrongful
issue of writ, liability for, **14,** 19, 20
removal, not liable for, **11,** 178
sale, liability for receiving proceeds of, **14,** 20, 21
seizure, liability for, **14,** 20; **25,** 812 n.; **27,** 897 n.

EXECUTION DEBTOR. *See* JUDGMENT DEBTOR.
act of bankruptcy by failure to pay in twenty-one days, **2,** 23, 24
bankruptcy of, costs of interpleader, effect on, **17,** 627
claimant in interpleader, as, **17,** 596
goods in hands of, bound by delivery of writ, **25,** 203
goods of party other than, seizure of, trespass, **25,** 826 n.
sheriff liable to, for sale at undervalue, **25,** 826 n.

EXECUTION OF CRIMINAL,
appeal, suspension pending time limit for, **9,** 438
burial after, **3,** 422; **9,** 592; **25,** 825
coroner's inquest after, **8,** 241, 273, 274; **25,** 825, 826
declaration as to due, **23,** 252; **25,** 825
exhibition of, **23,** 252; **25,** 825
life insurance policy, effect on, **17,** 557
medical officer, duty of, **23,** 252; **25,** 825
murder, when amounting to, **9,** 575
murderer, in case of, **25,** 824 n.
persons present at, **23,** 252; **25,** 825, 825 n.
place of, **9,** 592; **25,** 824
when sentence passed at Central Criminal Court, **25,** 824
public, when legal, **25,** 824 n.
regulations as to, **25,** 825, 826
sheriff, duties of, as to, **23,** 252; **25,** 823—826
London, City of, in, **25,** 797 n.
sheriff, inquisition on body to be delivered to, **8,** 274
time of, **23,** 252; **25,** 825, 826

EXECUTION OF INSTRUMENT,
administration bond, of, **14,** 207
arbitration award, **1,** 470
attestation of. *See* deed, *infra.*
bill of sale, **3,** 45, 46; **10,** 393
bond, of, **3,** 84, 99; **20,** 678 n.

EXECUTION OF INSTRUMENT—*contd.*
christian name, in changed, effect of, **21,** 350
conditional. *See* CONDITION; ESCROW.
contract, of, **7,** 375—379. *See* SIGNATURE.
conflict of laws, in case of, **6,** 236, 237
corporation, by, **5,** 299; **8,** 382—386
conveyance of land, of, **10,** 397; **25,** 435—437
court's nominee, by, **25,** 437
power of attorney, under, **25,** 435, 436
purchaser, by, when necessary, **25,** 437
vendor, by, **25,** 435
corporation, by, seal, dispensed with, when, **8,** 382—386; **10,** 431
generally required, **8,** 309—311, 380; **10,** 390—393
proof of, **8,** 310; **13,** 510
deed, **10,** 382—404
agreement to execute, as executory contract, **27,** 4 n.
attestation, **10,** 386, 387, 395
attorney, by, **1,** 168, 169, 208 n.; **10,** 394; **25,** 435
bankruptcy, by trustee in, **2,** 121
blind persons, by, **10,** 393
building societies, by, **10,** 392, 393
charitable uses, assurances to, **4,** 129; **10,** 393
chattels personal in England, conveying, **10,** 397
cognovit actionem, containing, **10,** 394
company, by, **5,** 292, 299; **10,** 392, 393; **13,** 510; **17,** 339
concealment of fact of, **10,** 403
conditional, effect of, **10,** 401. *See* ESCROW.
conflict of laws with regard to, **10,** 397, 398
conveyance of land in England. *See* conveyance of land, *supra.*
corporation, by, **8,** 309—311; **10,** 390—393; **13,** 510
trading corporation, by, **5,** 292; **8,** 310; **10,** 391
counterpart, **18,** 394—396
delivery of deed, **8,** 309; **10,** 385. *See* DELIVERY.
escrow, as an, **10,** 387—390. *See* ESCROW.
effect of, **10,** 357
formalities of, **10,** 382—387
Glebe Exchange Act, 1815, under, **10,** 399
guardian, appointment of, **10,** 399; **17,** 123, 124
holy orders, relinquishment of, **10,** 399; **11,** 558, 559
illiterate persons, by, **10,** 393
industrial and provident societies, by, **10,** 392, 393; **17,** 26
Land Transfer Act, transfers etc. under, **10,** 371, 399
Leasing Powers etc. (Ireland) Act, 1855, under, **10,** 369, 400
lunatic, on behalf of, **10,** 394; **19,** 447 n.
married woman, by, effect of, **16,** 412
acknowledged deed, **16,** 381—386. *See* ACKNOWLEDGED DEED OF MARRIED WOMAN.
non-execution by some parties, effect of, **10,** 400—402
non-party, by, effect of, **10,** 380
partial, effect, of, **10,** 402
partner's authority as to, **22,** 26
power, exercising, **10,** 394—396; **23,** 18
formalities of, **10,** 395, 396

EXECUTION OF INSTRUMENT—*contd.*
deed—*continued.*
power of attorney to transfer bank stock etc., **10,** 398
re-execution, **10,** 403, 404
sculpture, assignment of copyright in, **8,** 207; **10,** 398
sealing, **10,** 382—384, 395. *See* SEAL.
ship, mortgage of, for, **10,** 398; **21,** 133, 176; **26,** 23, 24
signing, **10,** 384, 385, 395
trustee, appointment of new, **10,** 399
warrant of attorney to confess judgment, **10,** 394
escrow, as. *See* ESCROW.
family arrangement, of, **14,** 544, 545
party not *sui juris*, effect where, **14,** 546
friendly society officer's bond, **10,** 399
guarantee, of, **15,** 469—472
hand, under, **10,** 428—431
mortgage, British ship, of, **10,** 372, 398
proof of, **13,** 510—515, 604—606
ancient document, in case of, **13,** 505, 512—515, 606
attesting witnesses, when required to be called, **13,** 510, 511, 604—606
competency of witness to, **13,** 511
secondary evidence, when admissible, **13,** 605
will, in case of, **13,** 512, 623
lost, **14,** 160
settlement, of, **25,** 528
transfer of British ship, of, **10,** 372, 398
will, of, **28,** 547—557
abroad, **6,** 219, 220, 226; **28,** 558, 559
attestation, **28,** 552—557. *See* ATTESTATION.
conflict of laws as to, **6,** 219, 220, 225—232. *See* CONFLICT OF LAWS.
immovables, of, **6,** 219, 220; **28,** 558
movables, of, **6,** 226, 227; **28,** 558, 559
power, exercising, **6,** 228, 229; **23,** 18—20; **28,** 557, 558
presumption of due, **28,** 555
proof of due, **13,** 512; **14,** 160, 167; **28,** 555
signature, testator, by, **28,** 547—552. *See* SIGNATURE.

EXECUTION OF JUDGMENT OR ORDER,
The title EDUCATION *is contained in Vol. XIV., pp.* 1 *et seq.*
defined, **14,** 3
Admiralty action, in, **1,** 124
agricultural holding, crops and produce, against, **1,** 257, 258
after-acquired property, against, **14,** 8, 50
alienation
after issue of, when evidence of fraudulent intent, **15,** 83, 86
involuntary, of goods by, **22,** 408
with intent to defeat, effect of, **15,** 79, 83, 84
ambassadors, cannot issue against, **14,** 10
assets *in futuro*, upon, by leave, **14,** 8
assistance, writ of, **14,** 75
chattel, to give possession of, **27,** 917
practice as to, **14,** 9, 75; **27,** 917 n.
receiver obtains possession by, **24,** 376
attachment of debts, **14,** 90—101. *See* ATTACHMENT OF DEBTS.
attachment of the person, **14,** 73, 74. *See* ATTACHMENT OF PERSONS.
bailiff's duties etc., **14,** 18, 19. *See* BAILIFF.

EXECUTION OF JUDGMENT OR ORDER—*continued.*
bankruptcy, in case of, abortive execution, costs of, **2,** 40
act of bankruptcy by suffering execution, **2,** 23, 24, 290; **27,** 450
attachment of debt, in case of, **2,** 271, 274
charging order, in case of, **2,** 273, 274
costs of, how far a first charge, **14,** 34; **17,** 624, 627
creditor's rights, **2,** 271—274
administration of deceased insolvent's estate, **2,** 271, 272
benefit of execution, as to, **2,** 272, 274, 275
completion of execution as affecting, **2,** 272—274
issue of execution, on, **2,** 271
sheriff's duty, **2,** 274, 275
winding up company, **2,** 272
interpleader proceedings, **2,** 275; **17,** 624, 627
receiving order, effect on, of, **2,** 65
stay of execution, effect of, **2,** 28, 55
summary administration of small estates, in case of, **2,** 299
bedding, upon, protected, **2,** 299
bill of exchange, upon, **2,** 510; **14,** 47
bill of sale, avoidance of, in case of, **3,** 55, 56, 61
consolidation by grantee in case of, effect of, **3,** 72
grantor of, against, apparent possession of, chattels seized not in, **3,** 57
seizure by grantee on, **3,** 69
bond, judgment on, in case of, **3,** 94, 102
building contract, in case of, against materials, **3,** 253, 261, 266
by and against whom may be issued, **14,** 9—15
capias ad satisfaciendum, **14,** 73, 74
certiorari in aid of, **10,** 162—165, 186. *See* CERTIORARI.
charging order, **14,** 4, 101—110. *See* CHARGING ORDER.
chose in action transferred by, **4,** 399; **14,** 90 *et seq.* *See* ATTACHMENT OF DEBTS; CHARGING ORDER; EQUITABLE EXECUTION.
civil process, on. *See* SHERIFF.
clergy, against, **11,** 556, 617; **14,** 89
clothing, exemption of, from, **2,** 299; **14,** 48
companies, in case of, **5,** 325, 396, 535, 583; **14,** 12—14. *See* COMPANIES.
completion of, as affecting rights of creditors in case of bankruptcy, **2,** 272—274
attachment of debt, in case of, **2,** 273, 274
charging order, in case of, **2,** 274
elegit, under writ of, **2,** 273
land, against, **2,** 273
payment of judgment debt, in case of, **2,** 273
sequestration, under writ of, **2,** 273
compromise, judgment by, in case of, **18,** 189; **23,** 168
conditional judgment or order, in case of, **14,** 6, 10
conflict of laws in regard to, **6,** 281, 292—294, 304
convict, against property of, issue of, **14,** 15; **23,** 253 n.
copyholds, liability of, to, **8,** 70
coroner, writ directed to, when, **14,** 17
corporation, against, **8,** 396, 397, 554; **14,** 12
members of, against, **8,** 397
costs and expenses of, **1,** 5 n.; **14,** 32—37
counterclaim, in case of, **14,** 98, 99; **25,** 518

EXECUTION OF JUDGMENT OR ORDER—*continued.*
county court action, in, **8,** 550—570; **14,** 128. *See* EXECUTION OF JUDGMENT OR ORDER (County Court).
de bonis ecclesiasticis, writs, **14,** 17, 90
death of party, effect of, **14,** 7, 10, 15
delivery, writ of, **14,** 74, 75. *See* DELIVERY.
demand unnecessary before, **14,** 6
discovery in aid of, **14,** 126—128. *See* DISCOVERY IN AID OF EXECUTION.
distress, effect on right of, **11,** 134, 174—180. *See* landlord, *infra.*
distringas, notice in lieu of, **14,** 113, 115. *See* DISTRINGAS.
Divorce Division, in, **16,** 585—588
costs, for, **16,** 583
discovery in aid of, **16,** 590
ecclesiastical
persons, against, how effected, **11,** 616, 617; **14,** 89, 90
property, exemption of, from, **14,** 85
election petition, for costs of, **12,** 479
electric lighting company, in case of, **12,** 615
elegit, by writ of, **14,** 61—74. *See* ELEGIT.
elisors, directed to, when, **14,** 17
entry of judgment or order as condition precedent to, **14,** 5
equitable, **14,** 115—126. *See* EQUITABLE EXECUTION.
equity of redemption, *elegit* not applicable, **14,** 68; **21,** 146, 147
fieri facias not applicable, **14,** 49 n.
receiver, by appointment of, **14,** 118; **21,** 146, 147; **24,** 342
examination of judgment debtor, **14,** 126—128
executor *de son tort,* on chattels real entered upon by, **14,** 151
exemption from, apparel and bedding, of, **2,** 299; **14,** 48
clover and artificial grasses, of, under *fieri facias,* **14,** 47
Commissioners' Clauses Act, under, **14,** 14
commissioners of literary and scientific institution, of property of, **14,** 14; **19,** 204
ecclesiastical property, of, **14,** 85
foreign sovereign or ambassador, of property of, **14,** 10
railway rolling stock and plant, of, **14,** 13, 49; **23,** 764
soldiers' goods of, extent of, **14,** 49, 85; **25,** 94 n.
tools and implements of trade, of, **2,** 299; **14,** 48
trees, grass, and apples upon trees, of, under *fieri facias,* **14,** 46
extension of judgments for purpose of. *See* EXTENSION OF JUDGMENT.
fieri facias, by writ of, **14,** 37—61. *See* FIERI FACIAS.
foreign judgment not enforceable by, **6,** 281
franchise, in a, **14,** 18, 19; **25,** 811, 812
friendly society officer, against, priorities in case of, **2,** 215, 216; **15,** 163
garnishee, against, **8,** 575; **14,** 100, 101
garnishee order, by way of. *See* ATTACHMENT OF DEBTS.
growing crops etc., liability of, to, **1,** 257, 258; **11,** 179; **14,** 45, 46, 47
heirlooms, against, **14,** 45
high bailiff, duties and powers of, in relation to. *See* HIGH BAILIFF.

EXECUTION OF JUDGMENT OR ORDER—*continued.*
hire-purchase contract, in case of, **1,** 555; **17,** 634 n.
indorsement on judgment or order requiring act to be done, necessity for, before, **14,** 6, 7
inferior courts, in, **14,** 128, 129; **23,** 328 n.
extension outside the jurisdiction, **6,** 294, 295
interpleader, in case of, **14,** 52; **17,** 596, 637. *See* INTERPLEADER.
Irish judgment, enforcement of, by, **6,** 292—294
irregular, *defined,* **14,** 30
application to set aside, how and when to be made, **14,** 32
examples of, **14,** 31
remedies in case of, **14,** 30
restitution in case of, **14,** 32
title of purchaser in case of, **14,** 31, 32
joint
debtors, against, **14,** 10
tortfeasors, against, **27,** 488, 489
judgment, after six years from date of, **14,** 7
after twelve years from date of, **14,** 6
conditional, leave necessary for, **14,** 6, 7
entry of, condition precedent to, **14,** 5
unregistered consent order, under, how far void, **14,** 7
judgments enforceable by, **14,** 5—7
Judicature Acts, effect of, on, **14,** 4
kinds of, **14,** 3
King's goods not liable to, **6,** 409
landlord, rights of, **11,** 174—180
agricultural produce, in case of, **11,** 179
bankruptcy following, in case of, **11,** 176
farming animals, in case of, **1,** 252, 253; **11,** 179
goods *in custodiâ legis,* where, **11,** 179
growing crops, in case of, **1,** 257, 258; **11,** 179; **14,** 46
notice to sheriff, **11,** 177
effect of, **11,** 178
removal of goods, in case of, **11,** 175—179
restrictions on, **11,** 175, 176
wrongful, in case of, **11,** 178, 179
weekly tenancies etc., in case of, **11,** 179
leave to issue, when necessary, **14,** 7—9
limitation of time for, **14,** 6
literary and scientific institutions, in case of, **14,** 14; **19,** 204
Liverpool Court of Passage, in, **14,** 128
loan societies, against property of, **19,** 221
lunatic, against, **19,** 440, 441
stay of, **19,** 466
malicious, **14,** 28—30
remedy in respect of, **19,** 695, 696
mandamus, as excluding remedy by, **10,** 102
married woman, against, husband, in favour of, by leave, **14,** 8
judgment against, when enforced by, **14,** 14, 15; **16,** 457, 458
partnership debt, for, **14,** 10 n.
property held by husband as separate property of, not liable to, **16,** 345
property subject to restraint, against, **16,** 367, 368, 370
Mayor's Court, in, **20,** 295—297
property outside the city, against, **20,** 296
provision by rules and statute for, **14,** 128
National Insurance Act, protection of insured person under, from levy of, **28,** 956, 957

EXECUTION OF JUDGMENT OR ORDER—*continued.*
negotiable instruments, seizure of, under, **2,** 510
orders enforceable by, **14,** 5
palatine courts, in, **14,** 128
partition of land by person holding under, **21,** 827
partnership, in case of, **14,** 8, 10, 11; **22,** 46, 55, 59, 79 n.
pawned goods, against, **22,** 245
personal representatives, position of, in case of, **14,** 9, 10, 15
possession, writ of, **14,** 76—79. *See* POSSESSION.
railway company, against, **14,** 13, 14; **23,** 764, 765
exemption of certain property, **14,** 13, 49; **23,** 764
receiver, appointment of, by way of, **14,** 115—126. *See* EQUITABLE EXECUTION; RECEIVER.
in possession, cannot be levied where, **24,** 380
rentcharge, liability of, to seizure under, **14,** 45, 63, 67; **24,** 468, 469
rescue of goods seized under, a misdemeanour, **9,** 513 n.
restitution after irregular, **11,** 147; **14,** 32, 78
sale of land, in case of, pending completion, **25,** 387
Salford Hundred Court, in, **14,** 129
scire facias, writ of, **14,** 13
Scottish judgment, enforcement of, by, **6,** 292—294
sequestration, by writ of, **14,** 79—89. *See* SEQUESTRATION.
service of judgment or order unnecessary before, **14,** 6; **18,** 207
sheriff, duties and position of, in relation to, **25,** 811—823. *See* SHERIFF.
ship, against, **1,** 81, 82; **14,** 48
mail ship, against person on board, **26,** 355
privileges of, **1,** 82, 83; **26,** 356
stay of, **14,** 27, 28. *See* STAY OF EXECUTION.
stocks and shares, against, how effected, **14,** 101
stop order, **14,** 110—113. *See* STOP ORDER.
Sunday, cannot issue on, **14,** 7; **25,** 813; **27,** 445
surety's goods, on, effect of, **15,** 521
taxes, prior claim for, in case of, **14,** 54
term of years, in case of, **14,** 44, 45
sale of, in, sheriff, by, **14,** 44
third party, on, goods held under fraudulent conveyance, **14,** 52
goods in which debtor has saleable interest, **14,** 51
wrongful seizure and entry, of sheriff for, liability, **25,** 826 n.
time of issue of, **14,** 5, 6; **18,** 206
Tolzey Court of Bristol, in, **14,** 129
trade union property, against, **14,** 14
trespass to goods, as defence to action for, **27,** 870
trover, as defence to action of, **27,** 913
workmen's compensation award, in case of, **20,** 228
costs, for, **20,** 242
stay of execution, **20,** 228, 234 n., 239
writ of, *alias* writ, **14,** 25
amendment of, **14,** 26, 27
contents of, **14,** 17
date and particulars of, **14,** 17
evidence of judgment, as, **13,** 544
executed, by whom, **14,** 18, 19
how, **14,** 19—21
form of, **14,** 17, 18

EXECUTION OF JUDGMENT OR ORDER—*continued.*
writ of—*continued.*
indorsement on, **14,** 16, 20
judgment creditor, liability of, for wrongful issue of, **14,** 19, 20
pluries writ, **14,** 26
priority of, **14,** 26
procedure on obtaining issue of, **14,** 16
renewal of, **14,** 24, 25
return to, **14,** 22—24
sale of land, registration as affecting parties' rights on, **25,** 387, 388
sheriff, delivery to, **14,** 16
direction to, in, **14,** 17
duties of, under, **14,** 21. *See* SHERIFF.
interference with, remedies for, in execution of, **14,** 22
successive, **14,** 25
title to goods, effect on, of, **14,** 42—44; **25,** 203
two or more, issue of, effect of, **14,** 25
wrongful, *defined*, **14,** 28
conversion arising out of, **14,** 20, 21; **27,** 891
creditor's liability for, **27,** 897 n.
examples of, **14,** 29
restitution in case of, **14,** 32
trespass arising out of, **14,** 20, 29; **27,** 849
void *ab initio*, not necessarily, **14,** 30

EXECUTION OF JUDGMENT OR ORDER (COUNTY COURT),
administrator, in action against, **14,** 332, 333
Admiralty action, in, **1,** 137
affidavit
by way of defence to, **8,** 562
with a view to issue of, **8,** 554
bailiff, appointment and duties of, **8,** 421, 422. *See* BAILIFF.
costs, for, **8,** 600
cross-judgments, after, **8,** 552, 553
district for, limitation of, **8,** 558
entry by registrar of, **8,** 418
examination of debtor in case of, **8,** 551, 552
garnishee, against, **8,** 575
garnishee order by way of. *See* ATTACHMENT OF DEBTS.
goods, against, **8,** 551—553
exempted from, **8,** 560
inventory of, **8,** 565
high bailiff, appointment and duties of, **8,** 421, 422. *See* HIGH BAILIFF.
interpleader in case of, **8,** 563. *See* INTERPLEADER IN COUNTY COURT.
land, none against, **8,** 550
landlord's rights in case of, **8,** 563, 564
leave required to issue, when, **8,** 553—555
limitation of time as to, **8,** 553
married woman, judgment in favour of, in case of, **8,** 552
neglect to levy, liability for, **8,** 425
notice to debtor, **8,** 558
out of jurisdiction, **8,** 567, 568
judgments of other courts, in case of, **8,** 567
procedure, **8,** 567, 568
return by high bailiff of foreign court, in case of, **8,** 568
partnership, against a, **8,** 556, 557
payment into court before sale in case of, effect of, **8,** 561, 562

EXECUTION OF JUDGMENT OR ORDER (COUNTY COURT)—*continued.*
possession of land, judgment for, in case of, **8,** 568, 569
power to issue, **8,** 550; **14,** 128
priority as between
High Court execution and, **8,** 559
several judgments in county court, **8,** 555
receiver appointed by way of, **8,** 433, 505, 550, 589, 590, 662; **14,** 124; **24,** 342 n., 344
receiving order, effect of notice of, **8,** 563
registrar, duties of, in regard to, **8,** 418
removal of judgment to High Court, on, **8,** 560
rent, prior claims for, in case of, **8,** 563, 564
rescue of goods seized under, penalty for, **8,** 427
sale under, **8,** 564—567
account of sale, **8,** 566, 567
appraisement, time for, **8,** 565
brokers and appraisers, appointment of, **8,** 565
disposal of proceeds, **8,** 566
inventory of goods for debtor, **8,** 565
private sale, application for, **8,** 566
public auction, by, **8,** 565
time for, **8,** 564
securities for money, on, **8,** 560
setting aside, **8,** 560—563
specific chattels, judgment for recovery of, in case of, **8,** 569, 570
stay of execution, **8,** 560—563. *See* STAY OF EXECUTION.
summary administration in bankruptcy, order for, effect of, **8,** 562, 563
taxes, prior claim for, in case of, **8,** 564
warrant of, **8,** 552, 555—560. *See* WARRANT.

EXECUTION OF POWER. *See also* POWER OF APPOINTMENT.
abatement in case of, **23,** 40—42
ademption in respect of, **23,** 42, 43
antecedent agreement, in pursuance of, invalidity of, **23,** 60
appointment, infant, to, by parent, when void, **17,** 78
part of property to persons not objects of, **28,** 625 n.
assets, property rendered, by, **14,** 222, 223; **23,** 44, 45
capacity for, **13,** 186; **23,** 14, 15
class, among, **23,** 23, 24, 71
co-existing general and special power, in case of, **28,** 625, 626
conditions as to, **23,** 26, 27
confirmation of invalid, **23,** 38
consent to, **23,** 20
contingency, arising on a, **23,** 21, 22
exercisable on a, **23,** 21
contingent person, by, **23,** 22
corrupt purpose, for, invalidity of, **23,** 59
court, by the, **13,** 70 n.
deed, by, **10,** 394—396; **23,** 18
executors and administrators, to, effect of, **23,** 39, 40
defective, **23,** 54—57
equitable relief in case of, **13,** 27; **23,** 54, 55; **16,** 388
parties who may claim, **23,** 55—57
delegation of, **23,** 15, 16
determinable on an event, **23,** 22, 23
divesting of estates by, **23,** 45
election, application of doctrine of, to, **23,** 62, 63
equitable, **13,** 70, 74 n.; **23,** 25, 52 n., 54—57

EXECUTION OF POWER—*continued.*
excessive, **23,** 50—54
appointment
in default of execution of delegated power, **23,** 51
to stranger for life with remainder to object, **23,** 51
to stranger with executory appointment over, **23,** 51
cy-prés, application of doctrine of, **23,** 52
good, when, **23,** 49, 50
lease, in case of contract to grant, **23,** 57
partial validity of appointment on, where severable, **23,** 52, 57
extent of, **23,** 38—40
all powers, reference by general words to, effect of, **23,** 33
appointment to
executors and administrators, in case of, **23,** 39, 40
person predeceasing testator, in case of, **23,** 39
trustees, in case of, **23,** 39
general powers, in case of, **23,** 38, 39
foreign to power, for purpose, invalidity of, **23,** 61
fraudulent, **15,** 79; **16,** 388 n.; **23,** 58—62
grounds upon which held, **23,** 58—61
purchaser for value under, position of, **23,** 61
severance in case of, **23,** 62
general
bequest as, **23,** 31, 32
devise as, **28,** 619, 620
testamentary, when validly executed, **23,** 27
illusory, **13,** 70
improper, **15,** 79; **23,** 58—62, 69
infant, by, on marriage, **17,** 103; **25,** 560
infant married woman, by, **16,** 387
informal, **23,** 28
instrument specified by author of power, by, **23,** 26, 27
intention to execute, abolition of distinction between property and general powers, **23,** 29
application of Wills Act to general powers operating on general descriptions, **23,** 29, 30
burden of proof, **23,** 36
construction to be adopted, **23,** 32
erroneous recital, effect of, **23,** 36
evidence necessary for, **23,** 13, 28—38
general
bequest, effect of, **23,** 29, 31
devise, effect of, **23,** 29, 31, 32
limited power, reference to, when inferred, **23,** 33, 34
power
and interest in appointor, when, **23,** 37
evidence as to existence of, **23,** 36, 37; **28,** 624
property, evidence as to state of, **23,** 36; **28,** 624
references in instrument, **23,** 33—35; **28,** 622, 623, 625
unnecessary, when, **23,** 35
special power, in case of, **23,** 33
surrounding circumstances looked at to determine, **23,** 36, 37
Wills Act, effect of, on, **23,** 20, 29—32
invalid, **13,** 119; **22,** 358, 360; **23,** 37, 38, 49—63

EXECUTION OF POWER—*continued.*
invalid—*continued.*
confirmation of, effect of, **23,** 38
subsequent execution, effect of, **23,** 37, 38
lapse in case of, **23,** 40—42 ; **28,** 626
excluded, how, **23,** 40
Lord St. Leonards' Act, effect of, on, **23,** 20
married woman, by, **16,** 386—389
compelled, cannot be, **16,** 389
contract
not to exercise, **16,** 388
to exercise testamentary power, **16,** 388
defective, equitable relief in case of, **16,** 388
effect of, **16,** 388, 390
feme sole, when power given as, **16,** 386
herself or husband, in favour of, **16,** 387
infancy, effect of, on, **16,** 387
judicial separation, effect of, on, **16,** 388 ; **23,** 67
property subject of, **16,** 386
protection order, effect of, on, **16,** 388 ; **23,** 67
release of, **16,** 388
will, by, **16,** 387
mortgage, by, **23,** 25
perpetuity rule in case of, **22,** 353—362. *See* PERPETUITY, RULE AGAINST.
revocation, of, **23,** 46—49. *See* REVOCATION.
special, **22,** 358 ; **23,** 4, 33 ; **28,** 622—626. *See* will, by, *infra.*
Statute of Frauds, compliance with, **23,** 27, 28
successive instruments, by, **23,** 24, 25, 27
time for operation of, **23,** 43, 44
validity of, presumption of, **23,** 20
requisites for, **23,** 18—20
will, by, **6,** 228, 229 ; **23,** 18—20 ; **28,** 557, 558, 618—626
bankrupt, undischarged, by, **28,** 621
construction of power as testamentary, **23,** 9
death of appointee during life of donee, effect of, **25,** 573
English form, in, of person domiciled abroad, **6,** 228 ; **14,** 158 ; **23,** 19
failure of, where donee outlives the power, **23,** 22, 23
foreign law, according to, **6,** 229 ; **14,** 158 ; **23,** 19
general power, in case of, **23,** 29—32 ; **28,** 618, 619
before creation of power, **28,** 620
effect of, **28,** 619, 620
ineffectual, **28,** 621
married woman, by, effect of, **14,** 223 ; **16,** 387 ; **28,** 621 n.
nature of, **28,** 619, 620
husband and wife jointly, where power in, **25,** 574
ineffectual, **28,** 621
legacy duty, how treated for purpose of, **13,** 238
payment of debts, containing direction for, effect of, **23,** 45
probate, limited grant of, in case of, **14,** 170
special power, in case of, **28,** 622—626
before creation of power, **28,** 624
essentials of, **23,** 33—35 ; **28,** 622
partial, effect of, **28,** 625
reference to
power, **23,** 33 ; **28,** 622, 623
property, **23,** 34 ; **28,** 623, 624
sufficient, what is not, **28,** 623
time from which it operates, **23,** 43

EXECUTIVE,
colonial government, of, **10,** 525—535
executive council in relation to, **10,** 533—535
civil service, relations to, of, **10,** 534
governor, appointment and authority of, **10,** 526—532. *See* GOVERNOR.
control of expenditure by, **24,** 536
control over, parliament, by, **6,** 391 ; **21,** 617
how effected, **21,** 617, 618
council, Crown colonies, in, **10,** 533, 534
Crown in relation to, **6,** 386—388 ; **7,** 5—108
appointment of executive officers, **6,** 387 ; **7,** 19—28
authority, vesting of, **6,** 318, 319
delegation of powers, **6,** 386 ; **7,** 5—8
documents issued by Crown, **6,** 388 ; **7,** 8—18
functions of, **6,** 317, 318
officers, appointment of, duration of, **7,** 22, 23
modes of, **7,** 19—21
mandamus to compel performance of duties by, **10,** 86
oaths to be taken by, **7,** 24—28
removal from office of, **7,** 23, 24
sovereign power, vesting of, in, **6,** 317

EXECUTOR. *See also* PERSONAL REPRESENTATIVE.
The title EXECUTORS AND ADMINISTRATORS *is contained in Vol. XIV., pp.* 136 *et seq.*
defined, **13,** 215 ; **14,** 136
absence of, when grant made *durante absentiâ*, **14,** 198
acceptance of office of, charity, act of, not sufficient to constitute, **14,** 142
compulsion in regard to, **14,** 142
effect of, **14,** 143
in toto, must be, **14,** 143
what will amount to, **14,** 142
according to the tenor, meaning of, **14,** 137, 138
account, banker, with, **1,** 605 ; **14,** 243
duty to, **14,** 320—326, 338. *See* ACCOUNTS.
acknowledgment of debt by, effect of, **19,** 61, 62, 74, 75, 104
action by, **8,** 594. *See* PERSONAL REPRESENTATIVE.
acts done by, before probate, validity of, **14,** 144, 145
administrator of, rights of, **14,** 141
agent of, liability for acts of, **14,** 149, 317, 325
alien may be appointed, **14,** 139
alienation by, powers as to, **14,** 296—300 ; **18,** 347, 599
anatomical examination of body of testator, duty as to, **14,** 240 ; **20,** 342
annuity to, applied in payment of his debt to estate, **24,** 502
virtute officii, effect of, **24,** 488, 489
appeal by, costs, as to, **14,** 348
appointment of, conditional, **14,** 139
different, for different properties, **14,** 138
how made, **14,** 136, 137
implication, by, **14,** 137, 138
nomination, by, **14,** 136, 137
particular or limited purpose, for, **14,** 138, 139
separate, for real or trust estates, **14,** 138, 139
substituted, **14,** 139
appropriation by, **14,** 302—304
contingent legacies, in case of, **14,** 303
effect of, **14,** 303
extent of power of, **14,** 303

EXECUTOR—*continued.*
appropriation by—*continued.*
settled legacies, in case of, **14,** 303
statutory power of, **14,** 304
vested legacies, in case of, **14,** 302, 303
arbitration at instance of, **1,** 443
architect, of, recovery of fees by, **3,** 305, 306
assent of, before probate, effect of, **14,** 267; **28,** 583
bequest of legacy, to, **14,** 265; **28,** 583
compulsion to secure, **14,** 268
condition attached to, **14,** 265, 266
death of executor, effect of, on, **14,** 267
effect of, **14,** 266
gift to himself, to, **14,** 267
implication, by, **14,** 266
life interest, to, **14,** 267
question of fact, as, **14,** 267
registered land, in case of, **14,** 266 n., 267
release of debt by will, to, **14,** 265
residuary bequest and real estate, to, **14,** 265
stamping of, **14,** 268
sufficiency of, where gift to one of several representatives, **14,** 267
assets, in relation to. *See* ASSETS; DISTRIBUTION OF ASSETS; PERSONAL REPRESENTATIVE.
assignment of office of, **14,** 141
assistants or coadjutors to, appointment of, effect of, **28,** 505 n.
attachment of, for disobeying citation to accept probate, **14,** 143 n.
author, of, contract to write book, not liable on, **8,** 157 n.
bankrupt, of, account by, **2,** 96
preferential claim by, **2,** 98, 221
bankruptcy, account on administration in, by, **2,** 96
administration, service of petition for, by, **2,** 94
dealing with estate before intervention by trustee, **2,** 96, 98; **14,** 210
effect of, on appointment of, **2,** 89; **14,** 140
executor, of, **2,** 168, 210; **14,** 140
grant of probate in case of, **14,** 140
petition in, by, **2,** 36
preferential claim in, by, **2,** 98, 221
proof in, bankrupt executor, by, **2,** 210
one of several executors, by, **2,** 210
retainer in case of, **2,** 97, 215; **13,** 164; **14,** 257, 345
service of bankruptcy notice by executor, **2,** 25
building employer, of, rights under contract, **3,** 273
building society, as member of, **3,** 350, 362, 363, 388
burial, duty as to, **3,** 404—407; **14,** 240
carrying on testator's business by, **14,** 293—296; 23, 17 n.; **28,** 864
borrowing powers in case of, **14,** 294
chemist, business of, by, **20,** 355 n.
funds employable in, **14,** 294
indemnity in case of, **2,** 98; **13,** 150; **14,** 295, 296
liability in case of, **13,** 150; **14,** 294, 295
power as to, **14,** 293—296
subrogation in case of, **13,** 149
charging order against, when made, **14,** 104
charitable legacy, admission of assets for payment of, effect of, **4,** 349
informing beneficiaries of, duty as to, **4,** 270
EXECUTOR—*continued.*
choice of, no restriction upon, **14,** 139, 140
choses in action, rights with regard to, **14,** 224—230. *See* CHOSE IN ACTION.
claim by or against, joinder of causes of action in, **8,** 458; **14,** 330
co-executors. *See* CO-EXECUTOR.
acts of, liability for, of, **14,** 319, 320
claims of, when may be compromised by one, **14,** 300, 301
proof in bankruptcy by one executor for others, **2,** 210
co-respondent, of, not liable for damages, **14,** 313
compulsion to accept office of, **14,** 142
conditional and substituted, appointment of, **14,** 139
confirmation of, in Scotland, **14,** 172, 173
contract by, Statute of Frauds in relation to, **7,** 361; **14,** 315
contributory to company, as, **5,** 491, 492
copyholds, admittance to, of, **8,** 102
corporation aggregate may be appointed, **14,** 139, 140
creditor, appointment of, as, effect of, **7,** 456, 457
bankruptcy notice, service by executor of, **2,** 25
petition by, for winding up company, **5,** 399
cremation of deceased, application for, by, **3,** 572, 573
de son tort, **14,** 147—151. *See* EXECUTOR DE SON TORT.
death of, intestate, after proof of will, effect on testator's estate, **14,** 136
where estate not fully administered, appointment of administrator *de bonis non,* **14,** 196
debtor, appointment of, as, effect of, **7,** 456; **14,** 269
debts, payment of, by, **14,** 244—261
powers in regard to, **14,** 236; **21,** 106
retainer in case of, **14,** 256—261. *See* RETAINER.
unsecured, to be got in, **14,** 242
deceased legatee, legacy to, effect of, **28,** 609
defamation of testator, right to bring action for, **18,** 613
disability of, effect on grant of probate, **14,** 139, 140; **19,** 58
disposal of body of testator by, **3,** 405; **14,** 240 **20,** 342
dissection of body, permission for, by, **14,** 240; **20,** 341, 342
duties of, **14,** 240—256
estate duty, account of property liable to, to be furnished by, **13,** 215
payment of, by, **13,** 214, 215
lapse of time in regard to, **13,** 218
request of other persons, at, **13,** 216
personal liability for, limit of, **13,** 218
property on which duty payable, **13,** 215, 219, 220
refunding of, by trustees or owners of property to, **13,** 221
wilful non-compliance with Finance Act, 1894, in case of, **13,** 225
fixtures, right as to, of, **14,** 221
funeral, duties in regard to, of, **14,** 240, 241
expenses, allowance for, **3,** 406, 543; **14,** 240, 241
general and special, devolution of trust and mortgage estates in case of, **14,** 235
difference between, **14,** 138

EXECUTOR—*continued.*
getting in and investing property, as to, **14,** 242, 243
gift to, evidence admitted as to, **14,** 270; **28,** 650
executor of another person, effect of, **28,** 776
identity of
person appointed, evidence as to, **14,** 137
when appointment void for uncertainty, **14,** 137
ill-health of, grant to nominee in case of, **14,** 190
infant, administration *durante minore ætate*, grant of, **14,** 197
appointment of, as, effect of, **14,** 139, 197; **17,** 50, 51
legacy to, duty of executor as to, **14,** 271—273; **17,** 76; **28,** 541
property of, held by executor as trustee, **14,** 273
injunction against, **17,** 252, 253
acts of testator, in regard to, **17,** 253
co-executor, at suit of, **17,** 253
contingent future liability, in case of, **17,** 253
poverty of executor no ground for, **17,** 252
probate, before, **17,** 253
undue influence, on ground of, **17,** 252
interpleader by, **17,** 596
inventory, duty as to making, **14,** 241
joint, powers of, **14,** 235
judgment against, **13,** 35; **14,** 248, 326, 338; **15,** 35
administration of personal estate, for, **14,** 338. *See* ADMINISTRATION ACTION.
King may be appointed, **6,** 495; **14,** 139
legacy, duties in regard to, **14,** 262—280, 303. *See* LEGACY.
legacy duty, certificate of discharge in respect of, **13,** 256. *See* LEGACY DUTY.
liability of, co-executor's acts, for, **14,** 319
tests as to, **14,** 320
sued before probate, effect of, **14,** 145, 146
lien against, **14,** 271
limitation of action against, acknowledgment of debt, effect of, **19,** 61, 62, 104
part payment, by, **19,** 74, 75
devastavit, for, **14,** 317; **19,** 40
disability, when executor under, **19,** 58
legacy, for, **19,** 89—91. *See* LEGACY.
trustee, when executor considered a, for purposes of, **19,** 167
Trustee Act, 1888, application of, **14,** 318; **19,** 161 n., 162
limitation of actions by, **14,** 228, 230; **19,** 53, 54, 55, 122
loans by, **14,** 243
lunatic, appointment of, as, effect of, **14,** 139
lunatic, of, **19,** 457
mortgage by, building society, to, **3,** 363
personalty of testator, of, **21,** 105, 106
priority in case of equitable, **14,** 297
second mortgage, in regard to, **14,** 243
next of kin, rights of executor in absence of, **14,** 285
nomination of, by person other than testator, **14,** 137
oath by, **14,** 166
officer of company, of, not liable to misfeasance proceedings, **5,** 479
partner, priority of debts of, in bankruptcy, **2,** 221
partnership firm, appointment of, as, **14,** 140
pauper, of, rights and liabilities of, **3,** 543
payment into county court by, **8,** 496—498

EXECUTOR—*continued.*
personal estate, effect of gift of residuary, to, **14,** 284, 285
next of kin, effect of want of, upon, **14,** 285
possession of testator's goods by, nature of, **22,** 393
probate, acting before, right to sue, **14,** 254
grant of. *See* PROBATE.
sued before, grant of, effect of, **14,** 145, 146
promissory note, issue of, by, **2,** 481
Public Trustee may be appointed, **14,** 140
refusal of office of, **14,** 143, 144
remuneration of, **14,** 320, 321
renunciation of office by, acceptance, cannot be made after, **14,** 142, 143
effect of, **14,** 143
filing of instrument of, **14,** 143 n.
how made, **14,** 143
non-appearance, by, **14,** 144
withdrawal of, **14,** 144
replevin, action in, by, **11,** 201
residue, distribution of, by, **14,** 280, 281. *See* RESIDUARY ESTATE.
retainer, right of, **14,** 256—261. *See* RETAINER.
retention by, charitable funds, of, **4,** 270
revocation of grant of probate, application for, by executor, **14,** 215
effect of, on payments by or to executor, **14,** 215, 216
insanity or ill-health of executor, through, **14,** 214
separate, appointment of, when bad, **14,** 138, 139
solicitor as, computation of interest where assets employed in own business, **14,** 324
may act professionally for beneficiary, **14,** 322
professional charges, authority to make, effect of, **14,** 322
profit costs of town agent of, payment of, **14,** 322
special and general, difference between, **14,** 138
stock, power of Bank of England to prevent sale or transfer of, **17,** 265
title of, derivation from the will of, **11,** 5, 6; **14,** 144
trade creditors, rights of, in respect of debts incurred by, **14,** 295, 296
trustee, how executor constitutes himself, **19,** 86, 167; **28,** 60, 61, 83
trusts, acceptance of, by acceptance of office of, **14,** 143
who may be appointed, **14,** 139, 140
will, attestation of, by, effect of, **28,** 555
misdescription in, of, effect of, **14,** 168

EXECUTOR DE SON TORT,
defined, **14,** 147
account by, on administration in bankruptcy, **2,** 96; **14,** 150
administration, letters of, cannot be compelled to take out, **14,** 151
fraudulently procuring, by, **14,** 148
agent of rightful executor as, **14,** 149
assignee of lease, liability as, of, **18,** 598 n.
auctioneer may be, **1,** 521
authorised acts of another, responsibility for, **14,** 150
charity or necessity, acts of, do not constitute, **14,** 148
company may become, **5,** 196
creditor's action against, defences in case of, **14,** 150

EXECUTOR DE SON TORT—*continued.*
deceased's property, effect on, of acts of, **14,** 149
debts of original testator, liability for, **14,** 150
estate duty payable by, **14,** 150
execution against chattels real entered upon by, **14,** 151
executor, agent of, not liable as, **14,** 149
foreign assets, taking possession of, will not constitute a person, **14,** 149
fraudulent alienation, grantee under, as, **15,** 90
infant not liable as, **17,** 50
intermeddling, what is sufficient, to constitute person, **14,** 147—149
judgment against, execution on, **14,** 151
lawful acts of, bind estate, **14,** 149
legacy duty payable by, **14,** 150
liability of, extent of, **14,** 149—151
limitation of action in respect of, **14,** 151
personal representative of, liability of, **14,** 151
plene administravit, plea of, by, **14,** 150
receipt of property from, effect of, **14,** 148, 149
retainer, right of, not applicable to, **14,** 151, 256
statutory penalties on, **14,** 150 n., ; **28,** 513 n.
succession duty payable by, **14,** 150

EXECUTORY. *See* EXECUTORY CONTRACT; EXECUTORY DEVISE; EXECUTORY INTEREST; EXECUTORY LIMITATION; EXECUTORY TRUST.

EXECUTORY CONTRACT,
defined, **7,** 332 n.; **27,** 3, 4
corporation, by, **8,** 385
deed, agreement to execute, as, **27,** 4 n.
equitable doctrine in regard to, **13,** 74
mistake in, equitable remedy on, **13,** 22
rescission of, **20,** 740, 741
specific performance of, **27,** 3, 4

EXECUTORY DEVISE. *See* EXECUTORY INTEREST.
class, to, construction of, **28,** 722, 723
common law estate created by, **24,** 232
condition distinguished from, **22,** 314 n.
contingent remainder
distinguished from, **24,** 232, 233; **28,** 663, 807
valid as, **22,** 332; **24,** 225, 226
creation of, **22,** 413; **24,** 231; **28,** 526
defeasance, statutory, of, **24,** 237
dower, as affecting, **24,** 192
estate *pur autre vie* as subject of, **24,** 235
estate tail as affected by, **24,** 235
fee simple subject to, **24,** 167, 168; **28,** 9, 10
perpetuities, subject to rule against, **22,** 312, 313, 334 n.; **28,** 25
remainder, operation as, **24,** 236; **28,** 807
settlement not constituted by, **25,** 675 n.
shifting, **24,** 232, 234, 235
springing, **24,** 232, 233, 234
term of years, of, **24,** 268
trusts analogous to, **22,** 334 n.; **28,** 25

EXECUTORY INTEREST. *See* EXECUTORY DEVISE; EXECUTORY LIMITATION.
alienation of, **8,** 107; **10,** 369; **24,** 289; **28,** 520
opyhold, in, devolution of, **8,** 87, 88
transfer of, by deed, **8,** 107
creation of, **13,** 96; **24,** 217, 231—237; **28,** 526
deed, cannot be created at common law by, **24,** 217
transfer by, of, **8,** 107; **10,** 369; **24,** 289

EXECUTORY INTEREST—*continued.*
defeasance, statutory, of, **24,** 237
incorporeal hereditament, as, **24,** 160
uses, by way of, **24,** 231, 232, 278
will, may be disposed of by, **28,** 520

EXECUTORY LIMITATION. *See* EXECUTORY DEVISE; EXECUTORY INTEREST.
appointment, under, failure of, **23,** 50, 51
charitable gift, in, **4,** 170—172, 175
contingent remainder distinguished from, **24,** 232, 233
creation of, **24,** 231, 232
defeasance, statutory, of, **24,** 237
nature of, **24,** 232
operation of, time for, **24,** 235, 236
perpetuities, subject to rule against, **22,** 316
shifting devise as affecting, **24,** 235
time for operation of, **24,** 235, 236

EXECUTORY TRUST,
defined, **28,** 7, 8
articles of settlement, in, **25,** 538; **28,** 23
modification of trust in, **28,** 23
construction of, **13,** 95 n.; **22,** 317, 318; **25,** 538 n., 705 n.; **28,** 22—24
copyhold, in, devolution of, **8,** 88; **11,** 14
cy-près doctrine as applied to, **28,** 23
marriage articles, in, **25,** 538
class, in favour of, **25,** 540
modification of inapt provisions in, **28,** 23
object not *in esse*, for, **28,** 23
perpetuities, subject to rule against, **22,** 317; **28,** 9, 10
Shelley's Case, rule in, as applied to, **24,** 227 n.

EXECUTRIX. *See* EXECUTOR; PERSONAL REPRESENTATIVE.

EXEMPLARY DAMAGES,
defined, **10,** 306
awarded, when, **10,** 306—308
breach of promise of marriage, for, **10,** 306; **16,** 277
false imprisonment, for, **10,** 307; **27,** 885
libel, for, **10,** 307; **18,** 722—724
negligence, for, **10,** 307; **21,** 483
nuisance, for, **21,** 483, 559
seduction, for, **10,** 307; **20,** 273, 274
slander, for, **10,** 307; **18,** 722—724
trespass, for, **10,** 307; **27,** 858

EXEMPLIFICATION,
defined, **13,** 523
evidence, as, **13,** 523
Great Seal, under, **13,** 523, 549
stamp duty on, **24,** 728

EXEQUATUR,
recognition of consular officer by, **6,** 435

EXETER,
cathedral of, reredos in, legality of, **11,** 669 n.
freeholders and burgage tenants in, franchise of **12,** 179, 180
local court of, **9,** 160

EXHIBIT,
affidavit, to, *defined*, **13,** 619
inspection of, **11,** 68

EXHIBITION,
buildings, rateable occupation of, **24,** 6, 7, 13 n.
cinematograph, **27,** 419—421. *See* CINEMATOGRAPH EXHIBITION.
compensation charge on licence at, **18,** 72
indecent, misdemeanour, as, **9,** 537
public nuisance, as, **21,** 541
invention, of, as affecting patent, **22,** 144; 145
Medals Act, 1863, offences under, **27,** 776 n.
trade marks, of, as affecting registration, **27,** 737, 738

EXHUMATION, 3, 553—555. *See* DISINTERMENT.

EXILE,
domicil of, **6,** 188

EXITS,
from place of public resort, provisions as to, **27,** 421

EXONERATION. *See* INDEMNITY.
equity of, married woman, in case of, **16,** 405—407
bankruptcy law, unaffected by, **2,** 159; **16,** 407
presumption as to, **16,** 405, 406
rebuttal of presumption as to, **16,** 406
waiver of, **16,** 407
incumbered land of deceased person in regard to, **14,** 288—290. *See* LOCKE KING'S ACTS.
mortgage, against. *See* MORTGAGE.
surety, in case of, **15,** 516—526; **21,** 304, 305, 307

EXORCISM,
offence of, **11,** 657

EXPATRIATION,
naturalization abroad, by, **1,** 317

EXPECTANCY,
assignment of, **4,** 376; **13,** 9, 10; **15,** 409
bankruptcy as affecting, **2,** 144; **21,** 93
equitable assignment of, **4,** 376; **13,** 9, 10
estate duty on. *See* ESTATE DUTY.
gift, not transferable by, **15,** 409
insurable interest arising from, **17,** 368
specific performance of contract to convey, **27,** 70, 71
spes successionis, **24,** 238. *See* SPES SUCCESSIONIS.

EXPECTANT HEIR,
defined, **15,** 112
advantage, undue, taken of, **13,** 15; **15,** 111—113
bargain with, **13,** 20—22; **15,** 111—113; **21,** 53
family arrangement, as party to, **14,** 545
loan of money to, **15,** 113; **21,** 53, 57
settlements by, **25,** 531
specific performance in relation to, **27,** 42 n.

EXPECTATION,
statement expressing, representation, as a, **20,** 664

EXPEDITATION OF DOGS.
forest laws, under, **9,** 112

EXPENDITURE. *See also* MONEY PAID TO ANOTHER'S USE; PAYMENT.
another's property, on, creditors have no right to charge for, **15,** 81

EXPENDITURE—*continued.*
another's property—*continued.*
lien for, **19,** 19—21
owner's position, **13,** 71, 166, 167, 397
recovery of, in equity, **13,** 71, 166, 397; **19,** 19—21
candidate, of, election, municipal, at, **12,** 345—347, 350, 353, 355
parliamentary, at, **12,** 335—338
excessive, election candidate, of, **12,** 295
general average sacrifice, when recoverable as, **17,** 447, 450; **26,** 319, 320. *See also* GENERAL AVERAGE.
lighting streets, on, limited by statute, **16,** 123, 124
local authority, of, charged as private improvement expenses, **23,** 379
Diseases of Animals Act, under, **1,** 430
London County Council, by, when confirmation, required for, **20,** 420
mortgagee, by. *See* MORTGAGEE.
part performance of contract of sale, when, **27,** 34
public revenue, of, **21,** 768—771; **24,** 536—539, 744—765. *See* REVENUE.
receiver, by, **24,** 395, 396, 406, 407
inquiry as to unauthorised, **24,** 395, 407
leave of court, when required, **24,** 395

EXPERIMENT,
chemical, for manufacture of explosives, **14,** 365
county court action, in, interim order for, **8,** 504
evidence, as, **13,** 508
injunction, on application for, **17,** 281
order for, injunction, on application for, **17,** 281
patent, as affecting, **22,** 144, 146, 160
railway accidents, Board of Trade experiments for rules for prevention of, **23,** 751

EXPERT,
evidence of, **13,** 480—482, 608. *See* EXPERT WITNESS.
injunction, experiment by expert on application for, **17,** 281
inspection of documents by, **11,** 67 n., 90
misrepresentation of report of, **20,** 700 n.
opinion of, evidence, as, **13,** 480—482
patent infringement action, in, **22,** 221
trustee may take advice of, **28,** 121, 141
witness. *See* EXPERT WITNESS.

EXPERT WITNESS,
competency of, **13,** 481
deed, in construction of, **10,** 449
exclusion from court in case of, **13,** 594
expenses, county court, at, **8,** 596
liability of solicitor for, **13,** 584 n.
scale of, **26,** 802 n.
handwriting, as to, **13,** 608
opinions of, **13,** 480—482
rejected, where, **1,** 116; **13,** 437 n., 481
testing, **13,** 481
patent infringement action, in, **13,** 437 n.; **22,** 222
qualifying as, **8,** 596; **26,** 802 n.
refreshing memory, **13,** 482
science, art, trade, handwriting, foreign law, to questions of, **13,** 480
small holdings, in case of compulsory purchase of land for, **26,** 681
trade mark action, in, **27,** 711 n.
will, in construction of, **28,** 634, 657

EXPLOSION,
boiler, factory, in, **14,** 474, 475
ship, on, **26,** 590
coal mine, in, damages for injury by, **20,** 612 n.
inquiry as to, **20,** 610, 611
notification of, **20,** 607, 608
place not to be disturbed after, **20,** 608
electrical undertaking, in case of, **12,** 565, 615
explosives factory etc., in, causing, **14,** 394
notification of, **14,** 398
reconstruction after, **14,** 398, 399
factory or workshop, in, **14,** 472—475
inquest on death by, **8,** 244, 259 ; **14,** 474
inquiry as to, **14,** 473, 474
notification of, **14,** 472, 473
fire insurance policy, as affecting, **17,** 530, 532
gas, of, gas company's liability for, **15,** 359
inquest on death by, **8,** 245, 246 ; **14,** 399
inquiry as to, assessors in case of, **14,** 400
county court judge, by, **8,** 622 ; **14,** 400
government inspector, by, **14,** 400
metropolitan police magistrate by, **14,** 400
stipendiary magistrate, by, **14,** 400
malicious damage to
person by causing, **9,** 594, 604, 605
property by causing, **9,** 775—777
notification of, **12,** 615 ; **14,** 398, 474 ; **20,** 607, 608

EXPLOSIVES.
The title EXPLOSIVES *is contained in Vol. XIV., pp.* 355 *et seq.*
defined, **14,** 357, 358
accessory to crime in respect of, **9,** 776
accident in case of, **14,** 398—400. *See* ACCIDENT.
acetylene conditionally included in, **14,** 358
administration in respect of, **14,** 388—393
ammunition, *defined,* **14,** 362
arbitration in relation to, **14,** 397, 398
authorised explosive, *defined,* **14,** 358
blasting, for, licence not required for, **14,** 364
boat, *defined,* Explosives Act, 1875, in, **14,** 359, 360
bye-laws as to, **4,** 27 ; **14,** 384—387
Board of Trade, of, **14,** 385, 387, 389, 390 ; **27,** 513
breach of, penalty for, **14,** 387
canal company, by, **4,** 27 ; **14,** 385—387 ; **23,** 787, 788
harbour authority, by, **14,** 384, 385, 387 ; **26,** 643, 644
publication of, **14,** 387
railway company, by, **4,** 27 ; **14,** 385—387 ; **23,** 730
carrier's liability in respect of, **4,** 27, 85 ; **14,** 396
celluloid not included in, **14,** 357 n.
chief officer of police, *defined,* **14,** 360
child, sale to, of, **14,** 381
classification of, **14,** 361, 362
coal mines, use in, of, **20,** 615, 616, 621
collodion cotton included in, **14,** 357 n.
continuing certificate, factory or magazine, for, **14,** 370, 371
store, for, **14,** 372 n., 374
conveyance of, regulations in regard to, **14,** 383—387
definitions relating to, **14,** 357—362
emergency as excuse from observing regulations as to, **14,** 363
emigrant ship may not carry, **26,** 345, 346
exemptions from restrictions as to, **14,** 363, 364

EXPLOSIVES—*continued.*
factory for, **14,** 365—372
continuing certificate for, **14,** 370, 371
licence for. *See* licence, *infra.*
occupier of. *See* occupier, *infra.*
regulations as to, **14,** 368, 369
factory magazine, *defined,* **14,** 359
fish must not be caught or destroyed by, **14,** 394, 395, 612, 618
floating magazines on Mersey exempt from regulations as to, **14,** 363
fog signals exempt from regulations as to, **14,** 364, 374 n. ; **23,** 693
forfeiture of, penalty in addition to, for breach of regulations, **14,** 396
government administration in respect of, **14,** 388—390
harbour, in, regulations in regard to, **14,** 384—387, 389 ; **26,** 643, 644
hawking, penalty for, **14,** 380, 381
importation of, **6,** 448 ; **14,** 382, 383
in the building, *defined,* Explosives Act, 1875, in, **14,** 359
inevitable accident as excuse from observing regulations as to, **14,** 363
injury by, persons, to, **9,** 604, 605
property, to, **9,** 775—777
inquest on death caused by, **8,** 245, 246 ; **14,** 399
inspector of, **14,** 388—393. *See* INSPECTOR.
keeping of, **14,** 364—380. *See* MAGAZINE (Explosives) ; STORE ; STORAGE.
nuisance, as, **21,** 536 n.
unauthorised place, in, **14,** 365
lawfully existing factory or magazine, *defined,* Explosives Act, 1875, in, **14,** 370 n.
legal proceedings relating to, **14,** 395—397
licence, factory or magazine, for, **14,** 365—367
alteration of, **14,** 369, 370
appeal from decision as to, **14,** 367
breach of, penalty for, **14,** 368 n.
change of occupancy as affecting, **14,** 370
confirmation of, **14,** 367
determination of, **14,** 370
draft licence before, **14,** 365—367
hearing of application, **14,** 367
procedure on application, **14,** 366, 367
terms of, to be observed, **14,** 368
fees for, **14,** 368, 390
firework factory, for, **14,** 375, 376
charge for, **14,** 391
forgery of, **9,** 761
importation, for, **14,** 382
magazine of local authority, for, **14,** 371
store, for, **14,** 372
workshop, for, **14,** 376, 377
life-saving purposes, for, **14,** 363
local authority, *defined,* Explosives Act, 1875, in, **14,** 360
duty of, respecting, **14,** 390, 391
inspectors appointed by, **14,** 390—393
licence by. *See* licence, *supra.*
magazine of, licence for, **14,** 371, 372
registration of premises with, **14,** 374, 375
where chargeable by, **14,** 391
London County Council's powers in respect of, **20,** 396
magazine for. *See* MAGAZINE (Explosives).
malicious damage to
persons by, **9,** 604, 605 ; **14,** 394, 395
property by, **9,** 775—777 ; **14,** 395

EXPLOSIVES—*continued.*
manufacture, *defined*, Explosives Act, 1875, in, **14,** 358
manufacture of, **14,** 364—380
chemical experiment, for purpose of, **14,** 365
felony, with intent to commit, **9,** 775, 792
licence for, **14,** 365—367
treason felony, as evidence of, **6,** 355, 356
unauthorised place, at, **14,** 364, 365
metalliferous mines, use in, of, **20,** 629
naval or military purposes, for, **25,** 98
negligence in relation to, **21,** 365, 407—409
notices as to, **14,** 397
nuisance, as, **16,** 153; **21,** 536 n.
occupier, *defined*, Explosives Act, 1875, in, **14,** 359 n.
offences relating to, **9,** 277, 604, 605, 775—777; **14,** 393—395
packing of, for conveyance, **14,** 383
percussion caps exempt from regulations as to, **14,** 364
police
certificate for keeping, **14,** 374, 375, 379, 380
district, *defined*, Explosives Act, 1875, in, **14,** 360
search by, for, **14,** 391—393; **22,** 472, 498 n.
premises licensed for, trespass on, penalty for, **14,** 393
private use, for, **14,** 378, 379
prohibition order in relation to, **14,** 395
railway company in relation to, **4,** 27, 85; **14,** 385—387; **23,** 730
registration of premises for, **14,** 374, 375
registered premises, rules for, **14,** 365
safety cartridge, *defined*, **14,** 358
sale of, **14,** 380, 381
sample of, taking of, by inspector, **14,** 389, 390, 393
search for, **9,** 777; **14,** 391—393; **22,** 472, 498 n.
Secretary of State's power, bye-laws, as to, **4,** 27; **14,** 386, 387
continuing certificate, in respect of, **14,** 371
inspectors, to appoint, **14,** 388
licence, in respect of, **14,** 367, 371
regulations, in respect of, **14,** 368, 369
seizure of, provisions relating to, **14,** 392 n.
ship, *defined*, Explosives Act, 1875, in, **14,** 359
exemption of, from regulations as to, **14,** 363
signalling purposes, for, **14,** 363
small firework factory, *defined*, **14,** 375
licence for, **14,** 375, 376
special rules for, store, in, **14,** 373, 374
store for, **14,** 372—374. *See* STORE; STORAGE.
occupier of. *See* occupier, *supra.*
stress of weather as excuse from observing regulations as to, **14,** 363
substance, *defined*, **9,** 775 n.
summary jurisdiction as to, penalties in, **14,** 395, 397
this Act, *defined*, Explosives Act, 1875, in, **14,** 360
use of, improper, liability for, **14,** 394
workshop for, regulations in regard to, **14,** 376, 377

EXPORTATION,
ammunition, of, power of Crown to prohibit, **6,** 448
arms, of, prohibtion of, **6,** 448
beer, of, **24,** 595, 615, 697
chicory, of, **24,** 595, 596
coffee, of, **24,** 597

EXPORTATION—*continued.*
composite sugar goods, of, **24,** 606
counterfeit coin, of, **9,** 516
customs duty, in case of, **24,** 587—609
discharge from payment of duty by, **24,** 590
drawback on, **24,** 697—699. *See* DRAWBACK.
plated goods, of, **24,** 593
prohibition of, **6,** 460, 461
saccharine, of, **24,** 599
salmon, of, **14,** 618; **24,** 593
spirit, of, **24,** 601, 602, 625
allowances on, **24,** 699, 700
sugar, of, **24,** 604
tobacco, of, **24,** 608
wine, of, **24,** 609

EXPOSURE,
corpse, of, highway, on or near, **9,** 553; **16,** 157
indecent, **9,** 537; **22,** 611
person, of the, vagrancy, as, **22,** 611
sale, for, food, of, *defined*, **15,** 36 n., 57 n.
playing cards, of, **24,** 598
unwholesome food, of, **15,** 36; **21,** 536
wounds, of, vagrancy, as, **22,** 611

EXPRESS
agency, creation of, **1,** 153, 154
authority, principal bound by acts of agent within, **1,** 201
condition, sale of goods, in contract for, **25,** 116 n., 117 n.
covenant in lease, what suffices to constitute, **18,** 387 n.
distress, power of, **11,** 117 n., 118
grant, easement, of, **11,** 245—251. *See* EASEMENT.
tenancy in common, creation of, by, **24,** 207
indemnity, contract, created by, **15,** 445 n.
invalid, when, **15,** 446
statute, created by, **15,** 445 n.
malice. *See* EXPRESS MALICE.
post, delivery by, **22,** 643
release of easement, **11,** 276, 277
representation, how may be made, **20,** 672
trust. *See* EXPRESS TRUST; TRUST.

EXPRESS MALICE,
defined, **18,** 712, 722
damages, effect of, on, **18,** 717, 721—724, 726
defamation, effect in action for, **18,** 711—717, 721—724
evidence of, what is, **18,** 712 *et seq.*, 721 *et seq.*
evidence to rebut, may be given in mitigation of damages, **18,** 726
fair comment, defence of, rebuttable by evidence of, **18,** 717
implied malice distinguished from, **18,** 712
interrogatories in regard to, **18,** 712, 713 n.
judge, when question for, **18,** 715, 716
jury, when question for, **18,** 715
justification, failure to prove, as evidence of, **18,** 723
newspaper, effect on criminal libel in, **18,** 744, 745
presence of third person as evidence of, **18,** 692
proof of, **18,** 712 *et seq.*, 721, 722
interrogatories, by, **18,** 712, 713 n.
qualified privilege avoided by, **18,** 711—717
slander of title, must be proved in action for, **18,** 719

EXPRESS TRUST,
defined, **19,** 141, 164; **28,** 7
creation of, **28,** 9 *et seq.* *See* TRUST.
enforcement of, **28,** 44—46
distinguished from specific performance, **27,** 4
time prevented from running by, **19,** 161, 164
annuity charged on land, in case of, **19,** 141; **24,** 525, 526
arrears of, not in case of, **19,** 141; **24,** 526
annuity not charged on land, in case of, **19,** 85, 86, 103; **24,** 526
fraud, in case of, **19,** 161, 163
legacy charged on land, not in case of, **19,** 85, 86; **24,** 525, 526
legacy not charged on land, in case of, **19,** 85, 86, 167
money charged on land, not in case of, **19,** 83; **24,** 525, 526
person taking property with notice of trust, in case of, **19,** 166
property retained by trustee, in case where, **19,** 161, 163
real property, in case of, **19,** 139—142

EXPRESSIO EORUM QUÆ TACITE INSUNT NIHIL OPERATUR,
deed or instrument, in case of, **10,** 443

EXPRESSIO UNIUS EST EXCLUSIO ALTERIUS,
deed or instrument, in case of, **10,** 442
marine insurance policy, in case of, **17,** 399, 400
municipal election, in case of, **12,** 360 n.
parliamentary election, in case of, **12,** 274 n., 295 n.
statutes, in case of, **27,** 152, 181

EXPRESSUM FACIT CESSARE TACITUM,
deed or instrument, in case of, **10,** 442
inconsistent agreement not to be implied from conduct, **7,** 334
indemnity, in case of, **15,** 447
marriage articles, in case of, **25,** 542
sale of goods, in case of, **25,** 163

EXPULSION,
alien, of, **1,** 323—325; **7,** 85, 86; **9,** 418
conviction, after, **1,** 323, 324; **9,** 418
custody of, pending, **1,** 325
enemy, of, **1,** 312
expenses of, **1,** 324, 325
Home Secretary's power as to, **1,** 323—325; **7,** 84, 85, 86
imprisonment of, pending, **1,** 325
undesirable, **1,** 324; **9,** 418
British court in foreign country, by, order for, **6,** 451
building society, from, **3,** 349, 350
reinstatement in case of, **3,** 386
club, from, **4,** 415—418. *See* CLUB.
corporation, from, **8,** 324, 325
friendly society, from, **15,** 157
House of Commons, from, **21,** 787
member's club, from, **4,** 415—418
order, **1,** 305, 323—325. *See* alien, *supra.*
partner, of, **22,** 88
school, of child from, **12,** 122—124
trade union, from, **27,** 627, 629 n
injunction, restrained by, **17,** 231; **27,** 619, 620
trespasser, of, **27,** 856, 857, 875, 876

EXTENSION OF JUDGMENT,
civil bill court, of, **6,** 294
county court, of, **6,** 294
English judgment, of, **6,** 291—294
inferior court, of, **6,** 294, 295
Irish judgment, of, **6,** 292—295
Scottish judgment, of, **6,** 291—295, 306 307
Sheriff Court, Scotland, of, **6,** 294

EXTENSION OF TIME,
appeal for, Admiralty matter, in, **1,** 112
bankruptcy matter, in, **2,** 305
company winding-up matter, in, **5,** 548, 549
county court action, in, **8,** 606
criminal appeal, in, **9,** 438, 443
dismissal of action, in case of, **11,** 57 n
order, for, from, **23,** 133, 194
Summary Jurisdiction (Married Women) Act, 1895, under, **16,** 603
bankruptcy, in case of, **2,** 320
bill of sale, for registration of, **3,** 53, 74
building contract, for completion of, **3,** 199, 243, 244, 257, 280
forfeiture, as affecting right of, **3,** 257
liquidated damages, as affecting claim for, **3,** 243, 244
sureties of contractor, as affecting, **3,** 280
waiver by, **3,** 199
company, in case of, filing documents, for, **5,** 180
registration of mortgage, for, **5,** 371, 372
winding up. *See* winding up, *infra.*
compulsory purchase of land, for, **6,** 154
county court, in, **8,** 620
electrical undertaking, for, **12,** 610
extradition, in case of, **14,** 416
interrogatories, for answering, **11,** 111
Mayor's Court, in, **20,** 293
patent, application for, on, **22,** 158
duration of, for, **22,** 199—205
replevin action, in, **11,** 199 n.
winding up, in case of, **5,** 562
appeal from order allowing, **5,** 548
statement of affairs, for, **5,** 426

EXTENT (WRIT OF),
defined, **10,** 14
affidavit on application for, **10,** 14
aid, in, *defined*, **10,** 14
limitation of, **10,** 18
amoveas manus, when ordered, **10,** 17
chief, in, first degree, in, **10,** 14—17
second degree, in, **10,** 17, 18
Crown debt, issued to satisfy, **10,** 14; **25,** 820
debtor's debtor, against, **10,** 17, 18
fiat for, **10,** 14, 15
issue of, **10,** 15
local authority, in case of loan to, **21,** 61
priority of, **27,** 455
seizure under, **10,** 15, 16
trespass in case of, **27,** 847 n., 862 n., 870 n.
setting aside of, **10,** 17
sheriff in relation to, duty of, **10,** 15; **25,** 807 n.
fees of, **25,** 833 n., 834
surety for Crown debtor, on behalf of, **15,** 512
trespass in case of seizure under, **27,** 847 n., 862 n., 870 n.
venditioni exponas of goods, issue of, **10,** 17
waiver of right to, **6,** 411
what may be seized under, **10,** 15, 16

EXTERRITORIAL,
jurisdiction, colonial courts, of, **10,** 557, 558
colonial legislature, of, **10,** 539
statute, under, **27,** 154
status, public minister, of, **6,** 429
waters, sturgeon and whales caught in, **7,** 215; **14,** 636

EXTERRITORIALITY,
ambassador, in case of, **6,** 182. *See* AMBASSADOR; DIPLOMATIC PRIVILEGE; PUBLIC MINISTER.
consul not within principle of, **6,** 438
marriage, in regard to, **6,** 257 n., 258—261; **16,** 280
public minister, in case of, **6,** 428—434. *See also* PUBLIC MINISTER.

EXTINGUISHMENT,
annuity, of, **24,** 513
non-payment, by, **19,** 85, 98; **24,** 523, 524
common, of right of. *See* COMMON.
easement, of, **11,** 276—284
alteration in dominant tenement, by, **11,** 280
non-user, by, **11,** 278, 279
release, by, **11,** 276—281
statute, by, **11,** 283, 284
unity of seisin, by, **11,** 281—283
patronage, of right of, **11,** 590—593
peerage, of, **22,** 273
power, of, **23,** 64—69
acquisition of fee simple, by, **23,** 66
exercise of power, by, **23,** 67
release, by, **23,** 64
satisfaction of purpose, by, **23,** 67
profit à prendre, of, **11,** 346—348
Act of Parliament, by, **11,** 346
alteration of tenement, by, **11,** 347, 348
exhaustion, by, **11,** 347
release, by, **11,** 346, 347
unity of ownership, by, **11,** 347
rentcharge, of, **24,** 510—513. *See also* RENTCHARGE.
escheat, by, **24,** 512
merger, by, **24,** 510—512
non-payment, by, **19,** 113, 114, 155; **24,** 524
redemption, by, **24,** 512, 513
release, by, **24,** 510
repair of highway, of liability in regard to, **16,** 97—99
destruction of highway, by, **16,** 90, 98
highway declared unnecessary, by, **16,** 98, 99
inhabitants at large, in regard to, **16,** 84
stopping up of highway, on, **16,** 97
right of action, of, **1,** 31
title of honour, of, **6,** 457
title to land, of, **24,** 330—334
escheat, by, **24,** 331, 332
forfeiture, by, **24,** 330, 331
merger, by, **24,** 332—334
statutes of limitation, under, **19,** 155—159

EXTORTION,
defined, **9,** 481
accusation of crime for purpose of, **9,** 666
bailiff, by, **9,** 482; **23,** 351; **25,** 803
bankruptcy proceedings for purposes of, **2,** 39, 60
clerk of assize etc., by, **9,** 482, 483; **23,** 351
coroner, by, **8,** 252; **9,** 481; **23,** 351
county court official, by, **8,** 424; **9,** 482 n.; **23,** 351
gaoler, by, **9,** 483; **23,** 351

EXTORTION—*continued.*
libel, by threat to publish, **9,** 668; **18,** 740
money-lender, by, **21,** 53 *et seq.*
public officer, by, **9,** 481—483; **23,** 351
sheriff, by, **9,** 482; **23,** 351; **25,** 830, 833
stallage, by taking of, **20,** 39
threats, by, **9,** 664—668
unconscionable bargain voidable for, **15,** 111, 112

EXTRA-PAROCHIAL PLACE,
absorption of, civil purposes, for, **11,** 443 n. **19,** 237 n.
annexation of, to another parish, **11,** 450, 451
consolidated chapelry in, **11,** 444, 446
district parish, as, **11,** 445, 446
ecclesiastical district, division into, of, **11,** 445
highway in, repair of, **16,** 83, 84
marriages in, **11,** 443
military station, as, **11,** 443, 647
new ecclesiastical parish, as, **11,** 443, 444
patronage in, **11,** 571
separate parish, as, **11,** 445, 451

EXTRA TERRITORIUM JUS DICENTI IMPUNE NON PARETUR,
maxim of, **10,** 539

EXTRACT,
compulsory purchase, from records of assessment on, mode of obtaining, **6,** 92, 93
lighthouse logs, from, **1,** 99
public document, from, certified, **13,** 524
register of companies, from, certification of, **5,** 59, 60

EXTRADITION.
The title EXTRADITION AND FUGITIVE OFFENDERS *is contained in Vol. XIV., pp.* 403 *et seq.*
NOTE.—*This word is confined to extradition between British Dominions and foreign countries. As to surrender of fugitive offenders between different parts of the British Dominions, see* FUGITIVE OFFENDERS.
defined, **10,** 562; **14,** 404
accessories, applicable to, **14,** 406
accused person, evidence of, in case of, **14,** 412
appeal, extradition proceedings, in, **14,** 430
arrest, warrant of, **14,** 408, 409. *See* warrant, *infra.*
bail pending, **10,** 51; **14,** 410, 414
British possessions, from, **10,** 529, 563, 564, 565; **14,** 417—419
committal with a view to, **14,** 414, 415
discharge after, **14,** 417
surrender after, **14,** 410, 416, 417, 418
crime, *defined*, **14,** 406
discharge of prisoner, **14,** 414
British possession, in, **10,** 560; **14,** 418
committal, after, **14,** 417
evidence for purpose of, **13,** 527; **14,** 410—414
expenses of, indemnity for, **14,** 418
foreign states, from, **14,** 418, 419
fugitive criminal, *defined*, **14,** 405
guilt, *primâ facie* proof of, in case of, **14,** 412
habeas corpus proceedings in case of, **10,** 50, 51; **14,** 410, 415, 416; **19,** 659
identification of offender, **14,** 412
impounding goods in case of, **14,** 413
magistrate's jurisdiction as to, **14,** 410
nationality, evidence of, in case of, **14,** 413

EXTRADITION—*continued.*
offences to which applicable, **14,** 406—408
persons to whom applicable, **14,** 405, 406
political offender, inapplicable to, **10,** 51; **14,** 408, 412
previous conviction of offender, how evidenced, **14,** 411
procedure on, **10,** 562; **14,** 408—417
remand of prisoner in case of, **14,** 410, 414
removal of offender where place of trial dangerous to health, **14,** 410
requisition for surrender of criminal, **14,** 408, 417, 418
claimed by more than one foreign state, **14,** 417
Secretary of State's powers as to, **7,** 69, 84; **14,** 408, 409, 418
surrender of criminal, **14,** 410, 416, 417
requisition for, **14,** 408, 417, 418
time for, **14,** 410, 416
extension of, **14,** 416
treaties, list of, **14,** 404, 405. *See also* TREATY.
offences included in, **14,** 407, 408
treason not within scope of, **6,** 346
trial before, **14,** 409, 410
two offences, when charged with, duty of magistrate as to, **14,** 413
United Kingdom and colonies, between, **10,** 562; **14,** 419—428. *See* FUGITIVE OFFENDER.
warrant, arrest, of, **7,** 69, 84; **14,** 408, 409
foreign, production of, **14,** 411
foreign state, in case of offender in, **14,** 419
indorsement of, **14,** 408, 409
committal, of, **14,** 415
surrender, of, **14,** 416

EXTRAORDINARY,
expenses, highway, recovery of, **16,** 173
lighthouse etc., provision for, **26,** 633, 634
meeting, company, of, *defined,* **5,** 247, 718
requisition for, **5,** 251, 719
purposes, compulsory purchase of land for, **6,** 25, 26, 61, 62
resolution, company, of, *defined,* **5,** 259. *See* RESOLUTION OF COMPANY.
tithe rentcharge, **11,** 746, 751, 752; **18,** 312; **24,** 18 n., 23
recovery of, in county court, **8,** 647
traffic. *See* EXTRAORDINARY TRAFFIC.

EXTRAORDINARY TRAFFIC,
defined, **13,** 174
assessment of damages in respect of, **16,** 180
composition in respect of, **16,** 173
county court jurisdiction in respect of, **8,** 655; **16,** 179
fact, question of, **16,** 175
High Court jurisdiction in respect of, **16,** 179
limitation of action in respect of, **16,** 177—179
locomotive, in case of, **16,** 174; **27,** 310, 311
measure of damages in respect of, **16,** 180
neglect to repair as affecting, **16,** 174, 177, 180
person responsible for, **16,** 176, 177
personal representative not liable in respect of, **14,** 313; **16,** 177 n.; **27,** 502 n.
recovery of expenses in respect of, **16,** 177—180
remedy in respect of, **16,** 172, 173, 177
surveyor's certificate in respect of, **16,** 172, 177

EXTRAS,
building contract, in relation to, *defined,* **3,** 228
appropriation of payments to, **3,** 227

EXTRAS—*continued.*
building contract—*continued.*
architect's authority as to, **3,** 208, 219, 220, 228, 232, 233, 289, 290
certificate of architect in relation to, **3,** 233, 234
conditions precedent to liability for, **3,** 234
contractor's right in respect of, **3,** 208, 228; 229, 231—235
employer's liability for, **3,** 228, 229, 231—236
evidence from written contract as to, **3,** 231
final certificate as affecting claim for, **3,** 233, 234
lump sum contract, in case of, **3,** 231
necessary works are not, **3,** 229
order for, conditions necessary to, **3,** 234, 235
promise to pay for contract work as, **3,** 232
work outside contract not included as, **3,** 230
written order for, **3,** 232, 234—236
refusal to give, **3,** 236
hire of work and labour, in contract of, **1,** 558

EXTRINSIC EVIDENCE,
defined, **13,** 566
acts, subsequent, of, **10,** 445, 451—453
agent, discharge of, not admissible for proof of, **1,** 220; **7,** 523 n.; **13,** 566; **15,** 470; **25,** 135 n.
equitable plea, **7,** 525
liability of, as to, **1,** 220; **7,** 523 n., 525, 527 n.; **13,** 568 n.
principal, to identify, **7,** 525; **25,** 135 n.; **27,** 25
agreement, collateral, of, **7,** 523 n., 528; **10,** 447; **13,** 428, 567; **26,** 140
letting, as to, **10,** 447 n.
Statute of Frauds, notwithstanding, **7,** 383; **10,** 447 n.; **27,** 30
condition precedent, to show, **13,** 428
contemporaneous, of, **7,** 528; **10,** 447
precedent, **10,** 444
ambiguity, in case of. *See* AMBIGUITY.
approval of third person, of, **7,** 527
assignment, lessor's consent to, **7,** 527
auctioneer, of statement by, **1,** 510; **7,** 523 n.
belief of testator as to property, of, **13,** 121
bill of exchange, as to, **2,** 483
condition, subject to, **7,** 528
consideration, as to, **2,** 467, 483
escrow, to show delivery as, **2,** 483
indorsees, position of, **13,** 568 n.
legal effect, to alter, **7,** 523 n.; **15,** 536 n.
words and figures differ, where, **2,** 468; **7,** 519; **10,** 453 n.
bill of sale, as to attestation of, **3,** 43
defect in description in, **3,** 43
bond, as to, **3,** 83, 85, 87
boundaries, as to, **3,** 139—141
building contract, as to, **3,** 173, 174, 178
charitable trust, as to, **4,** 154, 155
description of charity, to aid, **4,** 159, 160
object of charity, to ascertain, **4,** 162
charterparty, as to, **10,** 262; **26,** 140, 141. *See* USAGE.
circumstances, co-existing, as to, **10,** 445 n.
condition of property, connected with, **1** 448 n.; **18,** 375 n.
surrounding, as to, **7,** 524; **10,** 448; **1** 568 n. *See* SURROUNDING CIRCUMSTANCES.

EXTRINSIC EVIDENCE—*continued.*
condition of sale, as to, **10,** 445 n. ; **13,** 566
conduct of the parties, as to, **10,** 451—453
consideration, as to, **10,** 446 ; **15,** 97
contract, in relation to, **7,** 510—513, 523—528
ambiguity, to explain, **7,** 512
condition precedent, **7,** 527
connect parts of, to, **26,** 140 n.
contemporaneous oral agreement, **7,** 528
custom or usage, as to, **7,** 511, 525 ; **10,** 261—266. *See* USAGE.
parties, as to, **7,** 371, 372 ; **25,** 292
performance, extension of time for, **7,** 415 n.
rescission, to show, **7,** 528
terms, to prove, **7,** 527
variation, to show, **7,** 422, 528
void or voidable, tending to show, **7,** 528
contract note, **7,** 526 n., 527 n.
conveyance, as to benefit of covenant in, **13,** 567 n.
copies differ, where, **13,** 566 n.
copyholds, customs in, **8,** 10
course of dealing, **7,** 524 n. ; **25,** 487, 493 n. ; **27,** 23.
custom, local or mercantile, as to, **3,** 173, 178 ; **10,** 261—266, 446, 450, 451 ; **13,** 567. *See* USAGE.
ambiguity, not dependent on, **10,** 450
effect of, **10,** 447 n.
custom or usage, as to, **7,** 525 ; **10,** 260—266. *See* USAGE.
declarations, of, **10,** 444 n., 445. *See* DECLARATION.
dictionary as, **10,** 449
document, ancient, to construe, **3,** 173 ; **4,** 154, 155 ; **6,** 481 ; **10,** 444—448, 451—454
condition at time of execution, to show, **7,** 527
construe, to, **7,** 510, 511, 523—528 ; **10,** 448—454 ; **13,** 568 ; **28,** 626—651
identify, to, **13,** 568 n. ; **14,** 159 ; **15,** 467 ; **25,** 134
incomplete or informal, **7,** 370, 527 ; **13,** 567 ; **10,** 261
usage, to add terms of, **10,** 261. *See* USAGE.
verbal acceptance of written proposal, of, **7,** 527 ; **25,** 136
written acceptance of verbal proposal, of, **25,** 137 n.
lost, to explain, **7,** 509 n.
nature of, to show, conveyance, absolute, subject to trust, whether, **7,** 526 ; **13,** 567 n.
deed or will, whether, **14,** 159
sale by sample, whether, **7,** 523 n.
sale or mortgage, whether, **7,** 524 n. ; **13,** 567 n.
testamentary, whether, **28,** 546 n.
object of, **13,** 566
documents, to connect, **7,** 370, 525 n. ; **10,** 448 ; **15,** 467 ; **17,** 416 n.
drafts not admissible, **10,** 444 n. ; **28,** 651
easement, of agreement to grant, **18,** 376
escrow, delivery as, **7,** 527 n. ; **10,** 387, 388
bill of exchange as, **2,** 483
falsa demonstratio, to show, **3,** 139
fire insurance policy, to construe, **17,** 527, 528
fraud, mistake etc., to show, **13,** 428. 567
guarantee, in relation to, **15,** 476—478
agent, signature of memorandum by, **15,** 470

EXTRINSIC EVIDENCE—*continued.*
guarantee—*continued.*
ambiguity, to explain, **15,** 492
bill of exchange, by surety's signature of, **15,** 466
consideration, as to, **15,** 453, 454, 468, 476—478
construction, to aid, **15,** 476, 477
co-surety proposed to be added, **7,** 527
co-suretyship, to show, **15,** 529 n.
documents, to connect, **7,** 369 *et seq.* ; **15,** 466, 467
intended, **7,** 527 n.
lost memorandum of, **15,** 456, 465
remedies against surety, reservation of, **15,** 556
subsidiary agreement, to prove, **15,** 556 n.
suretyship, to show, **15,** 506 n.
surrounding circumstances, **7,** 524 n.
hiring, length of, **7,** 524 n.
identification of parties, property, or documents, for, **7,** 524 ; **10,** 451 ; **27,** 24, 25 ; **28,** 637—646
in loco parentis, whether person, **13,** 131
instrument, addition or variation, to show, **7,** 523, 524 ; **10,** 444—447 ; **13,** 427, 566, 567
ambiguous, **10,** 453, 454
conduct under, **10,** 451—453
date of execution, **7,** 526 ; **10,** 445
suspended operation of, **2,** 483 ; **7,** 527 ; **13,** 567
consideration, as to, **10,** 446 ; **13,** 567
construction doubtful, where, **10,** 445
custom or usage, as to, **10,** 260—266, 446, 447. *See* USAGE.
intention, of, **7,** 523 ; **10,** 444 ; **13,** 566 ; **21,** 25
direct evidence, **10,** 453, 454
latent ambiguity, in case of, **10,** 448, 453
rectification, in action for, **10,** 444 n.
will, in case of. *See* will, *infra.*
jury, function of, **7,** 526 ; **26,** 141
land, plots, covenants by purchasers of, **13,** 567 n.
real purchaser of, to show, **7,** 379
landlord, promise by, **7,** 528
lease, agreement for, **10,** 445 n. ; **18,** 375—377
commencement of, **13,** 568 n.
covenant for renewal of, **10,** 453 n.
similar covenants in other leases, **7,** 524 n.
whether taxes payable under, **7,** 524 n.
lessor, promises by, **7,** 528
limitation of actions, of acknowledgment in relation to, **19,** 59
manor, to prove existence of, **8,** 18
manorial custom, as to, **8,** 10
marine insurance policy, **17,** 343—347
documents, to connect, **17,** 416 n.
surrounding circumstances, **7,** 524 n.
warranty of seaworthiness, as to, **17,** 428
marks or cipher, as to, **10,** 449
married woman, contract, as to liability on, **16,** 413
husband, to show agency for, **16,** 418
mistake, to show, **7,** 528 ; **21,** 26, 27
insertion or omission, by way of, **21,** 25
intention, in expressing, **21,** 26 n.
signing agreement, in, **21,** 25
Statute of Frauds, notwithstanding, **27,** 49
negotiations, as to, **10,** 444
parents' wishes as to ward's education, of, **17,** 130 n.
partnership articles, to show variation of, **22,** 22

EXTRINSIC EVIDENCE—*continued.*
persons and things, to identify, **7,** 524; **10,** 451; **13,** 568 n.; **27,** 24, 25; **28,** 637—646
presumption, to rebut or support, **13,** 136, 568
quality of goods, as to, **7,** 523 n.
receipt, as to, **7,** 526 n.; **10,** 464; **13,** 562, 567 n.
rectification, **21,** 25, 27
antecedent written agreement, by, **21,** 26
Statute of Frauds, notwithstanding, **21,** 26
relationship of parties, to show, **7,** 525; **13,** 567; **27,** 25
agent or surety, whether, **7,** 527 n.
broker or principal, whether, **25,** 136 n.
buyer or seller, whether, **10,** 448 n.; **13,** 568 n.; **25,** 136 n.
surety, **13,** 568 n.
rent, as to, **7,** 523 n.
rescission, as to, **7,** 528; **21,** 25, 27
sale of goods, in case of, **25,** 134
invalidate the contract, to, **25,** 142
verbal acceptance of written proposal, of, **25,** 136
written acceptance of verbal proposal, of, **25,** 137 n.
sale of land, part performance of contract, to show, **25,** 295
persons and property, application of memorandum to, **25,** 292
satisfaction, to rebut presumption of, **13,** 136
service, as to contract of, **20,** 81
settlement, ambiguity in contract for, to explain. **25,** 537
reformation of, for, **21,** 26, 27
specific performance, in claim for, agreement for lease, of, **18,** 375—377
contract appears complete, where, **27,** 28
identification of subject-matter or parties, in regard to, **27,** 24, 25
misrepresentation, to prove, **27,** 43
mistake, to show, **13,** 22, 23 n.; **27,** 49
contract, in expressing real, **10,** 445
power not complied with, **18,** 376 n.
remainderman affected, **18,** 376 n.
term of contract inferred, **27,** 28
Statute of Frauds, notwithstanding, **27,** 30, 49
unfairness of contract, to show, **27,** 37 n.
statute, to construe, **27,** 141—145
Statute of Frauds, contracts under, as to, **7,** 369 *et seq.*
surety, party as, to prove, **15,** 506 n.
technical terms, as to, **10,** 449; **13,** 568 n.
usage, of. *See* USAGE.
warranty, as to. *See* WARRANTY.
will, as to, **28,** 626—650
blank, to fill up, **28,** 635 n.
charitable gift, in case of, **28,** 643 n.
constituent parts of, as to, **28,** 551
construction, **28,** 632—651
ancient will, conduct under, **28,** 647
date, events after, **28,** 647
documents, **28,** 651
donee's obligations, **28,** 648, 649
equivocation, in case of, **28,** 642—646
executory trust, **28,** 647
foreign will, **28,** 635
general rule, **28,** 632
habits of testator, **28,** 638, 642
language clear, not where, **28,** 646
mistake as to, not of law, **28,** 647 n.
patent ambiguity, **28,** 646

EXTRINSIC EVIDENCE—*continued.*
will—*continued.*
construction—*continued.*
presumption, to rebut or support, **28,** 649, 650
testator's armchair, the, **28,** 641, 647
contents, to prove, **13,** 559 n.; **14,** 160, 161
court of construction, as in, **28,** 511, 630
court of probate, in, **28,** 511, 630 n., 643 n.
declaration by testator, **13,** 471, 472; **28,** 643 n., 644, 646
document, donee, to identify, **28,** 634 n., 651
latent ambiguity, to explain, **28,** 634 n.
probate, to admit to, **14,** 159
referred to, to identify, **28,** 634, 651
identification of persons and things, **28,** 637—646
instructions for will, **28,** 650
intelligible, to render will, **28,** 632
intention, testamentary, of, **14,** 159; **28,** 511, 545
testator, of, **13,** 559 n.; **28,** 636, 644 n., 645 n., 647
debt, to release, **14,** 270; **28,** 643 n.
direct evidence, **28,** 642 n.
executor, to benefit, **14,** 270 n.; **28,** 650
improbable, **28,** 642
testator's sanity questioned, where, **19,** 404
legatee, to identify, **4,** 159; **28,** 637 *et seq.*
lost will, **14,** 160
mistake, to show, **28,** 641
subject-matter, to identify, **28,** 637—646
vary will, to, **28,** 635
wishes of testator, **28,** 636
wishes verbally expressed, not of, **13,** 566 n.
words, meaning of, **28,** 634, 635, 651 n.
subject-matter of, **28,** 637—640, 642
words, to interpret, **3,** 173; **4,** 163; **10,** 448—451; **26,** 140
ancient documents, in, **10,** 451
foreign, **10,** 449
local or class usage, **10,** 449, 450. *See* USAGE.
object of, **10,** 448 n.
repugnant, when, **7,** 511; **10,** 450
wills, in, **28,** 634 *et seq.* *See* will, *supra.*
words and figures differ, where, **2,** 468; **7,** 519; **10,** 453 n.

EYE,
local court of, **9,** 161

EYRE,
Forest Court of, **7,** 183, 185; **9,** 114
justices in, **7,** 183; **9,** 114, 115, 185

F.O.B. CONTRACT,
buyer's risk in case of, **25,** 189
expenses of delivery under, **25,** 211

FACT,
county court, in, appeal on law, not on, **8,** 603
refusal to admit, **8,** 593
discovery confined to, **11,** 36
estoppel by representation of, **13,** 323, 324, 376—402. *See* ESTOPPEL BY REPRESENTATION.
indictment, must be set out in, **9,** 337, 338
issue, in, *defined,* **13,** 436
evidence as to, **13,** 436—439
interrogatories to ascertain, **11,** 92, 93, 95
issues of, order for statement of, **23,** 138
trial of, **2,** 315; **20,** 295

FACT—*continued.*
judicial notice of, when taken, **13,** 427
material, *defined,* **22,** 423 n.
misrepresentation of. *See* MISREPRESENTATION.
mistake of, **21,** 5—11. *See* MISTAKE.
notice to admit, county court, in, **8,** 502, 503. *See* NOTICE TO ADMIT.
High Court, in, **23,** 146
pleaded, must be, **22,** 422, 423
presumptions of, *defined,* **13,** 507
insurance contracts, in case of, **17,** 416
judge or jury in their discretion may draw, **13,** 498
law, presumptions of, distinguished from, **13,** 440, 441, 497
logical inference, as, **13,** 507
ordinary inference, as, **9,** 389 n.
pleaded, need not be, **22,** 425
questions of, Bills of Exchange, in relation to, **2,** 475 n., 528 n., 531
libel and slander, in, **9,** 463 ; **18,** 654, 665, 685, 694, 695, 715, 716, 722
negligence, in, **21,** 442—445
relevant to the issue, *defined,* **13,** 420, 439
evidence as to, **13,** 421, 422, 439—455
character, of, **13,** 454, 455
identity of parties, showing, **13,** 447, 448
main fact, probative of, **13,** 440—447
similar facts, of, **13,** 450—454
state of mind, showing, **13,** 448—450
representation of. *See* REPRESENTATION.
revising barrister's decision final on question of, **12,** 142, 161, 169, 172, 248
what are questions of. *See* REVISING BARRISTER.
statement of expectation, hope, or fear, is not assertion of, **20,** 664

FACTOR. *See* MERCANTILE AGENT.
defined, **1,** 152
agent, as, **1,** 152, 167 ; **19,** 8 ; **25,** 495
auctioneer's liability in respect of goods delivered by, **1,** 520, 521
authority of, delegation of, **1,** 167
implied, **1,** 167
revocation of, **1,** 229
bailee, as, **1,** 547
bankruptcy
of, **2,** 169, 170, 213
petition by, **2,** 37
barter, no authority to, **1,** 167
broker, distinguished from, **25,** 495 n.
disposition of property by, **1,** 205, 206 ; **25,** 259—262 ; **27,** 891, 892, 903 n.
estoppel in case of, **13,** 391
fraud by, **9,** 657, 658
lien of, **1,** 198, 547—549 ; **19,** 7—10 ; **25,** 259—262
limitation of actions in case of, **19,** 47
marine insurance, in relation to, **17,** 407
pawning by, **1,** 205, 206 ; **22,** 239, 240
sale of goods, rights on, of, **25,** 241 n., 259—262
set-off by or against, **2,** 213 ; **25,** 495, 496

FACTORY.
The title FACTORIES AND SHOPS *is contained in Vol. XIV., pp.* 433 *et seq.*
defined, **3,** 25 n. ; **14,** 436
abatement of nuisance in, **21,** 539
abstract and notices to be affixed in, **14,** 448, 525, 526

FACTORY—*continued.*
accident in, provisions as to, **14,** 464—476. *See* ACCIDENT.
air in, space for, **14,** 447, 448 ; **23,** 419
apprentice, *defined,* **14,** 445
arbitration with reference to, **1,** 492 ; **14,** 469
area of, *defined,* **14,** 443
bakehouse, provisions as to, **14,** 458—461, 504. *See* BAKEHOUSE.
boiler explosion in, **14,** 474, 475
butter, regulations as to, **15,** 58—60. *See* BUTTER.
bye-laws, chimney shafts, as to, **14,** 475, 476 ; **23,** 421
means of escape from fire, as to, **14,** 470
cartridges, licence for filling of, **14,** 378
certifying surgeon for, **14,** 473, 476, 489, 530, 531. *See* CERTIFYING SURGEON.
charitable institution as, **14,** 445, 508, 509, 526, 527. *See* CHARITABLE INSTITUTION.
child in, education of. *See* EDUCATION.
employment of, **12,** 67 ; **14,** 487—524 ; **17,** 150—152. *See* CHILD.
chimney, nuisance by smoke from, **21,** 542, 544
shafts, restriction on height of, **14,** 475, 476
classification of, **14,** 436—447
clean, must be kept, **14,** 449, 450
compulsory purchase, in case of, restrictions on taking part of, **6,** 70—73
conditions of, special exceptions relating to, **14,** 498
cotton cloth, regulations as to, **14,** 456—458. *See* COTTON.
county court jurisdiction in respect of, **8,** 648
creamery, women and young persons, employment of, in, **14,** 507
Crown, Factory Acts as applied to, **7,** 199 ; **14,** 444
dangerous
factory, prohibition of use of, **14,** 471, 472
industries, docks regulated as, **14,** 483—485
list of, **14,** 479 n.—481 n.
railways regulated as, **14,** 485, 486
Secretary of State's powers as to, **14,** 479—483
statutory provisions as to, **14,** 476—479
machinery, fencing of, **14,** 464
prohibition of use of, **14,** 471
disease contracted in, notification of, **14,** 476
dock regulated as, **14,** 441, 483—485
domestic, *defined,* **14,** 441
child or young person, employment of, in, **14,** 494
register need not be kept in, **14,** 525
doors in, construction of, **14,** 470, 471
drainage, floors, of, in, **14,** 452, 461
sewer, into, **25,** 764
easement of light in respect of, **11,** 306
electricity, use of, in, **12,** 644
employment in, conditions as to, **14,** 487—524
child, of, **12,** 67 ; **14,** 487—524 ; **17,** 150—152. *See* CHILD.
dangerous or unhealthy, **14,** 476—487
exceptions as to hours, holidays etc., **14,** 497—509
fitness for, provisions as to, **14,** 487—489
hours of, **14,** 490—509. *See* HOURS OF EMPLOYMENT.
night work, provisions as to, **14,** 501—503
overtime, **14,** 498—501
person contrary to the Act, of, **14,** 533
piecework, **14,** 512—514

FACTORY—*continued.*
employment in—*continued.*
Sunday, on, **14,** 490
women of, **14,** 487—509. *See* WOMAN.
young persons, of, **14,** 487—509. *See* YOUNG PERSON.
enforcement of health and sanitary provisions as to, **14,** 454—456
exceptions as to hours of employment in, **14,** 497—509. *See* HOURS OF EMPLOYMENT.
explosives, for. *See* EXPLOSIVES.
Factory Acts. *See* FACTORY ACTS.
fencing of machinery in, **14,** 464
fire in, means of escape from, **8,** 648; **14,** 467—470; **20,** 475, 476; **21,** 404
fish curing, women and young persons, employment of, in, **14,** 506, 507
fixtures in, what constitute, **18,** 420
floors in, drainage of, **14,** 452
fruit preserving, women and young persons, employment of, in, **14,** 506, 507
fumes from, nuisance by, **21,** 533, 534
glass works, young person, employment of, in, **14,** 503
health and sanitary provisions for, **14,** 447—463, 498
holidays in, provisions as to, **14,** 496, 507, 508
home work, restrictions on, **14,** 461—463
hosiery trade, in, breach of provisions, penalty for, **14,** 524
hours of employment in, **14,** 490—509. *See* HOURS OF EMPLOYMENT.
humidity in, provisions as to, **14,** 456—458
inspector of, **14,** 454—456, 528—530. *See* INSPECTOR.
Jewish, women and young persons, employment of, in, **14,** 508
lace, young person, employment of, in, **14,** 504
laundry. *See* LAUNDRY.
lavatories, provision of, in, **14,** 452, 453, 477
licence for. *See* EXPLOSIVES.
light, easement of, in respect of, **11,** 306
limewashing of, **14,** 449, 450
local authority, powers of, in regard to, **14,** 450, 453, 468, 475
machinery in, *defined,* **14,** 446
dangerous, prohibition of use of, **14,** 471
fencing of, **14,** 464
motion, in, cleaning of, **14,** 466, 467
owner or hirer's liability for, **14,** 533
margarine, registration of, **15,** 58, 59
matches, provisions as to manufacture of, in, **14,** 478, 479. *See* LUCIFER MATCHES.
meals in, forbidden where manufacturing process carried on, **14,** 478, 505, 506
place for, in certain trades, **14,** 477, 478
women, young persons, and children, simultaneous taking by, of, **14,** 495, 496
exceptions to, **14,** 505, 506
time for, **17,** 155
newspaper, for printing, young person, employment of, in, **14,** 503, 507
night work in, **14,** 501—503
non-textile, *defined,* **14,** 437, 438
child, employment of, in, **14,** 492, 493
electrical station is, **12,** 644; **14,** 437
gasworks as, **14,** 437; **15,** 360
hours of employment in, **14,** 492, 493
overtime in, **14,** 498—501

FACTORY—*continued.*
non-textile—*continued.*
piece-work regulations, application of, to, **14,** 513, 514
women and young persons, employment of, in, **14,** 492
notice of
accident in, **14,** 472, 473
boiler explosion in, **14,** 474
disease in, **14,** 476
exceptions as to hours of employment in, **14,** 497, 498
holidays in, **14,** 496
hours of employment in, **14,** 495
number of persons employed, as to, **14,** 448
occupation of, **14,** 525
nuisance from, **14,** 454, 464—476; **21,** 533, 534, 539, 542—544. *See* NUISANCE.
occupier of, explosives, accidents, duty to notify, **14,** 398
arbitration, right to require, **14,** 397, 398
licence, breach of, by, **14,** 368
notice of change of, **14,** 370
special rules, duty to make, **14,** 369
third party, exempt for default of, **14,** 396
hours of employment, provisions as to, by, **14,** 495—497
inquest on employee, right of representation at, **8,** 259
inspector, duty to assist, **14,** 530
obstruction of, liability for, **14,** 530
non-compliance with Acts, penalty for, **14,** 531
exemption from on proof of diligence, **14,** 396, 487 n., 509, 519, 534
owner or hirer of machine, when deemed to be, **14,** 533
return of employees, duty to make, **14,** 526
woman or young person, registry of employment of, by, **14,** 495
women's workshops, in case of, duties of, **14,** 493, 494
Official Secrets Act as applied to, **7,** 31
open air, may be in, **14,** 443
outwork, provisions as to, **14,** 461—463
overcrowding in, **14,** 447, 448
overtime in, **14,** 498—501. *See* OVERTIME.
painting of, **14,** 449
piecework in, **14,** 512—514; **20,** 86
proceedings for offence relating to, **14,** 530, 535, 536
railway regulated as, **14,** 441, 486, 487
reformatory regulated as, **14,** 445, 508, 509, 526, 527
register in, **14,** 525
regulations to be posted in, **14,** 482
return of persons employed in, **14,** 526, 527
right of way to, nature of, **11,** 288
sanitary conveniences in, **14,** 452, 453
Saturday, hours of employment on, **14,** 490—494
Jewish factory, in, **14,** 508
Turkey red dyeing, in process of, **14,** 507
self-acting machine in, provisions as to, **14,** 465
separate buildings as constituting, **14,** 443, 444
smoke from, nuisance by, **21,** 542—544
steam
boiler, use of, in, **14,** 467
whistle, use of, in, **14,** 475
Sunday, employment on, creamery, in, **14,** 507
Jewish factory, in, **14,** 508
restriction on, **14,** 490, 503

FACTORY—*continued.*
temperature in, provisions as to, **14,** 448, 449
tenement factory, *defined,* **14,** 441, 470
grinding in, **14,** 465, 466
textile. *See* TEXTILE FACTORY.
thermometer, provision of, in, **14,** 449, 457
tobacco, *defined,* **14,** 439
trade secret, penalty for disclosure of, **14,** 513
Truck Acts as applied to, **14,** 514—524. *See* TRUCK ACTS.
ventilation of, **14,** 450, 451
dangerous and unhealthy industries, in case of, **14,** 476, 477
wages in, **14,** 512—523; **20,** 86. *See* WAGES.
warehouse regulated as, **14,** 441, 483—485
washing of, **14,** 449
weights and measures in, inspection of, **14,** 514; **28,** 488
wet-spinning, restrictions on employment of, in, **14,** 477
wharf regulated as, **14,** 441, 483—485
woman, employment of, in, **14,** 487—509. *See* WOMAN.
young person, employment of, in, **14,** 487—509. *See* YOUNG PERSON.

FACTORY ACTS,
administration of, **14,** 525—536
conviction, proof of, for offence under, **14,** 536
definitions under, **14,** 437—447
enforcement of sanitary provisions of, **14,** 454—456
exceptions from, special, **14,** 497—509
notice of, essential, **14,** 497
register, entry of, in, **14,** 497, 498
outgoings under, what are, **18,** 493
part of factory may be exempted from, **14,** 444
penalties under, **14,** 531—536
regulations under, how made, **14,** 479—483
judicial notice taken of, **14,** 482
penalties for non-compliance with, **14,** 482, 483
posted up, must be kept, **14,** 482
service of documents under, **14,** 536

FACULTY,
defined, **11,** 510 n.
ancient lights, for interference with, **11,** 543
appeal in faculty case, **11,** 547, 548
bells, for erection of, **11,** 547
bishop, intervention by, in matter requiring, improper, **11,** 544
burial, for, church, in, **3,** 415, 416; **11,** 542
churchyard, in, **3,** 419; **11,** 542
cathedral, not necessary for alteration in, **11,** 540
chapel, alteration of, for, **11,** 734, 735
church, alteration of, for, **11,** 540, 734, 735
rebuilding or pulling down of, for, **11,** 542
church clock, for, **23,** 502
churchyard, for alteration in, **3,** 411; **11,** 540, 734, 735
footpath in, for, **11,** 541 n.
secular purposes, to use for, **3,** 423, 424; **11,** 540 n., 542, 543
citations to persons interested, **11,** 544
confirmatory, when granted, **11,** 543
consecrated buildings protected by, **11,** 513
alteration of, for, **11,** 540, 731
corporation, grant to, of, **11,** 547
costs of application for, **11,** 547
Court of Faculties, **11,** 510; **21,** 494, 495

FACULTY—*continued.*
cremated ashes, for interment in church of, **11,** 541
disinterment of body, for, **3,** 553—555, 573; **11,** 542
disobedience to, **11,** 548
easement of light and air, for, **11,** 543
enforcement of, **11,** 548
exclusive right of burial, for, **3,** 419; **11,** 542
fees for, **11,** 548, 549
freehold rights, affecting, **11,** 546
glebe buildings, for alteration or removal of, **11,** 543, 544
grant of, **11,** 545—547
illegal ornaments, for removal of, **11,** 545
injunction to restrain alterations without, **11,** 548
monition under Public Worship Regulation Act, after, **11,** 543
monument, for erection of, **3,** 416—418; **11,** 541
notary, in case of, **21,** 493 n., 494—497
refusal of, **21,** 498
stamp duty on, **21,** 497
objects of, **11,** 540—544
opposition to, **11,** 545, 546
petition for, **11,** 544
pew, for use of, **11,** 542, 738—741
procedure to obtain, **11,** 544, 545
rector, rights of, cannot be overridden by, **11,** 546
repairs, for, **11,** 543
reservation, subject to, **11,** 547
revocation and modification of, **11,** 549
tablets, for erection of, **11,** 541
tombstones, for erection of, **11,** 541
vault, for, **3,** 419; **11,** 541, 542
vestry, consent of, generally requisite to application, **11,** 544
vicar, consent of, generally inessential to grant of, **11,** 546
works improperly executed without, ecclesiastical court's powers, **11,** 513

FAIR.
The title MARKETS AND FAIRS *is contained in Vol. XX., pp.* 1 *et seq.*
NOTE.—*Only matters peculiar to fair are dealt with under this heading, as distinct from matters common to both market and fair, as to which see* MARKET.
defined, **20,** 4
abolition of, **20,** 52, 53
amusement as incidental to, **20,** 4 n., 19 n.
Board of Agriculture and Fisheries, powers of, as to, **1,** 292, 298, 423; **20,** 28—30, 32, 53
booth in, land tax, assessable to, **20,** 40
closing hours for, **20,** 19
county court jurisdiction as to, **8,** 431, 435
distress, not subject to, **11,** 132
duration of, **20,** 15, 16, 19
hiring, *defined,* **20,** 5
hours for holding, **20,** 19
metropolitan police district, in, **20,** 4 n., 16, 19
intoxicating liquor, sale of, at, **18,** 100, 101; **20,** 34
market, distinguished from, **20,** 4
when may be held on same day as, **20,** 15
metropolis, in, **20,** 16, 51; **22,** 472
riding etc. armed in, offence of, **6,** 359; **9,** 468
Seats for Shop Assistants Act applies to, **20,** 19 n.
sheriff's proclamation as to, **25,** 826
statute, *defined,* **20,** 5
tobacco or snuff, sale of, at, **20,** 34
tolls at, **20,** 35—42. *See* TOLL.

FAIR COMMENT,
defence in libel and slander, as, **18,** 699—711
burden of proof in case of, **18,** 710
dishonesty as affecting, **18,** 708
essentials of, **18,** 702—708
judge, function of, in case of, **13,** 431; **18,** 703, 706, 709, 710
jury, function of, in case of, **13,** 431; **18,** 699, 710
justification, distinguished from, **18,** 710, 711
literary criticism, in case of, **18,** 704 n., 705, 706, 709
malice as affecting, **18,** 707, 708, 717
particulars of, **18,** 700 n.—702 n.; **22,** 455 n.
personal imputation does not destroy, **18,** 706, 708, 709
public
benefit, privilege exists only for the, **18,** 697
interest, must be of a matter of, **18,** 703
seditious libel, as defence to charge of, **9,** 463
who may plead, **18,** 702
wicked motives, imputation of, **18,** 709

FAIR REPORT,
judicial proceedings, of, immunity of, **18,** 694
comments may not be added to, **18,** 697
extent of, **18,** 695
jury, functions of, **18,** 694, 695
partial, **18,** 695, 696
prosecution, extends to, **18,** 745
public benefit, must be for, **18,** 697
statutory protection, **18,** 697, 698
parliamentary proceedings, of, **18,** 683, 698
public meetings, of proceedings of, **18,** 698, 699, 746

FAIR-WAY,
defined, **26,** 406, 467, 468
aground in, precautions to be taken when vessel, **26,** 403, 498
anchoring in, when justified, **26,** 498
fishing vessel may not obstruct, **26,** 471
mid-channel, distinguished from, **26,** 467, 468
narrow channel, in, duty to keep starboard side of, **26,** 465—471. *See* NARROW CHANNEL; NARROW WATERS.

FAIR WEAR AND TEAR. *See* WEAR AND TEAR.

FAITH. *See* BONÂ FIDE; BREACH OF FAITH; GOOD FAITH; MALA FIDES.

FALDAGE,
defined, **4,** 463, 464

FALKLAND ISLANDS,
government of, **10,** 503 n.

FALLOWS,
compensation for, **18,** 566
covenant as to, **1,** 245
custom as to, **1,** 245

FALMOUTH,
local court of, **9,** 161

FALSA DEMONSTRATIO NON NOCET,
application of, boundaries, as to, **3,** 140, 141
contract, as to misdescription in, **7,** 518; **21,** 6, 7, 15
conveyance, as to, **10,** 465, 466, 468
will, as to, **28,** 685, 686

FALSE. *See also* FORGERY.
account of goods on delivery to railway, **4,** 86, 87
acknowledgment of recognisance of bail or *cognovit,* **9,** 739
affidavits, making of, **9,** 491
alarm of fire, penalty for, **20,** 418; **23,** 552
answer by voter to certain questions a criminal offence, **12,** 319, 530, 532
certification of copy of record, **9,** 737
claim, bankruptcy, in, by creditor, **2,** 351; **7,** 294
patent rights, of, offence of, **22,** 232
declaration, British ship, as to title etc. of, **26,** 32, 33
Marriage Act, under, forfeiture of property, **16,** 297
penalty, **9,** 536; **16,** 290
validity of marriage not affected, **16,** 293
statutory, **9,** 496
deposition. *See* PERJURY.
extradition, for purposes of, **14,** 425
description of goods, lower rate of carriage, to procure, **4,** 87
railway company's liability in case of, **4,** 35
sale of goods, in case of, **25,** 154—156
criminal offence, **9,** 567—569; **27,** 725
document purporting to be a copy of entry in trade marks register, **27,** 721
entry, accounts of stock holders at Bank of England, **9,** 755
books, in, particulars of, **22,** 456
Factory and Workshop Acts, under, **14,** 535
register, in, births etc., of, **9,** 742
burials, of, **3,** 561, 562; **9,** 742
copyright, of, **8,** 157
patents, of, **22,** 232
Stationers' Company, of, **9,** 743
trade marks, of, **9,** 743; **27,** 721
evidence. *See* PERJURY.
incitement of persons to give, **9,** 498
manufacture of, **9,** 498
procuring, offence of, **9,** 497, 498
imprisonment. *See* FALSE IMPRISONMENT.
income tax return, penalty for, **16,** 685, 686
instrument, what is, **9,** 712 n.
judgment, ancient method of appeal by, **1,** 45
marks, application to goods, **9,** 566—569; **27,** 725, 726
plate, on, **9,** 758
trade marks, **9,** 759
money, importation of, prohibition of, **6,** 473, 474
name, act of bankruptcy by taking, **2,** 22
address, or description on publication of banns, **16,** 287
forgery by signature or indorsement of bill of exchange in, **9,** 729
signature of, instrument, in, effect of, **2,** 494; **9,** 729; **21,** 530; **28,** 548
name and address, giving, when found on unlicensed premises, **18,** 121
news, publication of, to affect price of goods or stocks, **9,** 562; **23,** 224

FALSE—*continued.*
oath, **9,** 490. *See* PERJURY.
military pay, as to, **25,** 48
promissory oath, making of, is not perjury, **9,** 491
pretences. *See* FALSE PRETENCES.
representation. *See* FRAUDULENT MISREPRESENTATION.
statement, age, as to, in case of employment of child, **20,** 623
birth, as to, **9,** 537; **24,** 451 n.
burial certificate, in, **3,** 561
company, in relation to, **5,** 136—141, 225, 226, 313; **9,** 660, 661
cremation, to procure, **3,** 575; **9,** 553
director of company, by, **5,** 136—141, 225, 226, 313; **9,** 660, 661
document, in, Building Societies Acts, under, **3,** 340
election, in relation to, character or conduct of candidate, as to, **12,** 298—300
injunction restraining, **12,** 540; **17,** 260 n.
return, as to, **12,** 293, 338, 345, 529
withdrawal of candidate, as to, **12,** 296, 347
enlistment in royal forces, on, **25,** 9, 42, 99
labour exchange official, to, penalty for, **28,** 879
prospectus of company, in, **5,** 134, 136—141, 225; **9,** 660, 661
action of deceit for, **5,** 133
criminal proceedings for, **5,** 140, 141; **9,** 660, 661
statutory remedy for, **5,** 136—140
registration of
baptism, in case of, **9,** 741; **11,** 686 n.
birth, in case of, **9,** 742; **24,** 451 n.
death, in case of, **9,** 742; **24,** 456 n.
marriage, in case of, **9,** 742; **11,** 706 n.; **24,** 454 n., 455 n.
seaman, by, on engagement, **26,** 62
unemployment insurance, in case of, **28,** 904
suggestion, fraud, constituent of, **13,** 14; **20,** 682, 683
omissions amounting to, **20,** 682, 683
token, cheat by use of, **9,** 690
trade description, *defined*, **9,** 567 n., 759 n.
application of, **9,** 567, 759; **27,** 725, 726
use of word registered with regard to trade marks, **27,** 721
warranty, food or drugs, as to, **9,** 760; **15,** 28, 29, 35
weights and measures, possession and user of, **28,** 471, 486

FALSE IMPRISONMENT,
action for, **27,** 878—885
arrest, by, under illegal warrant, **27,** 883
bailiff, against, **25,** 826 n., 827 n.
burden of proof in, **13,** 434
corporation, against, **8,** 387
county court, in, **8,** 428
damages in, **27,** 884, 885
defences to, **27,** 885
distress, in case of, **11,** 226 n.
estoppel in case of, **13,** 338
husband and wife, against, **16,** 436; **27,** 879 n.
judge, function of, in, **13,** 431
jury, function of, in, **13,** 431
right to, in, **23,** 171
justification, defence, as, **27,** 885
pleaded, must be, **27,** 880 n.
keeper of prison, against, **27,** 881, 882

FALSE IMPRISONMENT—*continued.*
action for—*continued.*
limitation of time for, **19,** 38, 178; **27,** 885
lunatic, in case of unlawful detention of, **19,** 530; **27,** 884
magistrate, against, **9,** 306 n.; **27,** 879 n., 882
malicious prosecution, distinguished from, **19,** 671; **27,** 878
master and servant, against, **17,** 878 n.; **19,** 673, 674; **20,** 256
ministerial officer, against, **27,** 882, 883
police constable, against, **22,** 497, 498; **27,** 880, 881
private person, against, **9,** 306; **27,** 879
receiver, against, **24,** 381
royal forces, by member of, **25,** 90; **27,** 883
schoolmaster, against, **12,** 124; **27,** 884
Secretary of State, against, **7,** 67 n.
sheriff, against, **25,** 819; **27,** 883
tramway company, against, **27,** 800 n.
assault by, **9,** 607 n.; **27,** 884 n.
imprisonment, *defined*, **9,** 607; **27,** 878
indictment for, **9,** 607 n.; **27,** 884
misdemeanour, as, **9,** 606
remedies for, **9,** 606; **10,** 39; **27,** 884
summary proceedings for, **27,** 884

FALSE PRETENCES, 9, 690—701
attempted, **9,** 703, 704
bill of sale, by sale of goods subject to, **3,** 68
credit, obtaining of, by, **2,** 349, 350; **9,** 338 n.
essentials of, **9,** 693
examples of, **9,** 693 n.
extradition in case of, **14,** 405 n., 406 n.
food, on sale of, **15,** 35
gaming, at, **9,** 691
indictment for, **9,** 694—701
form of, **9,** 695 n.
joining several charges in, **9,** 701
negativing false pretence in, **9,** 700
larceny, distinguished from, **9,** 634, 692
misdemeanour, as, **9,** 690
misrepresentation amounting to, **20,** 658, 717 n.
money-lender, by, **9,** 704; **21,** 57
obtaining essential to, **9,** 693, 698
procuring woman or girl by, **9,** 614, 615
punishment for, **9,** 691
restitution of property in case of, **9,** 702
trover, action of, in case of, **9,** 702; **27,** 901
unqualified medical practitioner, by, **20,** 343, 344
venue of trial for, **9,** 281, 701
voidable title acquired by, **9,** 702; **27,** 901

FALSIFICATION,
accounts, of, Bank of England, of stock etc. in, **9,** 755
railway, of, penalty for, **23,** 643
balance sheet, of, company, of, **5,** 313; **9,** 659, 660
friendly society, of, **15,** 187
industrial society, of, **17,** 32
books etc., of, bankrupt, by, **2,** 347, 348
company, of, **5,** 313; **9,** 659, 660
memorial etc., registration of deeds, relating to, **9,** 740
midwives, of roll of, **20,** 369
register, of, burials, of, **3,** 561, 562
cremations, of, **3,** 575
dentists, of, **20,** 361
medical, **20,** 320
pharmaceutical chemists, of, **9,** 744; **20,** 354
veterinary surgeons, of, **20,** 375, 376

FAMILY. *See also* RELATIONS.
defined, **14,** 540 ; **28,** 747, 748
arrangement. *See* FAMILY ARRANGEMENT.
Bible, evidence in pedigree case, as, **13,** 560
distress upon goods of tenant's, **11,** 139
gift in will to, construction of, **28,** 672 n., 747, 748, 767
insanity in alleged lunatic's, evidence of, **19,** 409
papers, evidence in pedigree case, as, **13,** 560, 561
public minister, of, privilege of, **6,** 432
shop, employed in same, hours of employment of, **14,** 510

FAMILY ARRANGEMENT.
The title FAMILY ARRANGEMENTS *is contained in Vol. XIV., pp.* 359 *et seq.*
defined, **14,** 540
acquiescence in case of, **14,** 544
action to set aside or vary, **14,** 552
costs of, **14,** 552
assignment by tenant for life by way of, **14,** 552, 553 ; **25,** 637 n., 672, 673
cancellation of, **14,** 552
compound settlement under Settled Land Acts, creation of, by, **14,** 553
compromise, by way of, validity of, **14,** 542, 547, 548 ; **21,** 10, 11 ; **27,** 37
consideration for, **14,** 547, 548
conveyance of land supported as a, when, **14,** 541
court's attitude towards, **14,** 546, 547
creditor's rights, as affecting, **14,** 551
disability, by person under, **14,** 545
division of property, as to, **14,** 542, 544
drunkenness as affecting, **14,** 548, 549
essentials to validity of, **14,** 548 ; **21,** 11
examples of
invalid, **14,** 543, 544
valid, **14,** 541, 542
execution of, **14,** 546
extravagant son, exclusion of, from, **14,** 547 n.
family, *defined*, **14,** 540
formalities to be observed in, **14,** 544
implied, when, **14,** 544 ; **20,** 729
infant, in case of, **14,** 545, 546 ; **17,** 145
influence as affecting, **14,** 548, 549
life interest assigned by way of, **25,** 637 n., 672, 673
misrepresentation as affecting, **14,** 548, 550
mistake as affecting, **21,** 10, 11
mutual, must be, **14,** 548
non-disclosure as affecting, **13,** 24 ; **14,** 550 ; **21,** 10, 11
parental influence as affecting, **14,** 543, 549
parties to, **14,** 544, 545
principles governing, **14,** 540
property, division of, as to, **14,** 542, 544
reasonable, must be, **14,** 548
rectification of, **14,** 552
resettlement by, **14,** 543, 548, 549 ; **25,** 566, 690, 691
separate advice, when necessary, **14,** 551
setting aside of, **7,** 358 n. ; **14,** 551, 552
solicitor, provision for, how viewed, **14,** 551
solicitor's duty in case of, **14,** 551
specific performance in case of, **14,** 544 ; **27,** 33, 34, 37
tenant for life, assignment by, by way of, **14,** 552, 553 ; **25,** 637 n., 672, 673
validity of, **14,** 546—552
voidable, in what cases, **14,** 549, 550
writing necessary to, when, **14,** 544

FANCY NAMES,
trade mark, as, **27,** 688 *et seq.*
personal name treated as, **27,** 688 n., 757
prevention of wrongful user of, **27,** 754, 763

FARCE. *See* DRAMATIC PIECE.

FARES,
cab, **27,** 299, 300. *See* hackney carriage, *infra.*
metropolis, in, **27,** 304
recovery of, **27,** 300
special agreements, effect of, **27,** 299, 301
hackney carriage, **27,** 299, 300
Home Secretary's powers as to, **27,** 304, 305
statutory definition of, **27,** 304 n.
light railway, **27,** 830 n., 835
bye-laws as to, **4,** 63
offences by passenger in respect of, **4,** 63
omnibus, **27,** 300
railway, **4,** 53, 54 ; **23,** 635
accounts of, **23,** 640
cheap train, in case of, **4,** 71
defined, **23,** 639 n.
duty, exemption from, **23,** 639
duty on, **23,** 639 ; **24,** 622
forcible removal for non-payment of, **4,** 64
luggage carried for, **4,** 40—44. *See* LUGGAGE.
offences by passenger in respect of, **4,** 60—63 ; **23,** 737
police, in case of conveyance of, **22,** 504 ; **23,** 699 n.
royal forces, in case of conveyance of, **23,** 699 ; **25,** 52
through, provisions as to, **4,** 72—74
ticket, must be marked on, **4,** 53 ; **23,** 737
workman, in case of, **4,** 71 ; **23,** 747
ship. *See* PASSAGE MONEY.
stage carriage, **27,** 293, 303
Home Secretary's powers as to, **27,** 304
tramway, **27,** 799, 805, 806
bye-laws as to, **4,** 62, 63
offences by passenger in respect of, **4,** 62, 63 ; **27,** 807, 808

FARM. *See also* AGRICULTURE.
bailiff, master or servant, whether, **20,** 65 n., 78 n.
notice of dismissal in case of, **20,** 98 n.
breach of covenant in lease of, injunction for, **17,** 245
building, erection of, improvement, as, **18,** 280 n., 283, 284 n.
property included in, **18,** 412 n.
clergy restricted in respect of, **11,** 557
custom of the country, in case of, **1,** 243—246 ; **18,** 563—567. *See* CUSTOM OF THE COUNTRY.
farmhouse, erection of, improvement, as, **18,** 280 n., 284 n.
mansion house, as, **25,** 641 n.
fieri facias, seizure under, extent of, **14,** 46, 47
franchise in respect of, **12,** 157 n.
income tax deductions in respect of, **16,** 622
injunction for breach of covenant in lease of, **17,** 245
lettings etc., assignment of, **3,** 23
notice for completion of purchase of, **27,** 69 n.
produce, bill of sale, not assignable under, **3,** 20 n., 21
property included in, **18,** 412 n.
road, making of, improvement, as, **18,** 280 n., 283, 284 n.

FARM—*continued.*
sewage. *See* SEWAGE.
stock, bill of sale, not assignable under, **3,** 20 n., 21
gift or legacy of interest in, **15,** 408; **28,** 528, 529
specific delivery of, judgment for, **27,** 15 n., 917 n.
vendor's liability for proceeds of crops after sale of, **25,** 373 n.

FARMER,
income tax in case of, adjustment of assessment in accordance with profits realized, **16,** 637, 638
allowances by way of abatement, **16,** 627, 672
claims for exemption, relief, or abatement, **16,** 623, 672
deductions in case of assessment on lands etc., **16,** 622, 623
five years' average, *defined,* **16,** 623
maintenance, *defined* for purpose of, **16,** 622
Schedule B, under, **16,** 636
loss on farm assessed under, no set-off against profits, **16,** 653
remedy where actual profits fall short of assessment, **16,** 638
Schedules A and B, chargeable under, how ascertained, **16,** 672
tenant, right of deduction by, **16,** 632, 633
special juror, as, **18,** 260
Sunday observance by, **1,** 294; **27,** 510

FARO,
unlawful game, as, **4,** 436; **9,** 546; **15,** 285

FARÖE ISLANDS,
sea fishing off, regulations as to, **14,** 635

FAT MELTING,
nuisance, as, **21,** 535

FATAL ACCIDENTS ACT,
action for damages under, **21,** 455—463
bastard cannot bring, **2,** 433, 438; **21,** 457 n.
collision at sea, in case of, **21,** 457; **26,** 523, 524
defences to, **21,** 455 n.
ground for, **20,** 147; **21,** 459—462
limitation of time for, **19,** 181; **21,** 457, 458; **23,** 347
particulars in case of, **21,** 457; **22,** 456
personal representative, by, **14,** 227; **21,** 455
persons
benefiting by, **21,** 457
liable to, **21,** 455, 456
separate actions when maintainable, **21,** 458, 459
child, *defined,* **17,** 45; **21,** 457 n.
civil liability
apart from, **1,** 12; **21,** 454, 455
under, **21,** 455—463
damages under, **21,** 455—463
apportionment of, **21,** 459, 462, 463
assessment of, **21,** 462
collision at sea, in case of, **26,** 517, 523, 524
deductions from, **21,** 462
loss of annuity, in case of, **21,** 461, 462
measure of, **20,** 147; **21,** 459—462
funeral expenses not recoverable under, in case of death by negligence, **3,** 407

FATHER. *See* PARENT.
affiliation proceedings, payments by, effect of, **2,** 441, 445
assault by, in defence of child, **17,** 114; **27,** 875
bastard, of, rights and liabilities of, **2,** 441, 442
under age of puberty, **2,** 430
carnal knowledge of daughter by, **9,** 617
custody, right to, of, **17,** 105—107, 109, 129. *See* CUSTODY.
debts of child, liability for, **17,** 115, 116
infant, custody of, choice as to, by infant, **17,** 106
power of court as to, on misconduct of, **17,** 106, 108, 110, 111
power to transfer, **17,** 106
rights as to, **17,** 105—107, 109
liability for debts of, **17,** 115, 116
maintenance of, liability for, **17,** 114, 115; **22,** 573, 574
money expended on, liability for, **17,** 115; **19,** 399
necessaries for, liability for, **17,** 114, 116
right to restrain and control, **17,** 107
right to services of, **17,** 107
torts of, liability for, **17,** 116 n.; **27,** 478 n.
inherits before brother of intestate, **11,** 10
intestacy of child, rights in case of, **11,** 22
maintenance of child, liability for, **17,** 114, 115; **22,** 573, 574
money expended on child, liability for, **17,** 115; **19,** 399
necessaries for child, liability for, **17,** 114, 116
personal injury to child, right of action for, **17,** 107 n.; **20,** 276
real estate of infant, powers over, **17,** 117, 118
religion of child, rights as to, **17,** 112, 113
seduction of daughter, rights in case of, **20,** 270—274. *See* SEDUCTION.
torts of child, liability for, **17,** 116 n.; **27,** 478 n.

FAULT. *See* DEFAULT; MISCONDUCT; MISFEASANCE.
defined, collision at sea, for purposes of, **26,** 519
Sale of Goods Act, 1893, under, **25,** 120
agreement to take with all faults, **1,** 420; **20,** 728, 729; **25,** 163 n., 298 n.; **27,** 47, 51
collision at sea, in case of. *See* COLLISION.
one vessel, of, effect of, **26,** 426, 460, 510
presumption as to, for breach of sea regulations abolished, **26,** 534, 535
negligence, distinguished from, **21,** 360; **26,** 517 n.
contract to sell with all, **20,** 728, 729; **25,** 163 n., 298 n.; **27,** 47, 51
diseased pigs, **1,** 420

FAVERSHAM,
local court of, **9,** 161

FEALTY,
copyhold, incident of, distress for, **8,** 58
estoppel by, **13,** 375 n.
knight service, incident of, **24,** 140, 148
rent service, incident of, **11,** 119; **24,** 284, 285
socage tenure, incident of, **24,** 141, 142

FEAR. *See* DURESS; THREAT.
consent obtained by, effect on trespass to the person, **27,** 872 n.
putting in, robbery, as essential to, **9,** 661, 662
transaction induced by, equitable relief against, **13,** 19

FEAST DAYS. *See* CHRISTMAS DAY; HOLIDAY.
how dated, **27,** 433 n.
tenancy agreement, in, **18,** 446 n., 471 n.

FEBRUARY,
periods dating from 29th, calculation of, **27,** 433

FEDERAL COUNCIL OF AUSTRALASIA, 10, 551

FEDERATED MALAY STATES,
protectorate of, **10,** 523

FEE.
For fees in respect of particular matters or due to particular persons, see main-word denoting such particular matters or persons.
base. *See* BASE FEE.
farm rent. *See* FEE FARM RENT.
feudal system, in relation to, **24,** 139 n., 145
grant. *See* FEE GRANT.
grant of, **24,** 139, 145. *See also* FEE SIMPLE.
knight's, **24,** 140
simple. *See* FEE SIMPLE.

FEE FARM RENT,
defined, **11,** 120; **24,** 467 n.
chief rent, distinguished from, **24,** 285
creation of, **24,** 142, 285
tenant for life, by, **24,** 478
land tax, liability for, in case of, **18,** 309, 310
redemption of, in case of, **18,** 330
rentcharge described as, when, **24,** 285 n., 467
sale of, by trustees, **7,** 149

FEE GRANT,
defined, **12,** 50
Board of Education, by, **12,** 11, 12, 30, 31, 50
fees applied in reduction of, **12,** 31
fees chargeable by school, effect on, **12,** 31

FEE SIMPLE,
defined, **24,** 164
Finance Act, under, **24,** 550 n.
alienation of, rights of, **24,** 167, 168
annuity, charged with, settled estate, as, **25,** 675 n.
settled land within Settled Land Acts, as, **25,** 624 n.
assessment of value for increment value duty, **24,** 560
bishopric, in, **11,** 408
capital money applied in purchase of, **25,** 647
charitable gift of, words of limitation in case of, **4,** 126
conditional, **24,** 168—170, 172. *See* CONDITIONAL FEE.
copyhold, grant of, in, **8,** 68, 91; **24,** 166 n.
corporation, grant to, of, **8,** 371; **24,** 166 n.
creation of, **24,** 165—167
copyholds, in, **8,** 68, 69; **24,** 166 n.
descent of, **11,** 7—12; **24,** 168. *See* DESCENT.
determinable, **24,** 170, 171. *See* DETERMINABLE.
devise of, **24,** 165, 166; **28,** 774—776
executory devise, subject to **24,** 165, 167, 232—236
devolution of, on personal representative on death, **11,** 4, 5; **14,** 238: **24,** 168
enjoyment of, rights of, **24,** 167
enlargement of estates into. *See* ENLARGEMENT.

FEE SIMPLE—*continued.*
equitable, grant of, **24,** 166 n.
escheat of, **11,** 23 *et seq.*; **24,** 145, 213. *See* ESCHEAT.
executory devise, subject to, effect of, **24,** 165, 167, 232—236
franchise qualification in respect of, **12,** 145, 146, 150
grant of, common law, at, **23,** 6; **24,** 165—167, 275
Statute of Uses, under, **23,** 6; **24,** 273, 281
incidents of, **24,** 167, 168, 173
increment value duty on transfer of, **24,** 560
lease and release, conveyance by, **24,** 294
lease of, owner's power to grant, **18,** 341
limitation of. *See* words of limitation, *infra.*
mining rights appurtenant to, **20,** 510, 511; **24,** 167
modification, may be subject to, **24,** 168—173
nature of, **24,** 145, 164, 165
parties to assurance of, **25,** 415
pew, in, **11,** 739 n.
qualified, **24,** 172, 173
remainder cannot be limited on, **24,** 165, 171, 217, 218
rentcharge cannot be granted with, **24,** 475
reverter expectant on, **24,** 213, 218, 237
successive estates, division into, **24,** 212
transmission by operation of law, **24,** 168
waste, liability for, **24,** 167, 173, 209, 211; **25,** 600 n.
words of limitation of, conveyance, in, **24,** 165—167; **25,** 425
charity, to, **4,** 126
copyhold, of, **8,** 68, 91; **24,** 166 n.
corporation, to, **8,** 371; **24,** 166 n.
devise, in, **24,** 165, 166; **28,** 774—776

FEE TAIL. *See* ESTATE TAIL.

FEEDING STUFF,
adulteration of, **1,** 285—291
agricultural analyst, appointment of, **1,** 288, 289
certificate of, **1,** 288
evidence, as, **1,** 288
chief, **1,** 287, 288, 289
deputy, **1,** 287, 289
duty of, as to certifying, **1,** 288
analysis of, **1,** 287—289
chief agricultural analyst, by, rights of parties to proceedings to, **1,** 288
purchaser's right to, **1,** 287
Board of Agriculture and Fisheries, consent required for prosecution for offences, **1,** 290
regulations of, as to, **1,** 289
county and county borough council, expenses of, in regard to, **1,** 289
powers of, **1,** 289
offences in connection with, **1,** 289—291
prosecution for, **1,** 290
appeal in respect of, **1,** 291
sale of, breach of duty by seller, penalties for, **1,** 289
prosecution for, **1,** 290
summons on, requisites of, **1,** 290
invoice on, **1,** 285, 286
analyst, to be sent with sample to, **1,** 288
mixed ingredients, in case of, **1,** 287
limits of error on, **1,** 286 n.

FEEDING STUFF—*continued.*
sale of—*continued.*
two or more substances, prepared from, warranty on, **1,** 286
warranty by seller on, **1,** 285—287
sample, taking of, for analysis, **1,** 287, 288
sampler, official, duties of, **1,** 287
appointment of, **1,** 287, 289
duty of, **1,** 287
obstructing, penalty for, **1,** 290
tampering with article or sample, penalty for, **1,** 290

FEES.
For fees in respect of particular matters or due to particular persons, see main-words denoting such particular matters or persons.

FEINTS,
distilling of spirits, obtained in, *defined,* **24,** 624 n.
excise duty in respect of, **24,** 624

FELLMONGER,
local authority's consent necessary to carry on trade of, **23,** 562
London, establishment in, of trade of, restrictions on, **23,** 565
restrictions on trade of, **23,** 562, 565
trader, question for jury as to whether a, **27,** 511 n.

FELLOW,
college, of, **4,** 248—250
election of, corruption at, **4,** 248
president's concurrence in, **4,** 248
qualification for candidates, **4,** 248—250
regulation of, **4,** 247, 248
examination as qualification for, **4,** 249, 250
fellowship, forfeiture of, **4,** 250
property qualification for, **4,** 249
receiver appointed in respect of emoluments of, **24,** 366
support of, a charitable purpose, **4,** 111
franchise qualification, position as regards, **12,** 149
holy orders as qualification for, **4,** 249
mandamus
against, **4,** 300
not granted to restore, **4,** 300
Royal College of Physicians, of, election of, **20,** 310
fees, may not sue for, **20,** 310
nomination of, **20,** 310
president elected by, **20,** 310
qualification for, **20,** 310
restrictions affecting, **20,** 310
Royal College of Surgeons, of, *ad eundem,* **20,** 314
admission of, **20,** 314
classes of, **20,** 314
council, elected by, **20,** 313
eligible for election on, **20,** 313
election of, **20,** 314
examination, by, **20,** 314
honorary, **20,** 314
removal of, **20,** 313
Royal College of Veterinary Surgeons, of, admission of, **20,** 372

FELO DE SE. *See* SUICIDE.
burial of, **3,** 421, 422; **8,** 273
coroner's inquisition in respect of, **8,** 273, 277, 279, 281
escheat for, abolished, **11,** 26
life insurance, effect on, **19,** 400, 401
probate of will of, **28,** 536 n.

FELON. *See also* CONVICT.
arrest of, **9,** 296—310; **25,** 811; **27,** 880
chargeability to parish of, **22,** 591
donee under will, may be, **28,** 541
incapacity of. *See* INCAPACITY.
infant, guardianship of, **17,** 110
juror, cannot be, **18,** 230
lord of manor's right to take goods of, **8,** 7
medical practitioner convicted as, removal from register, **20,** 324
person after suffering punishment for felony is no longer a, **18,** 639 n.
wife of, may contract as *feme sole,* **22,** 20 n.

FELONY.
For details in respect of specific crime constituting felony, see main-word dealing with such crime.
defined, **9,** 246
admission of facts in, **9,** 386
arrest in case of, **9,** 296—310; **25,** 811; **27,** 880
assault with intent to commit, **9,** 610
bail in case of, **9,** 246 n., 323, 326 n.; **10,** 52
bankrupt, by, acts constituting, **2,** 349
discharge, refusal of, in case of, **2,** 247
proof for debts arising out of, **2,** 201
prosecution for, **2,** 352
causing death while committing, as murder, **9,** 579
certiorari for removal to King's Bench Division for trial, **10,** 182
common carrier, servant of, by, **4,** 25, 26
company cannot commit, **5,** 311
compensation of person injured by, **9,** 449
compounding, offence of, **9,** 503, 504
corporation cannot commit, **5,** 311; **8,** 391
corruption of blood upon conviction for, before Forfeiture Act, **11,** 26 n.
deed avoided by conviction for, **7,** 342; **10,** 360
defamation by imputation of, **18,** 636, 637, 639 n., 640 n., 641 n.
election offences constituting, **12,** 525—528
escheat for, abolition of, **11,** 26
forfeiture for, **9,** 428 n.; **11,** 26 n.; **23,** 261; **24,** 330 n.
conversion, equitable doctrine of, effect on property liable to, **13,** 107 n.
offices, of, **9,** 428
housebreaking as, **9,** 672
incapacity of person convicted of. *See* INCAPACITY.
indictment for, **9,** 329—351. *See* INDICTMENT.
jury, special, cannot try indictment for, **18,** 260
swearing of, on trial for, **18,** 253
misdemeanour distinguished from, **9,** 246
misprision of, **9,** 503
peer charged with, trial of, **21,** 653, 654
sacrilege, constituting, **9,** 675; **11,** 736, 737
specific performance, as bar to, **27,** 59
Sunday, process may be executed on, in case of, **25,** 813
suspicion of, arrest in case of, **9,** 298, 304

FELONY—*continued.*
torts amounting to, **27,** 492
suspension of right of action in case of, **1,** 27—29; **27,** 492
treason distinguished from, **9,** 246
trustee guilty of, removal of, **28,** 114 n.

FELT,
criminal offences by workmen employed in manufacture of, **20,** 127, 128
proceedings for, persons disqualified as justices in case of, **19,** 556

FEMALE. *See also* WOMAN.
adultery or unchastity, imputation of, actionable *per se,* **18,** 620, 641
contributory of unregistered company, marriage of, effect of, **5,** 652
coparceners. *See* COPARCENER.
criminal offences against, **9,** 611—623
abduction, **9,** 619—623. *See* ABDUCTION.
carnal knowledge, **9,** 614—619. *See* CARNAL KNOWLEDGE.
Criminal Law Amendment Act, under, **9,** 614—617
evidence of complaint in case of, **9,** 394; **13,** 446, 447
incest, **9,** 617—619. *See* INCEST.
indecent assault on, **9,** 619
rape, **9,** 611—614. *See* RAPE.
descent of real estate to, **11,** 9—15
estates tail, in case of, **11,** 12; **24,** 242
fee simple, in, **11,** 9—12
gavelkind land, in case of, **11,** 15
priority of males over, **11,** 9
distribution of personal estate in case of, **11,** 16—23
estate in tail female, **24,** 241—264. *See* ESTATE TAIL.
feminine gender included in words importing masculine gender in interpreting statute, **27,** 130
idiot, carnal knowledge of, offence constituted by, **9,** 613
infant, marriage settlement by, **17,** 103; **25,** 559, 560
conflict of law as to, **6,** 234, 279
lunatic, male person not to be employed in custody of, **19,** 517
prisoner, child of, **23,** 255
classification of, **23,** 260 n.
diet of, **23,** 256
hair cutting of, **23,** 249
liberation on licence of, **23,** 258
locks of prison in case of, **23,** 239, 255
prison matron's duty as to, **23,** 239
vote, municipal, right to, **12,** 183
parliamentary, has no, **12,** 140

FEME COVERT. *See* MARRIED WOMAN.

FEME SOLE,
married woman in position of. *See* MARRIED WOMAN.
Queen Consort as, **6,** 365

FENCE.
The title BOUNDARIES, FENCES AND PARTY-WALLS *is contained in Vol. III., pp.* 107 *et seq.*
defined, **3,** 126
agricultural, covenant to repair, no injunction in respect of, **1,** 251
fixture, as, **18,** 565

FENCE—*continued.*
area, fencing of, in metropolitan street, **16,** 205
barbed wire, **3,** 128; **16,** 169. *See* BARBED WIRE.
canal company's duty to fence bridge, **16,** 207; **23,** 781, 782
cattle, fencing against, **1,** 376—378, 380; **3,** 132, 133; **21,** 410; **27,** 482 n.
railway company, duty as to, **3,** 133; **23,** 670, 671
cellar, fencing of, in metropolitan street, **16,** 205
cemetery, inclosing, statutory obligation to erect, **3,** 516
urban authority, duties of, as to maintaining, **3,** 467, 530
wilful destruction or injury to, **3,** 523
chaff-cutting machine, fencing of, **1,** 295
commons, on, allotments, inclosing, provisions of Inclosure Act as to, **3,** 130; **4,** 567, 568, 579, 592
commoner's right to remove, **4,** 515
inclosure of common, on, allotments, in case of, **1,** 352; **3,** 130; **4,** 567, 568, 579, 590, 592
instructions to valuer as to, **4,** 549
new roads, in case of, **4,** 564
private boundaries, modifying, **4,** 553
recreation allotment, in case of, **4,** 592
dangerous
building, fencing of, **23,** 430
liability in respect of, **3,** 127, 128; **16,** 115, 169; **21,** 515
property, fencing of, common law liability as to, **16,** 115; **21,** 397, 398, 409, 410, 515
statutory provisions as to, **16,** 251—255
distrainor may climb, **11,** 165
distress damage feasant not justified if defect in, **1,** 380
ecclesiastical property, fencing of, liability as to, **3,** 130
excavation, fencing of, common law duty as to, **3,** 128, 129; **21,** 410
electricity undertaker's duty as to, **12,** 575
gas undertaker's duty as to, **15,** 328, 329
metropolitan street, in, **16,** 205
statutory duty as to, **3,** 130; **16,** 255
tramway promoter's duty as to, **27,** 791
freeboard land adjoining, landowner's right to, **3,** 126
highway, fencing of, barbed wire, with, **3,** 128; **15,** 227; **16,** 156, 169
dangerous, **3,** 127, 128; **16,** 115, 169; **21,** 515
dangerous places, near, **21,** 397, 398, 409, 410, 515 n.; **27,** 275
diversion of highway, on, **3,** 130; **16,** 7[illegible]; **21,** 398
highway authority's power as to, **16,** 103, 11[illegible], 114, 115, 251—255
land adjoining, general liability as to, **3,** 12[illegible], 129; **16,** 114; **21,** 397, 398, 409, 410, 5[illegible]
statutory provision as to, **16,** 251, 255
penalty for unauthorised, **16,** 164
pits or holes in, **12,** 575; **16,** 111
public right of passage on, presumption as to, **16,** 66, 67
land improvement, as, **18,** 280 n., 284 n.
landowner, freeboard land, right to, **3,** 126
liability as to fencing, **18,** 515
agreement, by, **3,** 131, 132

FENCE—*continued.*
landowner—*continued.*
liability as to fencing—*continued.*
common law, at, **3,** 129; **16,** 115; **21,** 397, 398, 515
covenant running with land, as, **3,** 131
extinguishment of, **3,** 134
neighbour, against, **3,** 128; **21,** 395—397
prescription, by, **3,** 132
public, against, **3,** 128; **21,** 397—401, 409, 410
special, **3,** 129—132
statute, by, **3,** 130
machinery, fencing of, agricultural, **1,** 295
Employers' Liability Act, neglect to fence as defect within, **20,** 141
statutory provisions as to, **14,** 464, 465, 466
metropolitan street, in, damaging, **27,** 287
mine, fencing of, abandoned, when, **3,** 130; **20,** 603, 628; **21,** 539, 540
coal-mine, in case of, **20,** 617
Derbyshire, in, **20,** 645
lessee's duty as to, **20,** 558
metalliferous mine, in case of, **20,** 630; **21,** 540
nuisance, omission to fence as, **3,** 130; **21,** 539, 540
owner's duty as to, **20,** 585
negligence in respect of, **21,** 397, 398, 409, 410
nuisance, as a, **16,** 153, 169; **21,** 515
quarry, fencing of, **16,** 169; **20,** 635; **21,** 398 n., 540
railway company's duty to maintain, **3,** 130, 131; **23,** 670, 671
bridge, on, **23,** 658
land temporarily used, in case of, **23,** 677
level crossing, in case of, **23,** 660
repair of, **3,** 128—134. *See* REPAIR OF FENCE.
sewer, unauthorised interference with, by, **25,** 768 n.
shaft, of, **7,** 259; **16,** 169; **20,** 558, 585, 628, 630. *See* mine, *supra.*
tenant for life, right of, to interfere with, **25,** 600 n.
threshing machine, fencing of, **1,** 295
trees overhanging, rights in respect of, **3,** 126, 127
trustees of settlement, powers of fencing, **25,** 689

FENCE MONTH,
forest, rights of common in, cannot be exercised in, **4,** 475

FEODUM,
defined, **24,** 139 n.

FEOFFMENT,
defined, **24,** 290
charter of, livery of seisin accompanied by, **24,** 291
condition, on, mortgage by, **24,** 169 n.
corporeal hereditaments, avoidance of conveyance of, **24,** 293
deed necessary for, **10,** 367 n.; **15,** 410; **24,** 291
essentials to a valid, **15,** 410; **24,** 291
gavelkind land, of, by infant, **10,** 367; **17,** 80, 81; **24,** 152, 291
gift
by, **15,** 410
distinguished from, **15,** 399 n.
tenant for life, by, formerly was a forfeiture of estate, **24,** 330 n.
tortious, **24,** 291, 292, 330 n.

FERÆ NATURÆ,
animals, **1,** 365—368, 370—372. *See* WILD ANIMAL.

FERMENTED LIQUOR,
beer, when included in term beer, **24,** 630 n.
intoxicating liquor, included in term, **18,** 6
spirits, when included in term, **18,** 6
sweets, when included in term, **18,** 7

FERN,
estovers, as, **4,** 468
lord of manor, commoner no right to cut fern as against, **4,** 516
profit à prendre, right to take fern as, **11,** 337

FERRET,
larceny, not the subject of, **1,** 370; **15,** 213 n.

FERRY.
The title FERRIES *is contained in Vol. XIV., pp.* 555 *et seq.*
defined, **14,** 555
boat, **14,** 564, 565
Merchant Shipping Act, 1894, application of, to, **14,** 564
navigation of, owner's liability for risks of, **14,** 560; **26,** 417
proper order, must be kept in, **14,** 558, 559
registration of, **14,** 564
survey of, **14,** 565
bridge, building of, effect on, **14,** 559, 561; **21,** 511 n.
compulsory pilotage, exempt from, if plying within limits of harbour authority, **26,** 610
conveyance of, **14,** 557
creation of, prescription, by, **14,** 557
royal grant, by, **6,** 490; **14,** 557
statute, by, **14,** 557
disturbance of, **14,** 561—563
defined, **14,** 561
boats of certain tonnage, by, statutory penalty for, **14,** 562
bridge, erection of, is not, **14,** 561
defences to action for, **14,** 562, 563
injunction for, **14,** 561
nuisance, action for, in respect of, **14,** 561
proof required in action for, **14,** 562
remedy for, **14,** 561, 562
servant, by, employer may be liable for, **14,** 561
verdict and final judgment *inter alios* as evidence in action for, **14,** 562
exclusive right to, **14,** 556
extinguishment of, **14,** 563
ferryman, common carrier, as, **4,** 3
salt water ferry, of, cannot be pressed for soldier or otherwise, **14,** 558 n.
fog, ferry-steamer proceeding in, owner's liability for, **14,** 560; **26,** 417
goods carried by, owner's liability in respect of, **14,** 559
grant of, **6,** 490; **14,** 557
highway, as a, **14,** 555, 556; **16,** 12 n.
continuation of, **14,** 557 n.
leading to, right of passage over, **16,** 12
owner of ferry as occupier of highway over river, **14,** 564 n.
income tax in respect of, **16,** 625
incorporeal hereditament, as, **14,** 557
Lancaster, Duchy of, in, sale of, **7,** 223
landing-place, rating of, **14,** 564; **24,** 8 n., 9

FERRY—*continued.*
landing-place—*continued.*
safe, provision of, owner's liability as to, **14,** 559
Lands Clauses Act, 1845, franchise of ferry as land within, **14,** 561 n.
lease of, **14,** 558
distress not applicable on, **14,** 558
monopoly, as a, **14,** 558, 561 n.
none if no obligation to give attendance or keep up boats, **14,** 559, 562
nature of, **14,** 556
navigation of, risks of, owner's liability for, **14,** 560; **26,** 417
neglect of, penalty for, **14,** 559
owner of, common carrier, as, **4,** 3; **14,** 559
duties of, **14,** 558, 559
indictment against, for neglect of ferry, **14,** 559
liabilities of, **14,** 559, 560, 564 n.
ownership of land, right is independent of, **14,** 556
point to point, from, **14,** 556
proof of right to, **14,** 562
quo warranto
against person unlawfully claiming, **14,** 556, 557
neglect of ferry, in respect of, **14,** 559
rating of, **14,** 563, 564; **24,** 9
right of way, right exists in connection with, **14,** 556
scire facias in case of neglect of, **14,** 559
second ferry, invalidity of grant of, **14,** 557
termini of, **14,** 555
tolls, carriage of mails, demand for, **22,** 656 n., 667
custom to carry inhabitants free of, **10,** 230 n.; **14,** 560, 561
franchise, as incident to, **14,** 560
rateability of owner of, **14,** 563
reasonableness of, how fixed, **14,** 560
right to, **14,** 558, 560, 561
variation of, effect of, **14,** 560
town to town, from, **14,** 556
transfer of, **14,** 557, 558
unlawful claim to, **14,** 556, 557
vill to vill, from, **14,** 556
Woolwich, London County Council's regulation of, **20,** 398

FERTILISER,
adulteration of, **1,** 285—291
agricultural analyst, appointment of, **1,** 287, 289
certificate of, **1,** 288
evidence, as, **1,** 288
chief, **1,** 287, 288, 289
deputy, **1,** 287, 289
duty of, as to certifying, **1,** 288
analysis of, **1,** 287—289
chief agricultural analyst, by, right of parties to proceedings to, **1,** 288
purchaser's right to, **1,** 287
Board of Agriculture and Fisheries, consent of, required for prosecution for offences, **1,** 290
regulations of, as to, **1,** 289, 299
county and county borough council, expenses of, in regard to, **1,** 289
powers of, **1,** 289
offences in connection with, **1,** 289—291
prosecution for, **1,** 290
appeal in respect of, **1,** 291
sale of, breach of duty by seller, penalties for, **1,** 289
prosecution for, **1,** 290
summons on, requisites of, **1,** 290

FERTILISER—*continued.*
sale of—*continued.*
invoice on, **1,** 285
analyst, to be sent with sample to, **1,** 288
mixed ingredients, in case of, **1,** 287
limits of error on, **1,** 285
warranty by seller on, **1,** 286, 287
sample, taking of, for analysis, **1,** 287, 288
sampler, appointment of, **1,** 287, 289
duty of, **1,** 287
obstructing, penalty for, **1,** 290
tampering with article or sample, penalty for, **1,** 290

FEU,
use of term in Scotland, **24,** 139 n.

FEUD
meaning of, **24,** 139 n.
tenure of land based upon grant as a, **24,** 139

FEUDAL SYSTEM,
defined, **24,** 139
abolition of, **24,** 147, 148
alienation of land under, **24,** 142—144, 286, 287
descent, rules of, under, **11,** 10 n.; **24,** 145, 146
fee, grant of, conferred estate of inheritance under, **24,** 145
forfeiture by tenant under, **24,** 331
leasehold tenure formed no part of, **24,** 146
rights of common as originating in, **4,** 444
subinfeudation under, **24,** 142—145, 286, 287
abolition of, **24,** 144
alienation by, **24,** 142, 143, 286, 287
effect of, **24,** 142—144
will, disposition by, under, **28,** 518 n.

FEUDAL TENURE. *See* FEUDAL SYSTEM.
alienation of land held by, **24,** 143, 144, 286, 287
estates of inheritance under, **24,** 145
forms of, **24,** 139—148
chivalry, **24,** 141, 142
frankalmoign, **8,** 373; **24,** 140, 142 n., 148.
serjeanty, **24,** 141, 142
socage, **24,** 141, 142. *See* SOCAGE.
villenage, **24,** 146
incidents of, **24,** 138—148
escheat, **11,** 23—28; **24,** 145, 146. *See* ESCHEAT.
escuage, **24,** 140
fealty, **11,** 119; **24,** 140—142, 148
fee farm rent, **24,** 142
gabel, **11,** 119
heriots, **24,** 148. *See* HERIOT.
homage, **24,** 140, 141. *See* HOMAGE.
knight's service, **24,** 140, 147, 148. *See* KNIGHT SERVICE.
plough service, **24,** 141
quit rent, **11,** 120; **24,** 285. *See* QUIT RENT.
rent service, **11,** 119, 120; **24,** 140—142, 284—286. *See* RENT SERVICE.
reverter, **24,** 146
wardship and marriage, **24,** 141, 142, 144, 147, 148
leasehold tenure, origin of, **24,** 146, 147
manors, origin of, **8,** 3; **24,** 143
meaning of, **24,** 138, 139
ownership of land based on, **24,** 138, 139
subinfeudation in respect of, **24,** 142—145, 286, 287

FEUDUM,
meaning of, **24,** 139 n.

FEUDUM TALLIATUM,
meaning of, **24,** 242

FEVER,
public health, provisions for protection of, in relation to, **20,** 338; **23,** 445 *et seq.* *See* INFECTIOUS DISEASE.

FIAT,
Attorney-General, of, charity proceedings, in, Charitable Trusts Act, 1853, effect on, **4,** 313
costs of obtaining, **4,** 342
presentation of petition in, on, **4,** 333, 335
Crown interested in proceedings, when, **7,** 75
mandamus to compel, when granted, **7,** 75
petition of right, in case of, **7,** 75 n.; **10,** 31
judge, of, writ of extent, in case of, **10,** 14

FIAT CONFIRMATIO,
archbishop, of, on election of bishop, **11,** 396

FICTITIOUS. *See also* FALSE.
allegation of loss in trover, abolition of, **27,** 888 n.
loss, debtor's statement of, as offence under Debtor's Act, **2,** 348
name, shares taken in, liability when, **5,** 147, 498
signature in, as forgery, **9,** 712 n.
person, bill of exchange, in, *defined,* **2,** 474
drawee as, notice of dishonour in case of, **2,** 548
presentment for acceptance in case of, **2,** 528
instrument payable to, **1,** 608, 614; **2,** 474
postage stamp, offences relating to, **22,** 665

FIDELITY GUARANTEE,
alteration in membership of firm guaranteed, effect of, **15,** 501
amalgamation of two companies, effect of, **15,** 500
bond, by. *See* BOND.
change of, parties, effect of, **15,** 498
status, effect of, **15,** 499, 501
death of party, effect of, on, **15,** 499, 501
decrease in number of persons to whom guarantee given, effect of, **15,** 499
enforcement of, **15,** 502, 503
stranger, by, **15,** 503
evidence against surety in case of, **15,** 479
increase of number of persons to whom guarantee given, effect of, **15,** 498
industrial and provident society, officer of, when required for, **17,** 25
interpretation of, **15,** 475, 476
nature of, **15,** 441, 494, 495
omission to disclose previous defalcations of servant, effect of, **15,** 542
partner taken by guaranteed party, effect of, **15,** 498
principal, alteration in position of, on, **15,** 500
appointment of, change in tenure of, on, **15,** 496
contemplated not made, when, **15,** 497
fresh office, to, **15,** 496
material alteration in duties of, on, **15,** 497
misconduct of, **15,** 507, 559, 560, 572 n.
reappointment of, on, **15,** 495
salary of, alteration in, on, **15,** 497
sub-division of office of, on, **15,** 497
surety's liability under, **15,** 449, 483 n., 484, 491, 494—501. *See* SURETY.

FIDUCIARY POSITION,
agent, **1,** 182; **13,** 156; **15,** 109 n., 110; **28,** 58, 91
attachment of person in, for failing to obey order for payment, **2,** 338; **7,** 299—301
bailment of deposit, opening sealed receptacle in case of, as breach of, **1,** 534
bankrupt in, property held by, **2,** 168, 169
barrister, of, **2,** 394—397; **11,** 73; **15,** 109
company
director, of, **5,** 228; **13,** 156
promoter, of, **5,** 49—52; **13,** 156
confidential communication, privilege of, **13,** 571, 572
conveyance to third party for benefit of person in, **15,** 105
Debtors Act, application of, on default of payment on order of court by person in, **2,** 338; **7,** 299—301
discontinuance of, burden of proof of, **15,** 103
discovery of documents in case of, particulars, before, **11,** 51
privilege in case of, **11,** 81
equitable relief in case of, **13,** 154—161
following of assets, **13,** 159—161; **28,** 207, 208
generally, **13,** 156
family relationship, abuse of influence in, **20,** 761
gifts by and to persons in, **15,** 109, 110, 403, 404; **28,** 166
guarantee as affected by, **15,** 450
husband and wife, as between, **15,** 110; **16,** 396, 402—404; **19,** 404, 405
in loco parentis, in case of persons, **15,** 108
income tax returns by persons in, **16,** 676, 677
independent advice in case of, **15,** 103—106, 109; **20,** 760, 761. *See* ADVICE.
joint tenants are not in, **24,** 204
lease, renewal of, by person in, **17,** 98
limitation of action in regard to persons in, **19,** 165, 166
medical attendant and patient, as between, **15,** 110; **19,** 404
mines and minerals, power of sale of, of persons in, **20,** 525
mining leases, power to grant, by person in, **20,** 533
mortgagee exercising power of sale, of, **19,** 17; **21,** 257, 258
parent and child, as between, **15,** 107, 108; **19,** 404
partners, as between, **22,** 47, 48
principal and agent, as between, **1,** 182; **13,** 156; **15,** 109, 110; **28,** 58, 91
purchaser's lien in case of person in, **19,** 17
receiver in, **24,** 397, 398
security for debt of person in, creditor's duty in case of, **15,** 105, 106
solicitor, of, **15,** 108; **19,** 405; **26,** 746—753
specific delivery of chattel acquired by abuse of, judgment for, **27,** 917, 918
spiritual adviser and devotee, as between, **15,** 110; **19,** 405
testator and beneficiary, as between, **19,** 404, 405
trust, constructive, in case of, **13,** 155; **28,** 47
express, in case of, **13,** 154, 155
resulting, in case of, **13,** 155
trustee and *cestui que trust,* as between, **13,** 156—158; **15,** 109, 110; **28,** 6, 48, 49, 166—171. *See* CESTUI QUE TRUST; TRUSTEE.
undue influence, presumption of, from, **15,** 103—111; **20,** 760, 761. *See* UNDUE INFLUENCE.

FIEF,
alien's inability to hold, **11,** 10 n.
ascent of, *possessio fratris*, **11,** 10 n.
derivation of term, **24,** 139 n.
descent of, *ut antiquum*, **11,** 10 n.

FIELD BOOK,
land valuation purposes, for, use and contents of, **24,** 556

FIELD GARDEN,
allotment wardens, management by, **1,** 336; **4,** 593—595
transfer of powers of, **1,** 336; **4,** 594
appropriation of land for, **1,** 335
Board of Agriculture and Fisheries, jurisdiction of, over, **1,** 335, 336, 338; **4,** 593—595
buildings not to be erected on, **1,** 337; **4,** 593
Charity Commissioners, jurisdiction of, over, **1,** 338; **4,** 595, 596
churchwardens and overseers, land appropriated to, **1,** 335; **4,** 510, 511
compensation for land taken for, application of, **1,** 337
creation of, **1,** 335, 336
draining of, **1,** 337; **4,** 594
exchange of land taken for, **1,** 338; **4,** 594
extent of, **1,** 336; **4,** 593
fencing of, **1,** 337; **4,** 594
Inclosure Act, provisional order under, for, **4,** 603
labouring poor, for benefit of, **1,** 335; **4,** 593
letting, terms and conditions of, **1,** 336—338; **4,** 593, 594
management of, **1,** 336; **4,** 594, 595
transfer of, **1,** 336; **4,** 594
parish council, jurisdiction of, **1,** 336, 337
rates and taxes on, payment of, **1,** 337; **4,** 594
rents of, application of, **1,** 337; **4,** 594
recovery of, **1,** 337; **4,** 594
reports on, by parish council, **1,** 336; **4,** 592
sale of, **4,** 594
sanitary authorities, transfer of powers to, **1,** 336; **4,** 594, 595
schemes regulating, **1,** 338; **4,** 595, 596
taxes on, payment of, **1,** 336; **4,** 594
tithes on, payment of, **1,** 337; **4,** 594
unlet, provisions in respect of, **1,** 337; **4,** 593
use of, for other purposes forbidden, **1,** 336; **4,** 592, 593
valuation, periodical, of, **1,** 337
valuer, appointment of, **1,** 335

FIELD REEVE,
election and duties of, **4,** 536, 569, 570

FIERI FACIAS (WRIT OF),
abandonment of goods seized under, effect of, **14,** 56
addressed to sheriff, **14,** 37
administrator of deceased debtor, executed on, **25,** 814
applicable, when, **14,** 37, 38
assignee of judgment debt may obtain, **4,** 373
bankruptcy, in case of, **14,** 53
bedding, exemption of, from seizure under, **14,** 48
bill of exchange is liable to seizure under, **2,** 510; **14,** 47
bill of sale, fraudulent, void as against sheriff executing, **15,** 89
binding of property in goods by, **14,** 42—44
exceptions to rule as to, **14,** 43, 44

FIERI FACIAS (WRIT OF)—*continued.*
bonâ fide purchaser for value, does not bind goods as against, **14,** 43
bond is liable to seizure under, **14,** 47
cestui que trust, equitable interests of, cannot be seized under, **14,** 49
chattels real may be sold by sheriff under, **14,** 44, 45, 68
cheques liable to seizure under, **14,** 47
choses in action cannot be seized under, **14,** 47
copyright cannot be seized under, **14,** 47
corporation, against, **8,** 396
Crown, does not bind goods as against, **14,** 43
de bonis ecclesiasticis, when issued, **11,** 617; **14,** 89, 90
de bonis intestati, when issued, **14,** 41
de bonis testatoris, when issued, **14,** 41, 332
devastavit, return of, to, **14,** 59
death of judgment creditor or debtor, effect of, **14,** 41
debts cannot be seized under, **14,** 47
delivery of, **14,** 38
several writs, in case of, **14,** 38
detinue, in, issue by plaintiff to recover assessed value, **27,** 917 n.
distress for rent, as affecting, **14,** 53, 54
distringas nuper vicecomitem, writ of, in aid of, **14,** 61
Divorce Division, issue by order of, **16,** 587, 588
effect of, **14,** 42—44
elegit, writ of, cannot be issued after, **14,** 38, 62
equitable interests cannot be seized under, **14,** 49
equity of redemption cannot be seized under, **14,** 49
executor, against goods in hands of, availability of, **14,** 50, 218
fees on levy, **25,** 836, 837
fieri feci, return of, to, **14,** 58
fines, recovery of, by, **25,** 821
fixtures, seizure of, under, **14,** 45
forfeited recognisances, recovery of, by, **25,** 821
goods, binding property in, by, **14,** 42—44
growing crops, against, **1,** 257, 258; **14,** 45—47
heirlooms not seizable under, **14,** 45
improper execution of, **25,** 826—830
incorporeal property as subject of seizure under, **14,** 47
instruments
liable to seizure under, **2,** 510; **14,** 47
void as against sheriff executing, **15,** 89
interpleader in case of, **14,** 52
issue of, **14,** 16, 38
joint property, against, **14,** 50
judgment
debtor, binds property of, **14,** 42. *See* JUDGMENT DEBTOR.
fraudulently obtained void as against sheriff executing, **15,** 89
Judgments Act, 1838, instruments liable to seizure under, by, **2,** 510; **14,** 47
leaseholds may be sold under, **14,** 44
life insurance policy may not be seized under, **14,** 48
limitation of action in case of money levied on, **19,** 38
mandavi ballivo, return of, to, **14,** 59
market overt, does not bind goods as against purchaser in, **14,** 43
Mayor's Court, London, issue by, **20,** 296
money, seizure of, under, **14,** 47, 48
sheriff's duty on, **14,** 48

FIERI FACIAS (WRIT OF)—*continued.*
nature of, **14,** 37
nulla bona, return of, to, **14,** 58
patent as subject of seizure under, **14,** 47 n.
pawnbroker's pledge may not be seized under, **14,** 48; **17,** 614; **22,** 245
poundage in case of seizure under, **25,** 836, 837
priority where there are several, **14,** 39, 40
promissory note is liable to seizure under, **14,** 47
property seizable under, **14,** 44—53
purchaser, binding of goods as against, by, **14,** 42—44
title acquired by, under, **14,** 57, 58
purpose for which issued, **14,** 37
railway company's rolling stock and plant exempt from seizure under, **14,** 49
real property not seizable under, **14,** 44
rent, as affecting payment of, **14,** 53
residue of sum realised, duty of sheriff to pay over, **14,** 39, 48
return of sheriff to, **14,** 58—60
insufficient amount realised, where, **14,** 59
sale of goods under, **14,** 56—58
title of purchaser on, **14,** 57
securities for money are liable to seizure under, **14,** 47, 48
seizure of goods under, effect of, **14,** 55
retention of possession after, **14,** 56
sheriff's rights in effecting, **14,** 40, 41
subsequent sequestration, as affected by, **14,** 82
what constitutes, **14,** 54
settlement determinable on involuntary alienation, effect on, of, **25,** 572 n.
several writs, delivery of, **14,** 38
issue of, **14,** 38
priority in case of, **14,** 39
sheriff, duties of, under, **14,** 21, 38—41
fees on execution of writ by, **25,** 836, 837
liability of, under, **14,** 40, 41
payment of amount to be levied to, **14,** 56
rights of, under, **14,** 39
seizure by, under, **14,** 40, 41, 54—56
trespass, liability in, on executing, **14,** 41
ship, seizure of, under, **14,** 48
soldier's pay and equipment exempt from seizure under, **14,** 49
specialties as liable to seizure under, **14,** 47
specific performance, enforcement of order for ancillary relief in, by, **27,** 96
taxation of costs, issue before, **14,** 38
taxes, as affecting payment of, **14,** 54
third parties, as affecting, **14,** 50
claim of, in case of, **14,** 52
title to goods, effect on, **14,** 42, 43; **25,** 203
tools and implements of trade, exemption of, from seizure under, **14,** 48, 49
trade-marks as subject of seizure under, **14,** 47 n.
trustee, against, chattels of trust estate cannot be seized under, **14,** 49
in bankruptcy, binding of goods as against, by, **14,** 43, 44
venditioni exponas, writ of, in aid of, **14,** 60, 61
wearing apparel, exemption of, from seizure under, **14,** 48
when taking effect, **14,** 42, 43
writs in aid of, **14,** 60, 61

FIERI FECI,
return of, writ of *fieri facias*, to, **14,** 58
judgment creditor's rights on, **14,** 59

FIGHT,
affray, amounting to an, **9,** 468
challenge to, as misdemeanour, **9,** 469
death resulting from, manslaughter, when, **9,** 578, 581, 582
murder, when, **9,** 578, 581
sudden quarrel, due to, consequences arising on, **9,** 578, 581
misdemeanour, as, **9,** 468
prize-fight, illegality of, **9,** 470, 582. *See* PRIZE FIGHT.

FIGURES,
bill of exchange, in, differing from words in instrument, construction in case of, **2,** 468; **10,** 453 n.

FIJI,
chief justice of, **10,** 555
court of, **10,** 555
government of, **10,** 503 n.
governor of, **10,** 524

FILE MARRIER,
distress for aid, **11,** 118 n.

FILING,
affidavit, of. *See* AFFIDAVIT.
allotment of shares, of documents on, **5,** 179, 180
bankruptcy petition, of, **2,** 43, 51
Central Office, in, affidavit, of, **11,** 111 n.; **13,** 629
winding up company, petition on, **5,** 504, 558
county court, in, affidavit, of, **8,** 519, 629
depositions taken before examiner, of, **8,** 518
documents for service, of, **8,** 619
King's Remembrancer's Department, in, affidavit, of, **13,** 629 n.
prospectus, of, **5,** 126
winding up, documents and record of proceedings, on, **5,** 404, 558

FILINGS,
gold or silver, unlawful possession of, as constituting felony, **9,** 515

FILTH,
highway, offence of allowing to run on, **27,** 276
letter-boxes, against, offence of placing, **22,** 666
nuisance arising from, bye-laws for prevention of, **16,** 256, 257; **21,** 540; **23,** 393 n., 609
liability for creating, **21,** 527
trespass, discharge of filth on land as, **27,** 849

FILUM AQUÆ MEDIUM. *See* MEDIUM FILUM RULE.

FINAL CERTIFICATE (BUILDING CONTRACT),
arbitration clause, as affected by, **3,** 285
arbitrator, architect giving certificate is not, **3,** 218
architect's position in regard to, **3,** 219, 220
ascertainment of balance due, where no provision as to, **3,** 214, 215
claim where there is no, **3,** 218
classes of, **3,** 213
conclusiveness of, **3,** 215—218, 233, 234
conditions of, **3,** 215, 216
extras, as to, **3,** 229, 233, 234
quality of work, as to, **3,** 216

FINAL CERTIFICATE (BUILDING CONTRACT)—*continued.*
condition precedent to payment, as, **3,** 214, 220
delivery of, delay in, **3,** 214, 220, 221, 247
prevention of, **3,** 220
dispensing with, **3,** 220, 221
disqualification of certifier, **3,** 218—220
extras, effect on, **3,** 229, 233, 234
form of, **3,** 214
fraud or collusion, effect of, on, **3,** 217, 218; 220
independent judgment, must be result of architect's, **3,** 217
interference by employer, effect of, **3,** 215, 217, 220
liquidated damages for breach of contract, effect on claim for, **3,** 247
mistake in, effect of, **3,** 216
payment, for, **3,** 213, 214
person to give, **3,** 221, 222
prevention of performance of contract, effect of, **3,** 220, 221
satisfactory completion, of, **3,** 213, 214
ultra vires, effect of, **3,** 216, 217
unreasonable refusal of, **3,** 221
waiver of, **3,** 221
withdrawal of, **3,** 216
withholding, **3,** 220

FINAL JUDGMENT OR ORDER,
defined, **2,** 26; **18,** 178
bankruptcy notice, for purpose of, **2,** 26, 27
appeal from, **18,** 180, 181; **23,** 193, 197
dismissal of action is, **18,** 182, 183
entry of, at or after trial, **18,** 198, 199
estoppel, classification for purposes of, **13,** 327
interlocutory judgment, how differing from, **18,** 178—183
liberty to apply, with, **18,** 182
merger of cause of action by, **18,** 209
Order XIV., under, **18,** 193; **23,** 134

FINANCIAL YEAR,
income tax assessment, in relation to, **16,** 676; **27,** 434
inhabited house duty, for purpose of, **17,** 188; **27,** 434
land tax assessment, for purposes of, **18,** 315; **27,** 434 n.
local government purposes, for, **19,** 243, 357 n., 363; **27,** 434
public revenue, for purposes of, **21,** 769; **27,** 434
Treasury Bill, issue of, during, **24,** 548

FINDER,
chattel, of, bailee, as, **1,** 528—531
belief that owner cannot be found, effect of, **1,** 529; **9,** 630
concealed in property bailed or purchased, **1,** 529
contract of deposit, in case of, **1,** 528
larceny, when guilty of, **1,** 529; **9,** 630
obligations of finder as to, **1,** 528
ownership, acquisition of, by, **1,** 529; **22,** 394
private property, on, **1,** 531; **27,** 905 n.
rights of, **1,** 528—531; **22,** 394, 395, 400; **27,** 905
third parties, against, **1,** 530; **22,** 394, 395; **27,** 905
trover or detinue, right to sue in, **1,** 530; **27,** 905

FINDER—*continued.*
wreck, of, duties of, **7,** 211; **26,** 551
receiver of wreck, notice to, **7,** 211
withholding wreck from, penalty for, **7,** 211 n.; **26,** 551
rights of, **7,** 210—212

FINDING,
chattel, of. *See* FINDER.
jury, of, **18,** 257. *See* VERDICT.

FINE. *See also* AMERCEMENT.
For fines imposed for offences with regard to particular matters, see main-words dealing with such matters.
action to bar entail. *See* FINE (Action).
assizes, imposed at, recovery of, **25,** 822
bailiff as collector of, **25,** 803
building society, imposed by, **3,** 361—363
forfeiture of shares for non-payment of, **3,** 362
incorporated society, in case of, rules as to, **3,** 332, 361
interest on, **3,** 362
nature of, **3,** 362
non-payment of fine, for, **3,** 362
redemption of mortgage, must be paid before, **3,** 367
remission of fine, director's liability for *ultra vires*, **3,** 341 n.
right to inflict, **3,** 361, 362
rules as to, **3,** 332
unincorporated society, in case of, **3,** 354
company, in respect of, Companies Act, 1908, under, **5,** 314 n.
application of, **5,** 318
common informer, may be payable to, **5,** 318
false statements in documents, for, **5,** 314
recovery of, **5,** 317
company's liability to, for offences, **5,** 311, 312
copyholds, in respect of. *See* FINE (Copyhold).
coroner's inquest, at, coroner, imposition on, **8,** 253
enforcement of, **8,** 266
juror, on, for failure to attend, **8,** 260
medical practitioner's failure to attend, on, **8,** 269
witness, on, for failure to attend, **8,** 265
crew of merchant vessel, to be imposed on, regulations as to, **26,** 50
criminal offences, as punishment for, **9,** 410, 412
youthful offenders, in case of, rules as to, **9,** 424
Crown's former right to grant, **6,** 489
distress for, **11,** 118 n.
fines and recoveries. *See* FINE (Action); FINES AND RECOVERIES.
friendly society, offences connected with, for, **15,** 170, 185—188
recovery of, **15,** 188
rules as to, **15,** 138
winding-up, application of fines on, **15,** 203
harbour bye-laws may be enforced by, **26,** 647
industrial or provident society, imposed by rules of, recovery of, **17,** 32
justices, imposed by, certification of, **25,** 821
clerk to justice, duty in respect of, **19,** 615, 616
imprisonment, in lieu of, **19,** 602
time and mode of payment, **19,** 603
King's Remembrancer's duty in respect of, **25,** 823

FINE—*continued.*
lease, in relation to. *See* FINE (Lease).
loan society may not impose, for irregular payment, **19,** 223
metropolitan police courts, in, application of, **22,** 476
mortgage debt or interest, for delay in payment of, **21,** 228, 229
prison governor's power to inflict, **23,** 236
prisoner's discharge on payment of, **23,** 259
revenue from, paid into Consolidated Fund, **6,** 489
sheriff, account to Treasury by, of, **25,** 841, 842
declining office of, for, **25,** 798
duty to levy, **25,** 821
neglect to levy, penalty for, **25,** 832
officers of, appointed for collection of, **25,** 803
Supreme Court, imposed in, recovery of, **25,** 823
trade union agreement to discharge, unenforceable, **27,** 617

FINE (ACTION),
barring of entail by, **24,** 248, 249
deed dependent on, concurrence to levying fine as valuable consideration, **25,** 563 n.
history of, **24,** 249 n.
operation of, **24,** 248, 249
proof of, **25,** 353

FINE (COPYHOLD),
alienation, on, **8,** 27
apportionment between beneficiaries of, **8,** 30
arbitrary, **8,** 31, 32
amount of, **8,** 31
assessment of, **8,** 32
reasonableness of, **8,** 31
time for payment, **8,** 32
assessment of, **8,** 32
burial ground, in respect of land acquired for, **3,** 444
certain, **8,** 31
payable on demand, **8,** 31
change of
lord, on, **8,** 26
tenant, on, **8,** 27
chose in action, as, **4,** 363
classification of fines, **8,** 31
compulsory purchase, on, **6,** 137; **8,** 29, 30
covenant to surrender, effect of, on, **8,** 29
death of tenant, on, **8,** 27, 28
demand of, **8,** 30
demise of tenement, on, **8,** 27
devisee, payable by, **8,** 36
devolution, on, **8,** 33, 34
dispute as to, **8,** 31
distress for, **8,** 27, 59
double, **8,** 33
dropping fine, meaning of, **8,** 26
due, when, **8,** 28, 105
enfranchisement, on, **8,** 117
estates for lives, on renewal of, **8,** 76
excessive, bill of peace to obtain relief from, **13,** 59 n.
demand of, **8,** 31, 32
exchange, on, **8,** 27
forfeiture, in lieu of, **8,** 51
general, meaning of, **8,** 26
husband and wife, in case of admittance of purchaser from, **8,** 34
infant, admittance of, on, **17,** 96, 97
guardian's reimbursement on payment of, **8,** 81

FINE (COPYHOLD)—*continued.*
joint tenants, in case of, **8,** 35
licence by lord, on, **8,** 27
limitation of action in respect of, **8,** 33; **19,** 38, 48
lunatic, on admittance of, **19,** 451, 452
multiplied, **8,** 31, 33—35
nature of, **8,** 26
non-payment of, remedy for, **8,** 33
occasions when payable, **8,** 26
payment of, **8,** 30, 31
time for, **8,** 28
railway company investing proceeds of sale of land taken in copyholds, in case of, **8,** 28
reasonableness of, **8,** 30, 31
recovery of, **8,** 33, 59
release, on, **8,** 29
sale of copyholds, on, purchaser usually pays, **8,** 28; **25,** 434
Settled Land Acts, under, **8,** 34
vendor's right to fine pending completion, **25,** 372
several
persons, on admittance of, **8,** 34
tenements, in case of holder of, **8,** 30
special occupant, where person admitted as, **8,** 30
succession
duty, allowance made on payment of, for, **13,** 291
in case of persons entitled in, **8,** 35
tenant for life, liability for payment as between remainderman and, **8,** 30; **25,** 702, 703
right of, to, **8,** 26; **25,** 607 n.
tenants in common, in case of, **8,** 35
trustee, reimbursement of, for payment of, **8,** 81
Trustee Appointment Acts, in respect of land acquired under, **3,** 444
valuation of tenement for assessment of, **8,** 32
vendor and purchaser summons with respect to, **25,** 392 n.
vesting order under Trustee Act, 1893, in case of, **8,** 34; **28,** 108
Wills Act, as affected by, **8,** 37

FINE (LEASE).
assignment of lease, usually not payable for consent to, **18,** 579
building lease, appointee under will not entitled to fine for granting, **25,** 650
charity land, on lease of, **4,** 226
power in respect of lease under, **18,** 363
renewal of lease, on, infant lessor, in case of, application of, **17,** 101
mortgage account, may be allowed in, **21,** 242
settled land, in case of, by whom borne, **25,** 700, 701 n.
succession duty in respect of, **13,** 288
tenant for life's right to, **25,** 607 n., 654 n.
underlessee's contribution to, **18,** 464
settled land, payable on lease of, as capital money, **25,** 634 n., 654 n.

FINE ART SOCIETY. *See* ART.
borrowing powers of, for repairs, **4,** 236
charity trustees, grant of land by, to, **4,** 223
corporation duty, exemption from, **4,** 208; **19,** 209; **24,** 735
rates, exemption from, **4,** 212; **19,** 204; **24,** 21

FINES AND RECOVERIES. *See* FINE (Action); RECOVERIES.
abolition of, **24,** 249
alienation, on, **24,** 148
estate tail, barring of, by means of, **24,** 248, 249
proof of, **25,** 353

FINGER-PRINT,
prisoner, convicted, of, how taken, **23,** 246
untried, of, discharge or acquittal, must be destroyed or handed over on, **23,** 247
rules as to taking, **23,** 246 n.

FIRE. *See* ARSON; BURNING.
accidental, occupier not liable for, **21,** 403
act of God, caused by, occupier not liable for, **21,** 403
alarm, Telegraph Acts, in relation to, **27,** 350 n., 356 n.
alarm of, penalty for making false, **23,** 522
metropolis, in, **20,** 418
appliances for extinguishment of. *See* APPLIANCE.
arson. *See* ARSON.
bailee in hire of custody of chattel, liability of, for, **1,** 545
borough council's duty to provide against, **23,** 548—550
brigade. *See* FIRE BRIGADE.
building contractor's liability to reconstruct on destruction of premises by, **3,** 237
building rendered dangerous by, pulling down of, **21,** 404
bye-laws for prevention of, **23,** 416—419
cargo, damage or destruction to, by, shipowner's liability on, **26,** 111, 112
charterparty, shipowner's liability under, for, **26,** 111, 112
children's protection from, statutory provision for, **17,** 163
chimney, in. *See* CHIMNEY.
common carrier, liability of, for destruction of goods by, **4,** 8
conversion by destruction of goods by, **27,** 892 n.
dangerous premises caused by, pulling down of, **21,** 404
electrical works, in, notice to be given of, **12,** 615
engine, emigrant ship must be provided with, **26,** 78
metropolis, in, **20,** 417
motor spirit for, remission of duty on, **24,** 598
rural districts, in, **19,** 253; **23,** 551
urban district, in, **23,** 549
escape, factory or workshop, in, **14,** 467—470. *See* factory or workshop, *infra.*
local authority's provision of, **23,** 549, 551
metropolis, in, **20,** 488—491. *See* protection against, *infra.*
escape of, liability for, **21,** 403
explosive factory, magazine or store, act tending to cause in, penalty, **14,** 394
factory or workshop, provision of means of escape from, **14,** 467—470; **21,** 404
apportionment of expenses of, **14,** 469
arbitration in respect of, **14,** 469
bye-laws for, **14,** 470
certificate as to, **14,** 468
penalty for failure to make, **14,** 469
tenement factory, in case of, **14,** 470
third parties, interference with, in, **14,** 469

FIRE—*continued.*
fireguard for protection of children, statutory provision for, **17,** 163
Fires Prevention (Metropolis) Act, 1774, application of, **21,** 403 n.
gamekeeper's right to burn heather to arrest, **15,** 245 n., 246 n.
harbour authority provisions with regard to, **26,** 643
highway, near, lighting of, **27,** 276
screening of, **27,** 275
hose, British sea-going steamship, on, provision for, **26,** 78
insurance against. *See* FIRE INSURANCE.
lessee's liability in case of, **13,** 27 n.; **18,** 481, 498, 519, 520
covenant to
insure, effect of, **18,** 521, 522
repair, effect of, **18,** 506, 520, 523
rent, in respect of, **13,** 27 n.; **18,** 481, 522, 523
lessor's liability to rebuild when premises destroyed by, **18,** 520
letter-box, misdemeanour by injuring, by, **22,** 666
local authority's duty to provide against, **23,** 548, 551
marine insurance policy, general average, losses by damage caused in extinguishing fire as, **17,** 448, 451, 508
loss by fire under, what included in, **17,** 442, 461 n.
maritime perils, included in term, in, **17,** 336
peril of the seas, not included in term, in, **17,** 433
ship in dock, on, **17,** 392 n., 528 n., 535 n.
metropolis, in, inquest on, **8,** 296, 297
means of escape from, provisions for, **20,** 488—491
police powers in case of, **20,** 418
negligence in regard to, **21,** 403—405
parish council's duty to provide against, **23,** 550, 551
pawnbroker's liability for damage to pledge by, **22,** 254
plug, **28,** 304—307. *See* FIRE PLUG.
police powers in case of, **27,** 270
metropolis, in, **20,** 418
protection against,
metropolis, in, **20,** 488—491
London Building Acts, provisions of, in regard to, **20,** 488—491
exemptions from, **20,** 475, 476
London County Council, jurisdiction of, in regard to, **20,** 396
rural district, in, **23,** 550, 551
urban districts, in, **23,** 548—550
rebuilding of premises after, owner and occupier's liability as to, **18,** 519, 520
tenant for life's liability under repairing covenant, **25,** 614 n.
rent not suspended on destruction of premises by, **13,** 27 n.; **18,** 481, 522, 523
sale of property, pending competition of, contract not affected by, **27,** 56
purchaser takes risk of, **25,** 369
salvage services in connection with vessel on, **26,** 558
setting on. *See* ARSON; BURNING.
shooting rights, tenant's right to protect, from, **15,** 220, 245 n.

FIRE—*continued.*
sparks from locomotive, caused by, compensation on exercise of powers to prevent, **1,** 280; **6,** 155
crops and agricultural land, damage to, by, **1,** 278—280; **21,** 405; **23,** 727
negligence arising from, **1,** 278, 279; **21,** 405; **23,** 726, 727
prevention of, provisions for, **1,** 279
railway company's liability for, **1,** 278, 279; **21,** 405; **23,** 726, 727
statutory powers, kindled under, liability in case of, **21,** 404
stranger, caused by act of, occupier not liable for, **21,** 403
street traffic regulation in case of, **27,** 270
tenant for life must rebuild after, repairing covenant, under, **25,** 614 n.
theatre and place of public resort, regulations for prevention of fire in, in metropolis, **27,** 405, 406
structural requirements to prevent danger from fire in, **27,** 421
metropolis, in, **27,** 405, 406
trespass, justification of, to prevent spreading of, **27,** 862 n.
urban district council's duty to provide against, **23,** 548, 549
waste, lessee not liable for, where premises destroyed by, **18,** 498
water supply for extinction of, **28,** 249, 304—307
metropolis, in, **28,** 345, 346

FIRE BRIGADE,
arrangements between local authorities for use of, **23,** 550, 551
borough council, provision by, of, **23,** 549
false alarm of fire to, **23,** 552
metropolis, in, **20,** 418
local authority may employ outside area, **23,** 549
London, appointment of officers and men of, **20,** 417
bye-laws for regulation of, **20,** 417
control of, **20,** 417
damage done by, is damage by fire for insurance purposes, **20,** 418
establishment of, **20,** 417; **21,** 404
expenses of, **20,** 418, 450
false alarm to, penalty for, **20,** 418
metropolis, use outside, **20,** 417
officer in charge, powers of, **20,** 417, 418
police powers for assistance of, **20,** 418
powers of, **20,** 417; **21,** 404
remuneration of, **20,** 417
salvage corps, duty to assist, **20,** 418
negligence, liability for, **21,** 405
police, employment of, as firemen, **22,** 489; **23,** 550
rural district, in, expenses of, **23,** 551
provision of, **23,** 551
urban district, in, expenses of, **23,** 549 n., 550
local area, operations outside, **23,** 549
powers of, **23,** 549 n., 550
provision of, **23,** 549
volunteer firemen, position of, **21,** 405; **23,** 549 n.

FIRE INSURANCE,
defined, **17,** 516
adjustment of loss on, **17,** 538—541
arbitration clause, for, **17,** 540
agency in regard to, **17,** 533, 534

FIRE INSURANCE—*continued.*
amount recoverable on, **17,** 539
arson, privity to, precludes from recovering on, **17,** 531, 532
assignment of property, how affected by, **17,** 529
assured, fire caused by, **17,** 531
insurer must sue in name of, **17,** 519
notice of loss by, **17,** 538
average in relation to, **17,** 540, 541
bailee, insurance against fire by, **1,** 545; **17,** 524, 525
bailment, in case of, **1,** 545, 546; **17,** 524, 525
bankrupt, by, **17,** 525
building contract, as affecting liability to reinstate premises under, **3,** 191, 192
surety under, discharged by building owner's omission to effect, **15,** 558
carrier, common, by, **4,** 14, 27; **17,** 524
causa proxima non remota spectatur, application of maxim to, **17,** 530—532
cestui que trust, of settled chattels in hand of, **25,** 687
company, Assurance Companies Act, 1909, application of, to, **5,** 622. *See* ASSURANCE COMPANY.
contribution for expenses of London Fire Brigade by, **20,** 418, 450
deposit, when not liable to make, **5,** 629
land tax, shareholder's liability for, **18,** 309
compulsory purchase, as affected by, **6,** 35 n. **17,** 519
concealment, effect of, **17,** 530, 532—534
conditions precedent to claim under, **17,** 528, 538, 539
consideration for, **17,** 516
contract of, *defined,* **17,** 516
personal nature of, **17,** 517
slip, by, **17,** 517
specific performance of, **17,** 517
uberrimæ fidei, is, **17,** 532
contribution in case of, **17,** 536—538
conditions in policy as to, **16,** 536—538
same property insured by different persons, **17,** 537
several policies in different forms, in case of, **17,** 538
cover note in respect of, **17,** 517, 526
stipulations in, **17,** 526
defeasible interest, of, **17,** 520
description of property in, **17,** 534, 535
double insurance, **17,** 529
contribution in case of, **17,** 536—538
notice in case of, **17,** 536, 537
policy, clause in, as to, **17,** 529
warranty against, **17,** 534 n.
ecclesiastical property, of, **11,** 772, 773; **17,** 525
entry on premises after loss, insurer's rights of, **17,** 541
executor, by, **17,** 523
explosion, effects of, whether covered by, **17,** 532
Fires Prevention (Metropolis) Act, 1774, reinstatement under, **3,** 191; **17,** 542; **25,** 370
fraud in connection with, effect of, **17,** 529, 539, 542 n.
friendly society, registration of, for purpose of, **15,** 125
furniture damaged in extinguishing fire, whether covered by, **17,** 531
gaming or wagering, by way of, **17,** 519, 520
goods insured as being on certain premises, effect of, **17,** 535

FIRE INSURANCE—*continued.*
heat, damage by, not usually covered by, **17,** 530 531
heirlooms, of, **25,** 706
incendiarism, in case of, **17,** 531, 532
incumbent of benefice, by, **11,** 772, 773; **17,** 525
indemnity, is a contract of, **15,** 445; **17,** 518; **25,** 614 n.
indirect consequences of fire, whether covered by, **17,** 531
innkeeper, by, **17,** 524
insurable interest, **17,** 519—525
bailment, in case of, **1,** 545, 546; **17,** 524, 525
bankrupt, of, **17,** 525
carrier of goods, of, **4,** 92; **17,** 524
executor, of, **14,** 300; **17,** 523
incumbent, of, **11,** 772, 773; **17,** 524
joint owners, of, **17,** 525
lessee, of, **17,** 523, 524
lessor, of, **17,** 523, 524
mortgage, in case of, **17,** 521—523; **21,** 121—123
nature of, necessary, **17,** 519, 520
pawnbroker, of, **17,** 524; **22,** 243
reinsurance, in case of, **17,** 525, 526
sale of
goods, in case of, **17,** 521
land, in case of, **17,** 520, 521
trustee, of, **17,** 523
insurable value, ascertainment of, **17,** 541
for less than, **17,** 540
insurer's rights and duties after loss, **17,** 541—543
joint owner, by, **17,** 525
landlord and tenant, rights as between, in case of, **17,** 518; **18,** 519—523
covenant to insure, effect of, on, **18,** 521, 522
lien, by person having, **17,** 524 n., 529
lightning, loss by, **17,** 531
limitation of liability by insurers, **17,** 536, 537
limited interest, in respect of, **17,** 521 n.
London Fire Brigade, damage caused by, covered by, **17,** 531
loss, adjustment of, **17,** 538—541
by fire, what included in term, **17,** 530, 531
indemnified against, **17,** 530—532
insurer's rights and duties after, **17,** 541—543
notice of, **17,** 538
profits, of, not usually included by, **17,** 531
proximate cause of, in case of, **17,** 530—532
misdescription of property in, effect of, **17,** 534, 535
misrepresentation, effect of, on, **17,** 532—534
mortgagor and mortgagee, rights as between, in respect of, **17,** 521—523; **21,** 241
negligence as affecting, **17,** 531
partial interest, of, **17,** 520
partner, by, **17,** 525
pawnbroker, by, **17,** 524 n.
pawnee, by, **17,** 524
policy, assignment of, effect of, **4,** 403; **7,** 499; **17,** 517, 543
conditions of, **17,** 528—530, 536—538
assignment of property, as to, **17,** 529
contribution, as to, **17,** 536—538
double insurance, as to, **17,** 529
fraud, in regard to, **17,** 529
waiver of, **17,** 530
construction of, **17,** 527—532
estoppel by statement in, **17,** 527 n.
floating, nature of, **17,** 541
form of, **17,** 527 n.

FIRE INSURANCE—*continued.*
policy—*continued.*
names of interested parties to be inserted in, **17,** 520
not necessary to validity of, **17,** 517
rectification of, **17,** 513; **21,** 13
specific, nature of, **17,** 541
stamping of, **17,** 517
valuation of, **5,** 637
profits, loss of, not usually included by, **17,** 531
of, **17,** 521
proposal of, **17,** 534
protection note, **17,** 517
proximate cause of loss in case of, **17,** 530—532
receiver's power in respect of, **24,** 396
mortgage, in case of, **21,** 266
reinstatement of premises in case of, **3,** 191; **17,** 541—543; **18,** 519, 520, 523; **25,** 370
defined, **17,** 542
building contract, under, **3,** 191, 192
new building under Public Health Acts, as, **23,** 416
policy, clause in, as to, **3,** 191; **17,** 541, 542
purchaser's rights of, **25,** 370
statutory provisions as to, **3,** 191; **17,** 542
tenant's rights as to, **17,** 543; **18,** 523
reinsurance, **17,** 525, 526
concealment in case of, **17,** 533
running accounts, agreement for, on, **17,** 526
rent, loss of, not usually covered by, **17,** 531
representations in proposal of, **17,** 534
Riot (Damages) Act, 1886, rights of insured under, **17,** 518
risk, alteration of, **17,** 535
commencement of, **17,** 526
duration of, **17,** 526, 527
sale of
goods, on, buyer and seller, as affecting, **17,** 521
land, on, vendor and purchaser, as affecting, **17,** 517, 520, 521; **25,** 369, 370
option to purchase, under, **18,** 392
salvage, insurer's right to, **17,** 541
servants, fire caused by, effect of, **17,** 531
settlement, of chattels under, **25,** 659 n., 687, 706
ship in dock, on, extent of, **17,** 392 n., 528 n., 535 n.
subrogation, doctrine of, as applied to, **17,** 518, 519
tenant for life, clause as to limiting liability as affecting, **17,** 537; **25,** 614, 615
improvements, insurance of, by, **18,** 299
liability of, in respect of, **17,** 537; **25,** 614, 615
tenant in tail, by infant, right to policy moneys in case of, **25,** 614
trustee, by, **17,** 523; **28,** 145, 146
settlement, of, by, **25,** 659 n., 687, 688
usage of trade, effect of, on, **17,** 527
valuation for purposes of, **17,** 539, 540
warranties in case of, **17,** 534, 535
water, damage by, in extinguishing fire, covered by, **17,** 531
wharfinger, by, **17,** 524, 525, 537 n.

FIRE PLUG,
defective, undertaker's liability as to, **28,** 306, 307, 311, 312
expenses of providing, **28,** 305
key for, **28,** 305
local authority's duty to provide, **16,** 259; **23,** 548, 549; **28,** 249, 304 n.
metropolis, in, provision of, **20,** 417; **28,** 345, 346

FIRE PLUG—*continued.*
penalties for failure to supply, **28,** 306, 307
position of, indication of, **28,** 305
renewal of, **28,** 305
water
supply to, **28,** 306
undertaker's duty to fix, **28,** 304, 305
works, provision near, of, **28,** 305

FIREARM. *See also* PISTOL.
assault by presenting at person loaded, **9,** 606; **27,** 873
discharge of, cemetery, in, penalty for, **3,** 523
highway, near, offence of, **27,** 276
Statute of Northampton, as offence under, **6,** 359 n.; **9,** 468 n.
street, in, offence of, **27,** 284
metropolis, in, **27,** 287
drunken person
in possession of, penalty in case of, **18,** 141
sale to, offence of, **18,** 144
negligence in regard to, **21,** 365, 407—409
night, using at, prohibition of, **15,** 210, 211

FIREBOTE,
meaning of, **4,** 447 n., 467, 468 n.; **18,** 429 n.

FIRECLAY,
mine, statutory regulation of, **20,** 593—624. *See* COAL MINES.
mineral, as a, **20,** 503 n.

FIREMAN. *See* FIRE BRIGADE.

FIREWORK,
defined, **14,** 357 n., 362
classification of, **14,** 362 n.
factory, licence for, **14,** 375, 376
rules to be observed by, **14,** 376
firework composition, meaning of, **14,** 362 n.
letting off, highway, on or near, offence of, **14,** 394; **27,** 276
metropolis, in street in, offence of, **27,** 287
urban district, in street in, **27,** 284
manufactured firework, meaning of, **14,** 362 n.
negligence in relation to, **21,** 407
public place, offence of throwing firework in, **14,** 394

FIRM. *See* PARTNERSHIP.
defined, **22,** 5
advance by partner to, interest on, **22,** 60
bill of exchange accepted by member of, effect of, **2,** 485
chemist, conditions for permitting carrying on business of, by, **20,** 355, 356
common partners, firms with, actions between, **22,** 41
company, effect of adopting title of, **22,** 16
debt of, surviving partner's duty to pay, **22,** 55
discovery in action against, **11,** 56 n.; **22,** 45, 46
execution against, **14,** 10, 11
garnishee order against, **22,** 47
judgment against, **22,** 46
Mayor's Court, London, in, **20,** 296 n.
legal proceedings by and against, **22,** 38—47
misrepresentation, member's incapacity to sue firm for, **20,** 736, 737
name, *defined,* **22,** 5
Limited Partnership Act, 1907, under, **22,** 108

FIRM—*continued.*
name—*continued.*
action against
individual for debt incurred in, **25,** 502 n.
partners in, **22,** 38—47
bankrupt partner, use by, **22,** 106
company's memorandum of association, subscribed to, effect of, **5,** 65
dissolution of partnership, use after, **22,** 15, 83
expelled partner may use, **22,** 106
goodwill, sale of, includes right to use, **22,** 104—106; **27,** 594
guarantee signed by partner in, **22,** 26
holding out as partner by use of, **22,** 15
partner's right to sue in, **22,** 39, 40
rate book, in, sufficient rating of members of firm, **12,** 170 n.
solicitors not bound by individual partner's bill, note or postdated cheque in, **22,** 26; **26,** 759
stranger using solicitors', with privity of partner, firm not bound, **26,** 759
ground for striking off the rolls, **26,** 848, 849
trade name, as, **27,** 749—757
partner's position in regard to. *See* PARTNER; PARTNERSHIP.
service of writ on, **22,** 42, 43
Mayor's Court, London, in, **20,** 291 n.

FIRST DIVISION,
imprisonment in, treatment of offenders undergoing, **23,** 247

FIRST FRUITS,
defined, **11,** 779
bishop's liability for, **11,** 400, 779
canon, rating of, for, **11,** 432
commutation of, **11,** 781
Crown's right to, **11,** 779, 780
exemptions from, **11,** 780
instalments, payment by, **11,** 780
Queen Anne's Bounty, in relation to, **11,** 779—783. *See* QUEEN ANNE'S BOUNTY.

FIRST LORD OF THE ADMIRALTY,
duties of, **25,** 6

FIRST LORD OF THE TREASURY,
assistants of, **7,** 101
Board of Education, as member of, **12,** 8
duties of, **7,** 101
Prime Minister is usually, **7,** 36, 101
Treasury Board, as member of, **7,** 101

FIRST OFFENCE. *See* PROBATION OF OFFENDERS ACT.

FIRST SEA LORD,
duties of, **25,** 6

FISH.
For details in respect of any particular kind of fish, see main-word denoting particular fish.
auction, licence to sell by, when not required, **1,** 501
carrier of, provision for safety of, **14,** 633
close season for, **14,** 614—617
sale during, **14,** 617, 618
salmon fishery districts, power to exempt, from, **14,** 597

FISH—*continued.*
curing, hours of employment in, regulations as to, **14,** 506, 507
regulations as to, in metropolis, **23,** 567
fishery. *See* FISHERY.
freshwater, *defined*, **14,** 594, 595
coarse, regulations as to, **14,** 594
export of, **14,** 618
fishing for, **14,** 609—612. *See* FISHERY.
profit à prendre, right to take as, **11,** 337
sale of, **14,** 617, 618
fried fish shop, nuisance arising from, **21,** 508 n., 534; **23,** 567
larceny of, **1,** 370; **9,** 641 n.; **14,** 589, 590
fishing implements, seizure of, in case of, **14,** 590
night-fisher, arrest of, without warrant, **14,** 591
passage of. *See also* FISH PASS.
abstraction of water by riparian owner not to obstruct, **28,** 428
free, owner's rights as to, **14,** 589; **28,** 428
light railway, deposit of documents on proposal to construct dam or obstruction, **27,** 823
obstruction of, removal by conservators, **14,** 603
preserving, hours of employment in, regulations as to, **14,** 506, 507
property in, dead fish, **14,** 590
high seas, caught on, **14,** 590 n.
large marine fish, in case of, **14,** 637
live fish, **14,** 589
qualified, **14,** 589
Public Health Acts, inspection and examination under, **15,** 37
royal, Crown, property of, when, **7,** 215, 216; **14,** 580, 636; **22,** 402
De Prerogativa Regis, statute of, application of, **7,** 215; **14,** 580
disposal of, **6,** 366; **7,** 215
fish which are, **7,** 215; **14,** 586
franchise of, **7,** 215, 216; **14,** 573, 580
inquests of, abolition of, **8,** 238
Queen Consort's right in respect of, **7,** 215 n.
remuneration for capture of, as to, **1,** 76
right to, **7,** 215, 216; **14,** 580, 581
sturgeon as, **1,** 76; **7,** 215; **14,** 580
territorial waters, taken beyond, property in, **7,** 215; **14,** 580, 581
whale as, **1,** 76; **6,** 366; **7,** 215; **14,** 580, 636
salt water, provisions relating to, **14,** 621—635. *See* SEA-FISHERY.
taking and destroying, penalties for unlawfully, **14,** 590
tithes, not subject of, **11,** 747

FISH PASS,
alteration of, or construction of new, Board of Agriculture, by, **14,** 596
mill dam, in, rules as to, **14,** 610
obstruction to, powers of Board of Agriculture as to, **14,** 596
salmon, for, Board of Agriculture, consent of, to, **14,** 595
conservators' power to alter, **14,** 603
purchase of bank to construct, **14,** 595, 596
weir, in, rules as to, **14,** 610

FISHERY.
The title FISHERIES *is contained in Vol. XIV., pp.* 569 *et seq.*
defined, **14,** 572
angling. *See* ANGLING.

FISHERY—*continued.*
artificial channel, in, **14,** 581
bailiff of, **14,** 603, 607—609. *See* WATER BAILIFF.
bank of river, right to fish from, **14,** 582
boundary, exercise of fishery rights as evidence of, **3,** 121, 148, 149
of, **14,** 583
canal, in, **14,** 581
cockles, ownership of, **14,** 626
common of, **4,** 469—471; **14,** 579, 580. *See* PISCARY.
conservators, board of, abolition of, by Board of Agriculture, **14,** 594
corporeal, **14,** 572, 577
ownership of, presumption of law as to, **14,** 577—579
Crown prerogative in respect of, **6,** 490; **7,** 215; **14,** 574, 585
different kinds of, **14,** 576, 577
distinct fisheries over same land, **14,** 572, 573
fishing path, right to, **14,** 582
foreigner, offence by, outside three-mile limit, liability for, **27,** 154 n.
franchise, as a, **6,** 490; **7,** 215; **14,** 573, 580
freshwater, Board of Agriculture and Fisheries, powers and duties of, **14,** 598—600
board of conservators. *See* CONSERVATORS.
close season for, **14,** 614—617. *See* FISH.
explosives, prohibition against use of, in, **14,** 618
fishery district, creation of, **14,** 600
fishing implements which are unlawful, **14,** 612, 619, 620
freshwater fish, *defined*, **14,** 594, 595
illegal fishing in, **14,** 619, 620
licences, **14,** 613, 614
duration of, **14,** 614
fishing weirs and engines, for, **14,** 613
general and special, **14,** 613
payment for, **14,** 614
production of, **14,** 614
rod-fishing, for, **14,** 613
protection of, **14,** 618—621
provisional order regulating, confirmation of, **14,** 599
making of, **14,** 598, 599
notices in respect of, **14,** 600
repeal or amendment of, **14,** 599
scope of, **14,** 599, 600
river *defined* for purposes of, **14,** 594
roe, prohibition of use of, for fishing in, **14,** 612, 620
special commissioners, duties of, in regard to, **14,** 593
statutory regulation as to, history of, **14,** 593
supervision of, by Board of Agriculture and Fisheries, **14,** 595
water-bailiff's powers in respect of, **14,** 607—609. *See* WATER-BAILIFF.
grant of rights of, **14,** 584, 585
implements, unlawful, use of, **14,** 590, 612, 619, 620
income tax in respect of, **16,** 625
distress for, **11,** 219
incorporeal, **14,** 572, 577, 579
merger in soil of, **14,** 579
lake, in, **14,** 581
inland non-tidal, rights of Crown as to, **14,** 581
navigable, rights of public as to, **14,** 582
ownership of rights of, **14,** 581
right of, presumption as to, **14,** 582

FISHERY—*continued.*
Lancaster, Duchy of, in, sale of, **7,** 223
land tax chargeable upon, **18,** 308
lease of, **4,** 492 ; **14,** 583, 584
covenant against subletting, effect of, **14,** 585
licence, Board of Conservators, granted by, **14,** 613, 614
fishery owner's grant of, **14,** 584
freshwater fish. *See* freshwater, *supra.*
royal forest, to fish in, **7,** 188
manorial franchise of, **8,** 7 ; **14,** 579
navigation, in relation to, **14,** 591, 592 ; **26,** 396, 397, 444, 445, 471, 487. *See* NAVIGATION.
nets, use of, **14,** 612
night-fisher, arrest without warrant of, **14,** 591
non-tidal flowing waters, in, **14,** 576, 577
offences in respect of, *bonâ fide* claim of right, effect of, **14,** 640
disqualification of justices sitting in respect of, **14,** 639, 640
inspection, justice's power to order, in case of, **14,** 639
jurisdiction of justices in respect of, **14,** 638—641
origin of, **14,** 576
ownership of, **14,** 576—579, 586—588
rights attaching to, **14,** 589
partition of, **21,** 826
penalties, sea fisheries committees, power of, as to, **14,** 623
piscary, common of, **4,** 469—471 ; **14,** 579, 580. *See* PISCARY.
pollution of, **14,** 589, 618, 619 ; **28,** 446—448, 453
penalty for, **14,** 619
sea fishery, in case of, **14,** 628 ; **28,** 448
pond, in, **14,** 581
public, encroachment by, **14,** 581
public fishery, highway abutting does not confer, **14,** 582
lake, no right in navigable, **14,** 582
mode of fishing in, **14,** 575
non-tidal waters, in, **14,** 573
sea, in, **7,** 112 ; **14,** 573, 574. *See* SEA FISHERY.
shore and banks, right to use, **14,** 575
tidal waters, in, **14,** 573—575
limits of, **14,** 574
origin of right, **14,** 573
territorial waters, in, **14,** 574
towing path, none from, **14,** 582
rating of, deduction made on, **24,** 30
royal forest, licence to fish in, **7,** 188
salmon, statutory regulations in respect of, **14,** 593—621. *See* SALMON.
sea fishery. *See* SEA FISHERY.
seal fishery, **9,** 561, 562
offences against Behring Sea Award Act, **9,** 561
statutory restrictions as to, **14,** 637, 638
several, *defined,* **14,** 577
alienation of, **14,** 577
common of piscary distinguished from, **4,** 469 n.
corporeal and incorporeal, **14,** 577, 579
franchise, as a, **14,** 580
freehold ownership presumed by ownership of, **3,** 149
nature of, **14,** 576, 577
reservation of, on parting with the soil, **14,** 577
riparian owner's claim to, evidence to support, **14,** 588
tenure of, **14,** 577

FISHERY—*continued.*
soil, ownership of, as evidence of title to, **14,** 576—579, 587, 588
tidal waters, in, **14,** 576, 578, 579
title to, evidence of, **14,** 585—588
documentary, **14,** 585, 586
grant, Crown, construction of, **14,** 585
date of, necessity to prove, **14,** 585, 586
production of, with possession as, **14,** 585
user, by, **14,** 586—588
towing path, right to fish from, **14,** 582, 583
trespass, entry in exercise of fishery rights as defence to, **27,** 861 n.
to, **27,** 850 n.
pleading in action for, **27,** 860 n.
user of, as evidence of title, **14,** 586—588
whale fishery, **14,** 636—638. *See* WHALE.

FISHING-NET. *See* NET.

FISHING VESSEL,
defined, collision regulations, for purpose of, **26,** 396
anchorage of, rules as to, **14,** 625 ; **26,** 395, 489 n.
apprentices on. *See* APPRENTICE, sea fishing service.
boats to be provided on, **14,** 629 ; **26,** 78
boys in, agreements with, regulations as to, **14,** 630
offences by, **14,** 632
cable, protection from injury by, **27,** 376, 390
casualties on, **14,** 633 ; **26,** 591
collision, damages for, loss of profits as, **26,** 540
regulations for preventing, in case of, **26,** 393—399, 444, 471
compulsory pilotage, exempt from, **26,** 610
crew of, agreement with, **14,** 630, 631
running agreements, **14,** 631 n.
discharge of, **14,** 630
certificate of, **14,** 632
engagement of, **14,** 630
offences by, **14,** 632, 633
share of catch, payment by, **14,** 631, 632
term of service, **14,** 631
wages of, **14,** 631
Workmen's Compensation Act, when exempt from, **20,** 157
damages, loss of profits by collision as, **26,** 540
death on, **14,** 633 ; **26,** 591
discipline on, **14,** 632, 633
drift net fishing by. *See* DRIFT NET FISHING.
equipment of, **14,** 629
fish carrier from, provision for safety of, **14,** 633
flag need not be flown by, **26,** 11 n.
fog signals by, **26,** 395
British waters
in, regulations as to, **14,** 633, 634
outside, regulations as to, **14,** 634, 635
fouling lines, rules to be observed on, **14,** 625
lifebuoys to be provided by, **14,** 629 ; **26,** 78
lights to be shown by, **26,** 393—399. *See* LIGHTS ON VESSELS.
navigation rules in favour of, **14,** 592 ; **26,** 397, 445, 471
offences by, justices' jurisdiction in respect of, **14,** 638, 639
prize, exemption from liability to seizure as, **23,** 278
registration of, **14,** 628, 629
salvage reward allowed to owners of, **26,** 582

FISHING VESSEL—*continued.*
second hand on, certificate of qualification of, **14,** 629
sharing system, worked on, legal position of master in case of, **20,** 67 n.
skipper of, certificate of qualification of, **14,** 629
offences by, **14,** 632
trawling, **26,** 393—398. *See* TRAWLING.

FISHMONGER,
restrictive covenant in respect of, **27,** 585

FITTINGS,
church, in, churchwarden's duty to provide, **11,** 469, 471, 735, 736
electric lighting, for, charges for, recovery of, **12,** 599
defect in, arbitration to determine difference as to, **12,** 591
remedy of, **12,** 602
distress, not liable to, **11,** 141
meter, **12,** 596—598. *See* METER.
property in, **12,** 614
provision of, metropolitan borough council, by, **12,** 624
undertakers, by, **12,** 590, 596—598
testing of, **12,** 606
undertakers' approval of, **12,** 591
gas, distress, not liable to, **11,** 141 ; **15,** 335
fixtures, are not, **18,** 421
hire of, **15,** 334, 335
injuring, penalty for, **15,** 356
inspection of, **15,** 336, 337
meter, **15,** 334—337. *See* METER.
removal of, **15,** 341
repair of, **15,** 335
undertakers' supply of, **15,** 334—337
ship, of, approval by Lloyd's surveyor as affecting marine insurance, **17,** 418
telegraph or telephone, hire of, **27,** 395
water supply, for, bankruptcy proceedings against consumer, not affected by, **28,** 317, 318
distress, not liable to, **11,** 141 ; **28,** 317
execution, not liable to seizure under, **28,** 317
hire of, **28,** 317, 318
interference with, **28,** 318
meter, **28,** 317, 318. *See* METER.
metropolis, in, absence of fittings as nuisance, **21,** 539 ; **28,** 352, 353
neglect of, **28,** 352, 445, 446
provision of, **28,** 351
repair of, **28,** 351, 352, 445, 446
right of entry to inspect, **28,** 351, 352
right of entry to inspect, **28,** 318

FIXTURES,
agricultural, removal of, Agricultural Holdings Act, under, **1,** 272—274 ; **18,** 565
common law right as to, **1,** 271, 272, 420, 422
Landlord and Tenant Act, under, **1,** 272
statutory right of, **1,** 272—274
agreement to exclude, **1,** 274
arbitration as to value on, **1,** 273
conditions of right, **1,** 273
custom of country, effect of, **1,** 274
market gardens, in case of, **1,** 273, 274
time for, **1,** 274
trade, **1,** 271, 272

FIXTURES—*continued.*
agricultural—*continued.*
trees, **1,** 272, 273
waiver of right, **1,** 274
alteration in position of, effect of, **18,** 420, 421
annex ation to land or building, mode and object of, as determining what are, **11,** 137 ; **18,** 417, 419, 420 ; **22,** 401
assignment of, **3,** 24 ; **21,** 128
bankruptcy, in case of, disclaimer of lease, on, **2,** 193
reputed ownership, not subject of, **2,** 174 ; **3,** 60
bill of sale, in, mortgaged premises, fixtures on, **3,** 24
personal chattels, as, **3,** 20, 21, 24
separate assignment, **3,** 24, 29
true ownership, exception in respect of, **3,** 24, 29
building not removable by tenant as, **18,** 424
compulsory purchase, compensation on, in respect of, **6,** 36
conditions of sale as to, **25,** 320, 321
conflict of laws as to, **6,** 197
contract to leave, **1,** 274 ; **17,** 244 n. ; **18,** 426, 427
conversion of, damages for, **27,** 909
covenant to repair, as affecting, **18,** 508
damage, removable without, **18,** 423, 424
detinue in respect of, **27,** 889
devolution of, **11,** 4 n. ; **14,** 221
distress not available in case of, **1,** 252 ; **11,** 136, 137, 138 n., 200
examples of, **11,** 136 ; **18,** 417—421
fieri facias, seizure under, **14,** 45
fire insurance moneys, lessee cannot require expenditure of, on, **18,** 523
freehold, attached to, **1,** 271—274 ; **3,** 164, 165 ; **11,** 468
ownership of, **18,** 417
trover or detinue does not lie for, **27,** 889
improvements to land or buildings as, **18,** 420
irremovable, when, **18,** 417
landlord's, **18,** 421—423, 426 n.
larceny of, **9,** 639
lease, acceptance of, does not imply contract to pay for fixtures, **18,** 416 n.
meaning of term fixtures in, **18,** 426
mortgage of, property does not pass to mortgagee on, **21,** 128
when included in, **18,** 416, 417
machinery, as, **18,** 421
mortgage, included in, **21,** 119, 120
power of sale in, does not authorise sale of, **21,** 256
ornamental, **18,** 422, 423
ownership of, **18,** 416, 417
accession, by, **22,** 401
personal representative's right to, **14,** 220, 221
tenant for life, in case of, **24,** 177
Queen Anne's Bounty grant for, **11,** 782
removable parts, with, **18,** 421
removal of, **18,** 423—427
agricultural, **1,** 271—274. *See* agricultural, removal of, *supra.*
contract to leave, **1,** 274 ; **17,** 244 n. ; **18,** 426, 427
injunction to restrain, **17,** 244, 245
licence for, **18,** 426
new lease, effect of, on, **18,** 425
serious damage, must be without, **18,** 423
time for, **18,** 424, 425
waste by, **25,** 604

FIXTURES—*continued.*
replevin does not lie for, **11,** 200
sale of land, on, inclusion of, **25,** 320, 321
stamp duty, as affecting, **25,** 446
settlement of house with, does not include household furniture, **25,** 706 n.
specific performance, mandatory injunction for valuation on, **17,** 249
tenant for life, personal representatives of, right to, **18,** 421 n.; **24,** 177
removal by, of, as waste, **25,** 604 n.
tenant's, **1,** 271, 272; **17,** 244; **18,** 421—424, 426 n.
test to determine what are, **18,** 417, 418
trade, **18,** 421, 422
injunction to restrain removal of, **17,** 244
mortgage as affecting, **21,** 119, 120
trespass in respect of, **27,** 864 n., 867
trover in respect of, **27,** 889
underlessee's liability in respect of, **18,** 410, 411
waste by removal of, **25,** 604

FLAG. *See* ENSIGN.
election, at, municipal, illegal payment for, **12,** 347
parliamentary, illegal payment for, **12,** 301
national, hoisting by ships, when necessary, **26,** 11, 32
pilot, **26,** 606
royal navy, of, **6,** 362; **25,** 3, 4
ship, on. *See* COLOURS.

FLAGON,
churchwardens' duty to provide, **11,** 736

FLAGSTONE,
highway authority's duty to repair, **16,** 103

FLARE. *See* LIGHTS ON VESSELS.

FLAT,
cistern, landlord's liability as to, **18,** 571
common staircase, landlord's liability in respect of, **18,** 570; **21,** 390 n.
door-porter, provision of, in, **18,** 571
franchise qualification in respect of, **12,** 168
inhabited house duty, assessment for, **17,** 184, 185, 194
landlord and tenant, principles apply as between, **18,** 570
lift, landlord's liability as to, **18,** 571
property tax, assessment for, **16,** 631
quiet enjoyment, covenant for, in respect of, **18,** 571
rates, assessment for, **24,** 12, 13
restrictive covenant in relation to house as affected by erection of flats, **17,** 240 n.
waterpipes, landlord's liability as to, **18,** 571

FLAX,
manufacture of, machinery used in, distress upon, **11,** 140
materials and tools used in, wrongful dealing with, **20,** 127, 128

FLAYING,
arrest of suspected person in regard to, **23,** 560
destruction or concealment of hides, **23,** 561
felony by offence in regard to, **23,** 561
hours for, **23,** 561
inspector's duty in regard to, **23,** 559

FLEET AUXILIARIES,
Navy, to, status and position of, **25,** 3, 4

FLEET MARRIAGE,
register of, evidence, not admissible in, **13,** 538, 539; **16,** 312
General Register Office, kept at, **24,** 437

FLINTS,
agricultural tenant, custom to collect, **1,** 245
mineral, whether, **20,** 503 n.

FLOATING,
balance, guarantee securing, **15,** 482 n.
memorandum of deposit to secure, whether a debenture, **3,** 20
capital, *defined*, **5,** 89, 272
charge. *See* FLOATING CHARGE.
policy. *See* FLOATING POLICY.
security. *See* FLOATING CHARGE.

FLOATING CHARGE,
distress, priority in case of, **5,** 350
effect of, **5,** 349, 350
enforcement of, **5,** 350—352, 388, 389, 518
execution, priority in case of, **5,** 350, 351, 352
fieri facias, effect of seizure of goods under, **5,** 352
fixing of, **5,** 351
effect of, **5,** 352
floating, effect while, **5,** 349
garnishee order, effect of, **5,** 351
general, **5,** 349
injunction against dealing with assets in case of, **5,** 349, 350
nature of, **5,** 348
operation of, restrictions on, **5,** 350
perpetuity rule does not apply to, **22,** 364
receiver, appointment of, effect on, **5,** 351
specific, **5,** 348
when given, **5,** 348
winding-up, effect of, on, **5,** 388, 389, 518, 519

FLOATING POLICY,
fire insurance, **17,** 541
marine insurance, *defined*, **17,** 336, 362
declaration in, **17,** 362
what it covers, **17,** 362, 363

FLOCK,
rags, made from, regulations as to purity of, **23** 564

FLOGGING. *See* CORPORAL PUNISHMENT; WHIPPING.

FLOOD,
collection of water, caused by, liability for, **28,** 453, 454
compulsory purchase of land for prevention of, **6,** 174
metropolis, in, **6,** 173
diversion of, landowner's liability for, **28,** 456
drainage to prevent, construction of, **25,** 720, 726, 779 n.
mine, in, covenant for quiet enjoyment, as affecting, **20,** 565
liability for damage by, **20,** 590, 591
navigation company, duty of, in regard to, **28,** 457

FLOOD—*continued.*
post, erection on highway, **16,** 116
property tax abatement in case of, **16,** 636
railway construction causing, company's liability for, **23,** 724
rent of agricultural land as affected by, **18,** 481
reversioner's right of action in respect of, **27,** 855 n.
riparian owner's right to prevent, **28,** 456

FLOORS,
construction of, bye-laws as to, **23,** 420
London Building Acts, provisions of, as to, **20,** 485—487

FLOTATION,
company, of, *defined,* **5,** 47 n.
expenses of, **5,** 57

FLOTSAM,
defined, **7,** 210 n.; **8,** 7 n.; **26,** 548
Admiralty jurisdiction as to, **1,** 76
Crown grant of franchise of, **7,** 212
right to, **7,** 210; **22,** 402
ownership of, **7,** 210—212; **22,** 402
prescriptive right to, **7,** 212
wreck, grant of, does not include, **6,** 479; **7,** 212
when becoming, **26,** 549

FLOUR,
adulteration of, provisions prohibiting, **15,** 48
condemnation of, **15,** 42
distress, exemption from, **11,** 138 n.
inspection of, **15,** 37, 42

FLOWER BOX OR POT,
insecurely fixing, liability for, **27,** 285

FLOWERS,
holy table, on, permissible, **11,** 671

FODDER. *See* FEEDING STUFF; HAY.
cattle, for, estovers do not extend to, **4,** 468

FOG,
defined, for purpose of collision regulations, **26,** 412
acoustic difficulties due to, judicial notice of, **26,** 411
act of God, not regarded as, **7,** 429; **27,** 493 n.
change of course in, when justified, **26,** 424, 425
charterer not protected against, unless specially excepted, **26,** 132
crossing ship in, **26,** 422
dense, vessel's speed in, **26,** 416, 417
dredging up river in, rules as to, **26,** 417, 496, 497
dumb barge's right on river in, **26,** 420, 494
engines, reversal of, in, **26,** 423, 424
stopping of, in, **26,** 416, 417, 420—423
ferry steamer's liability for proceeding in a, **26,** 417
look-out in, duty as to, **26,** 411, 412
narrow waters, in, rules as to, **26,** 416
overtaking ship in, **26,** 421
signals. *See* SIGNAL.
speed of vessel in, **26,** 414—420
towage in, duty in case of, **26,** 410, 414, 417, 422
vessel's position in, ascertainment of, **26,** 421

FOGHORN,
inspection in regard to, **26,** 363
mechanical, failure to use, **26,** 412
mouth, use of, when justified, **26,** 412

FOGHORN—*continued.*
obligation to carry, **26,** 336, 409
rules as to use of, **26,** 410, 412

FOLDAGE,
defined, **4,** 463
custom for, exclusion by agreement of, **1,** 245
foldcourse and, closely connected, **4,** 464

FOLDCOURSE,
defined, **4,** 464
common appurtenant, as, **4,** 463, 464

FOLIO,
discovery of documents, charge for additional folios in case of, **11,** 55 n.
inspection of documents, payment per folio for copies in case of, **11,** 90
interrogatories, charge for additional folios in case of, **11,** 55 n.
number of words comprised in a, **22,** 422 n.
pleading containing less than ten, need not necessarily be printed, **22,** 422

FOLKESTONE,
local court of, **9,** 162
Sandgate Urban District, part inclusion in, **23,** 372 n.

FOLLOWING,
assets. *See* FOLLOWING ASSETS.
Conspiracy and Protection of Property Act, 1875, offence under, **27,** 646
goods removed to avoid distress for rent, **11,** 189—191

FOLLOWING ASSETS,
agent, property disposed of by, principal's right of, **1,** 203, 204
bribe, money received by agent as, **13,** 160
creditor's rights of, **13,** 160; **14,** 244
deposit paid to banking account of auctioneer, **1,** 513 n.
fraudulent alienation, property comprised in, right of creditors as to, **15,** 90
laches as affecting right of, **13,** 173
legatee's right of, **13,** 160, 161
stockbroker, money and securities in hands of, **13,** 159 n.; **27,** 218
trust property, **2,** 169; **4,** 200; **13,** 159, 160; **21,** 345 n.; **28,** 89, 90, 207, 208

FONT,
churchwarden's duty to provide, **11,** 471

FOOD.
The title FOOD AND DRUGS *is contained in Vol. XV., pp.* 1 *et seq.*
For details in respect of any particular food, see main-word denoting such particular food.
defined, Sale of Food and Drugs Acts, **15,** 5
abstraction injurious to, **15,** 23
administration of Acts, expenses of, **15,** 34
adulteration of, **15,** 5—34. *See* ADULTERATION.
agent, samples may be procured by, **15,** 14
alteration of article, **15,** 18—23
analysis of, **15,** 12—16. *See* ANALYSIS.
animals, of. *See* FEEDING STUFF.
animals intended for human, inspection of, **15,** 37, 38 n., 42
slaughter of. *See* SLAUGHTER-HOUSE; SLAUGHTERER.

FOOD—*continued.*
appeal in case of offence under Acts, **15,** 32, 55 n.
article other than that demanded, sale of, **15,** 18—23
Board of Agriculture and Fisheries, powers of, in respect of sale of, **15,** 7
regulations as to butter and margarine factories, inspection, **15,** 60
caveat emptor applies to sale of, **15,** 4
certificate, Government analyst, of, as to, imported food, **15,** 44
chewing gum not a food, **15,** 6 n.
child, injurious to, sale of, **15,** 17 n.
Commissioners of Customs and Excise, proceedings by, for importation offences, **15,** 44, 55, 56
common informer, prosecutions by, **15,** 8, 11, 29 n.
common law, offences as to unwholesome, **15,** 35
companies, liability of, as to injurious ingredients with, **15,** 17 n., 19
compensation in respect of, wrongly condemned as unwholesome, **15,** 41, 43
compounded articles, **15,** 23
constable, application by, to purchase sample, **15,** 13
convict, of, rights as to weighing and measuring of, **23,** 263
conviction, finding of justices necessary to, **15,** 39 n.
corn, powers in respect of, as to seizure, **15,** 42
course of delivery, right to sample during, **15,** 13
damages, penalties recoverable as, **15,** 4
false representations on sale of, **15,** 20, 35
horseflesh as, **15,** 69, 70
ass or mule, flesh of, included in term, **15,** 69
importation of, **15,** 43—45
importer's liability for offences in respect of, **15,** 44
marking of packages on, **15,** 43, 44
prohibition of, **15,** 45
regulations as to, by Local Government Board, **15,** 44
importer of, *defined,* **15,** 6
injurious ingredients mixed with, **15,** 16—18
innkeeper, horse, liability to feed guest's, **17,** 324
injurious food supplied by, **17,** 314
remedy of guest against, as to, **17,** 314
inspection of factory, **15,** 60
inspector, food and drugs, of, **15,** 7 n., 12
nuisances, of, obstruction of, penalty for, **15,** 38
labels on, **15,** 18, 24, 25
laws relating to, classification of, **15,** 3
local authorities, duties of, **15,** 7, 8
expenses of, **15,** 34
Local Government Board's powers in respect of analysis of, **15,** 13, 16 n.
sale of, **15,** 7
London, inspection and seizure in, **15,** 42
meat as. *See* MEAT.
medical officer, obstruction of, penalty for, **15,** 38
powers of, as to, **15,** 36, 37
metropolitan councils, powers of, in connection with sale of, **15,** 7, 8, 42; **20,** 404, 409 n.
misdemeanour in connection with sale of, **9,** 554, 555; **15,** 35
nuisances in connection with, **15,** 35; **21,** 536
offence, adjournment of trial of, **15,** 30
officers, obstruction of, penalty for, **15,** 33, 34, 38
penalties, provisions as to, **9,** 554, 555; **15,** 4, 29—34
FOOD—*continued.*
police, statutory powers of, as to, **22,** 503
prisoners, of, awaiting trial, **23,** 244
weighing and measuring, **23,** 255
prosecution in respect of offences, **15,** 30
public analyst, **15,** 8—12. *See* PUBLIC ANALYST.
purchaser, notice to, as to real nature of article, **15,** 19
prejudice of, **15,** 18, 19, 20
purity of, standard of, **15,** 21, 22, 64, 65
recipe of formula, recognised, sale under, **15,** 23 n., 24 n.
sale of. *See* SALE OF FOOD.
Sale of Food and Drugs Acts, administration of, **15,** 7, 8, 34
company's conviction under, **5,** 312
expenses of, **15,** 34
samples of, for analysis, **15,** 12—16. *See* ANALYSIS.
seller's responsibility for acts of others, **15,** 18; **27,** 179
summary jurisdiction, importation, as to, **15,** 43, 44, 45
procedure, **15,** 29—34
unsound, importation of, **15,** 42—44. *See* UNWHOLESOME FOOD.
unwholesome, sale of, **15,** 35—43. *See* UNWHOLESOME FOOD.
victuals, *defined,* **15,** 5 n.
warranties on sale of, **15,** 25—29. *See* WARRANTY.

FOOT,
measure, standard length of a, **28,** 468

FOOT AND MOUTH DISEASE,
area infected with, declaration as to, **1,** 425, 426
movement of cattle into, **1,** 426, 427
market, power to close, on account of, **20,** 33 n.
notice of, Board of Agriculture, to, **1,** 422
local authority, to, **1,** 422
slaughter of animals affected by, statutory powers as to, **1,** 428

FOOT RACE,
betting on, **15,** 279 n., 280 n.
legality of, **15,** 286

FOOTBALL,
highway, playing on, offence of, **27,** 275
player, when within Workmen's Compensation Act, **20,** 155, 156

FOOTBRIDGE,
repair of, liability as to, **16,** 103, 104, 182
stepping stones, as substitution for, consent required for, **16,** 183

FOOTPATH,
access to, adjoining owner's right of, **16,** 59, 60
apportionment of cost of, when made only on one side of private street, **16,** 230
bridge, construction of, in case of, **16,** 183
cellar entrance in, provisions as to, **16,** 250
churchway, alteration of, **16,** 81
as, **16,** 23, 181
cleansing of, bye-laws as to, **16,** 256; **23,** 393 n.; **27,** 280
construction of, highway authority, by, **16,** 116
dedication of, **16,** 181
diversion of. *See* DIVERSION.

FOOTPATH—*continued.*
driving on, as an offence, **27,** 275, 283, 286, 287
flagging, provision for, Metropolis, in, **16,** 203
footbridge, along, repair of, **16,** 182
gate across, erection of, **16,** 182
repair of, **16,** 182
goods projecting over, as an offence, **27,** 283, 286, 287
guard posts, erection of, on, **16,** 115, 183, 184
highway, as, **16,** 7, 180
authority's
construction of, **16,** 116
duty to guard, **16,** 115, 183, 184
inclosure of common, on, provisions for, **4,** 545, 549, 559, 560, 562
jus spatiandi, no right of, as to, **16,** 181
lights attached to posts in, **16,** 184
main road, by, liability to repair, **16,** 128, 181
nuisance on, **16,** 182, 183
obstructions on, **16,** 183; **27,** 282, 283, 286
origin of, **16,** 181
parish council, acquisition by, **16,** 181
repair by, **16,** 104, 183
private road, along, repair of, **16,** 101
width of, presumption as to, **16,** 68, 69
railway bridge, headway where carried under, **23,** 658 n.
raised, compensation in respect of, **16,** 62
repair of, **16,** 128, 181—183, 214
riding on, offence of, **27,** 275, 283, 286, 287
right of way, as, **11,** 284 n.
rights over, **16,** 181
stepping-stones in, consent required for substitution of footbridge, **16,** 183
stile across, erection of, **16,** 182
evidence of public footpath, as, **16,** 42
repair of, **16,** 182
tethering animals on, as an offence, **27,** 283
width of, **16,** 183

FORBEARANCE. *See also* GIVING TIME.
guarantee, in, fixed time for, effect of, **15,** 490
indefinite time for, effect of, **15,** 452
non-compliance by creditor, effect of, **15,** 481
per magnum tempus, **15,** 452 n.
per paullulum tempus, **15,** 452 n.
surety, effect on, of agreement for, **15,** 481, 552, 553 n.
misrepresentation in respect of alteration of position by, **20,** 704
valuable consideration, to sue as a, **7,** 386

FORCE. *See* DURESS; VIOLENCE.
arrest, use in effecting, **9,** 309, 609
assault, resistance of, by, **9,** 609; **27,** 874, 877
bill of exchange, contract on, affected by, **2,** 499
consent induced by, vitiated, assault, in case of, **9,** 608
defence of property by, **9,** 476, 609; **27,** 875, 877
detainer by. *See* FORCIBLE DETAINER.
excessive use of, **27,** 857, 877
false imprisonment, in case of, **27,** 884
feeding by. *See* FORCIBLE FEEDING.
forcible entry. *See* FORCIBLE ENTRY.
defence of house against, by, **9,** 476; **27,** 875, 877
obstruction of peace officer, whether an essential element in, **9,** 506
rape, when not essential to, **9,** 612
removal of goods, to prevent, **27,** 891 n.

FORCE—*continued.*
retaking of goods in wrongful possession by, **27,** 868, 876, 908
robbery by, **9,** 661, 662
trespass, consent obtained by force as affecting, **27,** 872 n.
trespasser, removal of, by, **27,** 854, 857, 875, 877
wrongful taking of goods, in case of, **27,** 891
resistance to, by, **27,** 868

FORCE MAJEURE. *See also* ACT OF GOD.
electricity supply, default in, caused by, **12,** 592
equitable relief on ground of, **13,** 25

FORCIBLE DETAINER,
defined, **9,** 476
distress, by resisting, **9,** 475
misdemeanour, as, **9,** 476
remedies for, **9,** 476
restitution of lands, **9,** 477

FORCIBLE ENTRY. *See also* BREAKING.
defined, **9,** 474
action for, **1,** 42
arrest, to effect, **9,** 309; **25,** 815—817
distress to levy, income tax, for, **11,** 219
rent, for, **9,** 475; **11,** 164, 165, 192
easement, cannot be made on, **9,** 475
ecclesiastical property, on, **9,** 475
execution, to levy, **14,** 40; **25,** 815, 816
indictable, **9,** 474—476; **27,** 857
landlord, by, **18,** 557, 558
mortgagee, by, **21,** 193
number of persons, by, **9,** 475
punishment for, **9,** 476
statutes of, **18,** 557 n.
trespasser, by and against, **9,** 475; **27,** 857

FORCIBLE FEEDING,
prisoner, of, **27,** 873 n., 876 n,

FORD,
repair of, liability of highway authority for, **16,** 102

FORECLOSURE,
account, claim for, **21,** 284
action, accounts and inquiries in, **21,** 287, 288
alienation or charge during, effect of, **21,** 282
cause of action, joinder of, in, **8,** 458; **22,** 444
claims in, **21,** 283, 284
consolidation of mortgages in, **21,** 211
costs of, **21,** 231, 232, 236, 295, 296
county court, in, **3,** 370; **8,** 444; **21,** 232 n., 283
court in which brought, **21,** 283
default of appearance, evidence required on, **21,** 287
defence to, **21,** 286
evidence in, **21,** 286, 287
form of proceedings, **21,** 283
master's certificate in, **21,** 288
order in, **21,** 287—292
parties to, **21,** 278—282
period of redemption in, **21** 288—291
surety, in case of, **15,** 515
receiver, appointment of, in, **21,** 261, 262; **24,** 338, 345, 347
passing of accounts of, **24,** 412
recovery of land, is not an action for, **21,** 284
remedies, exercise of other, pending, **21,** 296

FORECLOSURE—*continued.*
action—*continued.*
special allowances in, **21,** 288
statement of claim in, **21,** 285, 286
summons, commenced by, **21,** 286
vesting order in, **21,** 294
writ, commenced by, **21,** 285
administrator as party to proceedings, **21,** 280
advowson, of, **17,** 251; **21,** 273
assignee, by, in case of building contract, **3,** 268
bankruptcy of mortgagor, effect of, **2,** 227; **21,** 277, 279
building society mortgage, of, **3,** 369
costs in case of, **3,** 370
charge, enforcement of, sale not foreclosure, by, **13,** 93; **21,** 83, 273
conflict of laws in respect of, **6,** 205; **13,** 65, 66
copyholds, of, **8,** 94
covenant, proceedings on, pending, **21,** 296
Crown, none against the, **21,** 272 n.
debenture-holders, by, **5,** 383, 384; **13,** 93 n.; **21,** 278 n.
declaration of title, claim for, **21,** 284
effect of, **21,** 272
equitable mortgage, of, **13,** 93; **21,** 272, 277, 291
infant, against, **17,** 82, 143; **21,** 294
interest allowed in, **21,** 227
judgment which is a charge on land, in case of, **13,** 93 n.
limitation of actions in respect of, arrears of interest recoverable, **19,** 101
order absolute, time runs from, **19,** 147
payment, time runs from date of last, **19,** 146
reversion, mortgage of, meaning of time, **21,** 300
right of action, when accruing, **21,** 300
twelve years, right barred after, **19,** 138; **21,** 300
mine, leased, in case of, **20,** 556
share of partner in, in case of, **20,** 513
nature of right to, **21,** 272
notice to pay off mortgage, effect of, **21,** 278
opening, **21,** 296—300
acquiescence or delay, effect of, **21,** 300
covenant, proceedings on, effect of, **21,** 299
enlargement of time, **21,** 296—300
concurrent proceedings, effect of, **21,** 297
death of joint mortgagee, effect of, **21,** 298
order absolute, after entry of, **21,** 298
receipt of rents by mortgagee or receiver, effect of, **21,** 298, 299
successive, **21,** 297
fraud, effect of, **21,** 299
sale under power, effect of, **21,** 299
order
absolute, **21,** 293—295
effect of, **21,** 294
form of, **21,** 293, 294
infant, against, **17,** 82; **21,** 294
procedure to obtain, **21,** 293
receiver not appointed after, **21,** 262; **24,** 347
registered charge, in case of, **21,** 295
time for redemption enlarged after, **19,** 147
time runs from, **19,** 147
nisi, **21,** 288—291
form of, **21,** 288, 289
mesne incumbrances, redemption action by, in case of, **21,** 290
puisne incumbrances, limited to, **21,** 289

FORECLOSURE—*continued.*
order—*continued.*
nisi—*continued.*
second mortgagee and mortgagor, against, **21,** 289
stamp duty on, **21,** 291; **25,** 446
successive redemptions, in case of, **21,** 289
third and subsequent incumbrances, effect of, **21,** 289
partnership share, of, **21,** 273
pawnee has no right of, **22,** 245; **27,** 235
payment on covenant, claim for, **21,** 284
personalty, in respect of, **21,** 273
possession, claim for, **21,** 284
power of sale as affecting, **21,** 246, 296; **23,** 69
puisne incumbrancer, action pending by, effect of, **21,** 278
receiver, accounts, passing of, by, **24,** 412
appointment of, **21,** 262; **24,** 338, 345, 347, 377
order absolute, not appointed after, **21,** 262; **24,** 347
prior incumbrancer defendant not entitled to rents collected by, **24,** 387
receipt of rents by, time for redemption enlarged, **21,** 298
redemption
action, dismissal of, equivalent to, **21,** 155
proviso for, as affecting, **21,** 276, 277
registered charge, in case of, **21,** 274, 295
remedy, when not appropriate, **21,** 273, 274
reversionary property, of, **21,** 273
sale
in lieu of, conduct of, **21,** 276, 292
order for, equitable charges or lien, in case of, **21,** 292
inquiries directed by, **21,** 292
nature of, **21,** 291, 292
when and when not directed, **21,** 275
statutory jurisdiction to order, **21,** 274—276, 291, 292
terms on which ordered, **21,** 275, 276
when not available, **21,** 274
time right arises, **21,** 276—278

FOREIGN
act of State, *defined*, **23,** 310
action cannot be brought in respect of, **23,** 307, 310
proof of, **13,** 491, 527
recognition of, **23,** 310, 311
tort arising from, English court has no jurisdiction in case of, **6,** 249, 250; **23,** 310, 311
administration action, foreign creditor, rights of, in, **14,** 341
administration bond, sureties to, **14,** 208
Admiralty jurisdiction, Foreign Enlistment Act, 1870, proceedings under, **1,** 78; **10,** 557
ambassador. *See* AMBASSADOR.
jurisdiction with regard to contract of, **6,** 182, 232, 233
tort of, **27,** 479
appeal, Foreign Jurisdiction Act, 1890, under, **9,** 32
attachment in Mayor's Court, **19,** 699
bank, legal status of, **1,** 583
bankruptcy. *See* FOREIGN BANKRUPTCY.
bill of exchange. *See* FOREIGN BILL OF EXCHANGE.
bill of sale of goods in foreign parts, registration of, **3,** 18; **6,** 215

FOREIGN—*continued.*
bishop, consecration of, for sphere abroad, **11,** 498
bond. *See* FOREIGN BOND.
butter, marking of, **15,** 55, 56
charity, jurisdiction of Charity Commissioners over, **4,** 303, 306
chattels, alienation of, foreign bill of sale, by, **6,** 215
clergy, licence to minister in England, **11,** 554
coin, counterfeiting, **9,** 518, 519
importation of, **6,** 473, 474
counterfeit coin, **9,** 519
legitimating, **6,** 462 n., 473
company. *See* FOREIGN COMPANY.
copyright, acquired before 1887, protection of interests in, **8,** 171, 172. *See also* BERNE CONVENTION; COPYRIGHT.
period of, **8,** 140
proof of, **8,** 142
corporation. *See* FOREIGN CORPORATION.
country. *See* FOREIGN COUNTRY.
court. *See* FOREIGN COURT.
curator, lunatic, of, proceedings by, **19,** 463, 464
transfer of capital to, **19,** 453, 454
currency, charge on land payable in, when, **6,** 212, 213
invoice, in, **17,** 455 n.
legacy payable in, **6,** 231, 232
decree. *See* FOREIGN DECREE (Matrimonial).
dentist, registration in England of, **20,** 359
dividend, income tax on, **16,** 641, 657, 658
document, construction of, **6,** 238—242; **7,** 523; **10,** 498; **13,** 430, 489
forgery of, **9,** 767
law relating to, court may examine, **13,** 489
proof of, **13,** 420, 527
unstamped, effect of, **6,** 236
domicil. *See* DOMICIL.
embassy. *See* AMBASSADOR; EMBASSY.
enlistment. *See* FOREIGN ENLISTMENT.
fishing boat, **14,** 633—635
British waters, in, **14,** 633
customs regulations, **14,** 634
fishing off Iceland and Faröe Islands, **14,** 635
French boats in the seas between England, Ireland and France, **14,** 634
North Sea, in, regulations as to, **14,** 635
outside British waters, **14,** 634, 635
general average, adjustment of, **6,** 241; **17,** 452, 453
going ship. *See* FOREIGN GOING SHIP.
goods, carriage of, railway companies' charges in regard to, **4,** 80, 81
marking of, **27,** 723 n.
government. *See* FOREIGN GOVERNMENT.
guardian of infant, appointment by court, **17,** 126, 128 n.
rights of, **6,** 281; **17,** 126
infant, appointment of guardian by court, **17,** 126, 128 n.
intoxicating liquor, excise licence for sale of, **18,** 12; **24,** 669
invention, protection of, **22,** 229
judgment, **6,** 281—301. *See* FOREIGN JUDGMENT.
jurisdiction, Crown, of, **6,** 448—454
decision of Secretary of State as to, **10,** 560
English courts, of, **6,** 233; **13,** 66
Foreign Jurisdiction Act, appeals under, **9,** 32
land. *See* FOREIGN LAND.

FOREIGN—*continued.*
language, document in, construction of, **13,** 430, 489
libel or slander in, innuendo required to explain, **18,** 648, 649
translation of, proof required as to, **18,** 649
will in. *See* FOREIGN WILL.
construction of, **6,** 230; **28,** 630, 635
probate of, **6,** 225 n.; **14,** 164
law, **13,** 480, 481, 487—491. *See* FOREIGN LAW.
lottery, advertisement of, **15,** 303
selling tickets in, an offence, **15,** 302
margarine, marking of, **15,** 55, 56
marine insurance policy, adjustment of general average, **6,** 241; **17,** 452, 453
agent's lien on, **17,** 351
belligerent rights, insurance violating, effect, **17,** 430
conflict of laws as to, **6,** 241; **17,** 342 n.
construction of, **17,** 342 n.
illegality of, test of, **17,** 430 n.
principal, agent's insurance on behalf of, **17,** 355, 356
revenue laws, in contravention of, **17,** 430
test of legality of, **17,** 430 n.
marriage. *See* FOREIGN MARRIAGE.
medical
degree, British practitioner's right as to, **20,** 330
diploma, Privy Council's recognition of, **20,** 329
practitioner, qualifications for registration as a, **20,** 328, 329
money-lending contract, interest allowed on, **21,** 43
Money-lenders Acts do not apply to, **21,** 53
motor car, regulation of, **27,** 334, 335
office. *See* FOREIGN OFFICE.
parcel, postal regulations as to, **22,** 654
rates of postage for, **22,** 638
partnership. *See* FOREIGN PARTNERSHIP.
plate, marking of, **24,** 593; **27,** 724
port, marine insurance policy on goods at or from, protection afforded by, **17,** 385
usages of, **10,** 294
wreck in, offence of selling, **26,** 556
principal, agent's liability for, **1,** 220; **17,** 355, 356
rights and liabilities of, **1,** 209
prize court, condemnation pronounced by, **6,** 290, 297, 298
proceedings. *See* FOREIGN COURT.
proclamation, royal, how proved in evidence, **13,** 525
property. *See* FOREIGN PROPERTY.
relations, Crown in, **6,** 427—454. *See* CROWN.
revenue law, contracts violating, whether enforceable in England, **6,** 243, 244
marine insurance, legality of, not affected by, **17,** 430
rates and taxes imposed by, no action in England to recover, **6,** 182
unenforceable in England, **17,** 430
ship. *See* FOREIGN SHIP.
Sovereign. *See* FOREIGN SOVEREIGN.
spirits, *defined,* **18,** 7
customs duties on, **24,** 599—602. *See* SPIRITS.
licence unnecessary for sale of, when, **18,** 12; **24,** 669

FOREIGN—*continued.*
statute, proof of, **27,** 202
when given effect to, English courts, in, **27,** 155
territory, acquisition of, **6,** 421, 422
torts, jurisdiction in respect of, **6,** 248—250; **27,** 464 n.
trade-mark, registration of, **27,** 708
veterinary surgeon, registration of, **20,** 374, 375
Royal College of Veterinary Surgeons, as associate of, **20,** 372
will. *See* FOREIGN WILL.
wine, *defined,* **18,** 7
customs duty on, **24,** 608, 609
refreshment house licensed for sale of, **18,** 58
closing time of, **18,** 129
duty payable, **18,** 93
sale by retail, licence for, **18,** 39; **24,** 681—683
wholesale dealers' licence for, **24,** 680, 681
word, trade mark, as, translation may be required, **27,** 703 n.
trade name, as, **27,** 689

FOREIGN BANKRUPTCY,
contract or tort, effect of discharge on, **2,** 270, 271
English
petition, effect on, **2,** 59
receiving order, effect on, **2,** 79
order of discharge in, effect of, in England, **2,** 270, 271; **6,** 247
priority under *lex loci contractus,* foreign creditor no right to claim, **6,** 304 n.
proceedings against English debtor, how treated, **2,** 59, 63, 79
proof by foreign creditor in, effect of, **2,** 210

FOREIGN BILL OF EXCHANGE,
defined, **2,** 475
Stamp Act, under, **2,** 575
alteration of, **2,** 576
bankruptcy, proof in, in respect of, **2,** 208
forged, **2,** 512
inland distinguished from, **2,** 475, 561
meaning of, **2,** 475, 575
payable in England, law applicable to, **6,** 240
presentation of, **21,** 500, 501
protest of, **2,** 536
stamping of, **2,** 561, 575—579
alteration, after, **2,** 576
mode and time of, **2,** 576, 577
penalty for negotiating when unstamped, **2,** 578
scale of duties, **2,** 579

FOREIGN BOND,
debt on, not a chose in action, **4,** 360 n.
drawing for payment of, **21,** 500
estate duty in case of, **13,** 193
indorsement of, **2,** 567
limitation of actions in case of, **3,** 101
marriage settlement of, **25,** 712 n.
negotiability of, **2,** 567, 568

FOREIGN BOUGHT AND FOREIGN SOLD,
custom of, in City of London, **27,** 531 n.

FOREIGN COMPANY,
defined, **5,** 756, 757
actions and legal proceedings with reference to, **5,** 19, 20, 762, 763; **6,** 285—287; **8,** 393

FOREIGN COMPANY—*continued.*
actions and legal proceedings with reference to—*continued.*
lex fori, **5,** 762; **6,** 285
security for costs, in, **5,** 762
assurance companies, special provisions as to, **5,** 627, 760, 761
balance sheet, filing with registrar, **5,** 760
British ship, restrictions on ownership of, by, **5,** 758
calls on shares as simple contract debts, **5,** 762
capital, annual return as to, **5,** 760
comity of nations in respect to, **5,** 757
contract by, **5,** 761
conventions between countries as to, **5,** 757
English shareholder in, position of, **6,** 285—287
filing of certain documents in case of, **5,** 32
income tax, liability to, **16,** 645, 646
instrument of constitution, certified copy of, what is, **5,** 759
filing of, **5,** 32
translation into English, **5,** 759, 760
landowning in England by, restrictions on, **5,** 757, 758
liabilities outside domicil, **5,** 763
limited use of word, by, regulations as to, **5,** 760
liquidation of, **5,** 763, 764
penalties for failure to comply with statutory requirements, **5,** 760
recognition of, **5,** 16, 757; **8,** 312, 393
registration in United Kingdom, **5,** 757, 758—760
restraint from suing, **5,** 763
restrictions as to ownership of ships or land by, **5,** 757, 758; **26,** 16
security for costs by, **5,** 762
service of legal process on, **5,** 19—21
share certificates of, probate duty, liability to, **5,** 762
shares in, transfer of, **5,** 761, 762
winding up of, **5,** 763, 764; **8,** 393
branch and assets in England, when, **5,** 763, 764
priorities in, **6,** 304
where no assets in England, **5,** 394

FOREIGN CORPORATION,
actions by and against, **5,** 16; **8,** 393
agent, may appoint, for service of writ, **1,** 148 n.; **8,** 395; **23,** 119 n.
colonial corporation as a, **5,** 16 n.
domicil of, **8,** 312
English courts, position in, of, **5,** 16
identity, proof of, **5,** 16
recognition of, **5,** 16
registration of persons to accept service, **8,** 395 n.
resident in England, when, **8,** 312; **23,** 118. *See also* FOREIGN COMPANY.
service of writ on, rules as to, **5,** 20; **6,** 181, 182; **8,** 395; **23,** 118
winding up of, **8,** 393

FOREIGN COUNTRY,
administration, grant of, form for use in, **14,** 203
in, jurisdiction of English court where, **14,** 163—165, 182
service of writ in proceedings, **14,** 334
administrator of person domiciled in, **14,** 182
Admiralty jurisdiction, witness resident abroad, **13,** 621, 622
animal, diseased, imported from, slaughter of, **1,** 427

FOREIGN COUNTRY—*continued.*
apprentice cannot be required to serve in, **20,** 106
assignment, chose in action, of, in, **4,** 366 ; **6,** 217, 218, 245
English life policy, of, in, **17,** 560
bill of exchange, effect of transfer of, in, **2,** 514
bill of sale in, rule as to, **3,** 18
births and deaths of British subjects in, registration of, **24,** 457—459 ; **26,** 658
returns of, **24,** 460
bona vacantia in England of subject of, law as to, **11,** 28
cause of action arising in. *See* CAUSE OF ACTION.
Church of England in, **11,** 497—499
civil marriage in, how far recognised in England, **6,** 252—257 ; **16,** 306
civil service in, effect of, on domicil, **6,** 189
coin of, counterfeiting, **9,** 518, 519
importation of, **6,** 473, 474
counterfeit coin, of, **9,** 519
legitimating, **6,** 462 n., 473
commission to take evidence in, **13,** 609, 612, 613, 615, 617
equitable jurisdiction as to, **13,** 42
lunatic residing in, in respect of, **19,** 418
matrimonial causes, in, **16,** 535, 536
contract made in, foreign language, in, construction of, **13,** 489, 490
contract to be performed in, enforcement of, in England, **7,** 406
conviction in, proof of, **13,** 527
copyright in, proof of, **8,** 142. *See* COPYRIGHT ; BERNE CONVENTION.
covenant restraining trade in, **27,** 560, 564 n., 574 n., 586 n., 587 n.
decorations, medals, and orders of, regulations as to wearing, **22,** 290, 291
depositions taken in, statutory provisions relating to, **13,** 527, 618
dignities of, not recognised in England, **22,** 290
documents, inspection of, in, **11,** 89 n.
evidence, acceptance of, varies according to usages of each, **13,** 419, 420
commission to take, in. *See* commission to take evidence, *supra.*
extradition of criminal in. *See* EXTRADITION.
immovables in. *See* FOREIGN IMMOVABLES.
importation from. *See* IMPORTATION.
injunction as to act to be done in, **17,** 204
interrogatories as to customers in, **11,** 94 n.
invention communicated from, effect of, **22,** 132, 133
judgment recovered in. *See* FOREIGN JUDGMENT.
jurisdiction of English courts in, **13,** 66
land situate in. *See* FOREIGN LAND.
limitation of actions where party absent in, **19,** 56
lunatic residing in, commission to take evidence in respect of, **19,** 418
manager may be appointed by the court of business situate in, **24,** 428
National Health Insurance, disqualification of persons resident in, **28,** 926
transfer value of person going to, **28,** 965
official secrets, communication of, to, **7,** 31, 32 ; **9,** 480
patent, revocation of, where mainly worked in, **22,** 208, 209, 210
piracy under colour of commission from, **9,** 525
postal arrangements with, power to make, **22,** 657
power of attorney effected in, construction of, **6,** 238, 239

FOREIGN COUNTRY—*continued.*
probate in, **14,** 163—165, 182
receiver in, **6,** 207 ; **24,** 361, 367, 379, 389
seamen, death of, in, **26,** 58
desertion by, in, **26,** 62
discharge in, **26,** 55, 56
wages due where left in, **26,** 48, 49
Workmen's Compensation Act, claim under, when left injured in, **20,** 159
servant employed in, expenses of return journey, **20,** 112 n.
service of process in, practice as to, **23,** 122, 123. *See* SERVICE OUT OF THE JURISDICTION.
shareholders residing in, notice of meeting to, **5,** 308
ship, mortgage or sale of, in, **26,** 30
stamping instruments first executed in, **24,** 718
statutes, British, application of, to, **27,** 162, 163
territorial limits of, judicial notice of, **13,** 493
testator dying domiciled in, law applied to, **14,** 163, 164
tort committed in, when actionable in England, **6,** 248 ; **27,** 464 n., 491, 864, 872
trespass to goods in, actionable in England, when, **27,** 864
trespass to person in, actionable in England, when, **27,** 872
trustees of settlement resident in, appointment of, **25,** 711
wager made in, English law as to, **15,** 282, 283
weights and measures of, contract made in, **28,** 469 n.
will made in. *See* FOREIGN WILL.
execution of power by, validity of, **23,** 19, 20
workman in, Workmen's Compensation Act, application of, **20,** 160, 184, 185

FOREIGN COURT,
barrister cannot sue for fees earned in, **2,** 393
estoppel by judgment in, **6,** 289—291, 295—298 ; **13,** 326, 338 n., 354, 359 n.
evidence in, commissioners to take, **13,** 609, 610
letters of request may be sent to take, **13,** 609, 611
injunction to restrain proceedings in, **13,** 48
judgment of. *See* FOREIGN JUDGMENT.
jurisdiction of, recognition of, **6,** 284—287 ; **13,** 66
prize court, condemnation pronounced by, **6,** 290, 297, 298
proceedings in, bankrupt, against English, stay of, **2,** 63
contrary to natural justice, **6,** 270, 288
discovery
in aid of, **11,** 39
tending to crimination in, **11,** 83
irregularity of procedure, effect of, **6,** 288
malicious prosecution, action for, in respect of, **19,** 677, 678
restraint of, in what cases, **6,** 300, 301 ; **17,** 263—265
tort abroad, for, effect on action in England, **6,** 249

FOREIGN DECREE (MATRIMONIAL).
dissolution of marriage, of, **6,** 266—271
estoppel in relation to, **13,** 354 n.
finality of, **6,** 269, 270
Indian divorce, in case of, **6,** 267, 268
judicial separation, affecting decree of, **16,** 595

FOREIGN DECREE (MATRIMONIAL)—*contd.*
dissolution of marriage—*continued.*
not recognised unconditionally, **6,** 266, 267, 270, 271
restriction on re-marriage, effect of, **6,** 270
validity of, in England, **6,** 268, 296, 297; **9,** 534
judicial separation, of, affecting covenant to settle future property, **25,** 551 n.
effect of, **6,** 264, 265
marriage settlement, effect on, **25,** 551 n.
marriage, offences relating to, as affecting, **9,** 534
nullity of marriage, of, **6,** 271, 272
estoppel in relation to, **13,** 352 n., 354 n.
fraud in connection with, **6,** 269 n.; **13,** 352 n.

FOREIGN DOCUMENT,
construction of, **6,** 238—242; **7,** 523; **10,** 498; **13,** 430, 489
forgery of, **9,** 767
law relating to, court may examine, **13,** 489
proof of, **13,** 420, 527
unstamped, effect of, **6,** 236

FOREIGN ENLISTMENT,
Admiralty jurisdiction, proceedings under Foreign Enlistment Act, 1870, **1,** 78; **10,** 557
Home Secretary's powers in respect of, **7,** 84
jurisdiction in respect of, extent of, **9,** 278
offences in connection with, **9,** 528—530
punishments in regard to, **9,** 530
ship used for, builder's position in regard to, **9,** 529; **13,** 435 n.

FOREIGN GOING SHIP,
defined, **26,** 38, 42
agreements with crew, delivery on arrival of, **26,** 43
intoxicating liquor, licence required for sale of, to, **18,** 12
log-book, delivery of, on arrival, **26,** 82, 83
outward bound, notification of change in crew by master, **26,** 43
seamen on, engagement of, **26,** 42
National Health Insurance in case of, **28,** 985, 986
wages of, **26,** 47, 48

FOREIGN GOVERNMENT,
Admiralty action, security in, by, **26,** 408 n.
domicil as affected by service under, **6,** 189
injunction against, court has no jurisdiction to grant, **17,** 205
international law, breach of, by, **6,** 250
official acts of, recognition of, **23,** 305, 310, 311
securities of, when treated as negotiable, **27,** 246
tort by, jurisdiction of English court as to, **6,** 249, 250
treaty, violation of, by, tort arising from, **6,** 249, 250

FOREIGN IMMOVABLES. *See also* FOREIGN LAND.
account of rent and profits of, jurisdiction of English courts to order, **6,** 206
contract as to, jurisdiction of English courts to order specific performance of, **6,** 205, 206

FOREIGN IMMOVABLES—*continued.*
conversion of wasting property not applied to, **14,** 283
discovery of documents relating to, **6,** 200
foreclosure in respect of, **6,** 205
fraudulent dealings in relief for, **6,** 206; **13,** 666
injunction in relation to, **6,** 200, 204
intestate succession to, **6,** 218
jurisdiction, English court, as to, **6,** 201
in personam in reference to, **6,** 202—207
money representing, **6,** 198, 202
mortgages of, **6,** 205
proceeds of sale of, **6,** 198, 200, 201
fund in court, as, **6,** 201
receiver for, **6,** 207; **13,** 66; **24,** 367, 379
recovery of, jurisdiction as to, **6,** 201
redemption suit in case of, **6,** 205
trespass to, jurisdiction as to, **6,** 200
trusts relating to, jurisdiction to enforce, **6,** 204

FOREIGN JUDGMENT,
action on, colonial court, in, **10,** 560, 561
penalty, for, **10,** 560, 561
England, in, **6,** 281—290; **13,** 66
limitation of time for, **6,** 281; **19,** 39
notice of foreign proceedings necessary for, **6,** 286
penalty, for, **6,** 283, 284
shareholder in foreign company, against, **6,** 286, 287
cause of action in England, effect on, **7,** 458
comity of nations, disregarding, effect of, in England, **6,** 288
competency of witnesses as to foreign law, **13,** 488
conclusiveness of, **6,** 289, 290, 297; **13,** 338 n.
contract implied in case of, **6,** 281; **7,** 493, 494
costs, order for payment of, jurisdiction of English court in case of, **6,** 282
court without jurisdiction, in case of, **6,** 284—287
debt created by, **6,** 281
defence to action in England, as, **6,** 290, 291
enforcement in England of, **6,** 281—290; **18,** 219
administration of intestate's estate, in, **6,** 282
equitable jurisdiction of English court in case of, **13,** 66
estoppel arising from, **6,** 289—291, 295—298; **13,** 326, 338 n., 354, 359 n.
administration proceedings, in case of, **13,** 354 n.
contractual relations established in, **13,** 339 n.
decree of nullity by foreign court not impeachable in England, **13,** 352 n.
fraud as affecting, **6,** 287; **13,** 351 n.
matrimonial status, affecting, **13,** 339 n., 352 n.
execution on, **6,** 281
extension of English, Irish, and Scottish judgments, inferior courts, in, **6,** 294, 295
superior courts, in, **6,** 291—294
fraud, obtained by, effect in English court, **6,** 283, 287, 288, 297; **13,** 351 n.; **20,** 762
impeachment of, **6,** 287, 292; **13,** 66, 483 n.
improperly obtained, **6,** 287, 288, 297; **13,** 66
in personam, action in England on, **6,** 281—283
bar to proceedings *in rem* in England, as a, **6,** 291
conclusiveness of, **6,** 289—291
enforcement of, **6,** 281—283

FOREIGN JUDGMENT—*continued.*
in rem, defined, **6,** 295
conclusiveness of, **6,** 295—298
conflict of laws as to, **6,** 295—298
divorce, decree of, in nature of, **6,** 269, 296, 297
effect of, England, in, **6,** 295—298; **26,** 76
estoppel arising from, **13,** 326, 327, 338
immovables, as to, **6,** 296
irregularity in procedure, effect in England of, **6,** 288
movables, as to, **6,** 295, 296
penal status created by, effect in English court, **6,** 284; **13,** 338 n.
prize court, in case of, **6,** 297
sale of ship or cargo under, **26,** 76
status, affecting, **6,** 269, 296; **13,** 338
title of person of foreign domicil to personalty, as to, effect of, **13,** 338 n.
lis alibi pendens, **6,** 298—301; **13,** 66
misrepresentation, obtained by, **6,** 283, 287, 288, 297
mistake in English law, effect of, **6,** 289, 297
natural justice, contrary to, **6,** 283, 284, 288; **13,** 66
penalty, for, action on, colonial court, in, **10,** 560, 561
English court, in, **6,** 283, 284
policy of English law, contrary to, **6,** 283, 284
presumption in favour of, **6,** 287
proof of, by authenticated copies, **13,** 527
recognition of, by English court, **6,** 281—287
registration of English, Irish, and Scottish, **6,** 294
injunction against, **6,** 295
satisfaction of, effect in England of, **6,** 290; **7,** 458
shareholder in foreign company, against, effect of, **6,** 286, 287
status, as to, effect of, **6,** 269, 296; **13,** 338
statute of limitations, based on, effect in England of, **6,** 290

FOREIGN LAND. *See also* FOREIGN IMMOVABLES.
boundaries of, jurisdiction as to, **3,** 110
foreclosure of, jurisdiction as to, **13,** 65
jurisdiction in respect of, **1,** 50, 51; **13,** 65, 66; **27,** 163
lien on, court will not declare, **13,** 66 n.
partition of, court will not order, **13,** 66; **21,** 838
perpetuities, rule against, has no application to, **22,** 312
possession of, court will not decree, **13,** 66
real actions as to, no jurisdiction in English courts in respect of, **1,** 50, 51
settled land, as, **25,** 647
improvements on, expenses of, **25,** 647 n.
title to, claim depending on, jurisdiction in case of **13,** 66
will of, law governing, **13,** 66; **28,** 558
probate not granted of, **14,** 164

FOREIGN LAW,
acts of State and statutes, proof of, **13,** 491
conflict of, burden of proof of, **13,** 488. *See* CONFLICT OF LAWS, foreign.
construction of foreign documents by application of, **13,** 489
court follows its own rules of evidence and procedure in considering question of, **13,** 490
documents, reference to, in giving evidence as to, **13,** 489
expert evidence admitted, when, **13,** 480, 481

FOREIGN LAW—*continued.*
Foreign Law Ascertainment Act, 1861, provisions of, **13,** 491
foreign State, judicial notice of, **13,** 493
foreign statute, proof of, **27,** 202
when given effect to, English courts, in, **27,** 155
geographical position of territory of foreign States, judicial notice of, **13,** 493
proof of, **13,** 487, 488
witness to, competency of, **13,** 488

FOREIGN MARRIAGE,
abroad, army, within lines of, **6,** 261; **25,** 98
British subjects, of, **6,** 257—260; **16,** 306; **24,** 454—456
His Majesty's ships, on **6,** 260; **11,** 483, 483 n.; **24,** 454, 454 n., 455; **25,** 98
certificate as evidence of, **16,** 314
Foreign Marriage Act, 1892, offences under, **9,** 278
illegal, effect in England of, **6,** 254, 255
India and colonies, in, **6,** 261, 262; **16,** 307, 308
law applicable to, **6,** 257—259; **16,** 306, 313, 314; **24,** 454—456
lex loci, formalities governed by, **16,** 306
marriage officer, by, **6,** 257—259; **16,** 306, 313, 314
proof of, **16,** 313, 314
recognition of, by English law, **6,** 252—258; **16,** 306
registers of, where kept, **24,** 437
registration of, **24,** 454—456
separate property of wife under, **16,** 341
validity of, **6,** 252—261; **16,** 306—308
expert evidence as to, **16,** 313
special statute, by, **6,** 261, 262
will, revocation of, by, **28,** 562

FOREIGN OFFICE,
constitution of, **7,** 86
jurisdiction of, **7,** 86
signet, use of, **7,** 68

FOREIGN PARTNERSHIP,
account of transactions of, when ordered by English court, **22,** 71
company, registration as, in England, **5,** 16
death duties, liability to, **13,** 238, 311
income tax in case of, **16,** 644—650
jurisdiction of English court as to, **22,** 71
legacy duty in respect of, **13,** 238
local situation of, **13,** 311
membership in, effect on jurisdiction of foreign court, **6,** 286
probate duty in respect of, **13,** 311

FOREIGN PROPERTY,
death duties on, allowance in respect of, **13,** 212
immovable property, in case of, **13,** 273, 274
liability to, **13,** 192, 193, 238, 311
mortgage debt on immovable property, in case of, **13,** 193 n.
partnership, in case of, **13,** 238, 311
deed assuring, execution of, **10,** 398
executor *de son tort*, taking possession of property does not constitute a person, **14,** 149
income tax on, **16,** 626, 645, 659
mortgage of, by company, **5,** 368
personal. *See* MOVABLES.
does not pass to executor as such, **13,** 219

FOREIGN PROPERTY—*continued.*
receiver of, appointment of, **6,** 207 ; **24,** 361, 367, 368, 379, 389
company, of, **5,** 378
contempt of court by obstruction of, **5,** 378 ; **6,** 207 ; **24,** 389
duty of, **24,** 379
interference with payment to, **24,** 389
leases by, practice as to, **24,** 394
position of, **24,** 379
postponement of, for laches, **24,** 390, 391
register of, certified copy, when admitted in evidence, **13,** 534, 535
General Register Office, kept at, **24,** 437
will of, law governing, **6,** 219, 225 ; **28,** 516, 517
probate not granted of, **14,** 164

FOREIGN SHIP,
action *in rem* in Admiralty against, **1,** 64, 67, 68, 70, 71, 73 ; **26,** 67, 68
affidavit before arrest, **1,** 82
county court, in, **1,** 129 n., 130
foreign national ship, not against, **1,** 19 n., 71, 73
notice to consul of proceedings, **1,** 82, 130
Admiralty Court, jurisdiction of, as to, **1,** 64, 70—73 ; **26,** 408 n., 546
arrest of, **1,** 67, 68, 71—73, 82 ; **26,** 36, 37 n., 67, 68, 533, 546
British ship registered abroad is a, **26,** 612
charterparty, master may delegate signing of, **1,** 170
collision, action for damage caused by, **1,** 71
damages, foreign State, recoverable from, **26,** 537
injury by, **26,** 546
lifebuoys on, regulations as to, **26,** 78
limitation of liability of owner of, **26,** 73, 612
Merchant Shipping Acts, application of, to, **26,** 12, 13
ownership of, when court will entertain question of, **26,** 37 n.
salvage in case of, **1,** 74
sea regulations, application of, to, **26,** 375, 376
Shipowners' Negligence (Remedies) Act, 1905, detention under, **26,** 544
tonnage of, how ascertained, **26,** 615, 616
tonnage rate, liability to, **26,** 637
Workmen's Compensation Act, detention under, **26,** 546
wreck of, claim to, **26,** 552
consul-general, duty in respect to, **26,** 552

FOREIGN SOVEREIGN,
action by or against, **1,** 18, 19 ; **6,** 182, 232
child of, born within dominions of Crown, nationality of, **1,** 303
counterclaim against, **1,** 19
discovery against, **11,** 48
existence and title of, requires no proof, **13,** 427
injunction by and against, **17,** 205
jurisdiction of court over, **1,** 19 ; **6,** 182, 232
specific performance not available against, **27,** 18
status of, judicial notice taken of, **13,** 492, 493
trust fund, procedure where interested in administration of, **28,** 9 n.
waiver of privilege not to be sued, **1,** 19 ; **6,** 182, 232. *See also* FOREIGN GOVERNMENT.

FOREIGN STATE. *See also* FOREIGN COUNTRY ; FOREIGN GOVERNMENT.
geographical limits of territory of, proof of, **13,** 493
judicial notice of, **13,** 493

FOREIGN WILL,
construction of, **6,** 220, 230 ; **28,** 630, 632, 633, 635, 661, 662
evidence as to technical terms in, **28,** 634, 635
probate of, **6,** 225 n. ; **14,** 163—165 ; **28,** 558 n.
translation of, **6,** 625 n. ; **28,** 635

FOREIGNER. *See also* ALIEN.
admission of, United Kingdom, to, **6,** 445, 446
affidavit by, how far permitted, **13,** 619
bankruptcy
notice against, **2,** 9, 28
of, **2,** 6 n., 9, 32, 43
petition by, **2,** 38
proof by, **2,** 210
receiving order in, against, **2,** 24, 25, 345
copyright of, **8,** 138, 139, 140—142. *See* BERNE CONVENTION.
counterclaim against, **25,** 514, 516
covenants in restraint of trade by, **27,** 583
deed or instrument, as party to, **6,** 207—218 ; **10,** 498
guardian, appointment of, to, **17,** 126
Home Secretary's powers as to, **7,** 84
incapacities of, **6,** 381
income tax, enforcement of, against, **16,** 646, 647
marriage of, celebrated at foreign embassy, validity of, **16,** 280
certificate of no impediment to, when required, **16,** 281
non-compliance with law of domicil, effect of, **16,** 281
patent, as grantee of, **22,** 133
probate of will of, when granted in England, **14,** 163, 164, 182
security for costs by, **17,** 608 n., 609 n. ; **25,** 515
ship, sale of, to, penalty for failure to make necessary application, **26,** 33
statutes, application of, to, **27,** 155, 162, 163, 181
tort, action for, by, **27,** 464 n., 479
liability for, **27,** 464 n., 479
trespass against, order of Crown may justify, **27,** 477 n., 847

FORESHORE,
defined, **28,** 361
accretion, ownership when formed by, **3,** 119 ; **4,** 473 ; **7,** 116 ; **28,** 363
acts of ownership proving possession of, **28,** 369, 370
Admiralty, extent of jurisdiction, **1,** 60 ; **9,** 274 ; **28,** 381
anchoring, dues for, as proof of possession, **28,** 369
right of, **28,** 372
artillery or rifle ranges over, regulation as to bye-laws, **6,** 160 ; **28,** 374, 375
ballast or shingle, prohibition against removal, **28,** 383, 384
bathing machines, licensing of, **23,** 500, 501 ; **28,** 376, 377
trespass by use of, **27,** 848 n.
bathing on, customary and prescriptive rights as to, **28,** 376
local regulation of, **23,** 500, 501 ; **28,** 376, 377
public rights in regard to, **28,** 375, 376
Board of Trade, leases by, **7,** 145
management by, extent of, **7,** 142 *et seq.*
powers of, as to, **7,** 113, 142, 144, 145, 174, 175 ; **27,** 513 ; **28,** 383, 384
sanctioning authority for bye-law affecting, below high-water mark, **27,** 273 n.

FORESHORE—*continued.*
boundary line, shifting of, **3,** 119, 120
bye-laws for, by local authority, **27,** 273 ; **28,** 376
Chester, County Palatine of, in, title to, **28,** 365
coal under foreshore of river, conveyance by Crown, **20,** 550
Commissioners of Woods, transfer of control from, **7,** 142—144
Cornwall, Duchy of, in, high or low water mark, settlement of, **7,** 260
mines under, property in, **7,** 258, 259
access to, **7,** 259
compensation for damage occasioned by access, **7,** 260
ownership of, **7,** 113, 114 ; **28,** 360 n., 364
county, inclusion within, for judicial purposes, **28,** 381
Crown
fishery, several, does not include, **14,** 576 ; **28,** 368
grant by, **7,** 153 n. ; **28,** 366, 367
local authority, user by, **7,** 146
possessory title, length of time necessary for, as against, **28,** 366, 370
protection of rights of, procedure, **7,** 113
title of, to, **7,** 112—115 ; **28,** 363, 364, 365
acts of public as evidence of, **28,** 370
departmental claims to, settlement of, **7,** 144
Durham, County Palatine of, in, management of, **7,** 142
title to, **28,** 365
transfer to Crown, **7,** 114, 115
easements over, acquisition of, **28,** 372, 373
immemorial custom, by, **28,** 373
English information for recovery of, **10,** 21
fishery, several, Crown grant of foreshore does not include, **14,** 576 ; **28,** 368
proof of possession of, as, **28,** 370
grant of, construction of, **28,** 366, 367
extent of, **3,** 119 ; **7,** 112 ; **28,** 368
fishery, subject to public right of, **7,** 112 ; **28,** 368
navigation, subject to public right of, **7,** 112, 113 ; **28,** 368
public rights as affected by, **7,** 112, 113 ; **28,** 368
words used in, **28,** 367
grantee of, takes subject to public rights, **7,** 113 ; **28,** 368
gravel, stone etc., highway authorities' right to, **16,** 109 ; **28,** 378, 379
ownership of, **28,** 378
groundage dues, taking of, as proof of possession, **28,** 369
groyne, easement, as, **28,** 372
erection of, right as to, **28,** 383
proof of possession, as, **28,** 369
highway, not a public, **16,** 8 ; **28,** 372, 372 n., 373
inclosing and embanking against the sea as proof of possession, **28,** 369
jurisdiction over, **28,** 381
Lancaster, Duchy of, in, title to, **28,** 364
leases of, **7,** 145
local authority, use by, of, **7,** 146
manor, grant of, may include, **8,** 4 ; **28,** 367, 368, 381
presumption as to, from grant of royal fish *infra manerium*, **28,** 368, 381
Military Lands Acts, under, use of, **6,** 160 ; **28,** 374, 375

FORESHORE—*continued.*
mines under, access to, **7,** 147
Crown, right of, to, **7,** 118, 204 ; **20,** 508
Crown Lands Act, 1866, does not apply to, **7,** 204
ownership of, **7,** 118, 204 ; **20,** 508
Cornwall, in, **7,** 258
movable freehold, **28,** 361
navigating rights over, **7,** 112 ; **28,** 372, 373
nuisance by owner on, **28,** 372 n.
parish, whether within, **28,** 382, 396
passage over, public right of, extent of, **14,** 575 ; **28,** 372, 373
pier, erection of, as proof of possession, **28,** 369
prescription, acquisition by, **7,** 113
public rights in, **7,** 112, 113 ; **28,** 368, 372—378
quarries under, access to, right of, **7,** 147
receipts from, application of, **7,** 145
rifle or artillery ranges over, regulation as to bye-laws, **6,** 160 ; **28,** 374, 375
river, of, light railway, acquisition for, procedure, **27,** 822
navigable, of, ownership of, **28,** 392
sand of, acquisition of right to take, **28,** 378
Devon and Cornwall, in, right to, **28,** 379
highway authority, statutory authority of, to take, **28,** 378
ownership of, **4,** 474 ; **28,** 378
Scotland, in, extent of, **7,** 112
sea, inroads of, duty as to protection from, **28,** 382
sea wall on, interference with, liability for, **28,** 383
seaweed on, right to, **28,** 377
taking of, as proof of title to, **28,** 369
shellfish, right to, **28,** 378
shells on, right to, **28,** 377
shingle, prohibition against removal, **28,** 383
shooting over, extent of right of, **28,** 373, 374
proof of possession, as, **28,** 370
smuggling, prevention of, rights for purpose of, **28,** 373
sudden changes in, ownership on, **3,** 120 ; **7,** 116 ; **28,** 362
tidal navigable waters, in, ownership of, **28,** 392
title to, acquisition of, modes of, **28,** 365, 366
Chester, County Palatine of, in, **28,** 365
Cornwall, Duchy of, in, **28,** 364
Crown, of, **7,** 112—115 ; **28,** 363, 364
Durham, County Palatine of, in, **7,** 114, 216 ; **28,** 365
grant, by, **28,** 366
Lancaster, County Palatine of, in, **28,** 364
per relictionem maris, **28,** 362 n., 366
possessory, **28,** 366, 370
registration of, provisions as to, **7,** 146, 177
trespasser, proof against, **27,** 854 n. ; **28,** 371
wharf, erection of, as proof of possession, **28,** 369
works on, **7,** 145, 146
deposit of plans relating to, **7,** 145
wreck, grant of, as evidence of right to, **28,** 367, 368, 369, 380

FOREST. *See* ROYAL FOREST.
defined, **6,** 490 ; **7,** 181, 182
beasts
commonable in, what are, **4,** 475 ; **7,** 182 n.
of, what are, **6,** 490 n. ; **7,** 181 n., 182 n. ; **15,** 215
cases relating to the law of, **7,** 182 n.
charters of, enumeration of, **4,** 452 ; **7,** 182 n.
chase, franchise of, **6,** 490, 491 ; **7,** 184 ; **15,** 212, 214, 215

FOREST—*continued.*
common of
estovers in, **4,** 466—469
pasture in, **4,** 474—476
court. *See* FOREST COURT.
Crown rights in, **15,** 212, 214, 215
Dean, of. *See* FOREST OF DEAN.
deer in, protection of, **15,** 262, 263
statutes relating to, **7,** 182 n.; **15,** 262—264
foresters of, **7,** 182; **9,** 115
franchise of, **7,** 184; **15,** 212, 214, 215
grant to private person of, **7,** 184 n.
Hainault, of, award of commissioners relating to, **7,** 190
Lancaster, Duchy of, sale of rights in, **7,** 223
law of, distinct from common law, **7,** 183
officers of, **7,** 182; **9,** 114, 115
pannage in, **4,** 475. *See* PANNAGE.
royal. *See* ROYAL FORESTS.
timber, inclosure for promoting growth of, **4,** 513, 514
wood, right to cut, in, **4,** 466; **7,** 189

FOREST COURT, 7, 182, 183; **9,** 111—115
agisters, duties of, **7,** 182; **9,** 115
attachments, court of, jurisdiction of, **7,** 183; **9,** 111, 112
capitales justiciarii forestal, meaning of, **9,** 115
de admittendo, writ of, **9,** 115
eyre or justice seat, jurisdiction of, **7,** 183; **9,** 114
foresters, duties of, **7,** 182, 183; **9,** 115
forty days' court, **9,** 111. *See* swainmote, *infra.*
inquisitions in, **7,** 183
jurisdiction of, **7,** 182, 183; **9,** 111
justices in eyre, how appointed, **4,** 474 n.; **7,** 183; **9,** 114
rangers, duties of, **9,** 115
regard or survey of dogs, court of, **7,** 183; **9,** 111, 112
regarders, duties of, **9,** 115
swainmote, court of, **7,** 182, 183; **9,** 111, 113, 114
verderers, office of, **7,** 182; **9,** 115
woodmote, court of, **9,** 111. *See* swainmote, *supra.*
woodwards, duties of, **9,** 115

FOREST OF DEAN,
Commissioners of Woods, functions of, in regard to, **20,** 646
encroachments on, **7,** 187 n.; **20,** 645
gaveller of, appointment of, **7,** 123 n.
duties of, **20,** 646
inclosure of land in, **4,** 542; **7,** 190
licence to hunt etc., in, **7,** 188
mines in, ownership of, **20,** 645
customs relating to, **20,** 645—650
special statutory provisions relating to, **20,** 594
ownership of surface of, **20,** 645
quarries in, lease of, **20,** 650

FOREST OF HAINAULT,
award of commissioners relating to, **7,** 190

FORESTAGE,
definition of, **7,** 182 n.

FORESTALLING, 9, 562; **27,** 526 n.

FORFEITURE,
defined, **25,** 629 n.
alien enemy's chose in action, whether forfeitable by Crown, **1,** 311

FORFEITURE—*continued.*
alienation, in the event of, **25,** 571; **28,** 840—842
burden of proof in case of, **28,** 840
copyhold, of, **8,** 47
involuntary, in case of, **2,** 88; **25,** 571
attainder, on, **11,** 26 n.; **22,** 275, 276; **24,** 330 n.
bail bond, of, **15,** 557 n.; **19,** 608, 609
bankruptcy, on, **2,** 88, 148—152; **24,** 174 n.; **28,** 840
builder's materials etc., of, **2,** 152; **3,** 252—254, 262, 263, 272
construction of forfeiture clauses, **2,** 148
lease, of, **1,** 275; **2,** 88, 92, 149, 150; **18,** 530, 542, 543
partner's share in firm's property, of, **2,** 151
settlement, in case of, **25,** 571
will providing for, **2,** 148, 150; **28,** 840
benefice, of. *See* BENEFICE.
bond, of, **3,** 80. *See* bail bond, *supra.*
building contract, under, **3,** 249—259
defined, **3,** 251
absolute, **3,** 255
accrual of right of, **3,** 251
arbitration to decide right of, **3,** 256, 282, 283
ascertainment of right to, **3,** 256
assignment subject to, contractor, by, **3,** 270
employer, by, **3,** 269
registration of, **3,** 259
attachment of debt, effect on, **3,** 274
bankruptcy of builder, on, **2,** 152; **3,** 252, 254, 262, 263, 272
breach of contract, on account of, **3,** 251, 252, 255—258
clause, whether a bill of sale, **3,** 259
contractor's
removal of his property on, **3,** 253
rights on, **3,** 246, 250, 253, 276, 277
delay, on account of, **3,** 245—247, 251, 257
employer's duty to account after, **3,** 258, 259
events other than bankruptcy, on, **3,** 239, 251, 255
evidence of exercise of right of, **3,** 249, 258
execution on contractor's materials, effect of, **3,** 253
exercise of, mode of, **3,** 256
implied right of, **3,** 258
injunction against, **3,** 250
liquidated damages, how far claimable on, **3,** 246—248
materials and plant, of, **2,** 152; **3,** 249, 252, 254, 262—264, 272
new agreement after, effect of, **3,** 251
notice of, form of, **3,** 258
premature, effect of, **3,** 257, 258
qualified, **3,** 255
result of, **3,** 252, 253, 258, 259
stipulations as to, **3,** 249, 251, 259, 269
sub-contractor's rights and liabilities in case of, **3,** 276, 277
time for exercise of right of, **3,** 256—258
unsatisfactory work, on account of, **3,** 251
waiver of right of, **3,** 247, 258
wrongful exercise of right of, **3,** 201, 246, 249, 250, 257, 282
building lease, under, **18,** 568, 569
building materials, of, on re-entry by lessor, **18,** 568, 569
building society's rules, under, **3,** 349, 362, 363
cargo, dangerous, jurisdiction as to, **1,** 78
charitable trust, in case of, **4,** 172—174, 189, 297

FORFEITURE—*continued.*
charter of incorporation, of, **8,** 359 n., 397, 398
injunction against act which may cause, **17,** 226
clause, charitable gift, in case of, **4,** 170—174
lease, in. *See* lease, *infra.*
severable for purposes of rule against perpetuities, **22,** 346
will, in, **28,** 840—842
copyholds, of, absolute, **8,** 47
alienation, in case of, **8,** 47; **16,** 323; **18,** 345
attainder, in case of, **8,** 49
common rights as affected by, **4,** 523, 529; **8,** 50
confusion of boundaries, by reason of, **8,** 47
effect of, **8,** 50
entry by lord on, **8,** 50—52
felony, in case of, **8,** 49; **11,** 26 n.
fine in lieu of, **8,** 51
infant, in case of, **8,** 49, 81; **17,** 97
kinds of, **8,** 47
law of, **8,** 46—52
lease by copyholder, when causing, **8,** 47; **16,** 323; **18,** 345
lunatic, in case of, **8,** 49; **19,** 452
married woman, disposition by husband, in case of, **8,** 49; **16,** 323
non-attendance at court, for, **8,** 13, 49
optional, **8,** 47
outlawry, in case of, **8,** 49
person under disability, in case of, **8,** 49
repair of premises, for want of, **8,** 48
seizure *quousque*, **8,** 57
services, non-performance of, for, **8,** 49; **16,** 323
stranger's act, through, **8,** 49, 50
treason and felony, for, **8,** 49; **11,** 26 n.
trustee's act, by reason of, **8,** 50
waiver of, **8,** 51; **18,** 345
waste, on account of, **8,** 25, 48—50
relief against, **8,** 52
copyright, of copies infringing, **8,** 165, 167, 170, 171
corporation charter or franchise, of, **8,** 397, 398
counterclaim for relief against, **25,** 507
Customs and Excise Acts, under, **24,** 592 n., 698, 742
dangerous goods on board ship, of, **1,** 78; **26,** 79
deposit, of, contract uncompleted, in case of, **7,** 482
sale of goods, in case of, **25,** 237, 265
sale of land, in case of, **25,** 320, 340, 398—402, 409 n.; **27,** 95, 97, 98
discovery, proceedings to establish forfeiture, in case of, **11,** 40 n., 41, 65, 83, 97, 104
tending to expose to, **11,** 72, 110
distress warrant under Summary Jurisdiction Acts, notice of forfeiture, before issue of, **11,** 222
entry on land on, copyholds, in case of, **8,** 50—52
lease, in case of, **18,** 530—536. *See* RE-ENTRY.
actual entry not necessary, **18,** 536
statutes of mortmain, under, **8,** 368, 369
equitable relief against, **13,** 6, 10, 153, 154; **27,** 7
donee under will, in case of, **28,** 595
gift over on breach of condition, **4,** 172; **28,** 596
onus of proof in case of, **4,** 173
jurisdiction conferred on courts of common law, **13,** 153

FORFEITURE—*continued.*
equitable relief against—*continued.*
lease, breach of covenant, in, **13,** 153
negligence, in case of, **13,** 153 n.
wilful, no relief when, **13,** 72 n.
fellowship of college, of, **4,** 250
felony, conviction for, on, **9,** 428 n.; **11,** 26 n.; **23,** 261; **24,** 330 n.
office, of, **9,** 428
friendly society benefit, of, **15,** 150
garnishee order, by, **14,** 94 n.
habitual drunkard residing in retreat, as affecting; **18,** 163
interrogatories in proceedings tending to establish, **11,** 83, 97, 104, 110
intoxicating liquor, of, **18,** 108, 120
land, estate in, of, **19,** 121, 122; **24,** 330
lease, of, **13,** 153; **18,** 530—546
assignment, on breach of covenant against, **18,** 542, 576, 580
bankruptcy, on, **1,** 275; **2,** 88, 149, 150; **18,** 530, 542, 543
annulment of bankruptcy, effect of, **2,** 92, 93
breach of covenant, for, **18,** 530—534
clause for, construction of, **18,** 532, 533
compensation as condition of relief against, **18,** 541
costs of proceedings for relief against, **18,** 542, 544, 546
Crown lands, of, licence or waiver of, **7,** 166
distress, after, **11,** 150
waiver of, by, **18,** 538
fixtures, time for removal of, in case of, **18,** 425
mining, **20,** 565, 566
mortgage by sub-demise, when occasioning, **18,** 579
notice to lessee, before, **18,** 539—541
re-entry on, proviso for, **18,** 530, 531, 534, 536. *See* RE-ENTRY.
relief in case of non-payment of rent, **13,** 153; **18,** 544—546
all arrears must be paid, **19,** 100
costs of lessor to be paid, **18,** 546
limitation of time for, **18,** 544, 545
underlessee, in case of, **18,** 545, 546
relief under Conveyancing Acts, **18,** 539—544
abandonment of order, **18,** 542
application by lessee, **18,** 541
assignment, not applicable to covenant against, **18,** 542
bankruptcy, not applicable to, **18,** 542
compensation by lessee, **18,** 541
notice by lessor, **18,** 539—541
rent, not applicable in case of non-payment of, **18,** 543
underlessee, in case of, **18,** 543
repairs, notice to do, effect of, **18,** 510
restrictive covenant, upon breach of, **18,** 515, 516
underlessee, effect as regards, **18,** 531, 543, 545, 546
waiver of, **18,** 537—539
licence for sale of intoxicating liquors, of, **18,** 108, 120
granted for a term, when, **18,** 32
Spirits Act, under, **18,** 155, 156
limitation of action to enforce, **19,** 121
manor, of, **8,** 20, 49
kinds of, **8,** 46—52

FORFEITURE—*continued.*
marine insurance, gambling policy, proceeds of, **17,** 378 n.
market franchise, of, **20,** 49—51
day for holding, by change of, **20,** 15
process to enforce, **20,** 50
statutory markets, as to, **20,** 51
marriage, for false declaration on, **16,** 297, 298
mine in Derbyshire, shares in, **20,** 642, 643
mining lease, of, **20,** 565, 566
minor's property, of, false declaration on marriage, **16,** 297, 298
proceedings to enforce, **16,** 298
mortmain, of estate in, **8,** 368; **15,** 406; **24,** 330
motor spirit, unauthorised sale of, in case of, **24,** 662
name and arms clause in settlement, under, **25,** 697—699
office, of, **8,** 330, 331; **9,** 428
outlawry, upon, **11,** 26; **22,** 276
parliamentary bill imposing, Commons' rights as to, **21,** 797, 798
partnership, of share in, on bankruptcy, **2,** 151
partner becoming convict, on, **22,** 19
peerage, of, consequent on attainder, **22,** 275
without attainder, **22,** 276
Pluralities Act, 1838, under, **11,** 540
Post Office Act, 1908, under, proceedings for recovery, **22,** 668
Railway Clauses Consolidation Act, under, procedure as to, **23,** 734, 735, 736
real estate, of, **24,** 330, 331
recognisances, of, cancellation of, **11,** 222 n.
clerk of assize, duty of, **25,** 822
coroner's inquest, at, **8,** 290
justices' power as to, **19,** 608
keep the peace, to, **9,** 414
municipal election petition, in case of, **12,** 521, 522
out of jurisdiction of sheriff to whom warrant issued, **25,** 823
sheriff, duty of, in regard to, **25,** 821, 822, 823
neglect of, to levy penalty on, **25,** 832
Supreme Court, in, **25,** 823
relief against, equitable. *See* equitable relief, *supra.*
lease, in case of, **18,** 539—546. *See* lease, *supra.*
right of, a chose in action, **4,** 365
rent, acceptance of, as waiver of, **13,** 389 n.; **18,** 537
apportionment of, in case of, **18,** 484
non-payment of, for, formal demand necessary before, **18,** 535, 536
relief against, in case of. *See* lease, *supra.*
rentcharge, for non-payment of, **24,** 515, 517
Settled Land Acts, under, **25,** 629 n., 637
shares, of, **5,** 200—203, 702—704
action for rescission in relation to, **5,** 132, 201; **17,** 268; **20,** 741 n., 744 n., 751 n., 756 n.
conditions precedent to, observance of, **5,** 201, 202
disclaimer by trustee in bankruptcy, **5,** 202
injunction to restrain, **5,** 132, 201; **17,** 268; **20,** 744 n.
invalidity of, **5,** 200, 202; **20,** 741
non-payment of calls, for, **5,** 100 n., 167, 200—202, 702
notice prior to, **5,** 202, 702

FORFEITURE—*continued.*
shares—*continued.*
proceedings against company, for, **5,** 100 n. 200
re-allotment after, **5,** 203
reduction of company's capital by, **5,** 100 n., 200
sale of forfeited shares after, **5,** 201, 703, 704
shareholder's position after, **5,** 200
Table A, provisions of, as to, **5,** 100 n., 204 n.
shifting clause effecting, **24,** 234, 280; **25,** 698, 699
ship, of, Admiralty jurisdiction, **1,** 77, 78; **9,** 57
bonâ fide purchaser, position of, on, **1,** 77, 78
customs drawback, for offence in regard to, **24,** 698
Foreign Enlistment Act, 1870, under, **1,** 78
offences involving, **1,** 77; **24,** 698; **26,** 11, 33
procedure in case of, **26,** 33
share in, of, **26,** 33
specific performance, refusal of, when causing, **27,** 41
statute causing must be unambiguous, **27,** 151
tenant for life, exercise of statutory powers by, **25,** 637, 638
title, for denial of, **18,** 532; **24,** 331
toll, right to, of, **20,** 50
trade mark, of goods marked with false, **9,** 567 n., 568 n., 760 n.
treason, for, **9,** 428 n.; **11,** 26 n.; **24,** 330 n.
underlease, on breach of, **18,** 578, 579
underlessee, right of relief against, **18,** 531, 543—546
wages, of, breach of contract by servant, on, **20,** 107, 108
Factory Acts, under, **20,** 91
seaman liable to, when, **26,** 49
waiver of, copyhold, of, **8,** 51; **18,** 345
lease, of, **18,** 510, 537—539
payment, by receipt of, **27,** 66 n., 70 n.
waste, for, **24,** 330, 331
weights and measures, unjust, of, **28,** 471, 486, 487
witness, privilege as to answers tending to subject to, **13,** 575

FORGE,
nuisance from, **21,** 533

FORGERY,
defined, **9,** 711
acceptance, of, **9,** 711 n., 729, 730
acquittance, of, **9,** 711 n., 725
affidavit, of, **9,** 739
assumed name, by signature of, **2,** 494; **9,** 729
ballot paper, of, **9,** 762; **12,** 530 n., 532
bank note, of, **1,** 575; **7,** 426; **9,** 715—719
banker's pass-book, fictitious, by means of, **15,** 189
Behring Sea Award Act, under, **9,** 561
bill of exchange, of. *See* BILL OF EXCHANGE.
bill of lading, of, **9,** 711 n.
birth certificate or declaration, of, **9,** 737, 741—743
blank transfer, by filling in, **27,** 238
Board of Trade, mark or seal of, **9,** 754
bond, of, **9,** 731, 733
burial register, of, **3,** 561, 562; **9,** 741, 742
bye-law, of copy of, **23,** 393 n.
certificate, of, under Evidence Acts, **9,** 737, 741
character, false certificate of, **9,** 711 n.; **20,** 124
cheque, of. *See* CHEQUE.
circular note, of, **1,** 627

FORGERY—*continued.*
Coal Mines Regulation Act, 1887, of false statement under, **9,** 761
codicil, of, **9,** 734
commissioner for oaths, seal or signature of, **9,** 738, 739
commissioners of customs, draft or instrument of, **9,** 745
Commissioners of Inland Revenue, certificate of, **9,** 744
die or stamp used by, **9,** 747
Commissioners of Woods, name or handwriting of, **9,** 749
common law, at, **9,** 711
county court summons, filling up, **9,** 711 n.
court
records, documents, or seal, of, **7,** 293; **8,** 621; **9,** 711 n., 735—737
rolls, of, **9,** 740
Crown lands, documents relating to, **7,** 126, 127
customary manor, of, forfeiture for, **8,** 49
death, certificate or declaration as to, **9,** 743
debenture, of, **9,** 733
transfer of, **5,** 195, 358, 359
Declaration of Title Act, 1862, under, **9,** 741
deeds, of, **9,** 712 n., 733
Acts for registry of, under, **9,** 740
attesting witness to, **9,** 734
avoidance of, for, **10,** 405
date of, **9,** 712 n.
deposition, of, **9,** 739
district registrar, signature of, **9,** 738
distringas, alteration of, into summons, **9,** 711 n.
dividends, receiving, by means of, **9,** 755, 757
document, of, construction of, **9,** 723, 724
not completed, of, **9,** 722, 728
Documentary Evidence Act, 1868, documents authorised by, **9,** 738, 739
East India Bond, of, **9,** 733
estoppel, in relation to, **1,** 616; **13,** 396, 401
conduct, by, in case of, **1,** 616, 617; **2,** 512; **13,** 384, 395 n., 396, 401
no duty to guard against forgery, **13,** 400
non-essential document of title, in case of, **13,** 394
indorsement on genuine bill, in case of, **13,** 395 n.
secretary of company, in case of forgery by, **5,** 195
transfer of shares, in case of, **5,** 194, 195; **13,** 410, 411
evidence, of documents to be used for, **9,** 735—738
evidence in trial for, **9,** 764
exchequer bills, of, **9,** 731
Explosives Act, 1875, documents under, **9,** 761
Factory Acts, certificate under, **14,** 534
foreign document, of, **9,** 767
fraudulent use of forged instruments, **9,** 762
friendly society, unregistered, treasurer of, when guilty of, **15,** 189
gas meter stamp, of, **15,** 350
Goldsmiths' Company, of dies of, **9,** 758
goods, order for delivery or transfer of, of, **9,** 719
Government Annuities Act, 1832, under, **9,** 748, 749
hall marks on plate, of, **9,** 758
Income Tax Acts, under, **16,** 688
indictment for, **9,** 339 n., 714 n., 763

FORGERY—*continued.*
indorsement, of, bill of exchange, of, banker's liability in case of, **1,** 614, 618; **2,** 550, 551
forged abroad, effect of, **2,** 512
punishment for, **9,** 719, 727
title, how determined, **2,** 512, 550
cheque, of, banker's liability in case of, **1,** 593, 597, 609, 610, 618; **27,** 893 n., 894 n.
punishment for, **9,** 719, 727
promissory note, of, banker's liability in case of, **27,** 894 n.
injury as an ingredient of, **9,** 713
inland revenue marks, of, **9,** 745
intent to defraud, necessary ingredient of, **9,** 713, 763
joint-stock company, seal, signature, or document of, **9,** 737
judge, signature of, **9,** 737
justice of peace, documents issued by, of, **9,** 739
justices' licence for sale of intoxicants, **18,** 56, 129, 130
King's seals, of, **9,** 735
land, of certificate relating to, **9,** 741; **24,** 324
tax, certificate of redemption of, **9,** 748
London Hackney Carriage Act, 1843, licence under, **9,** 760
marriage
certificate or licence, of, **9,** 743
register, of, **9,** 711 n.
Master in Lunacy, signature or seal of, **9,** 739
Merchant Seamen's Fund, document relating to, **9,** 752
Merchant Shipping Act, 1894, documents under, **9,** 752—754
motor car, identification mark or licence, of, **9,** 761; **27,** 320, 321
Municipal Corporations Act, 1882, seal or signature under, **9,** 740
National Debt Act, 1870, certificate under, **9,** 755
naval service, certificate of, **9,** 750
negligence as the cause of, **13,** 400
next friend, of consent to act as, **9,** 711 n.
nomination paper at election, of, **9,** 762; **12,** 530 n., 532
ordination, register or certificate of, **9,** 711 n.
Patents and Designs Act, 1907, under, **9,** 743
paymaster-general, certificate of, **9,** 744
payment of money, authority or request for, **9,** 719, 721, 722 n., 724
order for, **9,** 719, 722, 723
recovery of money paid by banker under, **1,** 617—619
security for, of, **9,** 724
undertaking for, **9,** 719, 720
pensions, in relation to, **9,** 750—752
pharmaceutical chemists, register of, **9,** 744
picture, fraudulent signature of painter to, **9,** 711 n.
postal money order, of, **9,** 719
power of attorney for transference of stock, of, **9,** 755; **27,** 245, 246
prisoner, of order of discharge of, **9,** 711 n.
probate registrar, signature of, **9,** 738
seal, of, **9,** 738
proclamations, Government, of, **9,** 738
procuration, drawing bills by, without authority, **9,** 727
promissory note, of, **9,** 719, 727, 728. *See* BILL OF EXCHANGE.
public documents, of, **23,** 226

FORGERY—*continued.*
public officers, instruments issued by, **9,** 744 *et seq.*
Public Record Office, clerk of, by, **9,** 737
records of, **9,** 737
railway pass, of, **9,** 711 n.
ratification of, effect of, **1,** 174, 616; **2,** 495
receipt, of, **9,** 719, 725
alteration, when spent, **9,** 726
copy of, of, **9,** 726
resemblance to genuine document required, **9,** 713, 721, 724
Royal Forces, of certificate relating to, **25,** 99
Sale of Food and Drugs Act, 1875, warranty under, **9,** 760; **15,** 29
salvage documents, of, **9,** 560, 754
sea fishery officer, signature of, **9,** 754
seal, of. *See* SEAL *and individual headings under* FORGERY *passim.*
share
certificate, of, **5,** 183; **9,** 737
transfer, of, **5,** 193—195, 698; **9,** 755
warrant, of, **5,** 185; **9,** 756
signature, fictitious, by means of, **9,** 712 n.
Slave Trade Act, 1824, of documents under, **9,** 760
Stationers' Company registry book, of, **9,** 743
Stationery Office, publications or documents, of, **9,** 739
statute, by, **9,** 715 *et seq.*
punishment for, **9,** 766
stock, of transfer of, **9,** 754, 755
banker, title and liability of, **1,** 637
Statute of Limitations as affecting, **1,** 637
summary conviction for, **9,** 767
telegrams, of, **9,** 762; **27,** 387
trade marks, of, **9,** 566—569, 743, 759, 760
transfer, of, shares, of, **5,** 193, 194, 195; **9,** 755
stock, of, **9,** 754, 755
Treasury Bill, of, **9,** 731
Treasury Commissioners, of name of, **9,** 749
uttering forged instrument, **9,** 714, 754, 755, 765
void instrument, of, **9,** 721; **13,** 53 n.
war bond, of, **9,** 731
will of, **9,** 734. *See* WILL.
wrappers, imitation of, **9,** 711 n.

FORGETFULNESS,
misrepresentation due to, **20,** 694
mistake caused by, relief in respect of, **15,** 421 n.; **21,** 16
money paid under mistake, recovery of, **21,** 29 n., 30

FORM,
in schedule to statute, functions of, **27,** 122, 123

FORMÂ PAUPERIS,
proceedings *in. See* IN FORMÂ PAUPERIS.

FORMEDON,
action of, **1,** 33

FORNICATION. *See* CARNAL KNOWLEDGE.

FORTIFICATIONS,
erection of, by Crown in time of war, **6,** 448
gift for providing, **4,** 115

FORTRESS,
entering wrongfully, **7,** 31
making plan or sketch of, **7,** 31
obtaining and communicating information as to, **9,** 480

FORTUNE-TELLING,
offence of, **9,** 692; **22,** 612

FORTY DAYS' COURT,
forest court, as, **9,** 111, 112

FORTY-FIVE DEGREES RULE,
easement of light, in case of, **11,** 301

FORWARDING AGENT,
delivery to, effect of, on stoppage in transit, **4,** 98

FOULING. *See* COLLISION; CONTAMINATION; FISHING VESSEL; POLLUTION.

FOUNDATION,
builder's right to soil dug for, **3,** 187
building, for, bye-laws by local authorities, **23,** 418
metropolis, in, requirements as to, **25,** 755, 756
charitable corporation, of, **4,** 284, 285
church, of a, **11,** 720, 729 n.
Church of England, of, **11,** 359 n., 370
educational, law of, **12,** 7. *See also* EDUCATION.
managers, **12,** 35
scholars at certain public schools, **12,** 98
wall, of, placing on another's land, right of action, **27,** 855 n.

FOUNDERS' SHARES,
nature of, **5,** 90 n.
number of, to be stated in prospectus, **5,** 121

FOUNDLING,
domicil of origin of, **6,** 184
registration of birth of, **24,** 451

FOUNDLING HOSPITAL,
land, right to hold, **15,** 406 n.

FOUNDRY,
meaning of, **14,** 439

FOUNTAIN,
negligence in respect of, liability for, **21,** 399 n.
nuisance, as obstruction to highway, **16,** 152 n.
public, vesting of, in sanitary authority, **28,** 267, 268

FOURTH PARTY,
notice, right of third party as to, **23,** 165

FOWEY,
port of, usages of, **10,** 293

FOX-HUNTING,
gamekeeper's right to interfere with, **15,** 243 n.
trespass in course of, **1,** 368; **15,** 226, 230; **27,** 860, 861

FRACTION,
disregarded in computing time, **27,** 454

FRAME,
hosiery trade, use of, without employer's consent, **14,** 524
distress upon, **11,** 140

FRANCHISE (ELECTORAL),
age qualification for, **12,** 139, 182, 188; **17,** 47, 48
alien, right to, **1,** 308; **12,** 140, 183, 455 n., 458
alms, receipt of, disqualification by, **12,** 144, 145, 181, 183
ancient demesne, qualification of tenant in, **12,** 154
barracks, qualification in respect of, **12,** 173 n., 174 n.
bedesman, county qualification of, **12,** 149
board of guardians, **12,** 192
borough, in, municipal, **12,** 182—190. *See* BOROUGH.
parliamentary. *See* BOROUGH, *also* HOUSEHOLD, LODGER, OCCUPATION, *and* SERVICE FRANCHISE *respectively.*
bribery, conviction for, effect of, **12,** 141, 455, 456. *See* BRIBERY.
building, occupation of, **12,** 186 n.
burgage tenure, in respect of, **12,** 178—180
burgesses, qualification of, **12,** 178. *See* BURGESS.
Cambridge University, in, **12,** 182, 193 n.
cathedral chapter, non-qualification of members of, **12,** 147
cestui que trust, right of, **12,** 150
charitable institution, occupation of, **12,** 166
children receiving public aid, effect on franchise of parent, **12,** 143
claim to, notice of, **12,** 205—209, 228
objection to, proof in support of, **12,** 213, 214, 230—232
opposition to, how made, **12,** 209, 210, 214, 229, 230
proof of, how made, **12,** 228, 229
clergy, beneficed, of, **11,** 563; **12,** 149, 152 n.
company, illegal, property of, no qualification in, **12,** 152 n.
shareholders, committee of, no qualification as such, **12,** 147
co-owners, right of, to, **12,** 152
copyhold, in respect of, **12,** 153
corporation
aggregate, right of, to, **8,** 374; **12,** 139 n., 147
qualification of, in regard to, **12,** 139 n., 147
sole, right of, to, **8,** 374; **12,** 139 n.
corrupt practices, conviction for, disqualification by, **12,** 141, 142, 471, 485, 486, 534 n. *See* CORRUPT PRACTICES.
counting house, occupation of, **12,** 185 n.
county, borough franchise compared with, **12,** 194
household in, **12,** 163—174. *See* HOUSEHOLD FRANCHISE.
lodger in, **12,** 174—177. *See* LODGER FRANCHISE.
occupation in, **12,** 155—162. *See* OCCUPATION FRANCHISE.
ownership in, **12,** 145—155. *See* OWNERSHIP FRANCHISE.
county council, for, **12,** 190, 191
customary freehold, in respect of, **12,** 147
disfranchised persons, list of, annual, **12,** 196
disqualified person on register, position of, **12,** 314
dissenting minister, electoral position of, **12,** 150
distress committee, assistance from, effect of, **28,** 884

FRANCHISE (ELECTORAL)—*continued.*
district council, for, **12,** 191, 192, 362
dwelling-house, occupation of, qualification by, **12,** 184, 185 n.
easement, ownership of, no qualification by, **12,** 147
felon, incapacity of, for, **9,** 429; **12,** 141
female disqualification of, for parliamentary, **12,** 140, 248 n.
qualification of, for municipal, **12,** 183, 191, 192, 248 n.
fraudulent conveyances to multiply, **12,** 153, 53[illegible]
freeholder, certain towns, in, right to, **12,** 178—180
county, in, **12,** 145—153. *See* OWNERSHIP FRANCHISE.
freeman, borough, in, right to, **12,** 178, 179
London, City of, in, **5,** 751; **12,** 180, 181
guardians, board of, for, **12,** 192
history of, **12,** 135
hospital, inmate or official of, **12,** 148, 149
household, **12,** 163—174, 184. *See* HOUSEHOLD FRANCHISE.
illegal practices, conviction for, disqualification by, **12,** 141, 293 *et seq.*, 534 n. *See* ILLEGAL PRACTICES.
imprisonment, electoral occupation of premises broken by, **12,** 141 n.
infant, disability in respect of, **12,** 139, 182; **17,** 47, 48
inhabitant occupier, lodger and, distinction between, **12,** 168
joint occupiers, of, **12,** 157, 159, 167, 176, 184, 189
land, share in profits of, no qualification by reason of, **12,** 147
leaseholder, right to, **12,** 154, 155
life estate, in respect of, **12,** 146—148
lodger, **12,** 174—177. *See* LODGER FRANCHISE.
London, City of, in, municipal, **12,** 190
parliamentary, **12,** 180, 181
limit of distance for qualifying occupation, **12,** 158 n.
lunatics and idiots, incapacity for, **12,** 140, 164
married woman, municipal, disqualification for, **12,** 183
parliamentary, disqualification for, **12,** 140, 183 n.
parochial, qualified for, **12,** 191, 217
medical relief, receipt of, effect of, **12,** 142, 183, 192
metropolis, in, municipal, **12,** 190; **20,** 433
mortgagees, position of, **12,** 150
mortgagor in possession, qualification of, **12,** 15[illegible]
municipal, effect of temporary absence on, **1**[illegible] 187 n.
occupation, **12,** 155—163. *See* OCCUPATION FRANCHISE.
office, through holding of an, **12,** 149
old-age pensioners, provision as to, **12,** 14[illegible] **22,** 618 n.
old burgess, **12,** 184—188
ownership, **12,** 145—155. *See* OWNERSHIP FRANCHISE.
Oxford University, in, **12,** 182, 193 n.
parents of children receiving public aid, provisi[illegible] as to, **12,** 33, 143
parish clerk entitled to, **12,** 149
parish council, for, **12,** 191, 192
parish lists, county electors, of, **12,** 245
parliamentary, **12,** 139—182. *See* HOUSEHO[illegible] LODGER, OCCUPATION, OWNERSHIP, [illegible] SERVICE FRANCHISE *respectively.*

FRANCHISE (ELECTORAL)—*continued.*
parochial relief, effect of, **12,** 143—145, 183
part of house, occupation of, qualification by, **12,** 185 n.
partners, of, in possession of freehold land vested in trustees, **12,** 147
trade or business, in, **12,** 152
partnership, illegal, members of, in case of, **12,** 157 n.
pauper, incapacity of, **12,** 142
peer, right of, to, **12,** 140, 183; **22,** 270
person, meaning of, sex of elector, in respect of, **12,** 248 n.
personal qualifications for, municipal, **12,** 182—184
poor rate, composition of, effect of, **12,** 172
parliamentary, **12,** 139 *et seq.*
property qualifications, **12,** 145—181, 205 n. *See* HOUSEHOLD, LODGER, OCCUPATION, *and* OWNERSHIP FRANCHISE *respectively.*
rating as a qualification for, **12,** 157, 170—172, 187, 188; **24,** 20, 67 n.
registration, **12,** 139, 193 *et seq.* *See* REGISTRATION OF VOTERS.
rentcharge, in respect of, **12,** 147; **24,** 469
tithe, in respect of, **11,** 563; **12,** 147, 148
reserve rights. *See* RESERVE RIGHTS (Franchise).
residence qualification, boroughs, in, **12,** 158, 159, 163, 164
break in residence, effect of, **12,** 164
counties, in, **12,** 156—158, 163, 164
nature of, **12,** 164 n., 177 n., 187, 188
returning officers and election agents, as to, **12,** 145, 268
rules under James I. as to, **12,** 135
servant, occupation of, affecting master's qualification, **12,** 152, 153
service, by, **12,** 172—174. *See* SERVICE FRANCHISE.
shop, occupation of, qualification by, **12,** 185 n.
sublessee, qualification of, **12,** 155
subletting furnished house, effect of, **12,** 187
succession, qualification by, **12,** 187, 188
successive occupations, in case of, **12,** 157, 159, 165, 171, 174, 189
lodger, of, **12,** 176
surgical relief as disqualification, extent of, **12,** 142, 183
ten pound occupation, **12,** 155—162, 188
tenancy agreement in claim for, proof of, **12,** 166
tithe rentcharge, in respect of, **11,** 563; **12,** 147, 148
trustee, of, trust estate, in respect of, **12,** 150
appointment, in case of, **12,** 150
underlessee, assignee of, qualification of, **12,** 155
universities, in, **12,** 181, 182, 192, 193
urban district council, for, **12,** 191, 362
vicar, title to ownership giving, **12,** 149
vote, in regard to. *See* REGISTRATION OF VOTERS; VOTE; VOTER.
warehouse, occupation of, **12,** 184

FRANCHISE (LIBERTY),
defined, **8,** 313 n.
bailiff of, **25,** 798, 799. *See* BAILIFF.
bailiwick as, **25,** 798, 799
execution within, **14,** 18, 19; **25,** 811, 812
chase, of, **6,** 490, 491; **7,** 184; **8,** 7; **15,** 212, 214, 215
cinque port, of a, **6,** 490, 492

FRANCHISE (LIBERTY)—*continued.*
copyhold, in, **8,** 5—7
enfranchisement of, does not affect, **8,** 127
coroner, **8,** 228—237. *See* FRANCHISE CORONER.
corporation, creation of, not essential for, **8,** 313
forfeiture of, **8,** 397, 398
origin of, **6,** 491, 492
reverter of, to Crown, **8,** 401
seizure of, **8,** 398
vesting in, **8,** 377
county corporate, of, **6,** 492
county court jurisdiction as to, **8,** 431, 435
Crown, power of, to grant, **6,** 489—492; **25,** 798
deer, to hunt, **6,** 490; **15,** 215
distress, in relation to, **11,** 132
dower, right of, in respect of, **20,** 13 n.; **24,** 190
Durham, county palatine of, **6,** 492; **7,** 216
estrays, of, **6,** 490; **7,** 214; **8,** 6
fair, of, **6,** 490; **20,** 4, 7, 8
ferry, of, **6,** 490; **14,** 555—565. *See* FERRY.
fish, royal, **6,** 490; **7,** 215, 216
fishery, of, **6,** 490; **7,** 215; **14,** 573, 580
forest, of, **6,** 490, 491; **7,** 184; **15,** 212, 214, 215
free warren, of, **6,** 491; **8,** 7
game, of, **15,** 212, 214, 215
Ground Game Act, 1880, effect of, **15,** 222
hospital, right of presentation to, **8,** 7
Inclosure Acts, excepted from, **4,** 572
incorporeal hereditament, an, **24,** 161
inn, keeping of, not a, **17,** 306
lease, subject of, **18,** 341
manor, in, **8,** 5—7
market, of, **6,** 490; **8,** 7; **20,** 4, 7, 8
conveyance of market-place does not pass, **20,** 13
extinction by statute, **20,** 9, 51, 52
forfeiture of, **20,** 49—51
mines, royal, of, **6,** 490; **7,** 117
municipal, **6,** 492; **25,** 798
nature of, **6,** 489—492; **7,** 209—217; **8,** 431
park, of, **6,** 491
patent rights in invention, a, **8,** 431
pontage and murage, of, **6,** 490, 491
port, of, **28,** 384
creation of, **28,** 385
prescription for, **6,** 490
registration of title, excluded from, **24,** 311
royal, **6,** 490; **7,** 210—217
sheriff, right to appoint, **6,** 492; **25,** 798, 799
swans, of, **6,** 490; **7,** 216
tinners of Devon and Cornwall, of, **7,** 117
toll, of, **6,** 487; **8,** 7; **20,** 35, 36, 50
treasure trove, of, **6,** 489, 490; **7,** 213; **8,** 7
waifs, of, **6,** 490; **8,** 5, 6
warren, of, **6,** 491; **8,** 7
weights and measures, of, **28,** 497
purchase of, local authorities, by, **28,** 497 n., 498 n.
wreck, of, **6,** 490; **7,** 212; **8,** 6; **28,** 379—381. *See* WRECK.

FRANCHISE CORONER, 8, 228—237
defined, **8,** 228, 229
Admiralty, **8,** 231—234. *See* ADMIRALTY.
appointment of, **8,** 229, 234
area of jurisdiction of, cannot become a county district, **8,** 213

FRANCHISE CORONER—*continued.*
Coroners Act, 1887, application of, to, **8,** 235, 236
deputy of, **8,** 237
expenses of, **8,** 295
fees of, **8,** 235
King's coroner and attorney, **8,** 229, 230
King's household coroner, **8,** 230, 231
Lancaster, Duchy of, in, **8,** 228
prescription to appoint, **8,** 229
removal of, **8,** 235
remuneration of, **8,** 235
verge, of the, **8,** 221, 230, 231

FRANK FOLDAGE,
right of, meaning of, **4,** 463, 464

FRANK MARRIAGE,
grant in, effect of, **24,** 244 n.

FRANKALMOIGN,
tenure in, *defined,* **8,** 373; **24,** 140, 142 n., 148
Statute of 1660, did not abolish, **24,** 148

FRATERNITY,
definition of, **8,** 315 n.

FRAUD.
The title MISREPRESENTATION AND FRAUD *is contained in Vol. XX., pp.* 653 *et seq.*
defined, **9,** 689 n.; **20,** 687
abduction of children by, **9,** 621
abuse of influence amounting to, **20,** 760, 761
account stated, reopening on account of, **7,** 490; **13,** 171 n.; **21,** 32, 216, 217
acquiescence, effect of, **13,** 171, 172
Act of Parliament, private, relief against, when obtained by, **25,** 527
action for, absence of damage, effect of, **20,** 707 n., 724, 725
defence of mistake, **21,** 2
pleading in. *See* pleading, *infra.*
actual, defence to action, as, **13,** 13, 14
equitable jurisdiction, **13,** 15
agent, of. *See* AGENT.
animal, diseased, liability on sale of, **1,** 420
sale of, by, **1,** 393, 420; **20,** 674, 676, 677 n.
appointment, in regard to. *See* FRAUDULENT APPOINTMENT.
arbitration, in connection with, **1,** 453, 478
architect, of, **3,** 215 *et seq.* *See* ARCHITECT.
auction, bids in, **1,** 509
auctioneer's liability for, **1,** 509, 519
bailee, of, **1,** 531, 542
bankruptcy, in relation to. *See* BANKRUPTCY.
begging by, **22,** 611. *See* VAGRANCY.
belief, absence of, amounting to, **20,** 688, 689, 693, 694
not amounting to, **20,** 693, 694
bill of exchange, in, **2,** 499—501; **9,** 727—731
drawing etc. by, **9,** 719
evidence as to, **2,** 467, 498
bill of sale induced by, **3,** 67
billets, with reference to, **25,** 58
bond, party to, **3,** 98, 99
breach of promise of marriage, action for, as defence in, **16,** 275
broker, of, **1,** 216; **13,** 412; **27,** 256
building contract, in connection with, **3,** 169, 201, 206, 218, 220, 235. *See* BUILDING CONTRACT.
certificate, in respect of, **3,** 201, 217, 218

FRAUD—*continued.*
building society, certificate of, obtained by, **3,** 396
funds of society obtained by, **3,** 346
secretary of society, of, **3,** 342
burden of proof, action of deceit, in, **5,** 133, 134; **13,** 14; **20,** 724
fraudulent conveyances, in case of, **15,** 84—86
fraudulent preference, in, **2,** 286, 287
when not necessary for rescission of contract, **5,** 129; **20,** 737, 738, 756 n.
buyer, non-disclosure of want of title by seller, fraud on, **25,** 194
cancellation of documents in case of, **13,** 53; **20,** 744
carriage, impressment of, for military purposes by, **25,** 53
carrier, contract with, effect on, **4,** 9, 16
carts, weighing in markets, penalties in respect of, **20,** 27
caveat emptor, application of maxim, **13,** 14 n.
charter obtained by, rescission of, **20,** 761, 762
chattels, intermixture of, by, **1,** 542
cheat, when amounting to, **9,** 689
common law, at, **1,** 40; **9,** 689 n.; **13,** 13; **20,** 724, 732
companies, in relation to, **5,** 132 *et seq.* *See* COMPANIES.
composition with creditors, in relation to, **2,** 84; **3,** 65
compromise of action obtained by, setting aside of, **23,** 168
concealment. *See* CONCEALED FRAUD; FRAUDULENT CONCEALMENT.
by, **9,** 705; **27,** 46, 47
plea of, as a good reply, **19,** 187
condonation of, **13,** 171
consent judgment, effect as to, **13,** 352; **18,** 217
consent
obtained by, **13,** 15—17; **27,** 872 n.
want of, unsoundness of mind, in case of, **13,** 15
consideration, presumption from inadequacy of, **2,** 498; **13,** 16; **15,** 98, 112; **27,** 41, 42
conspiracy to carry out, **9,** 263, 708—710
constructive, **13,** 15
equitable jurisdiction, **13,** 15
contract, avoidance for, **5,** 289; **7,** 393, 485; **10,** 359; **20,** 737, 738, 762
collateral, breach of, as amounting to, **27,** 30, 31
induced by, effect of, **27,** 901; **28,** 871. *See* avoidance, *supra.*
lunatic, with, as to, **13,** 16
measure of damages, **20,** 733, 734
minerals etc., for sale of, setting aside of, **20,** 548, 549
necessary elements, **20,** 694 n., 695 n.
public, in fraud of the, unenforceability of, **20,** 762
work, for, induced by, right of person deceived, **28,** 871
conversion of goods by, criminal liability for, **9,** 658, 659
property in, **27,** 891, 901
conveyance in, offences as to, **9,** 704. *See* FRAUDULENT CONVEYANCE.
corporation, by, **1,** 213; **8,** 387; **20,** 711
members of, election of, obtained by, **8,** 353
county court jurisdiction as to, **8,** 446
credit, obtaining by, **2,** 268, 349—351; **9,** 328 n. **17,** 308 n.

FRAUD—*continued.*
creditor, consent of, procuring by, **2,** 349
criminal, acts and omissions amounting to, **9,** 688—710; **20,** 762
death duties, certificate of discharge of, effect where, **13,** 182, 219, 224
debentures issued in, **5,** 353
deceit, action for, **13,** 14. *See* FRAUDULENT MISREPRESENTATION.
deed, estoppel as affected by, **10,** 359; **13,** 369, 412
execution by, extrinsic evidence to prove, **10,** 359
defamation by imputation of, **18,** 620
disability, by person under, refusal of equitable relief in case of, **13,** 72
distress, fraudulent removal of goods to avoid, **11,** 191
document, impeachment of, by verbal evidence as to, **13,** 427, 428
drawback, in respect of, **24,** 698 n.
drunkenness induced by, relief against contract in case of, **13,** 16
duress, **13,** 19. *See* DURESS.
election, parliamentary, avoidance for fraud of agent, **12,** 293
electricity, use of, by, **12,** 612—614
emigrant passages, in connection with, **26,** 352
equitable
jurisdiction as to, **13,** 10, 11, 13, 43, 153 n.
relief barred by, **13,** 72
estate duty, certificate of discharge of, obtained by, **13,** 219, 224
estoppel
arising from deed obtained by, **10,** 359; **13,** 369, 412
judgment obtained by, setting aside, **13,** 352
foreign judgment, in case of, **13,** 351 n.
prevented by, **13,** 351
excise licence obtained by, effect of, **24,** 628
executor a trustee for person deprived of benefit by, **14,** 180
expectant heir, catching bargain with, **15,** 111, 112. *See* EXPECTANT HEIR.
factors and agents, by, **9,** 657, 658
false pretences, as, **9,** 690 *et seq.* *See* FALSE PRETENCES.
restitution of property obtained by, **9,** 702
falsity distinguished from, **20,** 687
fire insurance, in connection with, **17,** 529, 539, 542 n.
food and drugs, in case of sale of, **15,** 24
notice covering fraud by seller, effect of, **15,** 20
food obtained in eating-house, prosecution for, fraud necessary, **2,** 268, 350 n.; **17,** 308 n.
foreclosure order obtained by, **21,** 299
foreign judgment obtained by, effect of, in England, **6,** 287, 288, 297; **13,** 351 n.
foreign property and immovables, with regard to, **6,** 206; **13,** 66
fortune-telling etc. by, **9,** 692
fraudulent misrepresentation. *See* FRAUDULENT MISREPRESENTATION.
friendly society, misapplication of property of, by, **15,** 170
officers of, prosecution for fraud by, **15,** 123, 146, 147, 189
registry, acknowledgment of, obtained by, **15,** 203
gaming, winning money by, **9,** 691
gas obtained by, liability for, **15,** 355

FRAUD—*continued.*
gift
induced by, rights of donor, **15,** 419, 420
misapplication of, constituting, **15,** 426, 427
will, in, obtained by, **28,** 539
goods, fraudulent assignment of, suit in trover on, **27,** 902
obtained by, property in, **9,** 690—702; **22,** 246; **25,** 198, 199; **27,** 891. *See* FALSE PRETENCES.
trover for, **27,** 900 n., 901—903
pledge of, by factor in, **9,** 657, 658
guarantee, appointee to office, fraud by, effect on surety, **15,** 498 n.
effect of antecedent fraud on, **15,** 539
proof required by surety on seeking to avoid, **15,** 539
surety, by, effect on right to contribution, **15,** 529
liability of, for, **15,** 501
heir expectant, on, **13,** 20, 21; **15,** 111—113. *See* EXPECTANT HEIR.
husband, concurrence of, order to dispense with, obtained by, **16,** 386
infant, liability of, for, **9,** 239; **17,** 46, 74
intent to commit, essential for criminal offence by bankrupt, **2,** 346 *et seq.*
intention, in regard to. *See* FRAUDULENT INTENTION.
joint obligees, release by one of, by, **3,** 98, 99
judgment obtained by, bankruptcy proceedings, in, **18,** 216, 217
consent, prevention of fraud in case of, **18,** 188
estoppel in case of, **13,** 352
setting aside of, **13,** 352; **18,** 216—218
probate as to, **14,** 213 n.
void as against sheriff, **15,** 89
laches, none, where ignorance of, **13,** 171
land, sale of, induced by, **25,** 471
Land Transfer Act, register under, entry by, **9,** 705; **24,** 323
larceny, conviction for, on trial for false pretences, **9,** 692
legatee, fraudulent, declared trustee for beneficiary, **13,** 13
legitimacy, declaration of, obtained by, **2,** 435
letters of administration obtained by, revocation in case of, **13,** 351 n.; **14,** 213
liability of sureties, in case of, **14,** 210
lien, innkeeper, of, removal of goods by fraud, effect of, **17,** 325, 326
shipowner, of, parting with goods by, **26,** 288
life policy, in connection with, effect of, **16,** 401; **17,** 548—550, 554
limitation of action, **13,** 64 n.; **19,** 49, 50, 172
charity land, possession of, obtained by, time runs from discovery of fraud, **4,** 205
concealed fraud, when right to sue accrues, **5,** 135; **19,** 49, 143, 187
diligence must be used in discovery of, **19,** 144
equitable relief against, effect of statutes of limitation on, **19,** 172
party sued must be privy to, **19,** 144
statutes, transactions taken out of, by, **19,** 172
time runs from discovery of, **4,** 205; **19,** 172
loans of money induced by, **21,** 51, 52, 56, 57
lunatic, acts of, induced by, **13,** 16
possession obtained from, when evidence of, **19,** 143

FRAUD—*continued.*
marine insurance, in relation to, **17,** 404, 513
premium, return of, in case of, **17,** 501, 502
marriage
brocage contract, relief against, **13,** 20
secret contracts defeating agreement on, **13,** 20
security by husband or wife to person procuring, **13,** 20 n.
settlement cannot be set aside for, **13,** 17
validity of, when not affected by, **16,** 278, 279, 290, 293
married woman, by, dealing with real property, **24,** 300
disposition by, in fraud of marital rights, **13,** 20 n.
restraint on anticipation, no effect on, **16,** 366
when husband not liable in respect of, **16,** 438
mines, contract of sale induced by, **20,** 548, 549
limitation of action when concealment of trespass, **19,** 49; **20,** 543
misappropriation, **9,** 655, 656. *See* FRAUDULENT MISAPPROPRIATION.
property intrusted, of, **9,** 656, 658
misrepresentation, fraudulent. *See* FRAUDULENT MISREPRESENTATION.
mistake, as a bar to relief on account of, **21,** 5
unilateral, induced by, effect, **13,** 25
money, inducement to borrow, by, **9,** 704
obtained by, recovery of, **7,** 485; **9,** 690—702; **13,** 21; **17,** 496, 502; **20,** 744, 745 n.; **21,** 40. *See* FALSE PRETENCES.
proof in bankruptcy, **2,** 198
mortgage, avoidance of, on ground of, **21,** 347. *See* FRAUDULENT CONVEYANCE.
reopening of accounts on account of, **21,** 216, 217
security, loss of priority of, by, **21,** 345
nature of, **13,** 14
negligence as evidence of, **20,** 693
nullity decree obtained by, **13,** 351 n., 352 n.
particeps criminis, relief to, **13,** 20 n.
partner, induced to become, by, liability of, **22,** 70
innocent, how affected by, **15,** 501 n., 503 n.; **20,** 710 n.; **22,** 30, 31, 32
rescission of partnership agreement on ground of, rights of, **22,** 69
responsibility of firm in case of, **20,** 710 n.; **22,** 30—32
Statute of Limitations cannot be set up in respect of, **19,** 50
passing off by, **13,** 15; **27,** 765 *et seq.* *See* PASSING OFF.
defence to action for, **27,** 774
long user in, vitiated by, **27,** 774
patent, invalidity of, when obtained by, **22,** 130, 131
revocation of, on ground of, **22,** 206, 207
pawnbroker, of, **9,** 684
pawnee, against, rights of owner of chattel obtained by, **22,** 246
pedigree, with reference to, **9,** 705
personation as, **9,** 706—708. *See* PERSONATION.
army pensioner, of, **9,** 707
land, to obtain, **9,** 707
navy pensioner, of, **9,** 708
shareholder, of, **9,** 706
stockholder, of, **9,** 706
pleading of, **22,** 425, 427, 446, 447, 456
defence, in, **22,** 446, 447
general, not enough, **22,** 432, 456
poor relief, obtaining of, by, **22,** 608
FRAUD—*continued.*
power, limited, exercise of, amounting to, **23,** 5
non-execution of, obtained by, **23,** 55
on, examples of, **23,** 59—61
power of attorney, in abuse of, **9,** 657
preference of creditors, in regard to. *See* FRAUDULENT PREFERENCE.
presumption of, age of donor, arising from, **15,** 419, 420
inadequacy of consideration, from, **2,** 498; **13,** 16; **15,** 98, 112; **27,** 41, 42
principal debtor, of, effect on surety, **15,** 564
privilege, professional, extent of, communication for fraudulent purpose, **11,** 80
probate court, jurisdiction of, as to, **13,** 13
discovery in, **13,** 13
probate obtained by, person obtaining may be declared trustee, **13,** 13; **14,** 211
property obtained by, offence of, **9,** 688 *et seq.*
cheat, by, **9,** 689, 690
conspiracy, by, **9,** 708—710
false pretences, by, **9,** 690—702. *See* FALSE PRETENCES.
personation, by, **9,** 706—708. *See* PERSONATION.
trover for, **27,** 900 n., 901—903
public, on, relief refused where performance involves, **27,** 47
trading under name of late member of firm, whether, **27,** 592 n
public authorities, on, **20,** 761
puffer, employment of, at auction as, **25,** 281, 319 n., 320 n.; **27,** 47
purchase for value, effect of, on, **15,** 83; **19,** 144
notice to agent, effect of, **13,** 84; **19,** 144
quantity surveyor, of. *See* QUANTITY SURVEYOR.
recklessness distinguished from, **2,** 261
removal of goods, in. *See* FRAUDULENT REMOVAL OF GOODS.
restraint on anticipation not avoided by, **16,** 36
sale by mortgagee's representative in, **17,** 267
salvage agreement, as affecting, **26,** 571
scheme of arrangement, court's approval to, obtained by, **2,** 84, 85, 86
security etc., execution of, obtained by, **9,** 692
sequestration, writ of, order for discharge when obtained by, how set aside, **14,** 89
servant, by, liability of master, **20,** 257
set-off, effect on, of, **25,** 497
sheriff's officer, of, liability for, **25,** 826
shipping documents, in relation to, **9,** 557
soldier, enlistment, in, forfeiture of service on, **2,** 40 n.
solicitor, by, costs, overcharge amounting to, **2,** 786
security for, given in circumstances amounting to, **26,** 811
innocent member of firm, liability of, **2,** 30, 31
taking proceedings on behalf of client without authority, **26,** 742
special settlement on Stock Exchange obtained by, **27,** 239
specific performance, as a bar to, **27,** 42 *et seq.*
right to set aside a deed for, **13,** 90
uncertain contract, effect of, **27,** 22, 30
statement imputing, defamatory nature of, **18,**
Statute of Frauds not intended to prevent re against, **13,** 75; **25,** 293; **27,** 30. *See* STATUTE OF FRAUDS.

FRAUD—*continued.*
statute once passed cannot be impeached for, **27,** 142
statutory, nature of, **20,** 762
stolen property, search for, in case of persons convicted of, **22,** 498 n.
suppressio veri, suggestio falsi, effect of, **13,** 14; **20,** 682, 683
surety, by, **15,** 456, 501
right of, to set aside guarantee for, **15,** 508, 539
surprise, attending, relief in case of, **13,** 17
tenant, of, effect on surrender of lease, **13,** 376 n.
tenant for life, by, **25,** 639, 655 n.
collusion between, and remainderman, **25,** 602
injunction in case of, **17,** 267 n.; **25,** 639
third parties, as affecting, **20,** 761, 762
contract rendered unenforceable by, **27,** 47
infringing rights of, **13,** 15
relief in cases involving injury to, **13,** 20
title
founded on, right to impeach, **13,** 90
want of, non-disclosure of, as, **25,** 194
trade mark, infringement of, injunction on account of, **27,** 774
registration of, procured by, effect, **27,** 718
refusal as to, on account of, **27,** 697
trade names, infringement of, by, **27,** 745, 746
injunction on account of, **27,** 745, 746
trade union property, in respect of, **27,** 636, 637
trader, by, examples of, **2,** 261
trover, suit in, for goods obtained by, **27,** 900 n., 901—903
trustee, by
attachment, in case of, **7,** 300
cestui que trust's right in case of, **13,** 374 n.
lapse of time no protection in case of, **14,** 265; **19,** 163
misappropriation of property by, **9,** 656
punishment for, **28,** 189
repayment of trustee's expenditure after, **13,** 157
title deeds, misuse of, by, **13,** 80
trusts, voidability of, **28,** 25, 57, 58. *See* TRUST.
unconscionable bargains as species of, **15,** 111—113. *See* UNCONSCIONABLE BARGAIN.
underwriter, discharge of, in absence of, **17,** 414
on, rights in case of, **17,** 404, 492 n., 496, 501, 502
undue influence, by, **13,** 17, 18, 19. *See* UNDUE INFLUENCE.
unsound mind, persons of, in dealings with, **13,** 15
valuation, in, valuer's liability in respect of, **28,** 229
will, clauses introduced in, by, **14,** 179, 180
gift by, obtained by, **28,** 539
obtaining, by, interference of equity, **13,** 13
witchcraft, pretending to exercise, as, **9,** 692
work and labour contracts induced by, **28,** 871
Workmen's Compensation Act, agreement under, when obtained by, effect, **20,** 184, 226
award or order under, **20,** 229, 237

FRAUDS, STATUTE OF. *See* STATUTE OF FRAUDS.

FRAUDS BY WORKMEN ACT,
disqualification of justices under, **19,** 556
jurisdiction of justices under, **9,** 79
search warrants under, **9,** 310, 311
trades within, **20,** 127; **27,** 540 n.

FRAUDULENT APPOINTMENTS,
antecedent agreement to benefit persons not objects of the power, **23,** 60
burden of proof of validity of appointments subsequent to, **23,** 38
corrupt purpose, for, **23,** 59
execution for purposes foreign to the power, **23,** 61
intention of donor ascertained from instrument, **23,** 61
purchaser for valuable consideration without notice, not affected by, **23,** 61
severance of, when possible, **23,** 62

FRAUDULENT ASSIGNMENT. *See* FRAUDULENT CONVEYANCE.

FRAUDULENT CONCEALMENT,
arbitration, in, setting aside award for, **1,** 478
documents or incumbrances, of, **9,** 705
guarantee, effect on, **15,** 539, 540
requisites of, **15,** 540, 541
property, of, by bankrupt, **2,** 345, 346, 350
seller or mortgagor, by, **9,** 705
surety, by, effect of, **15,** 529

FRAUDULENT CONVEYANCE.
The title FRAUDULENT AND VOIDABLE CONVEYANCES *is contained in Vol. XV., pp. 77 et seq.*
account of rents and profits before impeachment, no right to obtain, **15,** 90
acquiescence by creditors, effect of, **15,** 87
act of bankruptcy, as, **2,** 14—20, 287; **15,** 88
action to set aside, burden of proof in, **15,** 84
practice as to, **15,** 89—91
administration of grantor's estate, order for, **15,** 90, 91
alienation, forms and instruments of, **9,** 704; **15,** 79, 80
alternative remedies, choice between, **15,** 92
appointment under general power may be, **15,** 79
assignment of debtor's whole property, effect of, **2,** 16, 17, 288; **3,** 61; **15,** 80 n., 84, 86
avoidance limited to protection of creditors, **15,** 78, 87, 90
bankruptcy, act of, as, **2,** 15, 16, 287; **15,** 88. *See* ACT OF BANKRUPTCY.
amount of property conveyed material, in case of, **2,** 19
avoidance of, in, **2,** 20, 275—279
limited to protection of creditors, **2,** 20, 279
fraudulent preference, as, **2,** 280—288
impeachment of alienation in, **15,** 88
limited operation of avoidance, **2,** 20, 279
partial assignment of property, effect of, **2,** 19, 20
transactions unaffected by, **2,** 288—291
bill of sale as, **3,** 58, 61, 62; **15,** 89
bonâ fide purchaser for value, protection of, **15,** 78, 81—83, 92, 93. *See* PURCHASER FOR VALUE.
chattels real, penalty in case of, **15,** 91
child, in name of, **15,** 80
chose in action, of, **15,** 79
common law remedies in respect of, **15,** 78 n.
company identical with vendor, to, **2,** 17; **5,** 335; **15,** 81
concealment of document of title, effect of, **9,** 705
consideration, *ex post facto*, **25,** 563 n.
existing debt as, **15,** 82

FRAUDULENT CONVEYANCE—*contd.*
consideration—*continued.*
extrinsic evidence of, **15,** 82
further advance and past debt as, **2,** 17, 18
good or valuable, as answer to impeachment of conveyance, **15,** 81
marriage as, **2,** 277; **15,** 82
nominal, insufficiency of, **15,** 81, 82
past debt as, **2,** 16, 17; **3,** 61
sufficiency of, **15,** 81—83
waiver of equity to a settlement as, **15,** 82
copyholds, of, **15,** 79
costs of trustees of, **2,** 333; **15,** 91
covenants for title in, postponement of claim under, **15,** 88 n.
creditors, assignment for benefit of particular class of, **2,** 14
trust deed for benefit of, **15,** 80
what constitutes defrauding, delaying, or hindering of, **15,** 78—92
criminal offence, as, **9,** 704, 705; **15,** 92
Crown, forfeiture of part penalty to, **15,** 91
death of grantor, effect of, **15,** 90
debentures issued under, invalidity of, **2,** 288
debts, evidence of means to pay, **15,** 88
deed of arrangement may be, **2,** 336, 337
defrauding of creditors, what constitutes, **15,** 79, 80
delay in enforcing remedy, effect of, **15,** 89
delaying of creditors, what constitutes, **15,** 79
deposit of husband's money in wife's name, **15,** 79
disclaimer of fraudulent intention, presumption of fraud from, **15,** 86
disentailing deed and resettlement not impeachable as, **15,** 80
equitable reversionary interests, of, **15,** 79
evidence, admission of extrinsic, **15,** 82
fraudulent intent, of, **3,** 62; **15,** 84—87
execution, after issue of, **15,** 86
creditor, intention to defeat, **14,** 21, 52 n.; **15,** 83, 84
extension of property liable to, **15,** 79
executor *de son tort,* grantee liable as, **15,** 90
existing creditors, payment of, **15,** 88 n.
expenditure of money not regarded as, **15,** 81
factor, by, **9,** 657, 658
false recital, presumption of fraud from, **15,** 86
family arrangement, avoidance of, **14,** 551
following property comprised in, **15,** 90
forms of, **15,** 79, 80
fraud, indications or badges of, **15,** 84—86
proof of actual, when required, **2,** 337; **15,** 84
fraudulent
intention as affecting, **15,** 83—87. *See* FRAUDULENT INTENTION.
preference by, **2,** 20, 280—287; **3,** 61, 62. *See* FRAUDULENT PREFERENCE.
goods delivered under, recovery of, **15,** 87
goodwill of business, of, **15,** 79
grantee, fraud emanating from, effect of, **15,** 84
penalty, when liable to, **15,** 91
protection of, **15,** 81
purchaser from, protection of, **15,** 83
grantor and persons claiming under him, when impeachable by, **15,** 87, 88, 106
husband and wife, as between, **15,** 85 n.; **16,** 392, 399
impeachment of, creditors, by, **3,** 61; **15,** 87—89
evidence of fraud on, **15,** 84
facts to be proved on, **15,** 81
grounds for, **15,** 83—87

FRAUDULENT CONVEYANCE—*contd.*
impeachment of—*continued.*
interpleader proceedings, in, **15,** 89
loss of right to, **15,** 92
partial, **15,** 87
parties to action for, **15,** 89
trustee in bankruptcy of grantor, by, **15,** 88, 89
indebtedness of grantor, not conclusive evidence of fraud, **15,** 85
indictment for, **9,** 704
civil proceedings, may precede, **15,** 92
injunction to restrain exercise of power under, **15,** 90
inquiry, delay not allowed on account of pending, **15,** 89
settlement by deceased grantor, as to, **15,** 91
insolvency of grantor as affecting preference to creditor, **15,** 84
insurance policy, of, **15,** 79
intention as affecting, **15,** 78, 81—88, 94—97. *See* FRAUDULENT INTENTION.
bankruptcy, in, **2,** 16
bill of sale, in case of, **3,** 62
fraudulent, must be, **2,** 16
particular creditor, to defeat, **15,** 83
interest determinable on bankruptcy, effect of limitation of, **2,** 146—152; **15,** 86
investment of husband's money in wife's name, **15,** 79
joint possession by grantor and grantee, effect of, **15,** 84, 85
judgment fraudulently obtained, avoidance of, **15,** 89
knowledge of fraudulent intent, purchaser for value, in case of, **15,** 91
leaseholds, of, **15,** 81
maintenance of, penalty for, **9,** 704, 705; **15,** 91
marital rights, in fraud of, **13,** 20 n.
marriage settlement, avoidance of, **2,** 277; **15,** 79, 82
married woman, settlement of property by, **15,** 80
misdemeanour, offence punishable as, **9,** 704, 705
misrepresentation by creditor as to effect of alienation, **15,** 87
mortgage as, **21,** 345, 347
nominal consideration, insufficiency of, **15,** 81
notice, protection of purchaser for value without **15,** 78, 81—83
purchasing company, to, **15,** 81
writ of execution, of delivery of, **15,** 83
one-man company, on formation of, **2,** 17; **5,** 335; **15,** 81
onus of proving
bona fides, **2,** 17
fraud, **15,** 84
order to set aside, form of, **15,** 90
partial setting aside of, **15,** 90 n.
partnership, assignment of property on dissolution of, **15,** 80
penalties, parties, and privies, imposed on, **9,** 704, 705; **15,** 91, 92, 94
real property, in case of, **15,** 91
personal
property, penalty in case of, **15,** 91
representative's right to defeat execution creditor, **15,** 83 n.
possession, effect of continuance of grantor in, **15,** 80 n., 84, 85
post-nuptial settlement when not regarded as, **15,** 82

FRAUDULENT CONVEYANCE—*contd.*
post-obit bond, impeachment by creditor under, **15,** 88
preference to particular creditor, effect of, **3,** 61, 62; **15,** 83, 84
prior contract, alienation in pursuance of, **2,** 16, 17; **25,** 567 n.
privies, when liable to penalties, **15,** 91
professional privilege cannot be claimed in case of, **3,** 62; **9,** 704 n.
property within statutory definition of, **15,** 78, 79
purchase in joint names of debtor and third party, impeachment of, **15,** 80
purchasers, to defraud, **15,** 92—102. *See* VOLUNTARY CONVEYANCE.
real property within statutory definition of, **15,** 78, 79
registration of title, by, **9,** 705; **24,** 323
relative of grantor, consideration on sale to, **15,** 81
release of debt by creditor, effect of, **15,** 87
reservation of benefits by alienor, effect of, **15,** 84, 87
retainer of possession by debtor, provision for, **15,** 80 n.
revocation, effect of power of, **15,** 86, 101, 102; **25,** 569
sale of property comprised in, direction for, **15,** 90
satisfaction of creditors' claims, effect of, **15,** 78
scope of statutory provision against, **15,** 79
separation deed may be, **15,** 79, 82, 83; **16,** 442
sequestrators entitled to possession of property comprised in, **14,** 82
setting aside, costs in case of, **15,** 91, 106
judgment recovered, before, **15,** 89
parties to proceedings for, **15,** 88, 89
settlement, by fraudulent or voluntary, **2,** 275—279; **15,** 80, 85—87; **25,** 567. *See* VOLUNTARY SETTLEMENT.
shares subject to unpaid calls, of, **15,** 81, 86
sheriff, void as against, **14,** 24, 52; **15,** 89
solicitor's evidence on impeachment of, **3,** 62
special power, effect of appointment under, **15,** 79
speculative business, settlement on entering into, **15,** 84, 85
stamp, effect of absence of, **2,** 20
subsequent creditors, avoidance by, **15,** 87, 88
temporary statutory provisions made perpetual, **15,** 78 n.
title deeds, effect of retention of, **15,** 85
transactions impeachable as, **15,** 79, 80
trust deed for benefit of creditors, when set aside, **15,** 80
trustee in bankruptcy, penalty, right to sue for, **15,** 92
refusal to impeach transaction, **15,** 89
void as against, **2,** 275—279; **3,** 61, 62; **15,** 88
unconscionable bargain, alienation obtained by, **15,** 111—113. *See* UNCONSCIONABLE BARGAIN.
undertaking not to deal with property comprised in, **15,** 90
undue influence, alienation obtained by, **15,** 103—111. *See* UNDUE INFLUENCE.
validity otherwise than as against creditors, **15,** 78, 87
valuable consideration, alienation for, **2,** 288; **15,** 81
void by statute, as against creditors, **9,** 704; **15,** 78, 87—89

FRAUDULENT CONVEYANCE—*contd.*
voluntary
conveyance, by, **15,** 84, 92—102. *See* VOLUNTARY CONVEYANCE.
creditor, protection of, **15,** 88
settlement, by, **2,** 275—279; **15,** 85 n.; **25,** 567. *See* VOLUNTARY SETTLEMENT.
votes, to create or multiply, **12,** 153, 537
writ, after issue of, **15,** 86

FRAUDULENT DEBTOR, 2, 345—355
arrangement, deed of, procured by fraud, **2,** 335
books, offences with regard to, **2,** 347, 348
committal for trial, **2,** 352
conveyance of land by, to defraud creditors, **9,** 704, 705; **15,** 78 *et seq.* *See* FRAUDULENT CONVEYANCE.
credit, obtaining, by fraud, **2,** 350, 351
creditor, consent of, obtained by fraud, **2,** 349
criminal offences by, **2,** 75, 345—351
documents, offences in connection with, **2,** 347, 348
false debt, failure to inform as to, **2,** 347
felony by, **2,** 349
fictitious losses, offence by stating, **2,** 348
gift, etc., to defraud creditors, **2,** 350
jurisdiction in case of, **2,** 353
liability of, after discharge or composition, **2,** 351
life policy effected by, with intent to defraud creditors, **16,** 401
misdemeanours by, **2,** 345—351
property, concealment of, **2,** 345, 346, 350
failure to deliver up, **2,** 346
fraudulent removal of, **2,** 347, 350
non-disclosure of, **2,** 345, 346
obtaining on credit, **2,** 348
pledging, **2,** 349
prosecution of, **2,** 351—355
appeal from order, **2,** 302
election of mode of, **2,** 353
evidence at, **2,** 354
expenses of, **2,** 352, 353
grounds for, **2,** 351, 352
indictment, **2,** 353, 354
statement of affairs, material omission in, **2,** 347

FRAUDULENT EXECUTION, 23, 58—62. *See* EXECUTION OF POWER.

FRAUDULENT INTENTION,
allegation of, in pleadings, **22,** 427, 457
bankruptcy, fraudulent assignment in, as an ingredient of, **2,** 16, 279—287
conveyance, as to, **15,** 81, 83—87, 88 n., 94—97
burden of proof, **15,** 85, 97
indebtedness not conclusive as to, **15,** 85
indications of, **15,** 85, 86
possession, continuance in, when evidence of, **15,** 84, 85
question as to, one of fact, **15,** 83
title deeds, retention of, when an indication of, **15,** 85
evidence of similar acts of, admissibility of, **13,** 453
friendly societies, in relation to misapplying property of, absence of, **15,** 187
specific performance, when material in actions for, **27,** 46
trade marks, as evidence of infringement of, **27,** 710

FRAUDULENT MISAPPROPRIATION. *See* EMBEZZLEMENT; MISAPPROPRIATION.
agent, by, **9,** 657, 658
annuities or securities under Municipal Corporations Act, 1882, of, **9,** 655
director, by, **9,** 655, 656
factor, by, **9,** 657, 658
officer of corporation or company, by, **9,** 655, 656
power of attorney, of good entrusted for sale etc. under, **9,** 657
property, of, **9,** 658, 659
trustee, by, **9,** 656, 657

FRAUDULENT MISREPRESENTATION,
defined, **20,** 657, 677, 687
accident insurance policy, in case of, **17,** 566, 570 n.
acquiescence, effect of, **20,** 726—730. *See* ACQUIESCENCE.
action for, **20,** 719—720, 724
affirmative defences to, **20,** 725—732
concurrence of fraud and damage essential to maintenance of, **20,** 707, 724, 725
age, as to, in case of employment of child, **12,** 64
infant, by, **17,** 66, 73; **22,** 20; **27,** 891
National Health Insurance, for purposes of, **28,** 963, 998
agent, by, **1,** 211, 214; **20,** 708, 709, 712, 723, 730; **27,** 43
adoption of, **20,** 712, 713
company's liability for, **5,** 132, 309, 310
effect on co-agent, **20,** 709
fire insurance policy, effect of, **17,** 533
personal ends, for, **20,** 732
principal's liability for, **1,** 214; **20,** 708—712, 732
alteration of position in relation to, **20,** 703—705, 724
animal or article, sale of, on, **1,** 393, 420; **20,** 674, 676, 677 n.
antique, implied representation of genuineness on sale of, **20,** 673 n., 676 n.
architect, by, **3,** 301, 302
power to certify obtained by, **3,** 218
arrangement, deed of, procured by, effect of, **2,** 335
authority, of, **1,** 509; **20,** 723, 724
bankrupt, by, effect on discharge, **2,** 251, 260, 261, 270
building contract, in case of. **3,** 169, 201
building societies, obtaining securities etc. of, by, **3,** 353
obtaining society's money by, **3,** 346
burden of proof, character, as to, in statutory defence to action, **20,** 731, 732
damage, as to, **20,** 707
falsity, as to, **20,** 677, 680, 681
intention, in case of, as to, **20,** 704, 705
materiality, as to, **20,** 701
question of law, as to, **20,** 702
matters to be proved, **20,** 724
questions of law, as, **20,** 704, 705
representee, as to whether party is a, **20,** 714, 717, 718
representor, as to whether party is a, **20,** 714
character, as to, **15,** 456, 457, 501; **20,** 731, 732
company, with reference to, **5,** 127—132. *See* COMPANIES.
conduct amounting to, **20,** 672—676

FRAUDULENT MISREPRESENTATION—*continued.*
contract, avoidance of, for, **10,** 359, 360; **20,** 730, 737—740, 742, 754, 755
induced by, damages in case of, **20,** 739, 740
limitation of action in case of, **19,** 50
specific performance of, **27,** 42—47
county court, in, estoppel by, **13,** 335
credit, as to, **15,** 457; **20,** 731, 732
company, by, as to third person, **5,** 294
measure of damages, **20,** 733
creditor to third party, by, effect of, **15,** 87
damage by, **20,** 705, 707
connection with representation must be proved, **20,** 706
essential to action for, **20,** 694, 724
when question of fact and law, **20,** 707
damages, action for, **20,** 724—737
agreement to waive inquiry, **20,** 727
assessment of, **20,** 732—735
avoidance of contract, effect of previous, **20,** 730
county court, in, estoppel by, **13,** 335
deceit, for. *See* deceit, *infra.*
defences to, **20,** 725—732
elements necessary to action, **20,** 658, 724—725
knowledge of truth, effect of, **20,** 726
prospectus, in case of. *See* deceit, prospectus, *infra.*
deceit, action for damages for, **1,** 40; **5,** 132—136; **20,** 724, 732
corner in shares, in regard to, **27,** 264
mistake induced by, **21,** 2
parties to an action for, **20,** 735, 736, 753
prospectus, in, **5,** 132—136
bankruptcy, effect of, **2,** 198; **5,** 135, 136
company, by, against promoter, **5,** 52
death of parties, effect of, **5,** 135
delay, effect of, **5,** 135
grounds for action, **5,** 133
inducement to subscribe essential, **5,** 134
joinder of actions, **5,** 133
measure of damages, **5,** 135
rigging the market, in regard to, **20,** 673; **27,** 263
time from which right to bring, accrues, **19,** 49
evidence, in, **20,** 724
honest belief, when absent, **20,** 688, 689, 693, 694
husband jointly liable for, when made by wife, **16,** 438
inducement in action for, **20,** 695. *See* INDUCEMENT.
infant, by, as to age, effect of, **17,** 66
obtaining goods thereby, **27,** 891
partner, liability of, for, **22,** 19, 20
intention or motive as not affecting, **20,** 690
joint and several liability of persons in action for, **20,** 708, 714
law, of, liability for, **20,** 669
life insurance, in relation to, **17,** 557, 558
medical referee, by, **17,** 553, 554
marriage, effect on, **16,** 278, 279; **20,** 742
money-lender, inducement to borrow by, **9,** 704
motive or intention immaterial, **20,** 690
nature of, **20,** 657
non-belief in truth of representation, effect of, **20,** 688, 689, 691
prospectus, in, **5,** 127, 132—136. *See* PROSPECTUS.
question as to what is, one of law, **20,** 687

FRAUDULENT MISREPRESENTATION—*continued.*
remedies for, **20,** 719, 720, 724, 737
representee, as to. *See* REPRESENTEE.
representor, as to. *See* REPRESENTOR.
separation, contract for, induced by, **16,** 442
signature of instrument under belief that it is of a different character, **15,** 543 n.
specific performance, order for, barred by, **20,** 548; **27,** 42—47
surrounding circumstances. *See* SURROUNDING CIRCUMSTANCES.
third person, to, damage arising from, **10,** 313
trade mark, plaintiff, by, as defence to action for infringement, **27,** 775
wife, of, when husband not liable for, **16,** 438

FRAUDULENT PREFERENCE,
defined, **2,** 280
agreements for, **2,** 200; **7,** 393; **13,** 20
assignment amounting to, **2,** 20
avoidance of, **2,** 279—287
circumstances negativing intent, **2,** 284, 285
conditions of, **2,** 280
creditor, preferred, position of, **2,** 287
debtor and creditor, relation of, essential, **2,** 281
fraud, proof of, **2,** 286, 287
intent to prefer essential, **2,** 282, 285, 286
object of, **2,** 279, 280
single creditor, for benefit of, **2,** 287
surety, payment by debtor for benefit of, **2,** 281
third parties, rights of, **2,** 287
time for, **2,** 286
trustee in bankruptcy, position of, **2,** 287
bankruptcy, as act of, **2,** 20, 287
bill of sale as, **3,** 59, 64
company, by, **5,** 544—546, 583
winding up under supervision, computation of time in case of, **5,** 599
distress, payment under threat of, **11,** 172
fact, a question of, **2,** 287
guarantee amounting to, illegality of, **15,** 453
money had and received, action against creditor by trustee in bankruptcy for, **7,** 484
payment constituting a, **15,** 536
rescission of contract by insolvent buyer not a, **25,** 233
stoppage *in transitu,* rejection by buyer, not a, **25,** 252
test of, **2,** 282, 283
desire to prefer, **2,** 284
payment under moral obligation, **2,** 285
threat of proceedings, **2,** 284
transaction under pressure, **2,** 283, 284
voluntary or involuntary act, **2,** 283, 284

FRAUDULENT REMOVAL OF GOODS,
bankrupt, by, **2,** 347, 350
petition, after, **2,** 55, 75
bill of sale, by grantor of, **3,** 69
distress, to avoid, **11,** 156, 189—192
evidence as to, **11,** 191
exhibition of complaint upon, **11,** 191
forcible entry by landlord to recover, **11,** 192
justices' jurisdiction in case of, **11,** 191
Metropolitan Police, power of, in case of, **11,** 192; **27,** 289
penalty for, **11,** 190
seizure in case of, **11,** 156, 189

FREE,
admission, theatre, to, reservation of right of, **27,** 409
chapel, meaning of, **11,** 789
chase, copyhold, enfranchisement of, does not affect, **8,** 127
hunting or coursing by, **15,** 230
inclosure of common, effect of, **4,** 577, 578
manor, attached to, **8,** 7
Church, Scotland, of, appointment of minister of, endowment for Scottish Church, under, **11,** 821 n.
Assembly Hall of, inhabited house duty, chargeable with, **17,** 184 n.
United Presbyterian Church, union with, **11,** 362 n.
conveyance, purchaser's right to abstract under contract for, **25,** 348
cropping, **1,** 250, 251. *See* AGRICULTURAL HOLDING.
fishery, *defined,* **14,** 577 n.
common of piscary distinguished from, **4,** 469 n.
manor, as adjunct to, **8,** 7
fold, right of, **4,** 463, 464
labourer, not a slave, **27,** 533, 536 n.
library, rates, liable to, **19,** 204. *See* PUBLIC LIBRARY.
miners, Forest of Dean, in, who are, **20,** 594, 645 n.
rights of, **20,** 646, 647
pardon, **6,** 404; **9,** 431 n., 434
seats, Church Building Acts, under, **11,** 786
Vintner, City of London, of, right as to sale of wines without licence, **5,** 750; **18,** 9, 10; **24,** 681, 683

FREE OF AVERAGE,
clause, effect on underwriter's liability as to goods, **17,** 474

FREE WARREN,
beasts and birds of, **4,** 501 n.; **6,** 491
copyhold enfranchisement, effect of, **8,** 127
gamekeeper's right to interfere with, **15,** 243 n.
hunting or coursing by right of, where no offence, **15,** 230
inclosure, effect of, **4,** 502, 577, 578
Lancaster, Duchy of, sale of, **7,** 223
lord of manor's right of, **4,** 501, 502; **8,** 7
origin of, **4,** 502
severance of, from manor, **4,** 501, 502
trespass by interference with, **27,** 850 n.
trespassers, actions against, **4,** 502

FREEBENCH,
admittance in, **8,** 102
barring of, **8,** 80; **24,** 193 n.
custom, regulated entirely by, **8,** 78
customary court, right to hold, **8,** 12
distress, right of, in case of, **11,** 126
divorce, effect on, **16,** 567; **24,** 195
election under husband's will, **13,** 121 n.
emblements, right of widow to, **24,** 198
enfranchisement, effect of, on, **8,** 126
equitable estate, formerly not allowed out of, **8,** 80; **13,** 96 n.
intestacy, effect of, on, **11,** 4
judicial separation, effect on, **24,** 195, 196
legacy in lieu of, when interest on payable, **14,** 274
money directed to be converted into land may be subject to, **13,** 107

FREEBENCH—*continued.*
priority of, over husband's debts, **8,** 80
remedy of widow for, **8,** 80
reversion, as to, **8,** 80
reversionary interests, in, **8,** 80
seisin of husband at death usually necessary to, **8,** 79
suit of court for, **8,** 14
trust estate existing at date of marriage, as to, **13,** 96 n.
when right arises, **8,** 79; **13,** 96

FREEBOARD,
meaning of, **3,** 126

FREEDOM,
action, of, rights as to, **27,** 475
borough, of a, when may be conferred, **19,** 322
contract, of, **27,** 475
election, of, **6,** 381; **12,** 145, 278—281, 345
incumbrances, from, nature of covenant of, **25,** 466
livery company, of, **5,** 748
London, City of, of, **12,** 180, 181; **20,** 429 n.; **27,** 531 n.
speech, of, in Parliament, Crown may not interfere with, **6,** 381; **9,** 461; **18,** 683
subject, of the, **6,** 319
trade, of, common law principles, **27,** 525—530, 531, 548, 549

FREEHOLD. *See also* FEE SIMPLE; FREEHOLDS.
abeyance of, **24,** 216, 217 n., 219
avoided by springing use, **24,** 279
seisin to prevent, **24,** 278
advowson included in term, for solicitor's remuneration, **26,** 766 n.
ancient demesne, estate in, **24,** 150, 151
assurances of, **24,** 165, 166, 290—301; **25,** 421—429
benefice, incumbent's interest in, is, **11,** 56
building materials affixed to, ownership of, **3,** 164, 165
capital money may be applied in purchase of, **25,** 647
cestui que trust, of, **12,** 150 n.
church and churchyard, of, **11,** 468, 729, 730; **12,** 149
conveyance of. *See* assurances, *supra.*
copyholder, effect of purchase at common law by, **4,** 528; **8,** 112
crops severed from, trover or detinue for, **27,** 889
curate, of perpetual, **12,** 149
customary. *See* CUSTOMARY FREEHOLDS.
descendible, **11,** 13
descent of, **11,** 7—13
determinable at will, nature of interest, **12,** 148 n.
dissenting minister, of, **12,** 150
estates of, **24,** 163
interests which are, **24,** 214
lease for life or lives, by, **18,** 459; **24,** 173
pur autre vie, **11,** 13; **24,** 178
tail, as estate of, **24,** 214
fee simple as estate of, **24,** 214
fixtures attached to, **1,** 271—274; **3,** 164, 165; **11,** 468. *See* FIXTURES.
ownership of, **18,** 417
trover or detinue does not lie for, **27,** 889
franchise, for purposes of, **12,** 146—153. *See* FREEHOLDER.

FREEHOLD—*continued.*
hospital bedesmen and inmates, of, **12,** 149
in futuro, common law rule against creation or limitation, **18,** 459, 460; **24,** 216
incumbent of church, of, **11,** 468, 563; **12,** 149
life estate as, **12,** 146, 147; **18,** 459; **24,** 173, 214
merger, charge of, in, presumptions as to, **13,** 147, 148; **21,** 319—325; **24,** 333, 511. *See* MERGER.
equitable estate of, in legal, **24,** 333. *See* MERGER.
term of, in, **18,** 552, 553; **24,** 332, 333
minerals severed from, trover or detinue for, **27,** 889
mortgagee, accretions vest in, **21,** 120
estoppel, vesting by, in, **21,** 118
parish clerk, of, **11,** 475, 477; **12,** 149, 150
pew in church not freehold interest, **12,** 147 n.
rector of church, of, **11,** 468, 730
registration in Land Registry of title to, **24,** 310—320. *See* REGISTRATION OF TITLE TO LAND.
rent-charge without power of distress held to be, **12,** 148 n.
reversion. *See* REVERSION.
seigniory of settled land, capital money may be applied in purchase of, **25,** 647
seisin of, **24,** 214—216
severance of fixtures from, effect of, **27,** 889
sexton in ancient parish, of, **11,** 478, 479
socage tenure as, **24,** 142
soil severed from, trover or detinue for, **27,** 889
tenant's fixtures slightly attached to, trover for, **27,** 889 n.
tenure in, **24,** 142
timber severed from, trover or detinue for, **27,** 889
title to, intending lessee has no right to call for, **18,** 382
purchaser of term has no right to call for, **25,** 343
uncertain tenure, estate of, may be, **12,** 148
value of, for purposes of franchise, **12,** 150, 151
vicar, of, parish church, in, **11,** 730; **12,** 149

FREEHOLDER,
actions reserved for, **24,** 146
borough, in, franchise of, **12,** 152
certain towns, in, franchise rights of, **12,** 179
county, in, franchise of, **12,** 145—153
grand juror, as, **18,** 241
inheritance, not of, franchise of, **12,** 177, 180
manor, of, rights of, **4,** 518
ownership franchise, classes entitled to, **12,** 145, 146, 152
rent-charge, liability for, **4,** 201, 202

FREEHOLDS,
ancient, **8,** 66; **24,** 148—150. *See* ANCIENT FREEHOLD.
assurances of, forms of, **24,** 290—301; **25,** 421—429
contribution with leaseholds to payment of annuity, **24,** 507 n.
covenants for title on sale of, **25,** 462—470
customary, **8,** 67. *See* CUSTOMARY FREEHOLDS.
descent of, **11,** 7—13
devise of, **24,** 138 n.; **28,** 518
devolution of, on personal representative, **11,** 4—6; **14,** 136, 238
exchange of settled land, acquired by, **25,** 651
franchise qualification, as, **12,** 146—153. *See* OWNERSHIP FRANCHISE.

FREEHOLDS—*continued.*
inheritance, of, **12,** 146 ; **24,** 163, 164, 242
married woman, lease by, of, how far valid, **18,** 355
non-separate, disposition by husband or wife, **16,** 376
mortgage of, **21,** 112—124
essential provisions of, **21,** 113
extent of estate conveyed by, **21,** 118, 119
form of, **21,** 112, 113, 117, 118
parish clerk, vested as emoluments in, **11,** 477
partition of, **21,** 836
real estate, classed as, **11,** 3 ; **24,** 138, 163
reconveyance of mortgaged, **21,** 311, 312
registered transfer of, **24,** 318
registration of title to, **24,** 310—318. *See* REGISTRATION OF TITLE TO LAND.
rent-charge issuing from, charged on leaseholds also, when, **24,** 468
real estate, as, **24,** 465
sale of, length of title to be shown on, **25,** 342
settled land, acquired by partition of, **25,** 651
settlement of, exchange, partition, or purchase by trustees, on, **25,** 651
form and limitations of, **25,** 529, 530
solicitor's remuneration, meaning for purposes of, **26,** 766 n.
trustees, devise of estate to, **28,** 95
how vested in, **28,** 94—99

FREEMAN,
borough, in, *defined,* **19,** 322
admission as, **19,** 321, 322
former position of, **19,** 321
highway tolls, exemption from, **16,** 65 ; **20,** 41 n.
market tolls, exemption from, **20,** 41 n.
roll of, **12,** 179
common inclosure, allotment in case of, to, **4,** 581
consent to, of, **4,** 547
franchise of, **5,** 751 ; **12,** 178, 179
list of, **12,** 202, 243
non-resident, revising barrister's duty in respect of, **12,** 237
notice of claims by, **12,** 208
reserved rights of, no application to municipal franchise, **12,** 189
honorary, **19,** 322 ; **20,** 429 n.
livery company, of, **5,** 748 ; **20,** 429
freedom of London, City of, right to, **5,** 750
parliamentary franchise, right to, **5,** 751
London, City of, in, admission of, **20,** 429 n.
alderman of, must be a, **20,** 424
franchise qualification of, **5,** 751 ; **12,** 180, 181
infant whose father was, guardianship of, **17,** 122
roll of, **20,** 429 n.
trade rights in, **27,** 531 n.
Vintners' Company, of, custom of right of selling foreign wines, **5,** 750 ; **18,** 9, 10 ; **24,** 681

FREESTONE,
whether a mineral, **20,** 503 n.

FREIGHT,
defined, marine policy, for purposes of, **17,** 365
salvage purposes, for, **26,** 560
abandonment of
ship, effect of, on right to, **26,** 301
voyage, effect of, on right to, **26,** 305

FREIGHT—*continued.*
advance, abandonment of ship, rights in case of, **17,** 490
balance of freight, as affecting, **26,** 313
charterer, when may be insured by, **17,** 365
duration of risk in respect of, **17,** 395 n.
insurable interest of person advancing, **17,** 365, 370
lien for, **26,** 134 285
loss of goods before transhipment as affecting, **7,** 482 n. ; **26,** 235
nature of, **7,** 482 n. ; **26,** 313, 314
payable, when, **26,** 311, 312
repayable, when, **26,** 105, 235
shipowner's right to, **7,** 482 n. ; **26,** 312
time charter, provision in, as to, **26,** 104, 105
allowance for, other employment of ship on charterer's default, in case of, **26,** 208
amount payable for, rule governing, **26,** 307—311
assignee of, payment, entitled to, **26,** 301
rights of, bill of lading holder, against, **26,** 302
mortgagees, against, **26,** 29, 302, 303
assignment of, effect of, **26,** 29, 301—303
bill of exchange as payment for, **26,** 307 n.
bill of lading, under, difference between, and under charterparty, **26,** 106, 171, 177, 308 n.
holder's liability for, **26,** 172, 173, 294, 297, 298, 309. *See* HOLDER OF BILL OF LADING.
indorsee's liability for, **26,** 164—166, 296
lien of shipowner for, **26,** 171—173, 285, 286
partial loss of, effect of, **17,** 478 n.
rate of, **26,** 106, 107, 154
underwriter's rights in regard to, **17,** 490
bottomry, pledge by way of, **26,** 69, 72
payment of freight to lender, effect of, **26,** 303
priority in case of, **26,** 246
breakdown of machinery as affecting right to, **26,** 105
carrier of goods, action by, for, **4,** 92
lien of, for, **4,** 92—94, 98, 99
charterer's
insurable interest in, **17,** 365, 369, 370
liability for, **26,** 293, 294, 297, 298
cesser clause as affecting, **26,** 294, 295
goods sold during voyage, where, **26,** 72
ownership of goods as affecting, **26,** 294
right to payment from consignee, **26,** 298
charterparty, under, charterer's liability for, **26,** 293, 294
failure to supply
cargo, effect of, **26,** 208, 209
ship, effect of, **26,** 209, 210
lien for, **26,** 134, 135, 171
payable, to whom, **26,** 297—300
provisions as to, **26,** 103—105
shipper's liability for, **26,** 292
time charter, in case of, **26,** 104, 105
voyage charter, in case of, **26,** 103, 104
consignee's liability for, **26,** 164, 295, 296, 298
contract of affreightment, **26,** 147, 148. *See* bill of lading, charterparty, *supra.*
conflict of laws as to, **6,** 238, 241
general average
law implied in, **17,** 447 n.
loss when determined by, **17,** 453
contract unlawful, not payable when, **26,** 307
dead, *defined,* **26,** 101 n., 209
lien for, **26,** 134, 285

FREIGHT—*continued.*
delivery, payable on, **26,** 303, 304, 307, 309
delivery by shipowner essential to right to, **26,** 303—307
derelict, recovery of, as affecting right to, **26,** 589
earned, when, **26,** 303—307
embargo, ship detained under, loss of, where, **26,** 305
equitable assignment of, **26,** 302, 303
forwarding by another ship as affecting right to, **26,** 306, 307
freight free, contract to carry, **26,** 308, 309
general average
contribution in respect of, **26,** 324, 325
loss of, **26,** 318, 319
goods
damaged, in case of, **26,** 308
lost in part, payable *pro ratâ*, where, **26,** 306
not delivered, not payable, **26,** 304, 305
implied contract by shipper to pay, **26,** 292
indorsee of bill of lading, liability of, for, **26,** 164—166, 296
insurable interest in, **17,** 366—378. *See* INSURABLE INTEREST.
insurance on, abandonment of ship, effect of, **17,** 489, 490, 492, 493
act of assured, loss by, **17,** 439, 477
advance freight, for, **17,** 365, 370
commencement of risk in case of, **17,** 392—394
constructive total loss in case of, **17,** 485, 486
fire, loss by, **17,** 442
forwarding by another ship, effect of, **17,** 485, 486
full freight not earned, where, **17,** 379
general average act, loss by, **17,** 511; **26,** 318
goods not shipped, on, **17,** 393
insurable interest for purpose of, **17,** 366—378. *See* INSURABLE INTEREST.
mutual insurance club, by, **17,** 380 n., 506
partial loss in case of, **17,** 470
passage money included in, when, **17,** 365
termination of risk in case of, **17,** 395
total loss of freight in case of, **17,** 477, 478
value of freight for, **17,** 455
lien against, bottomry bond, under, **26,** 303
collision damage, for, **26,** 303
wages, for, **26,** 303
lien for, advance freight, for, **26,** 134, 285
bill of lading, under, **26,** 171—173, 285, 286
carrier of goods, of, **4,** 92—94, 98, 99
chartered freight, for, **26,** 177, 286
charterparty, under, **26,** 134, 135, 171
common law, at, **26,** 134, 283, 284
dead freight, for, **26,** 134, 285
discharge of, **26,** 287, 288
express contract, by, **26,** 135, 285
goods affected by, **26,** 284
holder of bill of lading as affected by, **26,** 285, 286
landed goods, on, **26,** 282
loss of, **26,** 288
master, of, **19,** 11 n.
after goods landed, **26,** 280
respondentia, has priority over, **26,** 246
previous voyage, due on, **26,** 285
life salvage, contribution of, **26,** 587
loss of, abandonment of
ship, by, **26,** 301
voyage, by, **26,** 305
total, what is, insurance policy, in, **17,** 477, 478

FREIGHT—*continued.*
lump, provision for payment of, **26,** 310, 311
maritime lien against, **26,** 303, 618—620. *See* MARITIME LIEN.
master's
implied authority to receive, **26,** 297
right to hypothecate, for necessaries, **26,** 69, 70
measurement of cargo to ascertain, **26,** 309, 310
mortgage of, nature and form of, **21,** 134; **26,** 301, 302
ship, as affecting right to, **21,** 134; **26,** 27, 29, 299, 300, 303
mutual insurance club insurance on, **17,** 380 n., 506
note, nature of, **26,** 148 n.
terms of contract of carriage ascertained from, **26,** 147
part owner's rights in regard to, **26,** 297 n.
partial delivery by shipowner as affecting right to, **26,** 306
payable, by whom, **26,** 291—296
to whom, **26,** 296—303
when, **26,** 303—307
payment of. *See* PAYMENT.
person entitled to, **26,** 296—303
pledging of, under bottomry bond. *See* bottomry, *supra.*
pro ratâ, nature and payment of, **26,** 254, 314, 315
partial loss of goods, in case of, **26,** 306
purchaser of ship, right of, to, **26,** 298, 299
rate of payment for, **26,** 307—311
risk, at, salvage contribution, how assessed for, **26,** 588
commencement and duration of, insurance, in, **17,** 392—395
sacrifice of, contribution of person entitled to, **26,** 324
general average contribution, for, **26,** 318, 322
sale of
cargo during voyage as affecting right to, **26,** 248—250, 254
ship as affecting right to, **26,** 298, 299
salvage reward, for purposes of, **26,** 560, 588, 589
set-off in case of assignment of, **26,** 301
ship lost, goods forwarded by other means, payable where, **26,** 306
shipowner, assignment by, of, **26,** 301, 302
right of, to, **26,** 296, 297
ability to deliver goods as affecting, **26,** 304, 305
advance freight, **26,** 312
chartered ship, in case of, **26,** 297, 298
failure to deliver goods as affecting, **26,** 305, 306
goods forwarded by another ship, where, **26,** 306, 307
wrongful possession of cargo taken by owner, where, **26,** 307
withholding of goods by, pending payment of, **26,** 164
shipper's liability for, **26,** 291—293
through bill of lading, under, to whom payable, **26,** 149, 150
transhipment of cargo to earn, **26,** 235—240
underwriter's
liability for
loss of, **17,** 477, 478
partial loss of, **17,** 470
rights in regard to, **17,** 489, 490, 492, 493
total loss, in case of, **26,** 301
unlawful contract, earned under, **26,** 307

FREIGHT—*continued.*
valuation for purposes of general average contribution, **26,** 324, 325, 588, 589
wages, lien for, against, **26,** 303
weighing of cargo to ascertain, **26,** 309, 310

FREQUENTING,
for purposes of betting, what may be, **15,** 292, 296 n.

FRESH PURSUIT,
cattle
distress damage feasant, as to, **1,** 380
driven off to avoid distress, of, **11,** 156
pound-breach, in case of, **1,** 385, 386
constable's powers as to, **22,** 497
warrant of arrest, in case of execution of, **9,** 308

FRESHWATER FISH. *See* FISH; FISHERIES.

FRIED FISH,
regulations as to, in metropolis, **23,** 567
shop, user of, as a nuisance, **21,** 508 n., 534

FRIEND,
alien, **1,** 303, 306—310
innkeeper's, when not a guest, **17,** 319
lunatic, of, order for visit by, how obtained, **19,** 515, 516. *See* LUNATIC.
treatment by, as evidence on question of sanity of alleged lunatic, **19,** 409
next, **17,** 133 *et seq.* *See* NEXT FRIEND.
private, of licensee, exemption as to, **18,** 143
will, in, construction in favour of testator's, **28,** 671
treated as synonymous with relation, **28,** 757 n.

FRIENDLY SOCIETIES.
The title FRIENDLY SOCIETIES *is contained in Vol. XV., pp.* 119 *et seq.*
defined, **15,** 121
accident, death of member by, **15,** 151
resumption of work after, dispute as to ability for, **15,** 177
accounts of, **15,** 138, 139, 173, 174
audit in case of, **15,** 123 n., 138, 173
impeachment for fraud, **15,** 173
member's right to inspect, **15,** 174
officers, of, **15,** 143
neglect to examine, effect of, **15,** 163
registrar's duty as to, **15,** 130
rules as to keeping, **15,** 138, 173
special report as to, by auditors, **15,** 174
actions by or against, how brought, **15,** 144, 145, 170, 190, 191
branch, on behalf of, **15,** 134
unregistered, by, **15,** 127
Acts relating to. *See* FRIENDLY SOCIETIES ACTS.
agent of, appointment of, stamp duty on, **15,** 161
member, for, may sign consent for dissolution, **15,** 199
agriculture, promotion of, by, **15,** 125 n.
amalgamation of, **15,** 157, 160 n., 192—195, 203 n.
abetting irregular, penalty for, **15,** 185
creditor not affected by, **15,** 193 n.
dissatisfied member, remedy of, **15,** 193, 195
registry on, cancellation of, **15,** 195, 203 n.
trustees' duty to apply for, **15,** 145
unregistered, no statutory provision for, **15,** 192 n.
vesting of property on, **15,** 193

FRIENDLY SOCIETIES—*continued.*
annuity assured by, **15,** 131
endowment by, **15,** 125 n.
limitations as to, **15,** 126, 148
payment of, under improvident rules, **15,** 138 n.
persons entitled to, consent to dissolution of, **15,** 198
appearance on behalf of, how entered, **15,** 190
approved societies for National Health Insurance, as, **28,** 941, 972, 973
arbitration as to, **1,** 492; **15,** 179, 180
arbitrator, appointment of, **15,** 179
award in, **15,** 179, 180, 181, 183
committee of, **15,** 177, 178
disputes between two societies, in, **15,** 171
assurance company, position as, **5,** 625; **15,** 164
attachment against
member of, **15,** 148
officer of, **15,** 145, 163
trustee of, **15,** 145, 163
auditor of, appointment of, **15,** 142, 146, 173
balance sheet of, falsification of, **15,** 187
members' rights as to, **15,** 148
provisions as to, **15,** 174
banker, indemnity of, for acts done under direction of registrar, **15,** 170 n.
position of, as to priority over creditors, **15,** 143 n., 163
benefits in, forfeiture of, **15,** 150
limitation of, **15,** 148
rules as to conditions entitling to, **15,** 138
benevolent societies as, **15,** 122, 123, 125. *See* BENEVOLENT SOCIETIES.
birth, certificate of, privilege as to, **15,** 123 n.
insuring money to be paid on, an object of, **15,** 124
bond, officer, of, **10,** 399; **15,** 143, 163
publican, by, construction of, **15,** 170 n.
stamp duty on, **15,** 161
bonus, right to, **15,** 148
books of, inspection of, **15,** 148, 174, 175 n.
wrongful dealings with, **15,** 186
borrowing by, **15,** 164, 165
branch, *defined,* **15,** 133 n.
accounts of, **15,** 173
action on behalf of, **15,** 134
conversion of society into, **15,** 130, 195, 196, 203 n.
establishment of, **15,** 146
expulsion of, **15,** 157, 196, 197, 199 n.
certificate as to, **15,** 134
position of members on, **15,** 197
failure of, liability of central office in case of, **15,** 151
funds of, after suspension or expulsion, **15,** 197 n., 199 n.
investment of, **15,** 168
investigation of affairs of, **15,** 201
new, establishment of, **15,** 134
property of, **15,** 169
registration of, **15,** 196, 203 n.
savings bank deposits, as to, **15,** 169 n.
separate society, as, **15,** 134
returns, annual, of, **15,** 173, 174
rules of, amendment of, **15,** 141 n.
secession of, **15,** 132, 196, 197
improper use of name after, **15,** 185
rules as to conditions of, **15,** 138, 160, 161
suspension of, **15,** 199 n.

FRIENDLY SOCIETIES—*continued.*
branch—*continued.*
valuations in case of, **15,** 171 n., 172
with, registration of, **15,** 133, 134
cancellation of registry of, **15,** 195, 196, 203, 204
cattle insurance societies, as, **15,** 122, 123. *See* CATTLE INSURANCE SOCIETY.
central fund of, **15,** 133, 134
Central Office of the Registry of, constitution of, **17,** 8
functions and powers vested in, **17,** 8
industrial society, special resolution of, to be sent to, **17,** 24
loan society's rules registered in, **19,** 219
proceedings on behalf of industrial society taken by, **17,** 32
registrar as equivalent to expression, **15,** 129, 130
situation of, **15,** 129
certificate of secession or expulsion of branch of, **15,** 134
certiorari, jurisdiction in case of application for, **15,** 180
quashing justices' order as to, **15,** 183
Channel Islands, in, **15,** 122 n., 170 n.
members domiciled in, **15,** 155
trustee absent from, transfer of stock on, **15,** 171 n.
charity, registration in case of, **4,** 245 ; **15,** 122
subscription to, **15,** 170, 171
when a, **4,** 110, 119 ; **15,** 122
Charity Commissioners, exempt from jurisdiction of, **4,** 305 ; **15,** 122
cheque of, stamp duty on, **15,** 161 n.
Chief Registrar of, appointment and functions, **15,** 129, 130
disputes referred to, **15,** 176, 184
power to call special meeting, **15,** 158, 159
child, life policy of, **15,** 156
limit as to amount payable on, **15,** 155
meaning of term children, **15,** 124, 156
payment of money on death of, **15,** 185
claimant to benefits, statutory declaration of, **15,** 148
classes of, **15,** 121—129
clearance, not an acquittance or receipt, **9,** 725 n.
clerk of, when guilty of embezzlement, **15,** 186 n., 189
club, registration of, as a, **4,** 409
unregistered, resembles, **15,** 127
collecting books of, inspection of, **15,** 174 n.
collecting societies, as, **5,** 625 ; **15,** 128, 188. *See* COLLECTING SOCIETIES.
committee of management. *See* management, committee of, *infra*.
company, conversion into, **15,** 193—195
cancellation of registry on, **15,** 195
effect of, **15,** 195
mode of, **15,** 193, 194
objects of company, **15,** 193
transfer of members on, **15,** 157
contributions by, other societies, to, **15,** 171
contributions to, **15,** 131, 139, 151, 165
military service, by members in, **15,** 150
conversion into branch, **15,** 130, 195, 196, 203 n.
copyholds held by, admittance of tenants to, **15,** 169
limitations as to, **15,** 123 n. ; **17,** 20
mortgage of, discharge of, **15,** 167
corporation as members of, **15,** 142, 147

FRIENDLY SOCIETIES—*continued.*
corporation duty, exemption from, **4,** 207, 208 ; **15,** 162 ; **24,** 735
county court jurisdiction as to, **8,** 651—653
amalgamation, on, **8,** 652 ; **15,** 193
disputes, as to, **8,** 651, 652 ; **15,** 180, 181
officer in default, in case of, **8,** 651, 653 ; **15,** 143, 144
procedure in, **8,** 652
recovery of money, **8,** 651, 653 ; **15,** 156
court, meaning of, **15,** 133 n.
creditor, amalgamation or transfer right on, **15,** 193 n.
dissolution, in case of, **15,** 199
winding up, on, **15,** 202
criminal proceedings in case of, **15,** 146, 147, 186, 188—190
Crown, preference of, as against, **15,** 163
custodian trustees, as, **4,** 259
death, payments on, **15,** 124, 151—156
proof of, to, **15,** 151, 152, 154, 156
death certificate, cost of, **15,** 123 n., 152 n.
deposits with, **15,** 148
dispute in case of, **15,** 175—184.
defined, **15,** 176, 177
arbitration on, **15,** 179, 180
jurisdiction, county court, of, **8,** 651—653 ; **15,** 178, 180, 181
High Court, of, **8,** 652 ; **15,** 178—181, 183
justices, of, **15,** 176, 178, 182, 183
registrar, of, **15,** 176, 183, 184
rules, provision in, as to, **15,** 175, 176
dissolution of, **15,** 139, 185, 197—204
award of registrar, by, **15,** 130, 201, 202
bona vacantia arising on, **15,** 198
cancellation of registry, by, **15,** 203, 204
consent to, when necessary, **15,** 197
funds, disposal of, on, **15,** 198
instrument, by, **15,** 198—200
method of, **15,** 198, 199
suspension of registry, by, **15,** 203, 204
winding up by court, by, **15,** 202, 203
distress for rent, right of landlord as against officer of, **15,** 163
district, meaning of, **15,** 133 n.
dividends payable to, income tax in respect of, **15,** 161
dividing societies, registration of, **15,** 122 n.
rules affecting, **15,** 138, 139
unregistered, status of, **15,** 127 n.
doctor's qualifications for appointment, **15,** 142 ; **20,** 338
documents relating to, deposit of, in Central Office, **15,** 130
education, promotion of, by, **15,** 125 n.
embezzlement by clerk of, **15,** 186 n., 189
endowment of members by, **15,** 125
engagements, transfer of, statutory declaration as to, **15,** 192 n.
estate duty on nomination, **15,** 152
execution against officer of, priority in case of, **15,** 163
expulsion, branch, of, **15,** 157, 196, 197, 199 n.
member, of, **15,** 157, 180 n., 181 n.
fines and forfeitures, rules providing for, **15,** 138, 139, 156
forgery by treasurer of, **15,** 189
fraud, misapplication of property, in, **15,** 170
officers, of, prosecution for, **15,** 146, 147
registry, acknowledgment of, obtained by, **15,** 203

FRIENDLY SOCIETIES—*continued.*
funds, branch, of, secession or expulsion, on, **15,** 197, 199 n.
separate, **15,** 134
dissolution, on, **15,** 198, 199, 200 n.
improper division of, **15,** 126 n., 157
injunction as to, **15,** 126 n., 138, 145
insufficiency of, investigation on, **15,** 201
investment of, **15,** 167, 168
income tax in respect of, **15,** 161, 162
management committee, consent of, as to, **15,** 147
rules for, **15,** 138
securities authorised for, **15,** 167—169
transfer of stock by direction of registrar, **15,** 170
trustees, duty of, as to, **15,** 145
lending of, **15,** 165, 166
returns of, **15,** 168, 171
winding-up, on, **15,** 198
funeral expenses, child, of, **15,** 156 n.; **17,** 546 n.
disputes as to, **15,** 176, 181 n.
insurance for payment of, **15,** 124; **17,** 546 n.
payment of, by, **15,** 124, 154
gifts to, charitable purposes, for, **4,** 110
non-charitable purposes, for, **4,** 119
grand division, meaning of, **15,** 133 n.
guaranteeing of duties by officers and servants of, **15,** 125, 143 n.
history of, **15,** 121 n.
hospitals, subscriptions to, by, **15,** 170, 171
illegal purposes, for, cancellation or suspension of, **15,** 203
illegitimate member, death of, procedure in case of, **15,** 155
income tax, abatement to member on insurance policy, **16,** 670
exemption from, of, **4,** 210; **15,** 161, 162; **16,** 641
Schedule D, under, **15,** 162; **16,** 665
increment value duty, exemption from, of, **15,** 162
infant, contracts of, in connection with, **17,** 64
dissolution of society, position on, **15,** 198, 199
life insurance by, with, **17,** 548
member, as, **15,** 147; **17,** 59
officer, incapacity to be, **15,** 142
transfer of, **15,** 157
information, failure to furnish, **15,** 184, 185
false, giving, **15,** 185
injunction against
conversion into limited company, after, **15,** 194
disputes, to restrain decision of, **15,** 178
funds, dealings with, to restrain, **15,** 138, 145
illegal distribution of, to restrain, **15,** 126 n.
improvident rules, as to acts under, **15,** 138
wrongful expulsion of member, to restrain, **15,** 157
insanity, inclusion in term sickness, **15,** 124 n.
inspection, affairs, of, **15,** 174, 175
balance sheet, of, **15,** 174
books, of, members, by, **15,** 148, 174
rules as to, **15,** 138, 148, 174
inspector of, appointment of, **15,** 174 n.
authentication of documents signed by, **15,** 130
collecting society, **15,** 128
production of books, may demand, **15,** 175
insurance, abatement of income tax to member on policy of, **16,** 670
provisions relating to, **15,** 123 n., 124 156

FRIENDLY SOCIETIES—*continued.*
investigation into affairs of, **15,** 130, 139, 201
investment of funds. *See* funds, *supra.*
Isle of Man, in, **15,** 122 n.
member domiciled in, **15,** 155
trustee absent in, transfer of stock on, **15,** 171 n.
Jews, provisions as to, **15,** 124, 125 n.
juvenile branch, amalgamation of, with adult society, **15,** 193
dissolution of, **15,** 198, 199
consent to, **15,** 199
land held by, exemptions in respect of, **15,** 162
limitations as to, **15,** 123 n.
power as to, **4,** 138; **15,** 169
rules providing for, **15,** 139
trustees of, **15,** 145
land tax, exemption from, of, **15,** 162 n.
lease, grant of, to and by, **18,** 348
legacy duty, liability as to, **15,** 152
legal assistance to members by, **15,** 125 n.
legal proceedings by and against, **15,** 190. *See* actions, *supra.*
legitimate relations, limitation of benefits to, **15,** 124 n.
loan societies, establishment of, **15,** 165 n.
registration of, **15,** 127 n.
loans by, **15,** 139, 165—167
officer, to, preferential right in case of, **15,** 163
personal security, on, **15,** 165, 168
lodge, meaning of, **15,** 133 n.
management, committee of, duties of, **15,** 146, 147
liability of, for offences, **15,** 185
offences by, **15,** 147 n., 184
prosecutions by, **15,** 188
rules as to, **15,** 138, 143
mandamus, arbitrators, to appoint, **15,** 179
officer to convene meeting, to, **15,** 159 n.
registration of rules of, to enforce, **15,** 141 n.
marriage of members, effect of, on nomination, **15,** 154
married women members of, **15,** 147
medical officers of, appointment of, **15,** 142; **20,** 338
medical society, contribution by, to funds of, **15,** 171
meetings, chairman at
appointment of, **15,** 158 n.
casting vote of, **15,** 158 n.
decision of, **15,** 160
constable, power of, to enter, **15,** 160
majority, decision by, at, **15,** 160 n.
provisions as to, **15,** 158—160
rules providing for, **15,** 138, 139, 158
secret, constable's power to enter, **15,** 160
special, power of registrar to call, **15,** 158
member, age of, statutory provisions as to, **15,** 147
attachment against, **15,** 148
death of, payments on, **15,** 151—156
dissatisfied, remedy of, **15,** 193
embezzlement by, **15,** 189
expulsion of, **15,** 157, 197
county court jurisdiction as to, **15,** 180 n., 181 n.
false representations by, **15,** 186
forfeiture of benefits by, notice as to, **15,** 150
honorary, **15,** 147
winding-up, on, position of, **15,** 198
illegitimate, payment on death of, **15,** 155
infant as, **15,** 147; **17,** 59. *See* infant, *supra.*
intestacy of, distribution on, **14,** 192

References in thick type are to volumes; small type to pages.

FRIENDLY SOCIETIES—*continued.*
member—*continued.*
liabilities of, **15,** 156, 157
loans from or to, **15,** 164, 165, 168
married woman as, **15,** 147
number of, limits of, **15,** 147
provision as to, **15,** 131
old age pension, qualification for, **15,** 150
outdoor relief, right to, **15,** 149
pauper, rights of, **15,** 149
prosecution by, **15,** 188
rights of, **15,** 148—151
rules respecting, **15,** 138
sale by mortgagee society to, effect of, **15,** 167
subscriptions by, liability for, **15,** 156
suspension of, **15,** 180
termination of membership, **15,** 157, 158
Territorial Force, enlistment in, effect of, **25,** 79
transfer of membership, **15,** 157, 158
value of, how calculated, **15,** 198 n.
value of estate of, statutory declaration as to, **15,** 152
who may be, **15,** 147
withdrawal of, **15,** 157
membership of, **15,** 157, 158
condition of employment, validity of, **14,** 523
mental ailments, application of rules to, **15,** 124 n.
misappropriation, prosecutions for, by, **15,** 146, 147
money-lender, exemption from registration as, **15,** 167; **21,** 45
mortgage, borrowing on, **15,** 164, 165; **21,** 111, 112
discharge of, **15,** 166
copyhold, of, **15,** 167
Land Transfer Act, 1875, under, **15,** 167
receipt on, **15,** 123 n., 146
registered, of, **15,** 166
lending on, **15,** 166, 167; **21,** 111, 112
stamp duty on, **15,** 161, 166 n.
mutual benefit society, registration of, **15,** 127 n.
name of, change of, **15,** 135, 136, 160 n.
Chief Registrar, approval of, to, **15,** 130, 135
choice of, **15,** 135
provisions as to, **15,** 135
rules for, **15,** 138, 139
similar to that of existing society, effect of, **15,** 135, 136
use of, expelled or seceding branch, by, **15,** 196
wrongful, **15,** 185
National Health Insurance, powers in respect of, **28,** 972, 973
registration of society for, as, **28,** 941
nature of, **15,** 121—123
nomination. *See* NOMINATION.
nominator, death of, payment on, **15,** 154
poor relief, in receipt of, effect on payment to nominee, **15,** 154
notice, application, of, to Chief Registrar as to special meeting, **15,** 159
appointment and removal of trustees by, **15,** 144
cancellation or suspension, of, publication of, **15,** 203, 204
change of office, of, **15,** 136
dispute, of decision as to, **15,** 178 n.
dissolution, of, **15,** 198, 200, 202
failure to give necessary, **15,** 184
forfeiture of benefits, before, **15,** 150
meetings, of, **15,** 158, 159

FRIENDLY SOCIETIES—*continued.*
notice—*continued.*
secession, of, **15,** 197
transfer of membership, of, **15,** 157, 158
withdrawal of member of, what sufficient, **15,** 157
objects of, **15,** 123
offences in connection with, **15,** 184—190
office of, **15,** 136
change of, notice of, **15,** 136
place of, must be set forth in rules, **15,** 138
officers of, **15,** 142—147
defined, **2,** 216; **15,** 142 n., 163 n.
accounts of. *See* accounts, *supra.*
appointment of, **15,** 142—147
rules as to, **15,** 138, 143
bankruptcy of, **2,** 215, 216; **14,** 345; **15,** 162—164
priority of trustees on, **15,** 162, 163
conduct of, disputes, as to, **15,** 177
corporation cannot be appointed as, **15,** 142
death of, **15,** 162
abatement of proceedings on, **15,** 191
priority of trustees over creditors, **15,** 162, 163
representative, duty of, as to society property in his hands, **14,** 250
default of, **15,** 143, 144
defaulting, bankruptcy of, when in partnership, rights on, **15,** 164
deficiency of funds, *primâ facie* case, **15,** 186, 187
duties of, **15,** 173
embezzlement by, **15,** 189, 190
false representations by, **15,** 186
misapplication of property by, **15,** 186, 187
misappropriation of funds by, **15,** 177
nominee of member, cannot be, **15,** 405
persons included in expression, **15,** 142
proceedings against, **15,** 188—190
removal of, **15,** 144
abatement of proceedings on, **15,** 191
security by, **15,** 139, 143
ultra vires, acting, **15,** 188
wrong done by, liability for, **15,** 149
old age pension, qualification of member of, for, **15,** 150
outdoor relief to member of, **15,** 149, 150
payments by, stamp duties in connection with, **15,** 161
pension, right to, how determined, **15,** 148
policies of, assignment of, **4,** 395 n.; **7,** 501; **15,** 151
stamping of, **15,** 161; **17,** 516
political purposes, compulsory levies for, **15,** 171
power of attorney of, stamp duty on, **15,** 161
preferential right of, where not applicable, **15,** 163
privileges of, **15,** 161—164
proceedings by or against, how regulated, **15,** 190
promissory note, action by treasurer on, **15,** 191
property of, division of, on dissolution, **15,** 199
misapplication of, **15,** 170
provisions as to, **15,** 164—171
sale of, **15,** 169
vesting of, **15,** 169
amalgamation or transfer, on, **15,** 193
prosecutions by or against, **15,** 187—190
rates, exemption from, of, **15,** 162 n.
receipt of, stamp duty on, **15,** 161
registered, privileges of, **15,** 161—164
Registrar of, **15,** 130. *See* Chief Registrar, *supra.*

FRIENDLY SOCIETIES—*continued.*
registration of, **15,** 121—127, 129—134, 138
advantages of, **15,** 123
application for, **15,** 131, 133
cancellation of, **15,** 142, 195, 203, 204
Charitable Donations Registration Act, 1812, under, exemption from, **15,** 122
fees in connection with, **15,** 131 n., 136 n.
fraud, obtained by, **15,** 203
incapacity for, **15,** 126
limitations on, **15,** 126
literary or scientific society as, **19,** 197
mistake, through, **15,** 203
nature of societies capable of, **15,** 124, 125
place for, **15,** 132
refusal of, appeal against, **15,** 132
rules, illegal, preventing, **15,** 138
suspension of, **15,** 203, 204
working men's club as, **4,** 409, 410; **15,** 132, 133
registry of, constitution of, **15,** 129, 130
relief given by, **15,** 124
representation, when not required in case of deceased members, **14,** 192
returns of, annual, **15,** 173, 174
fine for failure to make, **15,** 185 n.
member, right to copy of, **15,** 148
registrar, duty of, as to, **15,** 130
rules for, **15,** 138, 139
verification by auditors, **15,** 146
benefits, as to, **15,** 171
failure to send, **15,** 184
false, making, **15,** 185, 187
funds of, deposited with National Debt Commissioners, **15,** 168
reversion duty, exemption from, of, **15,** 162
rules of, **15,** 137—142
alteration of, **15,** 123 n., 138, 139—142
acknowledgment by registrar, effect of, **15,** 141, 142
fee on registry of, **15,** 131 n.
persons aggrieved by, **15,** 180 n.
registration of, **15,** 132, 140—142, 196
appointment of officers, provision for, in, **15,** 143
collecting societies, of, provisions relating to, **15,** 139
construction of, dispute as to, **15,** 176
contents of, **15,** 138, 139
contract between society and its members to be found in, **15,** 137
copies of, false, giving, **15,** 186
supply of, to members, **15,** 137, 139, 148
damages for violation of, **15,** 149
disputes, as to, **15,** 175, 176
dissolution, provision for, in, **15,** 197
false statements as to, liability of persons making, **15,** 186
forms of, **15,** 138 n.
illegal, prevention of registration of society by, **15,** 138
loans to members, as to, **15,** 139
meetings, as to, **15,** 138, 139, 158. *See* meetings, *supra.*
model, for, **15,** 138 n.
recording of, effect of, **15,** 132
registration of, **15,** 130, 132, 138, 140 n.
restraint of trade, in, **15,** 138 n., 190
statutory provisions under Friendly Societies Act, 1896, relating to, **15,** 138
ultra vires, **15,** 137 n., 138
unregistered, of, enforcement of, **15,** 140, 141

FRIENDLY SOCIETIES—*continued.*
savings bank, deposits in, **1,** 576—578; **15,** 167, 179 n.
science, literature, and art, promotion of, by, **15,** 125 n.
Scotland, disputes, settlement of, in, **15,** 176 n.
registration in, of, **15,** 132 n.
resolutions in, of, **15,** 160 n.
secession of branches of, **15,** 196, 197
certificate of, **15,** 134
secretary of, appointment of, **15,** 142—146
duties of, **15,** 146, 160, 166
embezzlement by, **15,** 189
false pretences, obtaining money by, **15,** 189
removal of, **15,** 145
senate, meaning of, **15,** 133 n.
shipwreck, relief in case of, **15,** 124
shop clubs, certification of, **15,** 125 n.
sick pay, dispute as to, **15,** 176
costs of, **15,** 179
recovery of, **15,** 182 n.
sickness, relief during, by, **15,** 124, 171 n.
slate club as, **15,** 121
special resolutions of, **15,** 130, 135, 160, 161
amalgamation or transfer, as to, **15,** 192, 193, 194
registration of, **15,** 146, 160
specially authorised, **15,** 125, 126, 132
acknowledgment of registry of, fees payable on, **15,** 131 n.
form of, **15,** 132 n.
registration unnecessary in case of, **15,** 126
stamp duties, exemption from, in case of, **15,** 123 n., 161
statutory form, importance of adhering to, **15,** 166 n.
sub-division, meaning of, **15,** 133 n.
subscriptions, liability for, **15,** 156, 157
non-payment of, **15,** 138
other societies and institutions, to, **15,** 170, 171
rules providing for, **15,** 138, 156
summary jurisdiction, appeal to quarter sessions, **15,** 188
disputes, as to, **15,** 176, 178, 179, 182, 183
fines recoverable by, **15,** 156
officer in default, in case of, **15,** 143, 186
pauper members, rights of, as to, **15,** 149 n.
proceedings, **15,** 185—188
ultra vires conviction, setting aside of, **15,** 188
tent, meaning of, **15,** 133 n.
territorial force, dispute involving member of, how settled, **15,** 182
enlistment in, does not forfeit interest in, **25,** 79
rules penalising members of, invalid, **15,** 150
tools or implements of trade of members, insurance of, **15,** 125
trade union as, **27,** 599, 668, 669
treasurer of, appointment of, **15,** 142, 143, 146
bailee of society's funds, as, **15,** 146
bond of, neglect to obtain, effect, **15,** 163
corporation cannot be, **8,** 358
forgery by, **15,** 189
guarantor's liability for, **15,** 146
misappropriation by, **15,** 187 n., 189
removal of, **15,** 146
status of, **15,** 189
trustees ineligible for, **15,** 146
Treasury, amalgamation and transfer, consent to, when required, **15,** 192, 193
cancellation or suspension of registry, approval of, **15,** 203, 204 n.

References in thick type are to volumes; small type to pages.

FRIENDLY SOCIETIES—*continued.*
Treasury—*continued.*
disputes, reference of, to registrar with consent of, **15,** 184
inspector, appointment of, with approval of, **15,** 174
loan societies, establishment of, under authority of, **15,** 165 n.
meetings, power of registrar to call, with approval of, **15,** 158
registrars, appointment of, by, **15,** 129
specially authorised by, registration of, **15,** 125
valuation, powers as to, of, **15,** 172
trustees of, absence abroad of, transfer of stock in case of, **28,** 170
actions by or against, in name of society, **15,** 190, 191
admittance to copyhold, **15,** 169
appointment of, **15,** 142—145
bankruptcy of, **15,** 170
contempt of court by, **15,** 145
criminal proceedings by, **15,** 188
death of, **15,** 170
disqualification for, **15,** 142, 144
duties and liabilities of, **15,** 144, 145
funds, illegal division of, liability for, **15,** 126 n.
investment of, by, **15,** 167, 168
incapacity of, **15,** 170
legal proceedings by or against, **15,** 131, 134, 143—145, 191
misappropriation by, **15,** 189
powers of, as to lending money, **15,** 165, 166
removal of, **15,** 144, 170
undeveloped land duty, exemption from, of, **15,** 162
unemployment, assisting members during, **15,** 124, 125 n.
unregistered, *defined*, **15,** 127
action maintainable by, **15,** 127
amalgamation or transfer in case of, **15,** 192 n.
arbitration in case of dispute with, **15,** 179
Assurance Companies Act, 1909, exemption from, of, **15,** 164
club, resembles, **15,** 127
death allowances to relatives, payment of, **15,** 155
directors of, powers of, **15,** 148
disputes between members and, provision for determining, **15,** 178, 178 n.
dissolution of, **15,** 197, 198
when court will not restrain, **15,** 198
duties, exemption from, in case of, **15,** 162 n.
enactment applicable to, **15,** 121
illegality of, under Companies (Consolidation) Act, 1908, **15,** 127
member of, expulsion of, dispute as to, jurisdiction of justices, **15,** 183
papers, etc., of, failure of officer to deliver up, **15,** 187
payment by, without certificate, **15,** 152 n.
position of, **15,** 190
prosecutions by, **15,** 190
rules of, alteration of, provisions relating to, **15,** 140
status of, **15,** 127—129, 204
treasurer of, action against, by society, grounds, **15,** 190
forgery by, **15,** 189
winding up of, **15,** 202, 203
valuations, quinquennial, of, **15,** 130, 139, 171, 172
fees for, **15,** 172 n.

FRIENDLY SOCIETIES—*continued.*
valuer, appointment of, by, **15,** 171
voluntary subscriptions to, meaning of, **15,** 124 n.
winding up of, **15,** 139, 197, 198, 202, 203
working men's clubs as, **15,** 123, 125
workmen's compensation payable by, **15,** 126 n.
dispute as to, **15,** 177
scheme for, **15,** 131, 148
scheme for contracting out, **20,** 214, 215

FRIENDLY SOCIETIES ACTS,
application of, to what societies, **15,** 122, 123
assignment under, **7,** 501 ; **15,** 151
construction of, **15,** 175
criminal proceedings under, effect on common law remedy, **15,** 188, 189
offences against provisions of, **15,** 184, 185
rules under, in compliance with statutory provisions, **15,** 138, 139

FRIENDS OF LABOUR,
society of, objects of, **19,** 218

FRIVOLOUS AND VEXATIOUS PROCEEDINGS,
abroad, restraint of, English courts, in, **6,** 298, 299
abuse of process, court's power to prevent, **1,** 30 ; **14,** 177 ; **22,** 436 ; **23,** 157 n. ; **27,** 468 n.
bankrupt's action, in, **2,** 139, 258
contempt of court, punishable as, **7,** 294
costs of, charity matter, in case of, **4,** 354, 355
disallowance of, **26,** 805, 806
revising barrister, awarded by, **12,** 238, 239
criminal appeal, summary determination of, **9,** 441
defamation, action for, in case of, **18,** 677
pawnbroker, by, **22,** 258, 259
pleadings showing action to be, stay in case of, **22,** 436
restraint of person bringing, without leave of court, **27,** 491
stay of, **22,** 436
interlocutory application, on, **13,** 334
Probate Division, in, **14,** 177
writs of prevention against, **13,** 51

FRONTAGER,
appeal to Local Government Board by, **16,** 226, 227 ; **23,** 379, 380
highway declared unnecessary, notice before, to, **16,** 98
lighting of private street, liability for, **16,** 119
paving of new street, liability for, **16,** 202
paving of private street, apportionment of expenses of, **16,** 221, 222, 228—232
default in respect of, by, **16,** 221
liability for, **16,** 96, 220
notice before, to, **16,** 216, 217, 221
recovery of expenses of, **16,** 223—225, 234, 235
limit of time for, **27,** 154 n.
sewering of private street, non-liability for, **16,** 220
telegraph works, compensation in respect of, to, **27,** 382 n., 383 n.
notice before construction of, to, **27,** 363
temporary repairs to private street, liability for, **16,** 203
tramway, notice before construction of, to, **21,** 731 ; **27,** 783 n., 784 n.

FROST,
accident from neglect to sand road after, **27,** 801 n.
act of God, as, **7,** 429; **27,** 493 n.
bite, as accident within Workmen's Compensation Act, **20,** 161 n., 169 n.
charterparty, as exception in, **26,** 132
gas supply affected by, company's right to claim in case of, **15,** 342 n.
laying down sand, etc. after, provisions as to, **27,** 280, 285, 801 n.
water company's liability for bursting due to, **28,** 311 n.

FROZEN MEAT,
shipowner's duty on carriage of, **26,** 189

FRUCTUS INDUSTRIALES,
not an interest in land within Statute of Frauds, **1,** 293

FRUIT,
defined, **18,** 431 n. *See* FOOD.
cargo of, master's duty during voyage with, **26,** 225
carriage of, liability of carrier, **4,** 10
condemnation of, as food, **15,** 42
crops of. *See* CROPS.
destruction of, criminal offence, as, **9,** 782
distress upon, exemption from, **11,** 138
dried, customs duties on, **24,** 597
inspection and examination of, **15,** 37
larceny of, **9,** 637
London trade usages as to, **10,** 280
overhanging, possession of, **1,** 528; **3,** 127
pickers, bye-laws as to lodgings of, **1,** 277; **23,** 516
plantations, exemptions from extraordinary tithe rentcharge in respect of, **18,** 312
preserving, women and young persons employed in, regulations as to, **14,** 506
trees, allotment of, under Inclosure Act, **4,** 580
exception of trees from release does not extend to, **18,** 431

FRUITERER,
restrictive covenant as to business of, **27,** 586

FUEL ALLOTMENT,
defined, **1,** 333
Charity Commissioners, jurisdiction of, over, **1,** 335
power of, exchange, to, **1,** 335; **4,** 233
use for other purposes, to, **1,** 334; **4,** 596, 597
creation of, **1,** 333
duties of allottees, **1,** 334
exchange of, allottees, by, **1,** 335
inclosure, on, regulations as to, **4,** 595—597
letting, terms and conditions of, **1,** 334
management of, **1,** 333
objects of, **1,** 334
occupiers, who are deemed, for purposes of, **1,** 334
rates and taxes, payment of, by allottees, **1,** 334
rents of, application of, **1,** 334
unlet, **1,** 334
use of, diversion of, for other purposes forbidden, **1,** 334, 335
who may rent, **1,** 334

FUGITIVE OFFENDER. *See also* EXTRADITION.
The title EXTRADITION AND FUGITIVE OFFENDERS *is contained in Vol. XIV., pp.* 403 *et seq. Only fugitive offenders from different parts of the British Dominions are dealt with here. For fugitive offenders from foreign countries, see* EXTRADITION.
bail, powers of admitting to, **14,** 414, 430
British possessions, acquittal or non-prosecution of prisoner returned to, **14,** 430
adjoining, offence in one of, rules as to jurisdiction, **14,** 424
application of Act of 1881 to, **10,** 562 n.; **14,** 419—430
custody in one part of, for offence triable in another part, **14,** 425
surrender of, between different portions of, **10,** 562—564; **14,** 419—428
Channel Islands, application of Act of 1881 to, **14,** 421
colonies, in, **10,** 529, 530, 562 n.; **14,** 419 n., 420
committal of, to await return, in what cases, **14,** 426
conveyance of, practice relating to, **14,** 423
discharge of, committal, after, **14,** 427, 428
order for, when made, **14,** 428
escaped, recapture of, **14,** 423, 424
trial, where may take place, **14,** 424
evidence against, how taken, **14,** 426, 427
nature of, **14,** 426
false depositions, place of trial for offence of, **14,** 425
habeas corpus, application for, practice as to, **10,** 51; **14,** 427
Home Secretary, powers of, under Act of 1881, **7,** 84
intercolonial cases, backing of warrants, **14,** 428
discharge of, by magistrate, either absolutely or on bail, **14,** 430
order for return of, after expiration of given time, **14,** 430
effect of non-compliance with, **14,** 430
provisional warrant for arrest, issue of, **14,** 429
return free of charge, if not prosecuted for six months or acquitted, **14,** 430
witness, issue of summons for, by one magistrate, indorsement by another, in what cases, **14,** 429
Ireland, Lord Lieutenant of, powers of, **14,** 428
Isle of Man, application of Act of 1881 to, **14,** 421
journey, offence committed on, where triable, **14,** 424, 425
magistrate, duty of, on committing, to notify proper authority, **14,** 427
power of, as to bail of, **14,** 430
offences to which Act of 1881 applies, **14,** 421
Orders in Council, Act of 1881, under, **14,** 419, 420
incorporation of local ordinance under Act of 1881, **14,** 420
persons to whom Act of 1881 applies, **14,** 421
places outside British dominions, application of Act of 1881 to, **14,** 420
provisional warrant, duties of magistrate issuing, **14,** 423
issue of, **14,** 423, 429
under, remand of, **14,** 424
what is a, **14,** 423
who may issue a, **14,** 423

FUGITIVE OFFENDER—*continued.*
punishment of, provisions of Courts (Colonial) Jurisdiction Act, **14,** 425
requisition for surrender of, **10,** 529
return of, non-prosecution for six months or acquittal, on, **14,** 428
search warrant, issue of, powers of court issuing warrant of arrest as to, **14,** 422
shipmaster's liability in respect of, **14,** 423
surrender of, after committal to prison, procedure as to, **14,** 427
British possession, in, requisition for, **10,** 529
time for, after committal, **14,** 427
trial of, evidence on, **14,** 426
place of, **14,** 425
procedure relating to, **14,** 424
provisions of Act of 1881 as to, **14,** 425
where offence committed on a journey, **14,** 424, 425
warrant, indorsement of, **14,** 421
how effected, **14,** 421, 422
who may indorse, **14,** 421
issue of, **14,** 421
in one part of British possessions, indorsement in other part, **14,** 422
witnesses, conveyance of, to any part of British possessions, **14,** 423

FULL AGE,
defined, **17,** 43, 44
attainment of, **17,** 44
acceptance of gift voidable by infant on, **17,** 76
alienation of property voidable by infant on, **17,** 79
apprentice's right to dissolve indentures on, **20,** 103
continuation of service after, effect of, **17,** 73
during proceedings, effect of, **17,** 137, 138, 143
enforcement of contract made by infant, **17,** 67
foreclosure decree, time to show cause against, **17,** 143
guardian managing property liable to account, **17,** 132
infant co-plaintiff's right on, **17,** 138
infant partner's rights on, **17,** 53; **22,** 19
lease by guardian until, **17,** 132
release without independent advice on, setting aside of, **17,** 49 n.
repudiation of acts on, **17,** 53, 76, 138; **25,** 312
resettlement of property on, **25,** 690, 691
competence of person of, **17,** 43
franchise qualification, required for, **12,** 139, 182, 188; **17,** 47, 48
infant, action by, before reaching, **17,** 62
not barred by acquiescence or laches if he does not represent himself to be of, **17,** 62
misrepresentation as to, **17,** 66, 73; **22,** 20; **27,** 891
municipal voting, for, **12,** 182
ratification of contract after, effect, **17,** 65, 102
settlement on child attaining, **25,** 593, 627 n.; **28,** 800 n., 801, 806—809, 814, 815, 820
Sovereign, attainment by, **6,** 375, 376; **17,** 44

FULL PROTECTION POLICY,
effect of, as to protection of owner, **17,** 442

FULL SITE VALUE,
how arrived at, **24,** 551

FULL SPEED ASTERN,
nature of order, **26,** 457

FULLY PAID UP SHARES,
position of holder of, in winding up, **5,** 487

FULMINATE,
defined, **14,** 361
classifications of, **14,** 362 n.

FUMES,
accidental escape of, **21,** 561 n.
alkali works, of gases from, **23,** 404—411. *See also* ALKALI WORK.
commercial operations, from, **21,** 533
easement for discharge of, **11,** 240 n., 327
evidence of action of, effect of, **13,** 452
injury to property by, **21,** 525
misdemeanour by emission of, **21,** 534, 535
noxious, instances of, **21,** 529 n., 533
nuisance by escape of, **21,** 529, 530
nuisance, as a, **21,** 528, 529, 532—535
no defence that fumes arise from other trades in locality, **21,** 529, 530
offensive trades, caused by, **21,** 534, 535
pollution of air by, **21,** 532, 533
acquisition of right to pollute air by, **11,** 327
reversioner, causing injury to property of, **21,** 551 n.
tar works, from, **23,** 406

FUNCTUS OFFICIO,
arbitrator may correct clerical errors, although, **1,** 470
chairman of parish meeting as, **12,** 386
returning officer as, **12,** 275 n.

FUND. *See also* MONEY; PROPERTY.
administration action, for payment of costs in, **14,** 350
annuity, direction or power in will to set apart, for, **24,** 480, 481, 492, 493
appointment of, under general power, what will amount to, **23,** 30
blended, **28,** 600
borough, of. *See* BOROUGH FUND.
building society, of, following, **3,** 379
investment of, **3,** 347—380
rules as to, **3,** 331
surplus, application of, **3,** 378—380
unincorporated society, in case of, **3,** 347
charge on, how far an equitable assignment, **13,** 103
charitable, investment of, **4,** 236—242. *See* CHARITY.
official trustee of, **4,** 280, 281; **12,** 13 n.
transfer to official trustee, **4,** 275
charity, of, adjustment between Charity Commissioners and Board of Education, **4,** 318; **12,** 13 n.
county, **19,** 358, 359
court, in. *See* FUND IN COURT.
equitable
assignment of, how effected, **13,** 103
interest in, is chose in action, **4,** 364
friendly society, of. *See* FRIENDLY SOCIETY.
General Lighthouse Fund, charges on, **26,** 633, 634
constitution of, **26,** 633
industrial and provident society, of, investment, rules as to, **17,** 21
nomination of property, **17,** 18

FUND—*continued.*
injunction restraining dealings with, **17,** 212
interest in, preserved by appointment of receiver or injunction, **24,** 351
local education authority, of, borrowing on security of, **12,** 51
what constitutes, **12,** 47
Mercantile Marine Fund, abolition of, **26,** 632, 633
mixed. *See* MIXED FUND.
National Gallery, of, control of, **19,** 214
payment out of particular, order for, not good bill of exchange, **2,** 470
power, construction of appointment under limited, **23,** 54
Stock Exchange, client's failure to provide, effect of, **27,** 250
trade union, of. *See* TRADE UNION.
trust, of. *See* TRUST PROPERTY.

FUND IN COURT,
administration, payment without grant of, **14,** 193
charges on, priority of, **21,** 340
charging order on, **14,** 101—113
notice to Paymaster-General, effect of, **14,** 109
receiver, no priority obtained by appointment of, **14,** 109
charitable, application as to investment of, **4,** 337
charity, of, **4,** 242, 337. *See* CHARITY.
chose in action, as, **4,** 363
county court, in, applications respecting, **8,** 481
custody of, **8,** 419
estate duty on, **8,** 500
examination of married woman interested in, **8,** 499
investment of, **8,** 499
payment out, **8,** 497
relatives of deceased intestate, to, **8,** 500
petitions respecting, **8,** 481
re-investment of dividends, **8,** 499
creditor, right of, in administration action, **14,** 279
equitable assignment of, equities available against assignee, **4,** 388, 389
notice of, by stop order, **4,** 384
estate duty, payment of, **8,** 500; **13,** 223 n., 225 n., 255 n.
executor's right of retainer against, **13,** 37; **14,** 257
income in respect of, payment of, **28,** 179
lunatic, of, **14,** 104; **19,** 440, 459.
payment out of court of. *See* PAYMENT OUT OF COURT.
receiver, costs of, payable out of, **24,** 409
separate account, carried to, creditor's right in administration action, **14,** 279
title of assignee, **13,** 104 n.
stop order on, application for, **14,** 110, 111
assignment, when necessary for, **4,** 384
charging order with notice to Paymaster-General, effect of, **14,** 110 n.
costs of obtaining, how payable, **14,** 113
effect of, **4,** 384; **21,** 340; **28,** 44
priority obtained by, **4,** 384; **13,** 103 n.; **14,** 110; **21,** 340; **28,** 44
second incumbrancer without notice, obtained by, **13,** 103 n.
tenant in tail, payment to, disentail necessary for, **13,** 114

FUNDED DEBT,
how made up, **24,** 755, 756

FUNERAL. *See also* BURIAL.
expenses of, **3,** 406, 407. *See* FUNERAL EXPENSES.
religious services at, protection of, **11,** 369
representative, duty of, to see to the, **14,** 240

FUNERAL EXPENSES,
administration action, in, **2,** 98
bastard, of, order on affiliation proceedings for payment of, **2,** 449, 450
drowned persons, of, **3,** 547, 548, 549
estate duty, reasonable allowance against, **13,** 210
executor, liability of, for, **3,** 406; **14,** 240, 241
friendly society, application to, for funeral expenses of child, **15,** 156 n.
collecting society, insurance by, **15,** 129; **17,** 546 n.
insurance by, of, **17,** 546 n.
payment by, of, **15,** 124, 154
husband, liability of, for wife's, **3,** 407; **16,** 320
infant, of, liability for, **3,** 407; **16,** 321; **17,** 68
infant's relative, of, as a necessary, **16,** 320; **17,** 68
infectious diseases, of persons dying from, **3,** 549, 551, 552
insolvent estate, in case of, **2,** 98; **3,** 406; **14,** 240, 345
isolation hospital patient, in case of, **23,** 443
liability for, **3,** 406, 407
mourning, furnishing of, to family is not, **14,** 240
necessaries, as, **16,** 320, 321; **17,** 68
negligence, person killed by, no recovery of, from person liable, **3,** 407; **21,** 455
parochial relief, by way of, **12,** 143 n.
pauper, of. *See* poor person, *infra.*
personal estate, liability of, for, **13,** 37
poor person, of, amount, **3,** 546
constructive situation of place of death, **3,** 541, 542
lunatic, in case of, **3,** 542, 545; **19,** 482 n.
parish of origin, when borne by, **3,** 541, 542
payment of fees by guardians, **3,** 542, 544
non-resident paupers, in case of, **3,** 542
poor law officers not to derive profit from, **3,** 543
reimbursement out of deceased's assets, **3,** 542
preferential claim for, bankruptcy, in, **2,** 98, 217; **14,** 345
priority of, over all other charges, **14,** 240
probate duty, reasonable allowance against, **13,** 313, 314
seaman, of, rules as to recovery of, **20,** 159
third party, order for funeral by, **14,** 240, 241
widow, liability of, for husband's, **3,** 407; **16,** 320, 321
wife, of, husband's liability for, **3,** 407; **14,** 240 n.
where she leaves separate property, **16,** 320
woman separated from husband, of, **7,** 468; **16,** 320
Workmen's Compensation Act, under, allowance to partial dependants, **20,** 199 n.
recovery of, **20,** 185 n., 199 n.
shipowner's liability to pay, **20,** 159

FUNGIBLES. *See* CONSUMABLES; QUÆ USU CONSUMUNTUR.
defined, **1,** 542

FUNGUS,
destruction to crops, by, prevention of importation of, **1,** 280

FURIOUS DRIVING. *See also* DRIVING; RECKLESS.
causing grevious bodily harm, **9,** 605; **27,** 277, 278
hackney carriage or omnibus, of, **27,** 301
riding or, offences of, **27,** 277, 278, 283

FURNACE,
bye-laws as to chimney shafts for, **23,** 421
construction of, regulations as to, **20,** 484
shafts and floors, London Building Acts, under, **20,** 484
land tax chargeable upon, **18,** 308
smoke from. *See* SMOKE.
abatement of nuisance, **21,** 542—544

FURNISHED HOUSE,
condition implied as to fitness for habitation, **18,** 569, 570
distress for rent of, **18,** 466 n.
inhabited house duty, apportionment of rent for assessing, **17,** 189
chargeable to, **17,** 189
lease of, **18,** 569
rateability of unoccupied, **24,** 6, 7
tenant's right to alter position of furniture in, **18,** 570
warranty in case of lease of, **18,** 570

FURNITURE,
assets, as, local situation of, **13,** 309
bequest of, what included in, **28,** 711
bill of sale of, personal chattels, as, **3,** 22
reputed ownership, doctrine of, **3,** 60
specific description in, **3,** 27 n., 28
books as, **28,** 711 n.
church, in, illegal, faculty as to, **11,** 545
damage to, in removal during fire, covered by policy, **17,** 531
fixtures and fittings up, not included in, **25,** 706 n.
furnished house, in, right of tenant in regard to, **18,** 570
gift of, **15,** 429 n.
house, with, and all other effects, effect of, **28,** 700, 701
husband, by, essentials in, **16,** 393 n.
when presumed, **16,** 395, 396
goods include, Distress Amendment Act, 1908, under, **11,** 146 n.
hire-purchase agreement, trade usage as to, **10,** 282. *See also* HIRE-PURCHASE AGREEMENT.
household, *defined*, **28,** 711
bill of sale of, description in, **3,** 27 n.
effect of, **3,** 60
passenger's luggage, not included in, **4,** 41
reputed ownership of, **3,** 60
will, construction of words in, **28,** 711
lease of, stamp on, **18,** 399, 400; **24,** 710 n.
marine insurance in respect of, deductions in, **17,** 510
married woman's life interest in, appointment of receiver in respect of, **14,** 120 n.
mortgage of, effect of distress on, **15,** 567 n.
rateability of employer leaving caretaker in charge of, **24,** 11 n.
receiver may be appointed of, **24,** 365
removal of, at night, police powers in Metropolitan Police District, **11,** 192; **27,** 289
fraudulent, to avoid distress, effect, **11,** 156
remover, whether a common carrier, **4,** 4
sale of, stamp on contract for, **18,** 400

FURNITURE—*continued.*
salvage claim in respect of H.M. ships, **1,** 75
settlement of, powers and duties of trustees as to, **25,** 687
ship, of. *See* EQUIPMENT.
tenant for life, duty of, as to insurance of, **25,** 614 n.
time policy of marine insurance, meaning of furniture in, **17,** 364 n.
trade usages as to, **10,** 282
hotel keepers and boarding house keepers, in case of, **2,** 180 n.; **10,** 274, 275
warehoused in depository, privilege from distress, **11,** 136 n.
wife, of, not in the apparent possession of husband for purpose of Bills of Sale Act, **16,** 393 n.
wills, in, meaning of, **28,** 710, 711

FURS,
liability of carrier for loss of, **4,** 23, 24
manufacture, of, materials and tools, wrongful dealing with, **20,** 127, 128
trade usages, as to, **10,** 282

FURTHER ADVANCE,
banker, by, notice of assignment, after, **1,** 632
bill of sale for, **3,** 32, 58
stamp on, **3,** 77
equitable mortgage by deposit, on, **13,** 92 n.; **17,** 563; **21,** 81
guarantee, in case of, **1,** 640
mortgage to cover, duty chargeable on, **21,** 136, 137
parol agreement for, **13,** 92 n.
registration of, Middlesex, in, **21,** 336
Yorkshire, in, **21,** 337, 338
tacking in case of, **21,** 332, 333
priority after notice of second mortgage, **13,** 84; **21,** 333

FURTHER AND BETTER PARTICULARS,
power of court to order, **22,** 428
when ordered, **22,** 453

FURTHER ASSURANCE, COVENANT FOR,
action for breach of, **25,** 467 n., 468, 469
after-acquired estate, conveyance of, **25,** 468
breach of, measure of damages for, **25,** 468
what amounts to, **25,** 467
construction of, **15,** 426
conveyance of land, usual covenant in, **25,** 462, 463
effect of giving, assignment of chose in action, on, **4,** 370
estate conveyed under, not greater than original grant, **25,** 468
gift, effect on liability of property not comprised in, **15,** 426
grant of superfluous land, implied in, **10,** 481
implied under Conveyancing Act, 1881, **10,** 484
legacy duty, assignor not bound to indemnify against, **13,** 257 n.
mortgage, in, **21,** 123
remedy of purchaser on, **25,** 468
settlements, in, **25,** 529
specific performance of, **25,** 46
vendor, costs of, **25,** 467
liability of, **25,** 467, 468

FURTHER CHARGE. *See also* FURTHER ADVANCE.
in mortgage, duty chargeable on, **21,** 136. *See* MORTGAGE.

FURTHER DIRECTIONS,
officers of the county court, to, **8,** 507

FURTHER REPORT,
official receiver, of, **5,** 429, 430

FUSES,
ammunition, included in definition of, **14,** 363
classification for purposes of Explosives Act, **14,** 362 n.
explosive, included in definition of, **14,** 357
safety, *defined*, **14,** 362 n.
factory of, storage of gunpowder for use of, **14,** 374
importation, licence not required for, **14,** 382, 383
keeping of, no licence or registration required for, **14,** 364
manufacture of, **14,** 364 n.
packing for conveyance, exemption from rules for, **14,** 383
police certificate not required for keeping, **14,** 379, 380
private use, keeping for, **14,** 379 n.
sale of, exemption from certain restrictions, **14,** 364 n., 381

FUSTIAN,
cutting works, meaning of, **14,** 439
manufacture, materials and tools in, wrongful dealing with, **20,** 127, 128

FUTURE. *See also* IN FUTURO.
advance. *See* FURTHER ADVANCE.
assignment to secure, when not an act of bankruptcy, **2,** 17, 18
security may be given for, **21,** 224, 225
assets, judgment against, **14,** 331. *See* AFTER-ACQUIRED PROPERTY; ASSETS.
calls, mortgage of, **5,** 342, 343
debt, assignment of, **4,** 368, 375, 376
partial assignment of, **4,** 370
proof for, in winding up, **5,** 508
security for, as bill of sale, **3,** 11
earnings, receiver appointed in respect of, **24,** 366
estate in land. *See also* ESTATES IN LAND.
alienation of, **24,** 289
deed required for alienation of, **10,** 369
limitation of actions in regard to, **19,** 116—121. *See* LIMITATION OF ACTIONS FOR RECOVERY OF LAND.
nature of, **24,** 160 n.
determined by the event, **24,** 236
rules as to creation of, **24,** 231
two independent events, given on, effect of illegality of one, **24,** 237
gift, charities, in case of, **4,** 157, 158
unborn illegitimate children, to, invalidity of, **28,** 738
when failing on death of legatee, **28,** 612
goods, *defined*, **25,** 120
agreement to make, no property passes by, **27,** 901 n.
appropriation on sale of, when effected, **25,** 168, 170, 171

FUTURE—*continued.*
goods—*continued.*
assignment of, **22,** 316
rule against perpetuities does not apply to, **22;** 316
sale of, agreement for sale operates as, **22,** 316; **25,** 145
seller's power to contract to sell, **25,** 120
subject-matter of contract for sale, as, **25,** 144
wagering, sale must not savour of, **25,** 144
injury, compensation for, **6,** 40, 41
instalments, proof in bankruptcy for, by building society, **3,** 370
interest, creation by will of, **28,** 526. *See also* EXECUTORY INTEREST.
land, in. *See* estate in land, *supra.*
quia timet action to secure, **13,** 52
lease, creation of *interesse termini* by, **18,** 405, 406
reversion and right to distrain under present lease, **18,** 405
rule against perpetuities, effect of, on an agreement for, **18,** 405 n.
unexpired term, no aggregation for compensation with, **18,** 406 n.
power, testator cannot by will create for himself, **28,** 636, 637

GABEL,
distress for, **11,** 119

GAIN. *See also* PROFIT.
club for purpose of, **4,** 406
companies for, meaning of, **5,** 45
partnership must exist for, **22,** 3, 4

GALE,
defined, **20,** 646
area of, **20,** 647
galeage rents and royalties, **20,** 648
galee, duty of, **20,** 649
grant of, **20,** 646
enrolment necessary, **20,** 647
surrender of, procedure on, **20,** 650
transfer of, method of, **20,** 647, 648

GALE AT SEA. *See also* STORM.
rules of good seamanship in, **26,** 495

GALLERY,
public, injury to articles in, **9,** 787

GALLON,
as basis of measure of capacity, **28,** 468, 469
mode of using as a measure, **28,** 469

GAMBIA,
courts of, **10,** 555
Government of, **10,** 503 n.
protectorate of, **10,** 521

GAMBLING. *See* GAMING.

GAME.
The title GAME *is contained in Vol. XV., pp.* 207 *et seq.*
defined, Agricultural Holdings Act, by, **1,** 278
Game Act, 1831, by, **15,** 208, 230 n., 231 n., 233 n., 242, 258
Game Laws Amendment (Scotland) Act, 1877, by, **15,** 208 n.
Game Licences Act, 1860, by, **15,** 241 n., 247

GAME—*continued.*
defined—continued.
Game Trespass Act (Ireland), 1864, by, **15,** 208 n.
Night Poaching Act, 1828, by, **15,** 244 n.
Poaching Prevention Act, by, **15,** 209, 236
Act, 1831, object and extent of, **15,** 208, 209
royal forests, rights in, **7,** 188
Agricultural Holdings Act, 1908, rights under, **15,** 221. *See* AGRICULTURAL HOLDING.
agricultural tenant, rights of, to, **15,** 216, 220—225
where sporting rights reserved, **15,** 221
bait, use of, for animal traps, **15,** 227
barbed wire, use of, **15,** 227
birds, **15,** 208
eggs of, **15,** 209, 214. *See* eggs, *infra.*
kept in a mew or breeding place during close season, **15,** 262
unlawful possession of, **15,** 262
unlawful sale of, **15,** 261
wild, as, **15,** 209
bona vacantia, as, **15,** 212
captivity, in, larceny of, **15,** 213, 239
power of gamekeeper to arrest in case of, **15,** 244
carrier, possession by, **15,** 237 n.
innocent, as statutory offence, **27,** 178 n.
chase, franchise with respect to, **15,** 212, 215. *See* FREE CHASE.
Christmas Day, killing or taking, on, offence of, **15,** 209
claim of right as to, **15,** 231
close season for, **15,** 209—211
killing during, **15,** 261
possession during, **15,** 259
purchase or sale during, **15,** 259, 260
rabbits and deer, as to, **15,** 210
common, on, rights of owner of the soil, **4,** 501, 502, 515, 516; **15,** 221
conviction, Game Act, under, appeal from, **15,** 238
certiorari does not lie to remove, **15,** 238
Crown, rights of, in, **15,** 211, 214
wastes of, right to, on, **7,** 189
Crown manors, in, right of lord or steward to, **7,** 189
damage by, adjoining owner, liability of owner to, **1,** 277
compensation to tenant for, **1,** 278; **15,** 218, 224, 225
damages against shooting tenant for, **15,** 218 n.
landlord's right of indemnity for, **1,** 278; **15,** 225
dealer in. *See* GAME DEALER.
deer, **15,** 262. *See* DEER.
distress *damage feasant* of, **15,** 228
dog, sporting, licence for, **15,** 253, 254. *See* DOG.
eggs of game birds, possession of, unlawful, **15,** 260
receiving stolen, **15,** 260
right of property in, **15,** 214
subjects of larceny, as, **15,** 214, 239
unlawful seizure of, detinue for, **15,** 238 n.
unlawfully taking from land, **15,** 238 n.
engine for killing, meaning of, **15,** 209 n.
enticing away of, **15,** 226
firearms by night, use of, for killing, **15,** 210, 211
franchise of, in grant of Crown, **15,** 214, 215
frightening away, actionable, **15,** 226
Game Laws, application of term, **15,** 208
gathering bird or beast falling on neighbour's land, **15,** 229

GAME—*continued.*
ground, *defined*, **15,** 209. *See* GROUND GAME.
gun licence, **15,** 251—253. *See* GUN.
hares and leverets, unlawful sale or exposure for sale of, **15,** 260
holder of beer licence not permitted to deal in, **15,** 255
hunting, liberty of, not necessarily included in lease, **15,** 218
what is, **15,** 218 n.
inspection and examination of, **15,** 37
instruments for taking, being on land with, **15,** 233, 234
keeper of. *See* GAMEKEEPER.
keeping down, agreement as to, **1,** 277
kill and carry away, right to, nature of, **15,** 219
killed, property in, nature of, **15,** 212, 213
when pursued on to ground where killed, **15,** 213
landlord, Agricultural Holdings Act, under, liability of, **15,** 224
Ground Game Act, under, covenant by, not to use his rights unfairly, **27,** 847 n.
poison, exemption from provisions against use of, **15,** 211
reservation of game rights by, **15,** 216—219, 221 n.; **18,** 433
right of, when right to game vested in another, **15,** 225
larceny of, **15,** 212, 213, 229 n., 239
receiving in case of, **15,** 260
lease of sporting rights, how affecting, **15,** 218, 219, 220; **18,** 575
settled land, in case of, power to grant, **25,** 653 n.
licence, deal in. *See* GAME DEALER.
kill, take, etc. *See* GAME LICENCE.
killing without, penalty for, **15,** 242 n., 243 n.
manor, in, lord of manor, rights of, **4,** 501
waste lands, in, **15,** 215
night, by, use of firearms, to kill, **15,** 210. *See* POACHING.
occupier of land, remedies of, against trespassers, **15,** 228
rights of, to, **15,** 216, 217, 236; **18,** 433
offences as to, **9,** 793; **15,** 228—239
owner of land, non-occupying, right of, to, **15,** 217—219
occupying, right of, to, **15,** 217—219
poaching, right to prevent, **15,** 236
persons having rights over, **15,** 216—225
pigeons, tame, protection of, **15,** 213, 214
poaching, **15,** 228—235. *See* POACHING.
poison, destruction by, **1,** 284; **15,** 211, 227
police, statutory powers of, as to, **22,** 503
possession of, during close season, penalty for, **15,** 259, 260, 262
private rights over, **15,** 211—225
privileged places, in, rights to, **15,** 211, 212, 214—216
property in, agricultural tenant, of, **15,** 220—225
bird shot, **15,** 229
eggs of game birds, **15,** 214
hunter, pursued and killed by, **15,** 213
nature and extent of, **15,** 211—214
non-occupying owner, of, **15,** 217—219
occupying owner, of, **15,** 216
privileged places, in, **15,** 214, 215
reduced into possession, **15,** 212
shooting tenant, of, **15,** 219, 220
protection of, by the State, **15,** 217

GAME—*continued.*
remedies, civil, for infringement of rights as to, **15,** 225—228
criminal, for infringement of rights as to, **15,** 228—239
reservation of, landlord, by, **15,** 216—219, 221 n.
duties of landlord and tenant, **18,** 433, 434
lessee, rights of, in, **18,** 433
occupier of land, by, **15,** 231
verbal letting of land, on, **18,** 575
rights as to, infringement of, without entry on land, when committed, **15,** 226
sale, confiscated game, of, licence not necessary for, **15,** 238 n.
of, licence for. *See* GAME DEALER.
scaring away of, **15,** 226
search, power of, in case of offenders, **15,** 236—238
shooting tenant, liability to tenant, **15,** 218 n.; **18,** 434
remedies against trespasser, **15,** 228
rights of, **15,** 216, 217, 219, 220, 250 n.
snare, what is a, **15,** 209 n.
sporting rights, reservation of, **15,** 217—219; **18,** 433
waste of manor, over, **15,** 215
spring guns, man-traps etc., use of, by, **15,** 227
State preservation of, **15,** 209—211
summary jurisdiction of courts as to, **9,** 78
conviction, appeal from, **15,** 238
dealing, in regard to, **15,** 256 n., 257, 259
larceny and unlawful possession, **15,** 239
taking or killing without licence, **15,** 246—248
time limit for prosecution, **15,** 235
using firearms by night to kill, **15,** 210, 211
Sunday, killing or taking, on, offence of, **15,** 209
taking, meaning of expression, as applied to, **15,** 209 n., 239; **24,** 694 n.
tenant, compensation to. *See* damage by, *supra.*
rights and duties of, when game reserved, **18,** 433
trespass, civil action for, **15,** 212, 213, 225
in pursuit of, **15,** 228—239. *See* POACHING.
in relation to, **15,** 225—227

GAME DEALER,
agent of, sale by, **15,** 256
beer retailer may not hold licence as, **15,** 255
carrier may not hold licence as, **15,** 255
close season, possession of game during, offence of, **15,** 259, 260; **24,** 657
cold storage of game by, **15,** 259 n.
company as, **15,** 256
eggs of game birds, possession of, by, **15,** 260, 261
hares, purchase by, from occupier of land, **24,** 657
hares or leverets not to be sold during a certain period, **15,** 260
innkeeper may not hold licence as, **15,** 255
licence of, animals and birds for which required, **15,** 258, 259
excise, **15,** 254, 255, 257, 258; **24,** 656
county council's power to levy duty on, **24,** 684, 694
form of, **15,** 257
general scope of, **15,** 258
issue of, **15,** 257
term of, granted to, **24,** 656
forfeiture of, for certain offences, **15,** 258, 261
form of, **15,** 255, 257
how obtained, **15,** 255
importing foreign game, necessary for, **15,** 258, 259

GAME DEALER—*continued.*
licence of—*continued.*
local council, of, required for each shop or stall, **15,** 258
London, City of, in, **20,** 426
penalty for dealing without, **15,** 257; **24,** 657
provisions of, **15,** 256
rabbits, not required in case of, **15,** 258
register of, **15,** 258
who may not hold, as, **15,** 255
licensed, liability of, **15,** 260, 261
hares, as to sale of, **15,** 210, 260
registration of, **15,** 258
offences by, **15,** 261
partnership, licences in case of, **15,** 256; **24,** 657
purchases by, from whom, **15,** 256, 257; **24,** 657
selling without licence, **15,** 261
stolen game, receiving, **15,** 260
tame animals, dealing in, **15,** 259
unlawful
possession of game birds in close season, **15,** 259, 260
purchase by, in close season, **15,** 259
sale by, in close season, **15,** 260
unlicensed, buying from, penalty, **15,** 256 n., 261
dealing by, offence of, **15,** 256 n., 257, 258—262; **24,** 657
foreign, buying game killed abroad from, **15,** 256 n.
penalties for dealing by, **15,** 258
words to be exhibited on premises of, **15,** 256, 257; **24,** 656 n.

GAME LICENCE,
Acts relating to, effect of, **15,** 247
extent of, **15,** 246, 247
beaters and assistants exempt from, **15,** 248 n.
county council, authority of, to grant, **15,** 246
coursing and hunting hares and deer, for, not necessary, **1,** 405
dealer, for. *See* GAME DEALER.
deer, for taking or killing, when required, **15,** 208, 262
duration of, **15,** 249
exemptions from, absolute, **15,** 248
limited, **15,** 248
false or fictitious, effect of, **15,** 250
forfeiture of, **15,** 249; **24,** 694
form of, **15,** 249
full, *defined,* **15,** 261 n.
holder of, may sell game to licensed dealer, **15,** 257; **24,** 694
restrictions as to selling birds of game, **15,** 261
gamekeeper, when required by, **15,** 241; **24,** 695. *See* GAMEKEEPER.
granting and issue of, **15,** 249
gun licence, exemption from, of holders of, **15,** 251
holder of, dog licence, not exempted from, **15,** 253
night, by, use of firearms, **15,** 210
occupying owner, of, **15,** 217
does not empower him to use firearms at night, **15,** 210, 217 n.
offence of killing or taking game without, **15,** 246, 247; **24,** 694
laying information as to, **15,** 246, 247
production of, **15,** 249, 250
who may demand, **15,** 243, 250
purposes for which required, **1,** 404; **15,** 246
rates of duty for, **15,** 249 n.; **24,** 694 n.

GAME LICENCE—*continued.*
register kept by clerk of county council, **15,** 250
shooting tenant needs, for killing hares, **15,** 217
trespassing, effect of, on, **24,** 694

GAMEKEEPER,
appointment of, **15,** 240, 241
arrest by, **9,** 573; **15,** 243—245
killing in the course of, effect, **9,** 573, 574
cottages occupied by, when notice to leave not required, **15,** 240
Crown, appointed on behalf of, privilege of, **15,** 248
game killed by, presumed for use of lord of manor, **15,** 240 n.
gun licence for, **15,** 242
interference by, with persons hunting and coursing, **15,** 243 n.
licence for, **15,** 241; **24,** 695
game, for, when not necessary, **15,** 248
gun, for, when necessary, **15,** 242
persons who may take out, **15,** 241, 242
production of, **15,** 250
rights in respect of, **24,** 695
manor, on, appointment of, **15,** 240
powers of, **15,** 244, 245
taking without licence, **15,** 240
powers of, **15,** 242—246
Act of 1862, under, **15,** 236
effect of holding licence to kill, on, **15,** 243
registration of appointment of, **15,** 241
rights of, trespasser in pursuit of game, against, **15,** 228
sale of game by, **15,** 242
seizure by, of rabbits killed by trespassers, **15,** 231 n.
service franchise in case of lodge, **12,** 173 n.
shooting tenant, of, powers of, **15,** 244, 245 n.
Wales, appointment by landowner in, **15,** 241
warren, appointed to, right of, **15,** 230

GAMES. *See also* RECREATION.
betting on, offence of, **9,** 691; **15,** 291
loans for, irrecoverable, **15,** 278, 281
securities given in respect of, **2,** 501; **15,** 279—281
void contract, is a, **15,** 271
billiards, **27,** 426. *See* BILLIARDS.
bills for money won at, how far void, **2,** 501; **15,** 279, 281 n.
bonds for money won at, void, **3,** 86; **15,** 279
cards, of. *See* CARDS.
cemetery, in, playing, offence, as, **3,** 523
sanction of, **3,** 535
chance, of, **9,** 545. *See* GAMING HOUSE.
betting on, in public place, **15,** 291, 292
commons, conservators' power to set aside place for, **4,** 603
inclosure, on, reservation of ground for, **4,** 545, 549
metropolitan, ground for, **4,** 608
custom to play, *alieno solo,* **10,** 242
open space, on, **21,** 580, 583
village green, on, **21,** 583
encouragement of, not a charitable purpose, **4,** 123, 124
highways, on, playing, when an offence, **27,** 275, 287
horse-racing as, **15,** 286. *See* HORSE-RACE.

GAMES—*continued.*
infant, solicitation of, for advice as to, betting, in relation to, **9,** 552
judgment, confession of, for money won at, void, **15,** 279, 280 n.
killing in lawful, **9,** 582
land used for, exemption from undeveloped land duty, **21,** 581
lawful, disturbers of, may be removed, **27,** 876
what are, **15,** 286
lotteries are unlawful, **15,** 304
metropolitan streets, in, when not permissible, **27,** 287
mortgage for money won at, void, **15,** 279
National Health Insurance, provision of, as to persons employed in, **28,** 908
National Trust, power of, to set aside land for, **21,** 598
open space for, custom to use, **21,** 580, 583
personal injury by or to players, responsibility for, **21,** 478
prize for lawful, excepted from Gaming Act, 1845, **15,** 285 n.
prize won in lawful, action for, **15,** 272
public, right to play on open space, **21,** 580
public
elementary school, in, provision for, **12,** 32
pleasure grounds, in, **21,** 590
recreation grounds, in, **21,** 589, 590
risks incident to, **21,** 478
unlawful, position of persons injured in, **21,** 478
what are, **2,** 501 n.; **4,** 436; **9,** 546; **15,** 280 n., 284—287, 290 n.
village greens, on, custom to play, **21,** 583

GAMING.
The title GAMING AND WAGERING *is contained in Vol. XV., pp.* 265 *et seq. See also* BETTING; WAGER.
defined, **15,** 266, 278 n., 280 n., 287, 288
agent, irrevocable authority of, in case of, **1,** 229
money had and received by, in respect of, **7,** 488
principal's rights against, **15,** 276, 277
rights of, against principal, **1,** 196, 197; **15,** 275, 276
automatic machine, by, **15,** 288 n.
bankruptcy caused by, effect on order of discharge, **2,** 255, 256
bill of exchange for, illegal consideration of, **2,** 501; **15,** 279, 281 n.
bond for, illegal consideration of, **3,** 85, 86; **15,** 272 n., 279
bye-laws as to, **15,** 292 n., 293; **23,** 390 n., 394 n.; **27,** 280
club, in, **4,** 435—437; **9,** 546
common law, at, not in itself unlawful, **9,** 546; **15,** 284, 285
conflict of laws as to, **6,** 305
construction of statutes relating to, **15,** 282 n.; **27,** 159 n.
contract, *defined,* **15,** 266
effect of, **7,** 397, 403, 404; **15,** 271, 280 n.
price of goods, in case of ascertainment of, **25,** 147
Stock Exchange, on, principles applicable to, **27,** 258—262
wager distinguished from, **15,** 266
counters as money, use of, **15,** 278
debt, payment of, by bankrupt, **2,** 289
proof for, in bankruptcy, **2,** 201, 202

GAMING—*continued.*
defence to action in respect of, **15,** 271; **22,** 447 n., 448 n.
discovery of documents relating to, **11,** 83, 84
equitable relief in case of, **13,** 54 n.
equitable remedy not available in case of, **13,** 73
fire insurance, in case of, **17,** 519, 520
foreign bill or stamp given for purposes of, **15,** 282 n.
fraud, winning money by, at, **9,** 691
games, unlawful, **4,** 436; **9,** 546; **15,** 284—287
Gaming Act
need not now be pleaded, **13,** 487 n.
paid, meaning of word in, **15,** 273 n., 274, 276
pleading, effect of, on costs, **15,** 271 n.
house used for. *See* GAMING HOUSE, COMMON.
infant, inciting of, to, offence, **9,** 552; **17,** 172
instruments of, cancellation of, **13,** 53, 54
seizure of, **4,** 436; **15,** 291
use of, **9,** 546; **15,** 291, 292
insurance, in case of, **17,**377, 378, 497, 514, 515
judgment, confession of, for money won at, void, **15,** 279, 280
licensed premises, on, **15,** 288 n., 291; **18,** 139
licensee permitting, liability of, **18,** 138, 139
life insurance, in case of, **17,** 514, 515, 544 n., 547
marine insurance, in case of, **17,** 377, 378
money lent for purposes of, recovery of, **2,** 501 n.; **15,** 278, 279; **21,** 51 n.
mortgage for money won at, void, **15,** 279, 280
penalty for unlawful, **15,** 287
place, public. *See* public place, *infra.*
police, powers of, as to, **22,** 472, 502
prize for lawful game, recovery of, **15,** 272
public place, *defined*, **15,** 293
public place, hackney carriage as, **22,** 613 n.
offence of gaming in, **15,** 291, 292; **22,** 613
private property as, **15,** 292
railway carriage as, **15,** 292
refreshment house, in, effect of, **18,** 137
securities given for purposes of, **2,** 501; **15,** 279—282
skill, game of, when lawful, **15,** 285
stake, playing for, **15,** 266—269, 288, 290 n.
statutes relating to, construction of, **15,** 282 n.; **27,** 159 n.
Stock Exchange, on, **15,** 283; **27,** 258—262. *See* STOCK EXCHANGE.
street betting, penalties for, **15,** 292, 293. *See* BETTING.
subscription for lawful game, recovery of, **15,** 267 n., 272
unlawful, **15,** 287—291. *See* GAMING HOUSE, COMMON.
vagrancy by gaming in public place, **15,** 291; **22,** 613
wager on game, in case of, **15,** 271, 291

GAMING HOUSE, COMMON,
defined, **4,** 435; **9,** 545; **15,** 287. *See also* BETTING HOUSE.
appeal against conviction for offence relating to, **15,** 289
automatic machine, use of, in, **15,** 288 n.
betting-house as a, **9,** 548; **15,** 294. *See* BETTING HOUSE.
club premises as, **4,** 435, 436; **9,** 546, 547; **15,** 288, 290
evidence as to, **9,** 546; **15,** 288
games of skill or of chance and skill unlawful in, **15,** 285

GAMING HOUSE, COMMON—*continued.*
keeping, penalties for, **9,** 545, 546; **15,** 285 n., 289, 290
what is, **9,** 547; **15,** 289
London, City of, in, provisions as to, **20,** 430
lotteries constituting a place a, **15,** 304
managing or assisting in management of, **15,** 290
money, playing for, not necessary, **9,** 546; **15,** 288
seizure of, at, **15,** 291
nuisance, as, **9,** 548; **21,** 541
obstructing search of, **15,** 288, 291
offences connected with, **9,** 545—547; **15,** 289—291
playing in, penalty for, **15,** 287
police, powers of, as to, **15,** 288, 291
search warrant in respect of, **15,** 291; **20,** 430 n.
seizure in, on search warrant, **4,** 436; **15,** 291
unlawful games, what are, **2,** 501 n.; **4,** 436; **9,** 546; **15,** 285, 288, 289

GANGMASTER,
defined, **1,** 277
employment of, **1,** 276, 277
female, employment of, **1,** 276
licences for, **1,** 277

GAOL. *See* PRISON.

GAOL DELIVERY,
Central Criminal Court as court of, **9,** 87, 88, 266
commission of, **9,** 72, 267
county court judge, inclusion of, in, **8,** 415; **9,** 72
courts of, nature of, **9,** 87, 266

GAOLER. *See* PRISON OFFICERS.

GARDEN,
compulsory purchase of, forbidden, when, **1,** 349; **21,** 580
restriction on, **6,** 71 n.
cottage, *defined* by Allotments and Cottage Gardens Act, 1887, **1,** 357
easement of light in respect of, **11,** 306
improvement to land, as, **18,** 284 n.
inhabited house duty in respect of, **17,** 183
public. *See* PUBLIC GARDEN.
undeveloped land duty, exemption from, **24,** 578
water rate, as affecting annual value for purposes of, **28,** 315 n.
watering of, not domestic use, **28,** 302

GARDENER,
menial servant, as, **20,** 70 n., 71
notice of dismissal to, **20,** 98 n.
resident, servant, as, **20,** 69 n.

GARNISHEE PROCEEDINGS. *See* ATTACHMENT OF DEBTS.
defined, **14,** 90
affidavit by garnishee, when necessary, **14,** 98
appearance by garnishee, **14,** 98
attachment book, *defined*, **14,** 101
bill of exchange, during currency of, **14,** 93
costs in, how paid, **14,** 101
debts which are attachable, **14,** 91, 92
executors, against, **14,** 91 n.
garnishee order *defined*, **14,** 90
institution of, **14,** 90, 91
mortgage, as affecting rights under, **14,** 96 n

GARNISHEE PROCEEDINGS—*contd.*
order absolute, appeal against, **14,** 101
effect of, **14,** 100, 101
mistake, effect of, **14,** 100
procedure to obtain, **14,** 98
order *nisi*, after service of, **14,** 98
effect of, **14,** 96—98
procedure to obtain, **14,** 95, 96
service of, **14,** 96, 97
relationship of debtor and creditor must exist, **14,** 93
time for taking, **14,** 95
unliquidated damages, right to take under, **14,** 92
wages, salaries, and pensions available under, when, **14,** 94, 95

GARROTTING, 9, 602

GARSTON,
port of, usage as to, **10,** 293

GARTER,
Order of the, **22,** 286

GARTER KING-AT-ARMS
duty of, coronation, at, **6,** 326
House of Lords, in, **21,** 690, 692, 695 n.

GAS.
The title GAS *is contained in Vol. XV., pp.* 305 *et seq.*
Attorney-General, proceedings instituted by, in regard to, **15,** 368 n., 383 n.
burner, provisions as to use of, **15,** 352 n., 355
company. *See* GAS UNDERTAKING.
county council, Sale of Gas Acts, administration of, by, **15,** 344
engine, anti-fluctuater on, use of, **15,** 356, 357
fixture, as, **18,** 419
escape of, alkali and acid works, from, **23,** 409
contamination of water supply by, **15,** 364
nuisance from, **15,** 308, 359, 362—364
prevention of, undertakers, by, **15,** 362, 363
laying down pipes, on, **15,** 330
examiner. *See* GAS EXAMINER.
fire policy, in case of, *defined*, **17,** 527 n.
fittings. *See* FITTINGS.
float is not a ship, Sea Regulations, for purposes of, **26,** 375 n.
heating power of, standard of, **15,** 334
inquiry, charges for gas, as to, **15,** 387 n.
supply of gas, as to, **15,** 313, 315, 332
inspector, **15,** 346—351. *See* INSPECTOR.
lamp. *See* LAMP.
larceny of, **9,** 643; **15,** 354 n., 356
continuous, in case of, **9,** 643
prepayment meter, from, **15,** 340
liquor works, *defined*, **23,** 405 n.
alkali works, as, **15,** 360 n.; **23,** 405 n.
London, City of, in, Common Council, powers of, as to, **15,** 357 n., 376 n.
examiners, appointment of, **15,** 390
measures, regulation of, **15,** 346
testing of, **15,** 389
main. *See* MAIN.
meter, **15,** 334—337, 347—351. *See* METER.
Metropolis Gas Act, 1860, proceedings for non-compliance with, **15,** 383 n.
negligence in relation to, **15,** 359; **21,** 365
nuisance from, **15,** 359—364

GAS—*continued.*
offences relating to, **15,** 355, 356
proceedings in respect of, **15,** 373—375
penalties under Gasworks Clauses Acts, recovery of, **15,** 373, 374
pipe. *See* PIPE.
pressure of, provisions relating to, **15,** 334 n., 351—354
accident, in case of, **15,** 387, 388
price of, how regulated, **15,** 337, 338, 368
proceedings through the Attorney-General in regard to, **15,** 368 n.
quality of, provisions relating to, **15,** 334, 351, 352
referee, appeal from, **15,** 390
appointment of, **15,** 388
certificate of, **15,** 390
duties of, **15,** 388, 389
non-compliance with prescription of, penalty for, **15,** 390
rent for, Gasworks Clauses Act, 1871, under, **15,** 339, 340
recovery of, **15,** 339, 340
stove, distress for rent on, **11,** 141; **15,** 335 n.
supply of, by undertakers, **15,** 335 n.
summary jurisdiction in regard to. *See* SUMMARY JURISDICTION.
supply, accident, in case of, **15,** 387, 388
arbitration as to charges for, **15,** 342, 343, 386 n.
baths and washhouses, to, **15,** 343; **23,** 496
Board of Trade in relation to. *See* BOARD OF TRADE.
borough council, by, **15,** 309; **20,** 404
breach of contract of service in connection with, **9,** 564; **15,** 357, 358; **20,** 127
charges for, **15,** 337—341
demand note for, **15,** 341 n.
incoming tenant's liability for, **15,** 340, 341
recovery of, **15,** 307 n., 339, 340; **24,** 382
reduction of, **15,** 367, 368; **19,** 637
regulation of, **15,** 337, 338
security for payment of, **15,** 338
sliding scale of, **15,** 365, 371, 372
cutting off, for non-payment of charges, **15,** 334 n., 339
defective, penalty for, **15,** 354
discontinuance of, **15,** 334 n., 341, 356
duty of undertakers as to, **15,** 332
electric light, in district well supplied with, **15,** 332
electric lighting company interfering with, **12,** 581, 584 n.; **15,** 358
fittings for, removal of, **15,** 341—343
fraud, obtained by, **15,** 355
highway authority's powers and duties as to, **16,** 118—124
hospitals, to, **15,** 343 n.
local authority, by. *See* GAS UNDERTAKING.
lodging houses for working classes, to, **15,** 343; **23,** 540
measures used in, **15,** 343—351
meter, by, **15,** 334—337, 347—351. *See* METER.
metropolis, in, **15,** 309, 375—394. *See* METROPOLITAN GAS SUPPLY.
negligence arising out of, liability for, **15,** 359—364; **21,** 408
non-illuminating, of, **15,** 310, 311
outside authorised area, provisions relating to, **15,** 332
partners' liability for, **22,** 32 n.

GAS—*continued.*
supply—*continued.*
private purposes, for, **15,** 333—341
profits and accounts relative to, **15,** 365—373
public lamps, to, **15,** 342, 343
railway company interfering with, **15,** 358; **23,** 679
refusal of, liability in case of, **15,** 333, 334, 342
rents and charges for, recovery of, **15,** 339—341
special powers as to, **15,** 343
telegraph construction interfering with, **15,** 358; **27,** 360, 365, 366
testing. *See* TESTING.
tramway company interfering with, **15,** 358; **27,** 792, 793
urban district authority, by, **15,** 309
working class dwellings, for, **15,** 343; **23,** 540
testing. *See* TESTING.
undertaking. *See* GAS UNDERTAKING.
washings, laying pipes for carrying off, **15,** 329, 330
nuisance from, **15,** 363
water supply contaminated by, **15,** 382 n.
waste of, remedy of undertakers as to, **15,** 354, 355
water, pollution of, by. *See* POLLUTION.
works. *See* GASWORKS.

GAS EXAMINER,
appeal from decision of, **2,** 376; **15,** 351, 392
appointment of, **15,** 352
certiorari, when decision may be quashed by, **10,** 172; **15,** 392 n.
chief, exemption of company from penalties by, **15,** 393, 394
quarterly report of, **15,** 392
costs of, **15,** 354
daily, as applied to inspection by, *defined*, **15,** 352, 391; **27,** 453
metropolis, in, appeal from, **15,** 392
counsel's right of audience at, **2,** 376
appointment of, **15,** 390, 391
duties of, **15,** 391, 392
report of, **15,** 392—394
obstructing, penalty for, **15,** 352, 353
report of, **15,** 353

GAS UNDERTAKING.
defined, Electric Lighting Acts, under, **12,** 581
Gasworks Clauses Act, 1847, under, **15,** 319
accident, damage to property of undertakers by, liability in case of, **15,** 355, 356
fund to meet expenses caused by, **15,** 369, 370
notice of, as in factory, **15,** 360
unavoidable, liability in case of, **15,** 393
accounts of, **15,** 372, 373
amalgamation of, **15,** 313
ancient lights, interference with, by undertakers, remedy in case of, **15,** 323 n.
appeal, conviction for malicious breach of contract of service, from, **15,** 357 n.
justices, from, in regard to damages or penalties, **15,** 374
bankruptcy of consumer, rights on, **2,** 294; **15,** 335, 340
Board of Trade in relation to. *See* BOARD OF TRADE.
borrowing powers of, **15,** 365 n., 366
breach of contract of service by servant of, **9,** 564; **15,** 357, 358; **20,** 127
appeal in case of, **15,** 357 n.

GAS UNDERTAKING—*continued.*
bridges, opening of, for purposes of, **6,** 156; **15,** 326—329; **16,** 198
capital, raising of, for, **15,** 312, 313, 370, 371
charges of. *See* GAS, supply of.
compensation, compulsory purchase of land, on, **6,** 156
damage done by works, for, **15,** 326, 329
compulsory purchase of land for, **6,** 156; **15,** 323, 324
compulsory purchase of land for electrical undertaking, by, forbidden, **12,** 557
damages, recovery of, in regard to, **15,** 373
dividend of, limit of, **15,** 366
rate of, **15,** 369
sliding scale for, **15,** 371, 372
easements, acquisition of, by, **15,** 324
electric lighting powers obtained by, **15,** 311
excess profits of, disposition of, **15,** 366, 367, 370
Gasworks Clauses Act, 1871, justices or judges acting under, **15,** 375
gasworks in connection with. *See* GASWORKS.
goodwill of, sale of, **15,** 321 n.
infant as shareholder in, **17,** 61
joint supply by, **15,** 313
land, acquisition of, by, **6,** 156; **15,** 308, 310, 323—325
restriction of works to specified, **15,** 323
Lighting and Watching Act, 1833, powers under, **15,** 307—309
local and personal Act, powers under, **15,** 311, 312
local authority, carried on by, **15,** 307—309
accounts of, **15,** 373
profits of, **15,** 365
purchase by, of, **15,** 320—322
metropolis, in the. *See* METROPOLITAN GAS SUPPLY.
mortgages by, **15,** 365 n., 366
nuisances from gas, liability for, **15,** 359—364
patents, working of, by, **15,** 310 n.
penalties, recovery of, in regard to, **15,** 373, 374
pipes, laying of, by, **15,** 325—331. *See* PIPE.
private Act, procedure to obtain, for, **15,** 310—312; **21,** 731
production of books of, **15,** 368
profits of, provisions relating to, **15,** 365—372
property of, penalties for injury to, **15,** 356, 373, 374
protection of property of, **15,** 354—358
provisional order, powers under, **15,** 310, 312—317. *See* PROVISIONAL ORDER.
Public Health Act, 1875, powers under, **15,** 309
purchase of, by local authority, **15,** 309, 320—322
release from obligation to supply gas, **12,** 645
reserve fund of, **15,** 366, 367, 370
residual products, disposal of, by, **15,** 310, 322, 325 n.
sale of, to local authority, **15,** 309, 320—322
shares and stock, regulations as to sale of, **15,** 370, 371
special Act, *defined*, **15,** 318
access to, **15,** 319, 320
special purposes fund, creation of, **15,** 369, 370
statutory powers, grant of, **15,** 317—319
special, grant of, **15,** 310—317
streets, opening up, requirements as to, **6,** 156; **15,** 326, 327, 328, 329; **16,** 198
summary jurisdiction in regard to. *See* SUMMARY JURISDICTION.
superfluous lands, sale of, by, **15,** 324, 325
supply of gas by. *See* GAS.

GAS UNDERTAKING—*continued.*
telegraph construction, protection of interests in case of, **15,** 358 ; **27,** 365, 366
tithe rent charge, redemption of, by, **15,** 325
tramway road, power to break up, **27,** 794
works of. *See* GASWORKS.

GASWORKS,
defined, **15,** 319
arbitration as to dispute in case of acquisition of, **1,** 492 ; **15,** 321
Bill in Parliament relating to, **15,** 311 ; **21,** 730, 731
compulsory purchase of land for, **6,** 156 ; **15,** 323, 324
Conspiracy and Protection of Property Act, 1875, section 4 to be posted up, **15,** 357, 358
construction of, **15,** 312, 313, 322, 323
Board of Trade, powers in regard to, **15,** 320
cesser of power as to, **15,** 320
consent of local authority as to, **15,** 313
injunction restraining, **15,** 359 n. *See* GAS.
negligence in, penalties for, **15,** 328—330
Factory and Workshop Act as applied to, **15,** 360
income tax in case of, **16,** 625, 626, 643
London Building Acts as applied to, **20,** 475
notice of accident in, **14,** 472—474 ; **15,** 360
nuisance arising from, provisions relating to, **15,** 359—364 ; **21,** 523, 524, 533
rateable value of, **24,** 29 n., 35—38
sale of, to local authority, **15,** 320, 321
support from mines and minerals for, **15,** 331

GATE,
adjoining land, occupier of, liable to repair, **16,** 182
breaking open, to levy distress, **11,** 165
chancel screen, of, **11,** 670
footpath, public, on, erection of, **16,** 182
liability to repair, **16,** 104, 182
highway, across, as nuisance, **16,** 153
bye-laws as to, county or borough council's power to make, **16,** 117, 118 ; **27,** 272
repair of, **16,** 104
widening of, power to require, **16,** 105
impounding in open field by securing, **11,** 169
level crossing, at, duty of railway company as to, **23,** 662, 694. *See* LEVEL CROSSING.
opening outwards in street, rules as to, **16,** 249
railway, of, accommodation works, included in, **23,** 668
separating lands temporarily used from adjoining lands, **23,** 677
severed lands, in, necessity for, **23,** 670
right of way, inference as to, derived from, **16,** 42

GATED PASTURE,
inclosure of, **4,** 541
rights over, **4,** 479—482
tithe rentcharge, distress on, **11,** 217 n.

GATEKEEPER,
erection of lodge for, at level crossing, **23,** 660

GAUGE,
light railway, of, notification of, by advertisement, **27,** 820
to be stated in applications to Commissioners, **27,** 823
railway, of, alteration of, penalty for, **23,** 687
provisions relating to, **23,** 686, 687
standard, of, **23,** 686
tramway, of, provision as to, **27,** 785, 788

GAUGING,
distiller or rectifier, by, attempt to defeat, **18,** 148
liquor vessels, of, rights of Lord Mayor of London as to, **28,** 493, 494

GAVELKIND,
defined, **11,** 15 ; **24,** 151
Crown, land purchased by the, not subject to, **24,** 152
passing to, effect, **24,** 153, 154
curtesy, estate by, in, **24,** 152, 183
customs as to, **11,** 15 ; **24,** 151, 152
derivation of term, **24,** 151 n.
descent in case of, **11,** 12, 14 n., 15 ; **24,** 152
devise to right heir, effect of, **11,** 15 ; **28,** 759, 760
disgavelling statutes as to, **24,** 153, 154
distress, right of, by one of co-heirs in, **11,** 126
dower in case of, **24,** 152, 189 n., 190
barring of, **24,** 194
enfranchisement of, outside Kent, **8,** 126
forfeiture of lands held in, for treason, **11,** 26 n.
guardianship in case of, **17,** 122 n.
infant, alienation by, **15,** 410 n. ; **17,** 78, 80, 81 ; **24,** 152
interests subject to, **24,** 154
judicial notice of, **24,** 153
Kent, as common law of, **11,** 15 ; **24,** 152, 153
frank fee not subject to, **24,** 152 n.
presumption as to, **24,** 152, 153
nature of, **11,** 15 ; **24,** 151, 152
origin of, **24,** 148, 149
partition of land subject to, **24,** 155
rentcharge out of, descent of, **24,** 467 n.

GAVELLER,
functions and appointment of, **7,** 123 n. ; **20,** 646

GAZETTE,
Dublin. *See* DUBLIN GAZETTE.
Edinburgh. *See* EDINBURGH GAZETTE.
Government, admissibility in evidence, **13,** 473
London. *See* LONDON GAZETTE.

GEESE,
common of pasture for, **4,** 447, 453
in royal forest, **4,** 475

GEMS,
charities, bequeathed to, exempt from legacy duty, **4,** 206

GENERAL,
agent, *defined,* **1,** 152
annual licensing meeting, *defined,* **18,** 21
adjournment of, continuation of, deemed a, **18,** 22
justices' power as to, **18,** 22, 23
procedure on, **18,** 22
statutory power of, **9,** 87
date of holding, **18,** 21
licences, granting and renewal of, at, **18,** 23—31. *See* JUSTICES' LICENCE.
notice of, provision as to, **18,** 22, 2
publication of, **18,** 23
postponed application, meeting for, at, **18,** 22
proceedings at, **18,** 39—46
time of, appointment of, **18,** 21
transfer sessions, appointment of, at, **18,** 23
average. *See* GENERAL AVERAGE.
council of the bar, **2,** 368, 369
damages, **10,** 303. *See* DAMAGES.

GENERAL—*continued.*
district rate. *See* GENERAL DISTRICT RATE.
election, **21,** 702
enactment, effect on particular enactment, **12,** 612 n.; **27,** 169
issue, pleading the, effect of, **9,** 358
legacy, nature and description of, **14,** 261
lien. *See* LIEN.
medical council. *See* GENERAL MEDICAL COUNCIL.
occupant of estate *pur autre vie*, **24,** 181
power. *See* POWER OF APPOINTMENT.
quarter sessions. *See* QUARTER SESSIONS.
defined, **9,** 83 n.
dates of holding, **9,** 83
general sessions, a species of, **9,** 83 n. *See* GENERAL SESSIONS.
distinguished from, **9,** 83; **19,** 618
inferior court of record, as, **9,** 83
rate, district, in. *See* GENERAL DISTRICT RATE.
London, City of, in. *See* METROPOLITAN RATES.
metropolitan borough, in. *See* METROPOLITAN RATES.
register and record office of seamen, control and supervision of, **26,** 63, 64
lists of seamen to be returned to, **26,** 63, 64. *See* REGISTER, merchant shipping.
register office, births, marriages, and deaths, of, officials of, **24,** 436
registers of, **24,** 436, 437
searches at, **24,** 449
situation of, **24,** 436
retainer, **2,** 404, 405; **26,** 741. *See* RETAINER.
right, *defined*, **13,** 467
competency of declarant to be specially proved, **13,** 468
sessions, *defined*, **19,** 618. *See also* QUARTER SESSIONS.
adjourned sessions, as, **19,** 621
constitution of, **9,** 83
convening of, **19,** 618
inferior courts of record, as, **9,** 83
member of, **9,** 84
purpose of, **9,** 82
quarter sessions, distinguished from, **19,** 618
other than, held only in counties of London and Middlesex, **19,** 619, 620, 621
sewers rate, *defined*, **24,** 103
appeal against, **24,** 108, 109
areas in which levied, **24,** 104
basis of assessment to, **24,** 107
collection and recovery of, **24,** 109—111
Crown, liability of, **24,** 107
expenses defrayed by, nature of, **24,** 104
limitation of, **24,** 103
making of, statutory directions as to, **24,** 108
occupation, change in, affecting liability to, **24,** 111
occupiers, liability of, to, **24,** 106
persons liable to pay, **24,** 106
property
assessed to, **24,** 106
used in public administration liable to, **24,** 107
rate in gross, power to make, **24,** 105; **25,** 784
rateable occupation for purposes of, **24,** 107
retrospective effect of, **24,** 104
sewers tax, power to levy, **25,** 784. *See* GENERAL SEWERS RATE.
ship, ship chartered as, effect of, **26,** 100. *See* CHARTERPARTY.

GENERAL—*continued.*
statute, *defined*, **27,** 115. *See also* PUBLIC STATUTE.
compulsory powers over land granted by, **6,** 6, 7
effect of, **27,** 187
special statute controlled by, **27,** 186
distinguished from, **27,** 182
effect on, of, **27,** 169, 187
incorporation of, in, **27,** 186
valuation, land values duties, for, **24,** 553—557
revenue in, **24,** 553 *et seq.* *See* VALUATION.
verdict, civil causes, in, **18,** 257
criminal matters, in, **18,** 257
warrant, invalid at common law, **9,** 291 n.
where applicable, **9,** 291 n.
words, construction of, charterparty, in, **26,** 139
contracts, in, **7,** 516; **10,** 470
statutes, in, **15,** 125 n.; **27,** 145, 146, 151, 152, 276, n., 283 n.
conveyance of land, in, **11,** 274, 275
appurtenances, as to, **10,** 470; **11,** 274 n.; **28,** 699
easements, as to, **10,** 470; **11,** 245, 274
following specific words, effect of, **10,** 469
rule of *ejusdem generis* as to, **10,** 469
taken in ordinary meaning, **10,** 469
usually omitted, **25,** 424
deed necessary to imply, in conveyance of property, **10,** 370
description, of, in deeds, etc., **10,** 469, 470
settlement, in, **13,** 121 n.
will, in, construction of, **13,** 121, 121 n.; **28,** 682, 683, 694, 695

GENERAL AVERAGE,
defined, **17,** 447, 448; **26,** 315
act, *defined*, **17,** 447, 448
repairs, putting into port for, is a, **17,** 450
adjustment of, **17,** 452; **26,** 323—325. *See* ADJUSTMENT.
affreightment, contract of, determines foreign adjustments, **17,** 453
whether general average implied in, **17,** 447 n.
York-Antwerp Rules in, **17,** 450 n.
bill of lading, provision in, for payment of, **26,** 151
cargo
burnt for fuel, as, **17,** 509
discharge, costs of, included in, **26,** 321
damage in, as, **17,** 510
lien over, for contributions, **26,** 284
loss of, how may arise, as, **26,** 317, 318
lost or damaged by sacrifice, amount to be made good in case of, **17,** 511
sale by master, on, **26,** 249, 318
value of, rules in estimating, for purposes of, **26,** 324
charges, *defined*, **17,** 456
indemnity in respect of, in marine insurance, **17,** 471
conflict of law as to, **6,** 241; **17,** 452
contribution, *defined*, **17,** 447; **26,** 315
adjustment of amounts, **17,** 484; **26,** 323, 324
bond by consignees for payment of, **17,** 450 n.
cargo, lien over, for, **26,** 284, 323
collision gives rise to claim to, **26,** 541
conditions for claim to, **17,** 447—450; **26,** 316, 317
danger
common to all parties requisite for claim to, **17,** 448; **26,** 316
due to claimant nullifies claim to, **26,** 316
serious, must be, **26,** 316, 317

GENERAL AVERAGE—*continued.*
contribution—*continued.*
default of claimant precludes recovery of, **17,** 449, 508; **26,** 316
emergency risks give rise to, **17,** 449
enforcement of, by action, **26,** 323
examples of right of, **26,** 317—322
fire, shipowner not exempt from contribution in case of, **26,** 111 n., 112 n.
liability for, **17,** 451; **26,** 322, 323
underwriter, of, **17,** 451, 452
lien to enforce, **26,** 284, 323
property which pays must have been saved, **26,** 317
shipowner liable for, when, **26,** 187, 322
unseaworthiness of vessel, a defence against, **17,** 449; **26,** 316
York-Antwerp Rules as to, **17,** 452, 508—511; **26,** 323 n.
engines, damage to, in refloating ship, as, **17,** 509
expenditure, *defined,* **17,** 447, 450
port of refuge, expenditure at, as, **17,** 447, 448, 449 n., 450, 451, 453 n., 454, 509; **26,** 320, 321
recovery of, by shipowner, **26,** 319—322
reloading charges as, **26,** 321, 322
repairs to ship as, **26,** 320, 321
salvage charges as, **17,** 456
substituted expenses, allowance of, **17,** 453, 454
unloading charges as, **26,** 321
wages of crew in port of refuge as, **17,** 510; **26,** 321
warehousing charges as, **26,** 321, 322
fire on ship, damage in extinguishing, as, **17,** 508; **26,** 111 n., 112 n.
excluded by policy, not a loss recoverable under, **17,** 451
foreign adjustment, **17,** 452, 453
clause, form of, **17,** 452, 453 n.
binding nature of, **17,** 453
underwriter's liability in respect of, **17,** 453
freight, loss of, as, **17,** 511; **26,** 318, 319
how valued, **26,** 324
insurance, Average Adjusters, Association of, practice of, in regard to, **17,** 450 n.
contributor to general average and recovery under policy of, **17,** 451
Lloyd's policy memorandum, includes, **17,** 458, 459
ship and cargo belonging to same person, liability of insurer for, **17,** 451, 452
subrogation of insurer in respect of, **17,** 451
suing and labouring clause in policy does not cover general average loss, **17,** 457
underwriter's liability for, **17,** 451, 453, 454, 458
York-Antwerp Rules when incorporated in policy, **17,** 346, 450 n.
jettison of deck cargo, whether, **17,** 447, 449, 451, 508; **26,** 75, 317
lien, cargo, on, to enforce contribution to, **26,** 323
common law in relation to, **26,** 134, 284
lightening ship when ashore as, **17,** 509; **26,** 320
loss, *defined,* **17,** 447, 448; **26,** 315
particular average loss, added to, when, **17,** 459
distinguished from, **17,** 448; **26,** 315
sail, by press of, as, **17,** 509
ship and equipment, of, when arising, **26,** 319
origin of law of, **17,** 447 n.

GENERAL AVERAGE—*continued.*
particular
average, distinguished from, **17,** 448; **26,** 315
charges, distinguished from, **17,** 456
passengers' effects, when liable for, **17,** 511
port of refuge, expenses at, as, **17,** 447, 448, 449 n., 450, 451, 453 n., 454, 509; **26,** 320, 321
Average Adjusters, Association of, practice in regard to, **17,** 450 n.
repairs, deductions from cost of, as new for old, **17,** 510
marine insurance payments not to be deducted in estimating, **17,** 484
putting into port for, is an act of, **17,** 450; **26,** 320
sacrifice, *defined,* **17,** 447; **26,** 317
differs from expenditure, **17,** 451
safety stops general average loss, **17,** 448, 449 n.
sail, damage from press of, as, **17,** 509
salvage charges as, **17,** 456
ship, value of, in estimating, **26,** 324
stranding, intentional, results of, as, **17,** 509
underwriter, liability of, **17,** 451, 452
valuation for purposes of, **17,** 379 n., 511; **26,** 324, 325
wages etc. of crew in port of refuge, **17,** 510; **26,** 321
wreck, cutting away, is not, **17,** 508
York-Antwerp Rules, as to, **17,** 508—511
when included in policy, **17,** 346, 450 n.

GENERAL DISTRICT RATE,
defined, **24,** 82
Agricultural Rates Act, 1896, application of, **24,** 85
allotments, on, **1,** 354; **24,** 18, 86
amendment of, **24,** 85, 88, 89
appeal, costs of, **24,** 90
estimate for rate, inspection for purposes of, **24,** 88
grounds of, **24,** 89, 90, 92, 93
notice of, **24,** 90
quarter sessions, to, **24,** 89, 90, 93
recognisances required upon, **24,** 90
retrospective, rate made for more than six months, ground for, **24,** 89 n., 92
arable land, on, **24,** 85
arrears, recovery of, **24,** 91
assessment, basis of, **24,** 85—87
exemptions allowed, **24,** 78 n., 84, 85, 86, 87
objection to, **24,** 89
owner entitled to reduction in, **24,** 87
partial exemptions allowed, **24,** 85, 86
poor rate valuation followed in, **24,** 89
raising or reducing of, **24,** 89
tenements, owners' assessment reduced, **24,** 87
valuation list followed, if any, **24,** 85
authorities that can make a, **24,** 82
canals, on, **24,** 86
collection of, **24,** 90
commencement of, **24,** 88
committal for non-payment of, **11,** 216; **24,** 93
copies may be taken of, **24,** 88
demand for, must be in writing, **24,** 90
payment within fourteen days after, **24,** 91
service of, **24,** 91
distress for non-payment of, **11,** 216, 217; **24,** 93
districts, division of, for purposes of, **19,** 281; **24,** 83
for which levied, **24,** 82, 83

GENERAL DISTRICT RATE—*continued.*
drainage of premises and new sewer, rate reduced in respect of, **24,** 87
empty premises, in case of, **24,** 94
estimate, approval by urban authority of, **24,** 88
entry of, in rate-book, **24,** 88
inspection of, by public, **24,** 88
preparation of, **24,** 87, 88
validity of rate not affected by, **24,** 88
exemption, highway rate, in case of, **24,** 84
local Act, under, applies to, **24,** 83, 84
poor rate exemptions govern general district rate, **24,** 84
poverty, in case of, **24,** 94
property
partially exempt, **24,** 78 n., 85—87, 89
totally exempt, **24,** 21, 22, 84
form of, **24,** 88
full net annual value, *defined,* **24,** 85
improper purpose for, alleged, **24,** 88
inspection of, **24,** 88
estimate, of, **24,** 88
poor rate, of, **24,** 88
intention to make, notice of, **24,** 88
justices, allowance of general district rate by, not necessary, **24,** 88
powers of, on the hearing of summons for, **11,** 216; **24,** 92, 93
special case, may state a, **24,** 93
land covered with water, on, **24,** 86
landlord and tenant, contract between, as to payment of, **24,** 84
limitation, local Act, in, does not apply to, **19,** 281; **24,** 83
time, of, beforehand, for which rate may be made, **19,** 281; **24,** 83, 89
borrowing cannot bring making of rate within, **24,** 83
making of, **19,** 281; **24,** 87, 88
compelled by mandamus, **19,** 281 n.; **24,** 83
evidence of, **24,** 88
notice, public, of intention to make a, **24,** 88
retrospective expenses limited to those incurred within six months, **19,** 281; **24,** 83
seal of urban authority required in, **24,** 88
writing necessary in, **24,** 88
market gardens, on, **24,** 85
meadow land, on, **24,** 85
notice, public, of intention to make required, **24,** 88
seven days before making of rate to be published, **24,** 88
nursery grounds, on, **24,** 85
occupier, change of, provision for, **24,** 94
poor rate, assessment to, governs liability for, **24,** 83, 84
rated except where owner may be rated by special provisions, **24,** 83, 84
orchards, on, **24,** 86
owner, liability of, to be rated, **24,** 84, 87
option of urban authority in rating an, **24,** 84
reduction of rate
where, also occupier, **24,** 84
where owner rated, **24,** 87
pasture land, on, **24,** 85
payment, civil debt when enforced by justices' order, **11,** 216
committal of defaulter on failure to pay, **11,** 216; **24,** 93
defences against order for, **24,** 90, 92
demand for, must be in writing, **24,** 90, 91

GENERAL DISTRICT RATE—*continued.*
payment—*continued.*
distress upon default in, **11,** 216; **24,** 93
enforcement of, by order of the court, **11,** 216; **24,** 91, 93
objections to making order for, **24,** 90, 92
order for, **11,** 216; **24,** 91
recovery of, **11,** 216; **24,** 90
special case stated by magistrates on order for payment, **24,** 93
summons of defaulter for, **11,** 216; **24,** 91, 92
time for, **11,** 216; **24,** 91
poor rate
exemptions govern district rate exemptions, **24,** 84
valuation
followed in, **24,** 89, 90 n.
objection against, for wrong district rate assessment, **24,** 89
poverty as cause for reduction or remittance of, **24,** 94
premises assessed to, same as to poor rate, **24,** 89
proceedings for recovery of, **11,** 216; **24,** 91, 92
property, classes of, assessed at less than full value for, **24,** 78 n., 85—87
prospective and retrospective, effect of, **19,** 281; **24,** 83
Public Health Acts, expenses under, provided by levying a, **23,** 380; **24,** 82
purposes of general district rate under, **19,** 280, 281; **24,** 82
publication of, **24,** 88
purposes of, **19,** 281; **24,** 82
railway land, on, **24,** 78 n., 86
rateable value, *defined,* **24,** 85
recovery, **24,** 88. *See* payment, *supra.*
reduction, cost of new sewer a reason for, **24,** 87
poverty a cause for, **24,** 94
rated owners, in case of, **24,** 87
remedies against, **24,** 89
remittance, poverty a cause for, **24,** 94
retrospective rate limited to six months, **19,** 281; **24,** 83, 89, 92
road maintenance a charge on, in boroughs and urban districts, **16,** 125
special case stated on order for payment of, **24,** 93
sporting rights, on, **24,** 85 n.
sufficient cause for non-payment of, *defined,* **24,** 92
summons for, defences open upon a, **24,** 92
procedure, **11,** 216; **24,** 91
within six months of demand of payment, **24,** 91
tenements, when owner rated in respect of, **24,** 87
time when rate to be made to be published by notice, **24,** 88
tithes, on, **24,** 85
uniform rate throughout district not imperative, **24,** 82, 83
unoccupied premises, on, **24,** 94
valuation list, inspection of, **24,** 88
objection to, **24,** 89
poor rate, of, followed, **24,** 89, 90 n.
inspected, may be, for assessing general district rates, **24,** 88
woodlands, on, **24,** 85

GENERAL MEDICAL COUNCIL,
absolute powers of, **20,** 320, 321
Apothecaries, Society of, jurisdiction of General Medical Council over licentiates of, **20,** 348

GENERAL MEDICAL COUNCIL—*contd.*
branch councils, constitution of, **20,** 318
direct representative a member of, **20,** 316
expenses of, **20,** 318
officers, appointment of, **20,** 318
vacancies filled by, **20,** 316
committee, report of, when admissible as *primâ facie* evidence, **13,** 475
constitution of, **20,** 309, 315—318
revision of, provision for, **20,** 316, 317
Dentists Act, 1878, Council may prosecute under, **20,** 358, 359
dentists
committee must be appointed by the Council, **20,** 362
control over, **20,** 361—364
examinations, powers of Council as to, **20,** 364, 365
register, powers of Council as to, **20,** 360—364
report of committee of the Council *primâ facie* evidence against, **13,** 475
study, course of, powers of Council as to, **20,** 364, 365
discipline, powers of, **20,** 320—324, 361—364
proceedings as to, by whom heard, **20,** 322—324
counsel may appear at, **20,** 320, 323
solicitor may appear at, **20,** 323
erasure of name, committee may be appointed to inquire into facts, **20,** 362
does not disqualify from practising, **20,** 321
felony or misdemeanour, for, **20,** 320—324, 361, 362
infamous conduct in a professional respect, for, **20,** 313, 321, 322, 362, 363
register of dentists, from, **20,** 362
examinations, default in maintaining standard of proficiency, by, **20,** 328
standard of, subject to representations by the Council to the Privy Council, **20,** 326, 327
expenses, provision as to, **20,** 317, 318
travelling, paid to members attending, **20,** 317
functions of, are judicial, **20,** 321
infamous conduct in a professional respect, action upon, **20,** 320—324, 362, 363
Council sole judge of, **20,** 320, 321
court will not interfere, **20,** 320, 321
inquiry, counsel may appear at, **20,** 320, 323
practitioner entitled to appear at, **20,** 323
proceedings privileged, **20,** 321
solicitor may appear at, **20,** 323
judicial functions of, **9,** 9; **20,** 320, 321
medical practitioners, control over, **20,** 320—324
meetings, expenses of attendance at, paid to members, **20,** 317
quorum, number of, **20,** 317
time and place of, **20,** 317
members, elected by registered medical practitioners, **20,** 316
nomination of, **20,** 315
qualification of, **20,** 315
university representation, **12,** 91 n.
Midwives Board, Central, rules of, subject to Council's representations, **20,** 367
officers, appointment of, **20,** 317
penal cases committee, procedure of, **20,** 323
penalties, recovery of, and application by, **20,** 345
Pharmacopœia, British, published by, **20,** 324
powers and functions of, **9,** 9; **20,** 318—330, 361—363
president, powers of, **20,** 316, 317, 323
GENERAL MEDICAL COUNCIL—*contd.*
Privy Council empowered to maintain standard at examinations, **20,** 328
proceedings of, are privileged, **20,** 321
punishment, powers of, **20,** 320
register, medical, evidence that practitioner is registered, **20,** 318
falsifying, a misdemeanour, **20,** 320
issued by, **20,** 318, 325 n.
kept by the registrar, **20,** 319, 320
removal of names from, **20,** 320
registrar, appeal from, **20,** 320
duties of, **20,** 319, 320, 322
representatives, election of direct, **20,** 316
restoration of name to register, Council has discretion in, **20,** 324, 363
court may order, **20,** 320, 363
study, course of, power over, **20,** 327
university representation on, **12,** 91 n.
vacancy in, how filled, **20,** 315, 316

GENERALIA SPECIALIBUS NON DEROGANT,
application to construction of statutes, **12,** 612 n.; **27,** 169

GENERATING STATION,
defined, **12,** 552
acquisition of land for, **6,** 157; **12,** 557, 568, 570, 622 n., 639; **27,** 820 n.
erection of, **12,** 570, 629, 630
London, in, **12,** 621, 622
inspection of, **12,** 565, 566
Metropolis, in, restrictions as to, **12,** 621, 622
nuisance from, **12,** 564 n., 565, 566, 639
outside area of supply connecting with area of supply, **12,** 558
power company, of, erection on compulsorily acquired land, **12,** 629, 630

GENTLEMAN USHER OF THE BLACK ROD,
duties and functions of, **9,** 24; **21,** 630, 631

GENTLEMEN-AT-ARMS,
Captain of Corps of, change of ministry affecting, **7,** 107
claim of, at coronation banquet, **6,** 335
declaration required from, **7,** 26

GEOGRAPHICAL NAMES,
insurance policy, in, evidence of meaning of, **17,** 344
trade marks, use as, **27,** 691

GEOLOGICAL MUSEUM,
Board of Education, powers of, as to, **12,** 9 n.

GEOLOGICAL SURVEY,
Board of Education, powers of, as to, **12,** 9 n.
Commissioner of Works, administration by, **7,** 135

GERMENS,
waste in case of, what is, **1,** 296; **18,** 430

GESTATION,
period of, child born within, legitimacy of, **13,** 504
judicial notice taken of, **13,** 495
rule against perpetuities, for purpose of, computation of, **22,** 301 n., 302, 303, 310

GESTURE,
assault constituted by, **9,** 606
intimidation, amounting to, **27,** 642
slander constituted by, **18,** 608

GET-UP,
passing off by similarity of, right of action as to, **27,** 712, 765. *See* PASSING OFF.

GETTING UNDER WAY,
duty of vessel when, **26,** 484

GIBRALTAR,
courts of, **10,** 555
government of, **10,** 503 n.
port of, usage of, **10,** 294

GIFT.
The title GIFTS *is contained in Vol. XV., pp.* 397 *et seq.*
absolute. *See* ABSOLUTE GIFT.
acceptance of. *See* ACCEPTANCE.
advancement to child, by way of, **17,** 78; **28,** 55, 56
advowson, of, requisites of, **15,** 407, 408
age, advanced, no presumption of fraud when donor of, **15,** 420
dependent on attaining a certain, **25,** 576, 593, 627 n., 630 n., 684; **28,** 801, 807, 810
trustees, to, pending grantee attaining a certain, **28,** 849
agent, handed to donee's, **15,** 434
aliens, by, validity of, **1,** 309; **15,** 400
animal *feræ naturæ*, of, impossible, **15,** 409
annuity, by way of. *See* ANNUITY.
avoidance of, **15,** 418—421; **23,** 166. *See also* REVOCATION.
bankruptcy, in case of, **2,** 276
drunkenness, on ground of, **15,** 403
fraud, when induced by, **15,** 419, 420; **28,** 539
infant's right of, **15,** 405; **17,** 76
mortis causâ, in case of *donatio*, **15,** 431, 432, 434
undue influence, on ground of, **15,** 419, 420; **28,** 539. *See* UNDUE INFLUENCE.
bank note, of, **15,** 433; **28,** 696
bankrupt, by, **2,** 275, 276, 350; **15,** 403
bankruptcy, in case of, avoidance of, **2,** 276
barrister and client, between, **15,** 420 n.
bastard, to, **2,** 440; **15,** 404; **17,** 120. *See also* GIFT BY WILL.
bill of sale, constructive delivery by means of, **15,** 412 n.
essential to, when, **10,** 398; **15,** 408, 410, 411
bishopric, to, conditional, **4,** 158
blind, deaf, and dumb, person born, by, **15,** 403
bribe, of the nature of a, **15,** 424; **18,** 134. *See also* BRIBERY; CORRUPTION.
burial ground, for providing, **3,** 434, 435; **4,** 114; **15,** 407
cestui que trust, by, trustee, to, **15,** 109
charge, subject to, effect of, **15,** 426; **28,** 792
charitable purposes, for, **4,** 105—124; **15,** 406, 407. *See* CHARITY.
chattels, of, **15,** 406, 408, 410, 412, 414
constructive delivery of, **15,** 412, 413
deed, by, **15,** 410; **22,** 406
necessary, when, **10,** 364
delivery, by, **15,** 409, 412, 413; **22,** 406
constructive, by, **15,** 413
essential to pass property, when, **15,** 410; **22,** 406

GIFT—*continued.*
chattels—*continued.*
description of locality, effect of, **28,** 697
donor retains possession, where, **15,** 408, 410
essentials of, **15,** 410, 412, 413, 432; **22,** 406
husband and wife, between, necessity for delivery or deed, **16,** 393
incomplete, not assisted, **13,** 97; **15,** 414, 429 n.
life, for, **15,** 408; **28,** 527—529, 695, 774
possession or use of, effect of, **28,** 528, 774
cheque, of, child, to, **13,** 98 n.; **15,** 429. *See* CHEQUE.
death of donor, effect of, **15,** 428
child, by, to parent, independent adviser's duty in case of, **15,** 420
undue influence presumed, when, **15,** 107
child, to. *See also* GIFT BY WILL.
acceptance presumed in case of infant child, **15,** 418
incomplete at donor's death, right of donee to enforce, **15,** 416
presumption of, **15,** 415
rebuttal of, **15,** 416
child *en ventre sa mère*, to, **15,** 404
choristers, to provide, is charitable, **4,** 113
chose in action, of, deed necessary, when, **10,** 364; **15,** 411
delivery, by, **15,** 413
enforcement of, **4,** 376
not where a mere expectancy, **15,** 409
equitable assignment, by, **13,** 98
Judicature Act, 1873, as assignment within, **4,** 371
church, of land for erecting, **3,** 434; **11,** 722
to the, difference between English and Roman law as to, **11,** 357 n.
Church of England, for benefit of, for spiritual purpose, **11,** 773
Church of Rome, for, **4,** 122, 123; **11,** 809, 810; **28,** 538. *See* CHURCH OF ROME.
churchyard, for, **3,** 434, 435; **4,** 114; **11,** 722
land to extend area of, **15,** 407
money for repair of, **11,** 722 n.
reservation of rights in, **3,** 434, 435, 441; **15,** 507
class, to. *See* CLASS GIFTS.
clergy, for supporting, **4,** 112, 113, 118, 120—123; **11,** 773, 774; **15,** 406
clothing, of, whether a portion, **11,** 21
club, to, not charitable, **4,** 119. *See* CLUB.
coercion, induced by, rights of donor, **15,** 419, 420. *See* DURESS.
cohabitation, tending to prevent, effect of, **16,** 320; **24,** 490; **28,** 585
companies, limited, by, **5,** 290; **15,** 401
competency to
make, **15,** 399—404
receive, **15,** 404—407
completion of imperfect, **13,** 98; **15,** 430. *See* incomplete, *infra.*
conditional. *See* CONDITION.
Consols, of, **15,** 44
contingent. *See* CONTINGENCY.
convent, for use of, void as contrary to public policy, **4,** 122
conveyance of land, form of, **15,** 426. *See* CONVEYANCE OF LAND.
convict, by, **9,** 429; **15,** 403
copyright, of, **8,** 137, 139, 157

GIFT—*continued.*
corporation, power of, to make, **15,** 402
to, charter or licence necessary for, **15,** 406. *See also* MORTMAIN.
corpse, of, impossible, **3,** 405; **15,** 409
county council, to, **15,** 406; **19,** 364
creditor, deed in favour of, by, whether revocable, **15,** 419
in fraud of, right to avoid, **15,** 78—92. *See* FRAUDULENT CONVEYANCE; VOLUNTARY SETTLEMENT.
cumulative, **15,** 427
dangerous, liability as to, **15,** 427
deaf and dumb person, by, **15,** 403
death, taking effect on donor's. *See* DONATIO MORTIS CAUSÂ.
debenture, of, **15,** 429 n.
deceased person, by, proof of, **13,** 604; **15,** 425
to, **15,** 405
declaration of trust, created by, **15,** 409, 413, 414
does not operate as, when imperfect, **13,** 98; **15,** 414; **28,** 13
dedication, meaning of, **15,** 404. *See* DEDICATION.
deed, by, **15,** 409, 412; **22,** 406
essential, when, **10,** 364; **15,** 410, 411
setting aside by court, **21,** 19, 20
whether perfecting incomplete, **15,** 414, 429
deed of, form of, **15,** 410
defraud, with intent to, making a, **2,** 350
delivery, by, **15,** 412, 413; **22,** 406
deposits in savings bank, of, **15,** 412
devise, by. *See* DEVISE; GIFT BY WILL.
disclaimer of. *See* DISCLAIMER.
disjunctive, in the, effect of, **15,** 430 n.
district council, to, **4,** 598; **15,** 406
donatio mortis causâ, as a. *See* DONATIO MORTIS CAUSÂ.
donee, right of, to sue for conversion, **27,** 905
donors not *sui juris*, made by, **15,** 402—404
donors *sui juris*, competency of, to make, **15,** 399—402
dumb person, by, **15,** 403
Ecclesiastical Commissioners, to, **11,** 773, 774; **15,** 406
equitable
chose in action, of, **10,** 376 n.
estate, of, deed, by, irrevocable, **10,** 377
deed not necessary to, **10,** 376; **15,** 410
deed used in practice, **10,** 377 n.
registered land, in, **15,** 410
interest, assignment of, as amounting to a, **13,** 98
mortgage, of, **15,** 429
equity of redemption, of, **10,** 375 n., 376 n.
estate duty, payment of, on, **13,** 188, 220; **15,** 428
failure of objects of, *cy-près* doctrine applied, **4,** 193, 194
resulting trust arises on, **15,** 427; **28,** 54
feoffment distinguished from, **15,** 399 n.
fiduciary position, by persons in, **15,** 403, 404. *See* trustee, *infra.*
to persons in, **15,** 405; **28,** 166
forfeiture clause as to, will, in, **28,** 840, 841 n.
change of religion, on, **11,** 827
gift over on, **4,** 172, 173; **28,** 594
marriage, on, **15,** 423, 424; **28,** 586, 587, 698, 699, 774, 775

GIFT—*continued.*
fraud, induced by, donor's rights, **15,** 419, 420
will, in case of, avoidance of, **28,** 539
misapplication as constituting, **15,** 426, 427
fraudulent, impeachable by creditors, **2,** 275; **15,** 78
friendly society, nomination in, is not a, **15,** 151
officers of, cannot be nominees, **15,** 153, 405
to, charitable, **4,** 110
non-charitable, **4,** 119
furniture, of, **15,** 429 n.
house, with, and all other effects, construction of, **28,** 700, 701
husband, by, essentials in, **16,** 393 n.
presumed, when, **16,** 395, 396
grant distinguished from, **15,** 399 n.
highway or footway, for purpose of, **15,** 404
husband and wife, between, **15,** 399, 400; **16,** 392—399. *See* HUSBAND.
idiot so found, by, **15,** 403
illegal purpose, for, **15,** 424
cy-près doctrine applied to, **4,** 157, 161, 191, 192
income, of. *See* INCOME.
incomplete, *defined*, **15,** 428
completion of, **13,** 98; **15,** 430
court will not aid completion or revocation, **15,** 428, 429, 430
declaration of trust, not treated as a, **13,** 98; **15,** 414; **28,** 13
deed handed over by equitable mortgagee, **15,** 429
donor not compelled to perfect, **13,** 97; **15,** 428
irrevocable if assigned for consideration, **15,** 428
revocation, subject to, **15,** 428
incumbrances, free from, construction of, **15,** 426
infant, advancement to, for maintenance, no order for recoupment, **17,** 92
infant, by, right to recover, **15,** 402; **17,** 80
maintenance of, for, duration of, **17,** 86
to, **15,** 405; **17,** 75, 77, 78
avoidance, right of, on majority, **15,** 405; **17,** 76
revocation not permissible, **17,** 77
intended wife, to, when recoverable, **15,** 526
intention to give passes property if legal estate in donee, **13,** 98
inter vivos, **15,** 407—428
defined, **15,** 399
death of donor before completion, effect, **15,** 416, 428
donatio mortis causâ distinguished from, **14,** 223; **15,** 399, 431
estate duty payable on, when, **13,** 188, 220; **15,** 428
revocation of incomplete, **15,** 429. *See also* revocation, *infra.*
intoxicated person, by, **15,** 403
Jew, to, forfeiture clause on change of religion annexed to, **11,** 827
Jews, for chapel and schools for, charitable, **4,** 121; **11,** 826
relief of poor, for, charitable, **4,** 109
repatriation of, for, void, **4,** 123
school for, application to Christian charity in former times, **11,** 826 n.
joint tenancy, creation of, by, **24,** 200 n.
kinds of, **15,** 398, 399

GIFT—*continued.*
land, of, **15,** 407, 408, 410. *See* VOLUNTARY CONVEYANCE; VOLUNTARY SETTLEMENT.
charitable purposes, for. *See* CHARITY, assurance for.
equitable estate in, **10,** 376, 377; **15,** 410
legal estate in, form of grant, **15,** 410
mortmain in relation to, **4,** 124, 125, 133—141; **8,** 368; **15,** 406; **28,** 544
registered, how made, **15,** 410
what is passed by, **15,** 407
life assurance policy, of, **15,** 411
literary or scientific institution, of land for, **19,** 197, 198
Cornwall and Lancaster, Duchies of, in, **7,** 222, 256
donor's death, effect of, in, **19,** 198
lunatic so found, by, **15,** 403
married woman, to, **15,** 405
metropolitan borough council, to, **15,** 406
misapplication of, court will interfere, **15,** 426
misrepresentation, set aside for, **15,** 421
mistake, induced by, set aside, **15,** 421; **21,** 20
option to select, **15,** 430
parent and child, between, **14,** 549; **15,** 107, 108; **17,** 118; **28,** 55, 55 n., 56
parish council, to, **15,** 406
parish minister and churchwardens, to, school sites, for, **15,** 407
particular purpose, for, **15,** 426; **28,** 54
personalty, of. *See* chattels; chose in action, *supra*, and BEQUEST; GIFT BY WILL; LEGACY.
promissory note, of, **15,** 426
property subject to charge, of, **15,** 426
public, for benefit of, **4,** 114—117; **15,** 404
public bodies, to, validity of, **15,** 406
public services, for, inalienable, **15,** 408; **28,** 24 n.
Queen Anne's Bounty, to Governors of, **15,** 406
ratification of, presumption of, after lapse of time, **15,** 421
removal of undue influence, after, **15,** 420
real estate, of. *See* land, *supra.*
refusal of, donee, by, **15,** 418. *See* DISCLAIMER.
religious orders, to, **4,** 120; **11,** 810
restoration of, by donee, effect, **15,** 428
revocation of, absence of power of, as raising presumption of undue influence, **15,** 107
acceptance, presumption of, precludes, **15,** 418
cheque, made by, **15,** 428, 429
deed, where made by, whether permissible, **10,** 377; **15,** 418, 419
deed of, of, **15,** 429, 430
fraud, when induced by, **15,** 419
incomplete, **15,** 428, 429
infant, by, **15,** 402; **17,** 80
mistake, induced by, **15,** 421
mortgage deed, of, **15,** 429
mortis causâ, in case of *donatio*, **15,** 432, 434
personal representative, by, **15,** 421
undue influence, when induced by, **15,** 419, 420
school site, for, land, of, **12,** 118—120; **15,** 407
secret trust, by way of, **28,** 21, 22
securities, of, **15,** 429 n.
settlor, by, who is *particeps criminis*, **25,** 564
shares, of, **15,** 411
single, limitations with a double aspect in, **22,** 348
small amount, of, not set aside, **15,** 421

GIFT—*continued.*
solicitor and client, between, **15,** 108, 420; **26,** 746—748
spiritual purpose, for, **4,** 112—114, 120; **11,** 773
stamp duty on, **15,** 428
statutory non-commercial bodies, by, **15,** 402
third party, for use of, **15,** 413
tithe rentcharge, of, **15,** 407
trade unions, officers of, as nominees, **15,** 405
trifling amount, of, undue influence with regard to, **15,** 104
trust, by declaration of. *See* declaration of trust, *supra.*
optional, subject to, effect of, **28,** 93
secret, by way of, **28,** 21, 22
trustee, by, **15,** 403, 404; **28,** 126
to, how far valid, **15,** 109, 405; **28,** 166
uncertain object, for, effect of, **15,** 430
undue influence, effect of, **13,** 17, 107, 108, 419, 420; **16,** 396; **26,** 747. *See* UNDUE INFLUENCE.
made under, ratification of, **15,** 420
presumption of, **13,** 18; **15,** 103, 104, 107—111
verbal, effect of, **15,** 412
wife, to or by. *See* HUSBAND.
will, by. *See* BEQUEST; DEVISE; GIFT BY WILL; LEGACY.
works of art, of, nation, to, vest in trustees of National Gallery, **19,** 214
writing, by instrument in, **15,** 409—412

GIFT BY WILL,
defined, **28,** 508, 509
absolute gift. *See* ABSOLUTE GIFT.
acceptance by donee, effect, **28,** 597—600
accessories follow the principal, **28,** 693, 694
accruer clauses, effect of, in conditional, **28,** 795, 796
ademption of, **28,** 602, 603, 604. *See* ADEMPTION.
advancement, hotchpot provision as to, in, **28,** 842
mistake as to amount of in recital, effect, **28,** 844
age, attaining a certain, on, **28,** 801, 806
gift over in case of death before attaining a certain, **28,** 820, 826, 849. *See* GIFT OVER.
alternative, expressed in the, **28,** 680, 728—735. *See* ALTERNATIVE; SUBSTITUTIONAL GIFT.
ambiguous, presumption in favour of donee in, **28,** 763
animals, for benefit of, validity of, **4,** 116, 118; **28,** 536 n.
annuity, life, various forms of, **24,** 480, 481. *See* ANNUITY.
another's property, incapacity to dispose of, **28,** 524
apportionment of charitable, illegal objects, in case of, **4,** 149—152, 315, 337; **11,** 810, 811
bastard, to, condition of acquisition, **2,** 440; **17,** 45, 120; **28,** 542, 543
blended gifts, **28,** 600
blending of real and personal estate in, **28,** 770
building, of, may include land, **28,** 702
burial ground, for providing, **3,** 434, 435
business, of, may include land, **28,** 700 n.
capacity of donee to receive, **28,** 541, 542
capital or corpus, of, by bequest of income, **28,** 697, 698

GIFT BY WILL—*continued.*
changing since date of will, time will speak from, **28,** 692
charitable. *See* CHARITABLE TRUST; CHARITY; CY-PRÈS DOCTRINE.
child, to, construction of, rules as to, **28,** 670, 671
en ventre sa mère, to, **17,** 75 n.; **28,** 537, 740—742
predeceasing testator, to, effect of, **28,** 611, 612
reference to legitimate child presumed, **17,** 45; **28,** 735—737
unborn, to, effect of, **17,** 75 n.
children, gift over on failure of, no implication of gift to, **28,** 849
issue confined to, when, **28,** 753
word of limitation, when a, in, **28,** 766, 787
children, to, applicability of description, **28,** 744
legitimate children, means, **28,** 735
now living, effect of, **28,** 714. *See* CLASS GIFT.
share of parent, of, **28,** 731, 732
when description applicable to grandchildren, **28,** 744 n.
class, to, **28,** 537 n., 611, 614—616. *See* CLASS GIFT.
clear gift not to be cut down, **28,** 762, 763
composite class, devolution on, to, **28,** 732
concurrent gifts, **28,** 780—783
conditional, **28,** 792—845. *See* CONDITION.
conjunctive, in the, **28,** 729
construction of. *See* CONSTRUCTION OF WILLS.
contingency, subject to. *See* CONTINGENCY.
contingent remainder created under, statutory preservation of, **24,** 225, 226
distinguished from executory devise, **24,** 232, 233; **28,** 663
limitation to be construed as, **24,** 232; **28,** 663, 807
contract to make, enforcement of, **28,** 514, 515
cumulative gifts, nature of, **28,** 784, 785
cy-près doctrine applied to. *See* CY-PRÈS DOCTRINE.
deceased person, to, **28,** 538
disclaimer of, what may amount to, **28,** 599—601
distribution, *per capita* and *per stirpes*, **28,** 781—783
period of, determination of, **28,** 717, 718. *See* DISTRIBUTION.
divesting of conditional, **28,** 822—828. *See* DIVESTING.
donee, description of, **28,** 713—761. *See* DESCRIPTION, donees, of.
time of ascertaining the, **28,** 713—735. *See* DONEE.
election, where another's property is the subject of, **13,** 116—128. *See* ELECTION (Doctrine of Equity).
error in part of description does not vitiate, **28,** 686
essentials of an effectual, **28,** 513
estate, of, effect of, **28,** 701
evidence admissible in construction of, **28,** 632—651. *See* CONSTRUCTION OF WILLS.
executor, to, assent necessary in, **14,** 267
outside will, evidence as to, **28,** 650
failure of, **28,** 605—607
ademption, by, **28,** 602—605. *See also* ADEMPTION.
illegality, through, **28,** 605
lapse, by, **28,** 601, 607—618. *See also* disclaimer, *supra*, and LAPSE.

GIFT BY WILL—*continued.*
failure of—*continued.*
modes of, **28,** 601—605
non-performance of conditions, on, **28,** 590, 591, 605
uncertainty, for, **28,** 531, 532
foreign law, effect of, on capacity to receive, **28,** 541, 542
forfeiture clause, alienation, on, **28,** 841, 842
burden of proof as to operation of, **28,** 840, 841
gift for life or other interest subject to, construction of, **28,** 840
involuntary alienation not within, **28,** 840
power of attorney not within, **28,** 842
funds, of, effect of, **28,** 701
future husband of unmarried daughter, to, **28,** 714 n.
generic property, of, *defined*, **28,** 690 n., 692
accuracy of description, effect of, **28,** 690, 691
application of description, **28,** 692
possessive adjective, use of, effect, **28,** 692
goods, of, effect of, **28,** 701
heir, to, living person, of, effect of, **28,** 749
personal estate or mixed fund, of, **28,** 750, 751
to donee as, effect, **28,** 765
to exclusion of, **28,** 806, 807
words which cannot be read distributively, do not exclude, **28,** 854
heirs, to, construction of, **28,** 749—751
heirs or next of kin, to, **28,** 728 n.
hotchpot provisions, subject to, **28,** 842—845
illegality of, where avoidable by alternative construction, **28,** 666
illegitimate children, to. *See* bastard, *supra*.
implication, by, **28,** 845—854. *See* IMPLIED GIFT.
impropriety of, circumstances raising presumption of, **19,** 405
inanimate objects, for maintenance of, validity of, **28,** 536 n.
incapacity of various persons to receive a, **28,** 537—542
income, of, life, for, with liberty to use capital, **23,** 8
power superadded, with, effect of, **23,** 8
unlimited gifts, **28,** 697—699
indefinite sum in trust for another, of, **13,** 237
infant, for maintenance of, construction of, **17,** 86
to, capacity to take, **15,** 405; **17,** 77; **28,** 541
conditional, **28,** 592, 593
payment into court discharges executors, **17,** 76; **28,** 541
intention, clear, necessary in, **13,** 121, 122
to make a, when inferred, **28,** 683, 684
interim maintenance, of, **28,** 816
irreconcilable gifts, limits of rule as to, **28,** 677
issue, to, **28,** 752—755
issue male, to, **28,** 755
joint tenants, doctrine of survivorship applies to, **28,** 612
land, of, appurtenances as passing, **28,** 699
building or house may be included in, **28,** 702
church, for erecting, **11,** 722
corporation, to, voidable, **28,** 543
effect of, **28,** 702, 703. *See also* DEVISE.
place, specified, in, effect of, **28,** 703, 704
identification of, **28,** 640 n.
rents, unlimited gift of, arising from, **28,** 697

GIFT BY WILL—*continued.*
lands not settled, of, property passing by, **28,** 694 n.
lapse of, **28,** 607—618. *See* LAPSE.
lapsing of exonerated gift, effect of, on liability for payment of debts, **14,** 287
legacies, kinds of, **14,** 261. *See* BEQUEST ; LEGACY.
legacy as satisfaction of prior, **15,** 434
legacy duty in case of. *See* LEGACY DUTY.
life, for. *See* LIFE INTEREST.
power of disposition added, with, **23,** 7, 8
limitation, with words of, **28,** 764—770
lunatic, to, **28,** 541
executor's receipt in case of, **28,** 541
manslaughter or murder of testator, donee convicted of, cannot take, **28,** 539
married woman, to, and her children, **28,** 790 n.
receipt in case of, **28,** 541
masses for the dead, for, **4,** 120, 122 ; **11,** 810
misdescription of, effect of, **28,** 685
named person, at discretion of, effect, **28,** 779
nearest relations, to, **28,** 758
next of kin of testator, to, effect, **28,** 757
non-existing
donee, to, **28,** 536, 537
illegitimate child, to, void, **15,** 404 ; **28,** 542
object of, invalid, **28,** 538
stated, effect of, in, **28,** 777—779
objects, includes as many as possible, **25,** 596 n.
offspring, to, **28,** 755
option to purchase, of, **28,** 530, 531
order of payment of, **14,** 275—277, 290, 291 ; **28,** 844, 845
annuities, in respect of, **24,** 494, 495
rentcharges, in respect of, **24,** 495
over. *See* GIFT OVER.
particular property, for benefit of, **28,** 779
payment and vesting, distinction between, **28,** 811—813
period of distribution in, **28,** 717—720
perpetual, void, **28,** 679
perpetuities, rule against, as affecting. *See* PERPETUITY.
personalty, of, absolute interest, when conferred, **28,** 763, 776
death, on a, without leaving issue, **28,** 837, 838
inheritable estate, effect of intention to give, in, **28,** 768
limitations of real estate, by reference to, **28,** 770
named person and his children, to, **28,** 789
postponed gift with gift of interim interest, effect of, in, **28,** 814, 815, 815 n.
quasi-inheritable estate in, **28,** 769
restriction, without, effect of, **28,** 776
successive limitations in tail of, **28,** 770
superadded limitations in favour of personal representatives, with, **23,** 8
postponement of, by the conditions attached to it, **28,** 718, 799, 812—815
power in addition to. *See* POWER.
presumption as to, if one construction illegal, **28,** 666
in favour of donee, **28,** 763, 764
specific thing given twice, **28,** 784, 785
property not the subject of, **28,** 524
public policy, void as against, **4,** 122, 123 ; **11,** 810 ; **15,** 404 ; **28,** 26 n., 538, 539, 542, 583, 585

GIFT BY WILL—*continued.*
purpose, for particular, effect of, **28,** 777, 778
quantity of interest given, **28,** 762—792
absolute interest cut down, **28,** 762
not cut down where clear, **28,** 762, 763
realty, of. *See also* DEVISE.
death, on a, without leaving issue, **28,** 837
evidence admissible as to state of property or existence of power, **23,** 36, 37
pecuniary legacies, subject to payment of, **14,** 290
power, existence of, evidence as to, **23,** 36
state of, evidence as to, **23,** 36
successive estates in, and *cy-près* doctrine, **22,** 367—369 ; **28,** 787. *See* CY-PRÈS DOCTRINE.
recital as a, effect of, **28,** 683, 684
reference to other gifts, made by, **28,** 793
relatives, to, construction of, rules as to, **28,** 670, 671
remainders, rule as to, **28,** 807
representatives, to one of several, as to sufficiency of assent, **14,** 267
residuary, **28,** 712, 713. *See* RESIDUARY ESTATE ; RESIDUARY LEGATEE ; RESIDUE.
restraint on anticipation, not affected by, **16,** 367
reversionary property, period of distribution of, **28,** 718
rights of possession personal to the donee, of, effect, **28,** 773
Roman Catholic religious orders, to, whether valid, **4,** 120, 122, 123 ; **11,** 810 ; **28,** 538
satisfaction of portioner or creditor, presumption as to, **13,** 136—139 ; **28,** 601. *See* SATISFACTION.
selection, rights of donee regarding, **28,** 531, 532
series of gifts, conditions attaching to a, **28,** 793
servant, to, construction of, **28,** 759, 760
setting aside, in what cases, **15,** 104 ; **28,** 537—539
several persons, to, **28,** 615. *See* CLASS GIFTS.
Shelley's case, rule in, application of, to, **28,** 768, 769. *See* SHELLEY'S CASE, RULE IN.
single and undivided, acceptance or disclaimer of, **28,** 600
specific, ademption of, **28,** 602. *See* ademption, *supra.*
at date of will, **28,** 693
specified amount, of, specified purpose, for, **28,** 778, 779
substituted gifts, **28,** 608, 609, 786
substitution of issue, in case of, **28,** 735, 783
successive, contingencies in, **28,** 802
superstitious uses, to, **4,** 120—122 ; **11,** 810 ; **28,** 538. *See* SUPERSTITIOUS USES.
survivorship clauses in conditional, effect of, **28,** 827, 828
tenancy, common, in, **28,** 780, 781
joint, in, **28,** 780, 781
tenants in common, to, doctrine of survivorship does not apply to, **28,** 613
time of payment and, distinction between, **28,** 812, 813
trust, optional, subject to, effect of, **28,** 93
subject to, realty, of, **13,** 75, 76
two gifts, one in will and the other in codicil, effect, **28,** 678 n.
uncertainty, avoidable for, **28,** 18, 536, 537, 678—680
vesting of, **28,** 797—822. *See* VESTING.
accumulation, direction for, effect of, on, **28,** 813

GIFT BY WILL—*continued.*
vesting of—*continued.*
contingency, subject to, where, **28,** 606, 607
payment, and, distinction between, **28,** 811—813
presumptions as to, **28,** 798
use of word vest, **28,** 799, 800
void, uncertainty, for, **28,** 678—680. *See also* public policy; superstitious uses, *supra, and* PERPETUITIES, RULE AGAINST.
words of description of, indefinite, effect of, **28,** 679

GIFT INTER VIVOS. *See* GIFT.

GIFT OVER. *See also* FORFEITURE.
defined, **28,** 508 n., 529
absolute gift, after, effect of, **28,** 828
accruer clauses making whole property subject to, **28,** 795, 796
alienation, invalid restraint on, effect of, **15,** 423, 424; **22,** 411. *See* forfeiture, *infra.*
life estate, of, bankruptcy, effect of, **2,** 147
ambiguity in prior gift explained by, **28,** 806
appointment, in default of, effect, **23,** 70
vesting of property where no, **25,** 578
bankruptcy or death interchangeably, on, **28,** 805
charitable trust, in, *cy-près* application in, on failure of prior object, **4,** 299
failure of, does not extend prior estate, **4,** 173
forfeiture on breach of condition, when enforced, **4,** 172
when not enforced, **4,** 173
lapse of time, effect of, **4,** 173
prior charity remodelled, effect of, **4,** 173, 174
public policy, prior gift being against, **4,** 173
refusal to perform conditions where court declares prior gift non-charitable, effect of, **4,** 174
child predeceasing testator, in case of, **28,** 610, 611
children dying before attaining vested interest, in case of, **28,** 801 n.
class, to. *See* CLASS GIFT.
condition, death, in case of, **28,** 828—833
death of donee before performance of, on, **28,** 805
in terrorem
precedent, effect of, **28,** 589, 590
subsequent, effect of, **28,** 589
person entitled may release donee from, **28,** 594
conditions attaching to a series may refer to, **28,** 793
contingency, effect on prior gift, **28,** 606, 607
excluded by context in, **28,** 830
happening in testator's lifetime, effect of, **28,** 796, 797
in case of a, **28,** 828—833
contingent remainder, taking effect as, when single in expression, **22,** 350
cross-remainders, as creating, **25,** 596; **28,** 726, 727
cumulative and substituted legacies, effect of conditions in, **28,** 794
cy-près doctrine, application of, on, **4,** 299; **28,** 787
daughter dying unmarried before testator, in case of, **28,** 611 n.
death, on, age, before attaining a certain, **28,** 820, 826, 849
before vesting, **28,** 832, 833
distribution or vesting, period of, **28,** 828, 829

GIFT OVER—*continued.*
death—*continued.*
execution of trusts of will, before, **28,** 831, 832
issue, of, under age, where no issue, **25,** 579 n.
legacy
becoming due, before, **28,** 832
receipt of, before, **28,** 831
prior donee, of, **28,** 829, 833
unborn remainderman, of, application to case of, **28,** 804
without heir, **28,** 839
death or intestacy of person to whom absolute interest given, on, **23,** 10 n.
death or want of issue, on, construction, **28,** 825 n.
death under age, on, **28,** 824, 825
construction of, **28,** 824, 826
want of issue, on, **28,** 825
death without
having children, on, construction of, **28,** 824, 840
issue, on, **28,** 801 n., 821, 823, 829, 830, 839, 840
following gift to parent, no implication of gift to issue left, **28,** 849, 850
implication in devises from, **28,** 850, 851
specified age, before, **28,** 806
distributive construction, cases of, **28,** 854
donee, on death of, though never coming into existence, how construed, **28,** 804
event not happening, to take effect on, **23,** 70 n.; **28,** 804
forfeited, effect of word, in, **25,** 572
forfeiture on, alienation, by, **22,** 412, 424
absolute gift, after, invalid, **15,** 423
execution of power of attorney does not incur, **28,** 842
involuntary, does not apply to, **28,** 840
bankruptcy, by, **2,** 147; **15,** 424; **22,** 412; **25,** 570, 571; **28,** 805
absolute gift, after, invalid, **15,** 423
charitable trust, in case of, **4,** 172, 173
marriage, by, **15,** 423, 424; **28,** 588
remarriage, by, **15,** 423 n.; **28,** 587, 718
gift inter vivos, in, void restraints in case of, **15,** 423, 424
implied gift, in case of. *See* IMPLIED GIFT.
inferences from, **28,** 726
prior gift, as to, **28,** 806
issue, failure of, on, **28,** 822—826; 833—840
apart from statute, **28,** 836, 837
bequest to person and his issue, in case of, **28,** 791
personal events coupled with, **28,** 824—826, 839
personal provisions, **28,** 838
previous gifts, in case of, **28,** 851
life annuitant, effect on rights of, **24,** 481, 482
marriage, on, how far valid, **15,** 423, 424; **28,** 586, 587, 588
marriage or death interchangeably, on, **28,** 805
particular event taking effect generally, on, **28,** 803, 804
perpetuities, rule against, charity, does not apply as against, **4,** 175; **22,** 329
subsequent donee after, applies to, **22,** 330
contingent remainder, may take effect as, though infringing, **22,** 350
void under, effect on prior gift, **22,** 350, 351
power not exercised, where **23,** 10; **28,** 772
prior gifts, as to vesting of, inferences from, **28,** 806, 808, 809
remarriage, where life interest determinable on, **28,** 718

GIFT OVER—*continued.*
several events connected by and, on, **28,** 826, 827
specified age, on failing to attain, effect, **28,** 820, 826, 849
stranger, on death of, **28,** 836
to, effect of, **23,** 50, 51
survivor, to, contingent event, on, construction of will as to, **28,** 726—728, 827, 828
tenant for life, failure of, to comply with a condition, effect of, **25,** 638
trust of income, wife, for separate use of, followed by, **25,** 572
validity of, **28,** 529
vesting not prevented by, **28,** 820
widowhood, first gift during, and gift over on death, effect, **28,** 805

GILBERT ACTS, 11, 754 n. *See* ECCLESIASTICAL LAW.

GILTSPUR STREET COMPTER,
court of, **9,** 177

GIN,
duty on, **24,** 600
proof, under, held not to be gin, **15,** 21 n.
sale of, standard of quality in, **15,** 21 n.

GIN-MACHINE,
offence to erect near highway, **27,** 275

GIPSY,
highway, offences on, by, **27,** 276
nuisance caused by, powers of local authority, **21,** 537 n., 538 n., 540

GIRL. *See* CHILD; INFANT; WOMAN; YOUNG PERSON.
abduction of. *See* ABDUCTION.
age of, *bonâ fide* belief as to, defence to criminal charge, as, **9,** 617
consent to
assault, for, **9,** 619
intercourse, for, **9,** 612
marriage, for, **16,** 281
proof of, criminal proceedings, in, **9,** 616
settlement on marriage, for purpose of, **17,** 103
carnal knowledge of. *See* CARNAL KNOWLEDGE.
coal mines, employment in, of, restrictions on, **17,** 154—156
conspiracy to procure, common misdemeanour, **9,** 263 n.
custody of, parent or guardian deprived of, abetting immorality, in case of, **17,** 110
education endowments extended to, **12,** 105
guardianship of, under Criminal Law Amendment Act, 1885, **17,** 110
marriage, age of nubility, **16,** 281
breach of promise of, action by minor for, **16,** 273; **17,** 57, 58, 65. *See* BREACH OF PROMISE OF MARRIAGE.
procuring for immoral purposes, **9,** 542, 543, 614, 615; **17,** 164
prostitution of. *See also* PROSTITUTE.
evidence of child, **9,** 408
offence under
Children Act, 1908, **17,** 164
Criminal Law Amendment Act, 1885, **9,** 614—617; **17,** 110
rape, an offence against, **9,** 611. *See* RAPE.

GIRL—*continued.*
seduction of. *See* SEDUCTION.
settlement by, on marriage as minor, **17,** 103
shop assistant, provision of seats for, **14,** 463
unchastity, imputation of, actionable *per se,* **18,** 620, 641
ward of court, as. *See* WARD OF COURT.

GIVING TIME. *See also* FORBEARANCE.
agreement for, as consideration for grant to secure money already due, **1,** 640; **7,** 386; **15,** 97
creditor, by, principal, with, requisites and effect of, **15,** 552, 553, 567
surety, with, **15,** 557, 558
stamp not required on consent to, **15,** 473
bill of exchange, accommodation party, when discharging, **15,** 554, 555 n., 558
custom of trade does not justify, **15,** 555
partial relief by, **15,** 555, 556
principal debtor, to, agreement for, **15,** 552
verbal, **15,** 553
continuing guarantee, in case of, **15,** 555
omission, whether having effect of, **15,** 555, 558
what constitutes, **15,** 554, 555
surety, after judgment against, effect of, **25,** 557
agreement between creditor and debtor giving time to, effect of, **15,** 557
co-surety, effect on, by giving time to, **15,** 534, 557, 558, 570
discharged by creditor who gives time, **15,** 552—557
reservation of remedies to, effect of, **15,** 556
when not discharged, **15,** 556, 557
valuable consideration, when constituting, **7,** 386, 397; **15,** 271

GLANDERS,
slaughter of animals for, **1,** 428
Workmen's Compensation Act, 1906, and compensation for, **20,** 165 n.

GLASS,
carrier's liability for, **4,** 23
depositing in streets, bye-laws, as to, **27,** 280
factory, non-textile factory, as, **14,** 437. *See* GLASSWORKS.

GLASS MAKER,
restrictive covenant, in case of, **27,** 585

GLASSHOUSE,
fixture not removable by tenant, **18,** 424
site of, not included in agricultural land, **24,** 575 n.
undeveloped land duty and erection of, **24,** 575

GLASSWORKER,
cataract of, within Workmen's Compensation Act, **20,** 165 n.

GLASSWORKS,
defined, **14,** 439
employment of male person of fourteen years in, provision as to, **14,** 503
Factory and Workshops Act, 1901, provisions of, as to, **14,** 439
nuisance from, **21,** 533

GLEANING,
no common law right of, **1,** 283
profit à prendre, rights as to, **11,** 336

GLEBE,
defined, **11,** 753
allotments, application of money received in respect of, **26,** 682
lease for, **1,** 344
augmentation of, **11,** 722 n., 755 n.
boundaries of, **11,** 718, 748
buildings, alteration in, when faculty necessary, **11,** 543, 544
removal of, bishop may sanction, **11,** 543
compensation to tenant of, **11,** 759
cultivation of, by incumbent, **11,** 754
dilapidations, charge upon tenants holding for, **11,** 759
loan on lands to secure cost of, **11,** 759
ecclesiastical terrier, as evidence of boundary of, **3,** 145
educational purposes, grants of glebe land for, **12,** 119
execution upon, *elegit* not applicable, **14,** 66
writs may issue to the bishop, **14,** 89, 90
foreclosure action in respect of, parties to, **21,** 281
gift of land for, **4,** 139
Glebe Exchange Act, 1815, conveyances under, deed necessary, **10,** 365, 399
Glebe Lands Act, 1888, powers of incumbent under, **11,** 766 n.
incumbent, cultivation by, **11,** 754
cutting down trees for repairs only by, **11,** 754
mortgage by, **11,** 755—760
owner, as, **11,** 754
sale by, **11,** 764—766
waste, must not commit, **11,** 754
land tax, redemption of, **18,** 328, 329
manse includes, **11,** 753, 754
mines, incumbent may work, **11,** 754
mortgage by incumbent for purchase of, **11,** 755
parsonage and glebe, relation of, **11,** 753—755
residence, grant of glebe land for, **11,** 755
sale of, **11,** 754
sale of, Board of Agriculture to approve, **11,** 765
consents required, **11,** 754
creditors' powers and security in regard to, **11,** 765, 766 n.
dilapidations, provision for cost of, **11,** 765
Glebe Lands Act, 1888, under, **11,** 766
infant patron, by, **17,** 101
investment of proceeds, **11,** 766
mortgagee's powers, **11,** 765, 766 n.
notices in respect of, **11,** 765 n.
procedure in, **11,** 764—767
profit on, application of, **11,** 754 n.
report required by Board of Agriculture before, **11,** 765
valuation required before, **11,** 765
small holdings, lease for, **26,** 679
money paid for compulsory
hiring of, application of, **26,** 682
purchase of, application of, **4,** 220 ; **6,** 169 ; **25,** 634 n. ; **26,** 682

GLOUCESTER,
local court of, **9,** 162
port of, usages of, **10,** 293

GLOUCESTERSHIRE,
clay or sand, lease for getting, **20,** 650
mining customs in, area of, **20,** 645—650
gale, *defined*, **20,** 646
area of, **20,** 647
galeage rents and royalties, **20,** 648

GLOUCESTERSHIRE—*continued.*
mining customs in—*continued.*
gale—*continued.*
galee, duty of, **20,** 649
grant of, **20,** 646
emolument of, **20,** 647
surrender of, **20,** 650
transfer of, **20,** 647, 648
gavellers, **7,** 123 n. ; **20,** 646
inclosed land, gales under, **20,** 648
leases of waste land, **20,** 648
licences by Crown, **20,** 648
mines, ownership of, **20,** 645
nature of, **20,** 645
surface, ownership of, **20,** 645
working of gales, **20,** 649, 650
quarries, leases of, **20,** 650

GLOVEMAKER,
restrictive covenant, in case of, **27,** 585, 586
trade usages of, **10,** 277

GLOVES,
ecclesiastical vestments, as, **11,** 402

GLUCOSE,
adulteration by admixture with, **15,** 22 n.
beer, use in preparation of, **15,** 45 ; **18,** 145
customs and excise regulations as to, **24,** 603, 634
drawbacks on exportation of, **24,** 697
duty on, nature of, and how charged, **24,** 618
repayment and remission of, **24,** 618
licence required by maker of, **24,** 633, 634
marmalade, in, when not an offence, **15,** 22 n.

GOATS,
common of pasture for, **4,** 447, 453
in royal forest, **4,** 475

GODPARENTS, 11, 685

GOING ARMED,
offence of, *defined*, **9,** 468, 674
poacher, in case of, **15,** 230, 234
punishment for, **9,** 468

GOLD,
carrier's liability for loss of, **4,** 23
coin, counterfeit, offences as to, **9,** 516. *See* COUNTERFEIT COIN.
legal tender of, **6,** 463
lightening, impairing, or diminishing, **9,** 515
mines, Crown right to, **7,** 116, 117 ; **20,** 507 n.
plate, Excise licence to deal in, **24,** 665
importation of, regulations as to, **24,** 593 ; **27,** 724
marking of, **27,** 723, 724
treasure trove, as, **7,** 212, 213

GOLD COAST,
courts of, **10,** 555
government of, **10,** 503 n.
legal codes in, **10,** 541 n.
Northern Territories of, protectorate of, **10,** 521, 522
offences within twenty miles of, trial of, **10,** 558

GOLDSMITHS' COMPANY,
limitation of proceedings by officer of, **19, 77,** 175

GOOD BEHAVIOUR,
binding over to be of, **9,** 412—414 ; **19,** 605
security for, by parent or guardian of youthful offender, **9,** 424

GOOD CAUSE,
defined, in respect of order for costs, **23,** 180—182
appeal may lie as to the existence of, **23,** 182
instances of, **23,** 181 n.

GOOD CONSIDERATION,
creditors, as against, what is, **15,** 81. *See* CONSIDERATION ; VALUABLE CONSIDERATION.

GOOD FAITH. *See also* BONÂ FIDE.
defined, **25,** 120
banker's dealings must be in, **1,** 594, 609
breach of. *See* BREACH.
equity based on principles of, **13,** 6
objection to interrogatory, **11,** 110
parliamentary proceedings, in publication of, **18,** 683
partners, required between, **22,** 47
qualified privilege, presumption in case of, **18,** 685 n.
servant impliedly contracts with master to act with, **20,** 126
statutory powers, performance of, **27,** 174, 175
transaction contrary to, not protected in bankruptcy, **2,** 288

GOOD FRIDAY,
acts prohibited on, **27,** 445
billiards, provisions as to playing on, **27,** 426
bills of exchange, effect of last day of grace falling on, **2,** 477
burial on, **3,** 426
closing hours on, **18,** 88, 89
corporations, provisions as to acts of, on, **19,** 314 ; **27,** 452
elections, candidate may not be nominated on, **12,** 277
time for, excludes Good Friday, **12,** 262, 414, 427
factories and workshops holidays on, **14,** 496 ; **27,** 442
imprisonment, term of, expiring on, **23,** 258 ; **27,** 452
licence, occasional, not granted for, **18,** 98
six-day licence and provision for closing on, **18,** 90, 91
Wales, in, closing of licensed premises on, **18,** 90
markets and fairs, provisions as to sale in, on, **20,** 16, 17
pawnbrokers must not do business on, **22,** 255
service of writ or process on, prohibited, **27,** 445
Supreme Court vacation on, **27,** 436
time expiring on, effect of, **2,** 306, 319, 320 ; **27,** 451—453

GOOD LEASEHOLD TITLE,
registration in Land Registry, **24,** 314

GOOD ORDER AND CONDITION,
effect of statement in bill of lading that goods shipped in, **26,** 156, 157

GOOD SEAMANSHIP. *See* SEAMANSHIP.

GOOD SHEPHERD,
image of, in church, legality of, **11,** 668 n.

GOOD TENANTABLE REPAIR,
liability of tenant under covenant to keep premises in, **18,** 507, 508

GOODS. *See* CHATTELS.
defined, Bankruptcy Act, 1883, by, **2,** 144
Law of Distress Amendment Act, 1908, by, **11,** 146 n.
marine insurance, for purposes of, **17,** 364
Sale of Goods Act, 1893, by, **25,** 112
agent, intrusted to. *See also* AGENT.
bankruptcy of agent as affecting, **1,** 203
disposition of, authority, without, **1,** 203—205
Factors Act, under, **1,** 205, 206
distress for rent on, **1,** 206 ; **11,** 134—136
fraudulent pledge of, **9,** 657, 658
limitation of action by principal in case of, **1,** 185
marine insurance on, **17,** 356
bankruptcy, acquired subsequent to, rights in regard to, **2,** 183, 184 ; **14,** 218
bill of lading as an acknowledgment of receipt of, **26,** 144, 145, 169
bona vacantia, when, **11,** 28
canal company's liability for damage to, **4,** 27, 28 ; **23,** 785
carriage of. *See* CARRIAGE OF GOODS ; CARRIER OF GOODS.
caveat emptor principle applied to sale of, **25,** 157 *et seq.* *See* CAVEAT EMPTOR.
church, of, custody by churchwardens, **11,** 468
protection of, **11,** 736
club, supplied to, liability for, **4,** 420—422 ; **7,** 340
co-owners of, trespass, rights of action for, between, **27,** 866
consideration for lease, as, stamp duty on, **18,** 398
contract for sale of. *See* SALE OF GOODS.
conversion of. *See* CONVERSION OF GOODS ; DETINUE ; TROVER.
cotton, marks for, **27,** 707 n.
dangerous. *See* DANGEROUS.
description of property as, in will, **28,** 701
detention of. *See* CONVERSION OF GOODS ; DETINUE ; TROVER.
deterioration during transit of, carrier's duty to check, **4,** 16
liability in case of sale, **25,** 223, 224
shipowner's duty to check, **26,** 226, 227
disparagement of, actionable, when, **18,** 736, 737
company or corporation, in case of, **18,** 612, 613
defamatory of owner, when, **18,** 618, 628
trade libel, as, **27,** 675, 676, 677 n.
distress on. *See* DISTRESS FOR RENT ; DISTRESS FOR RATES AND TAXES.
elegit, writ of, does not extend to, **2,** 273 ; **14,** 61 n.
fire insurance of. *See* FIRE INSURANCE.
fraudulent removal of. *See* FRAUDULENT REMOVAL OF GOODS.
generic as distinguished from specific, **25,** 121 n., 145 n.
gift of, by will, **28,** 701
illegal contract, delivered in pursuance of, recovery of, **7,** 409
innkeeper's liability for guest's, **17,** 314—323. *See* GUEST ; INNKEEPER.

GOODS—*continued.*
interpleader with reference to, **17,** 582, 585, 591, 628
larceny of. *See* LARCENY.
malicious damage to, **9,** 768, 791
manufacture, in course of, **9,** 780, 781
museum, in, **9,** 787
marine insurance in regard to. *See* MARINE INSURANCE.
metropolitan street regulations as to deposit of, **27,** 287, 288
negligence in respect of, purchase as defence to action for, **21,** 480
partnership, in relation to, **22,** 6, 7, 9, 10
preservation or interim custody of, order for, **23,** 142
railway company charges for unloading and covering, **4,** 83, 84
removal of. *See* FRAUDULENT REMOVAL OF GOODS; REMOVAL.
sale of. *See* BUYER; SALE OF GOODS; SELLER.
seizure of, damages in case of, **10,** 325
shares in joint stock company as, **5,** 172 n.; **27,** 227
shipment of. *See* CARGO.
slander of, **18,** 612, 736, 737
specific. *See* SPECIFIC GOODS.
trade name of, **27,** 757—764. *See* TRADE NAME.
trespass to, **27,** 863—865. *See* TRESPASS TO GOODS.
unascertained. *See* UNASCERTAINED GOODS.

GOODS AND CHATTELS,
description of property as, in will, **28,** 701
Prevention of Fraudulent Alienation Act, within, **15,** 79 n.

GOODWILL,
defined, **5,** 348 n.; **22,** 104 n., 106 n.; **27,** 590
assets, included in, **5,** 348 n.; **22,** 104, 107
bankruptcy, proof in, in respect of price of, **22,** 13
sale by bankrupt, **2,** 224
transfer on, of, **2,** 160; **27,** 591 n.
trustee's rights, **2,** 119, 160, 161
compulsory purchase of land, compensation for loss of goodwill, **6,** 36
stamp duty on goodwill, **27,** 593 n.
dentist's practice, in, **27,** 591
dissolution of partnership, in case of, **22,** 104—107
assets, whether included in, **22,** 104, 106, 107
competition, whether partners restricted as to, **22,** 106
injunction in respect of, **22,** 83, 84
outgoing partner's share of, **22,** 100
reopening of settled account in respect of, **22,** 72 n.
sale of goodwill, conditions of sale on sale by court, **22,** 106
includes right to use name, **22,** 104, 105
surviving partner, reservation to, **22,** 107
valuation of goodwill, **22,** 106
vendor, restrictions on, **22,** 105, 106
rights of, **22,** 105
distress for rent in respect of, **11,** 122
doctor's practice, in, **20,** 311; **27,** 591
estate duty on, **27,** 593 n.
executor's duty to account for, **27,** 593 n.
existence of, question of fact, **27,** 592 n.
fraudulent alienation of, effect of, **15,** 79
gas undertaking, purchase of, includes, **15,** 321 n.

GOODWILL—*continued.*
implied sale of, on sale of business, **22,** 106, 107; **27,** 593, 594
local, *defined,* **27,** 591
mortgagee entitled to, when, **5,** 348 n.; **21,** 120, 121; **27,** 592
nature of, **27,** 590—593
partnership, of. *See* dissolution, *supra.*
personalty, as, **22,** 389; **27,** 592
purchaser of, rights of, **22,** 104; **27,** 594
restrictive covenant as affecting, **22,** 106; **27,** 569, 592, 595
separation of, from business or premises, **27,** 592, 593 n.
solicitor's practice, in, **26,** 843; **27,** 591, 594 n.
specific performance of agreement to sell, **27,** 596, 597
stamp duty in respect of, **25,** 447; **27,** 593, 594 n.
Statute of Frauds and transfer of, **27,** 594
stock-in-trade, sale of, may pass, **27,** 593 n.
stockbroker's business, in, **27,** 216, 591
surgeon's practice, in, **27,** 591
trade interest, as part of, **27,** 590 n.
trade mark not assignable apart from, **27,** 718, 719
trade name attached to, **22,** 104, 105; **27,** 594 n., 749, 756, 763, 764
transfer of, **22,** 106, 107; **27,** 593—597
value of, a question of fact, **27,** 592
restrictive covenants as affecting, **22,** 106; **27,** 569, 592
vendor of, rights of, **22,** 105, 106; **27,** 595, 596
widow's right to sell, **27,** 592 n.
writing required on transfer of, when, **27,** 594

GORSE,
common of estovers includes right to take, **4,** 468
firing: gamekeeper's power to arrest for, **15,** 245

GOSPEL,
illegality of singing sentences before and after reading, **11,** 677 n.

GOVERNESS,
menial servant, not a, **20,** 70 n., 71
notice to terminate employment, **20,** 97, 98 n.

GOVERNMENT. *See also* CONSTITUTION; MINISTRY.
analyst, analysis by, **15,** 32
certificate of, imported food, in case of, **15,** 44
prescribed form not necessary, **15,** 11, 32, 56 n.
sample to be sent to, **15,** 32
annuities, county court jurisdiction as to, **8,** 653
creation of, **24,** 482
personalty, as, **22,** 389
terminable, **24,** 756
Bills, **21,** 702—765. *See* BILL IN PARLIAMENT.
buildings, exemption of, from rates, **24,** 14, 15
business in Parliament, precedence of, **21,** 674
colonies, of. *See* COLONIES.
Consolidated Fund, grant from, **12,** 48, 49; **24,** 762, 763
contractor, disqualification of, as member of Parliament, **21,** 658, 659
Official Secrets Act, application of, to, **9,** 484
department. *See* GOVERNMENT DEPARTMENT.
foreign. *See* FOREIGN GOVERNMENT.
funds, shares of, are personal estate, **11,** 3
sources of, **24,** 547—549

GOVERNMENT—*continued.*
grant, education purposes, for, **12,** 8—12, 48—50. *See* EDUCATION GRANT.
literary and scientific institutions, to, **19,** 206
marks, forgery of, offence of, **9,** 513; **27,** 726
misapplication of, **9,** 513
offences against, **9,** 450—530
officer. *See* PUBLIC OFFICER.
offices, constitution of, **6,** 418; **7,** 79, 80, 92 *et seq.*
heads of, **7,** 34 *et seq.*, 80
reports issuing from, how far privileged, **18,** 698, 699
petition of right against, **10,** 26—35. *See* PETITION OF RIGHT.
rates, exemption from, **24,** 14, 15
revolutionary, succession by suppression of, **23,** 311
school. *See* SCHOOL.
Sea Regulations not to interfere with rules of, **26,** 407
securities, direction to trustee to hold, **28,** 130 n., 131
assignment of, **4,** 394
chose in action, not, **4,** 360 n.
dividends, payment of, and transfer of unclaimed dividends, **24,** 758, 759
retransfer of unclaimed, **24,** 759
interests in, as personal chattels under Bills of Sale Acts, **3,** 21
transfer of, **24,** 758
ships, definition of, **25,** 4 n.
registration as British ships, **25,** 4; **26,** 16, 375 n.
salvage reward, exemption from claim for, **26,** 560, 561
sea regulations not applicable to, **26,** 407
succession to state rights, **23,** 311, 312
water supply, settlement of disputes as to, **28,** 349

GOVERNMENT DEPARTMENT.
See also main words denoting particular departments.
action against, **1,** 17, 18; **6,** 413, 414, 416
compulsory acquisition of land by, **6,** 6, 7, 158—162. *See* ACQUISITION OF LAND.
constitution of, **7,** 79, 80
Explosives Act, exemption from provisions of, **14,** 363, 364
head of, position of, **7,** 80
injunction against, **17,** 205
permanent staff of, **7,** 80, 81
petition of right against, **1,** 18 n.; **10,** 26—35. *See* PETITION OF RIGHT.
political and non-political, **7,** 80
public authority not protected in proceedings by, **23,** 345
salaries, **7,** 81
statute, error in interpretation of, by, High Court's power to correct, **27,** 127
statutory declaration in, **7,** 27 n
subordinates, not liable for wrongful acts of, **6,** 416
telegraphic messages, special rights in regard to, **27,** 354, 369
trespass, liability for, **6,** 413 n.; **27,** 847 n,

GOVERNOR,
colony, of, absence of, **10,** 527
acceptance of presents by, **10,** 527
acts of, as acts of state, **23,** 309

GOVERNOR—*continued.*
colony—*continued.*
appointment of, **7,** 21; **10,** 526
authority of, **10,** 527
breach of official trust by, **10,** 532
change of Ministry as affecting, **7,** 38
civil liability of, **10,** 531
criminal liability of, **10,** 532
disabilities of, **10,** 532
discovery of documents, privilege from, **10,** 531, 532
duties and powers of, **10,** 528—531
Governor-General, Australia, of, **10,** 507
alteration of salary of, **10,** 543
Canada, of, **10,** 517
India, of, **10,** 594
South Africa, of, **10,** 513
liabilities of, **10,** 531, 532
marriage officer, may be, **6,** 259
oppression by, **10,** 532
ordinary, as, in, **11,** 488 n.
pensions, **10,** 532
powers of, **6,** 423—426; **10,** 528—531
commission and instructions, by, **10,** 528
statutory, **10,** 528—531
responsibility of, civilly, **10,** 531
criminally, **10,** 532
hospital, of, rateability of, **24,** 17
prison, of, absence, leave of, **23,** 235
person in charge on, **23,** 237
calendar of prisoners, preparation of, by, **23,** 244
complaints, duties as to, **23,** 236
corporal punishment, duty to attend at, **23,** 266
custody of prisoners during trial, liability for, **23,** 250, 251
damages against, **23,** 237
dangerous illness, notice of, to relations of prisoner, **23,** 236
deputy in absence of, **23,** 237
detention of wrong person, liability for, **23,** 237
dissection of dead bodies of prisoners, cannot give permission for, **20,** 342 n.
duties of, **23,** 235—237, 266
false imprisonment, liability for, **23,** 237; **27,** 881, 882
fines, powers as to, **23,** 236
insanity, duty to report as to, **23,** 236
letters to prisoners, duties as to, **23,** 236
misconduct, powers and duties in case of, **23,** 236
pensions, **23,** 241
powers and duties of, **23,** 235—237
punishment, powers of, **23,** 236
reports by, on prisoner's health, **23,** 236
residence of, **23,** 235
responsibility of, **23,** 235, 236
restraint, powers as to, **23,** 236
superannuation of, **23,** 241
visiting prisoners, duties as to, **23,** 235
visitors, powers and duties as to, **23,** 265
wrongful detention, liability for, **23,** 237
street lamps, on, fixing of, **15,** 343

GOVERNOR-GENERAL,
Australia, **10,** 507
Canada, **10,** 517
India, **10,** 594
South Africa, **10,** 513

GRACE,
days of. *See* DAYS OF GRACE.

GRADIENT,
railway bridge, of road under or over, railway company's duty as to, **23,** 659

GRAIN. *See also* CORN.
cargo of, regulations as to stowage of, **26,** 80, 81
crops, agricultural tenant's right to, **1,** 282; **18,** 566
distress upon, **1,** 254; **11,** 138 n.
granary as a fixture, **18,** 417 n.
poisoned, offences in connection with, **1,** 285; **15,** 211; **20,** 385 n.
weight, as measure of, **28,** 468

GRAMMAR,
construction of
deeds, in, **3,** 85; **10,** 434 *et seq.*
wills, in, **28,** 652, 655
school. *See* GRAMMAR SCHOOL.

GRAMMAR SCHOOL,
defined, **12,** 116 n.
endowed schools, powers of court over, **12,** 103, 116
reform of, **12,** 116
visitatorial power in respect of, **4,** 291

GRAMOPHONE,
performance on, whether an infringement of performing rights, **8,** 186

GRANARY,
fixture, as, **18,** 417 n.

GRAND ALMONER,
hereditary, coronation office of, **6,** 332

GRAND JURY,
calling, **9,** 346; **18,** 241, 242; **19,** 640
challenge not available in case of, **9,** 346 n.; **18,** 241, 242
charging of, **9,** 346; **18,** 242
where more than one judge sitting, **18,** 242
coroner's depositions, reading of, to, **8,** 292
counsel has no right of audience, **2,** 376; **9,** 346 n.
discharge of, **9,** 347; **18,** 243
disqualification of members of petty jury, **18,** 243
evidence before, **9,** 346, 347; **18,** 243 n.
findings of, **9,** 345—348; **18,** 242, 243
foreman of, at assizes, how chosen, **18,** 243 n.
function of, **9,** 346; **18,** 241
High Court, summoning to, **18,** 237
indictment, consideration of, by, **9,** 346
delivery of, by, **9,** 347
duties in respect of, **9,** 345—348; **18,** 242, 243
finding of, by, **9,** 345—347; **18,** 242
presentation of, to, **9,** 346
several against one person found by, **9,** 348
malicious prosecution, exempt from action for, **19,** 672
number of, **9,** 346; **18,** 227, 238 n.
penalty for offence by, **18,** 266—269
petty jury, distinguished from, **18,** 229
member of, cannot sit on, **18,** 243
presentments by, **9,** 347; **18,** 242, 243

GRAND JURY—*continued.*
privileges of, **9,** 348; **18,** 266; **19,** 672
quarter sessions, at, **19,** 640
findings of, **9,** 348
service of, sheriff's record of, **18,** 266
solicitor no right of audience before, **2,** 376; **9,** 346 n.
summons to attend, **18,** 229, 241
swearing of, **9,** 346; **18,** 227, 241, 242
view by a, **18,** 240
whence drawn, **18,** 241

GRAND LARCENY,
abolition of, **9,** 627 n.

GRAND SERJEANTY,
services incidental to, **6,** 328, 329
tenure by, coronation duties, **9,** 117; **24,** 142
no practical importance, **6,** 328; **24,** 148

GRANDCHILD,
born outside British dominions, status of, **1,** 303; **6,** 340
dependant under the Workmen's Compensation Act, 1906, **17,** 45
gift to, by will, **28,** 739 n.
child by will may include, **17,** 45, 46; **28,** 744 n., 745 n.
purchase in name of, presumption of gift, **15,** 415

GRANDFATHER,
guardian, appointment of, **17,** 123 n.
intestacy, rights upon, **11,** 22

GRANDMOTHER,
intestacy, rights upon, **11,** 22

GRANDPARENT. *See* GRANDFATHER; GRANDMOTHER.

GRANT,
administration, of letters of. *See* LETTERS OF ADMINISTRATION; LETTERS OF ADMINISTRATION WITH WILL ANNEXED.
copyhold, of, classification of, **8,** 82
copies of, furnished by steward, **8,** 15
creation of estate by, **8,** 82—86
entry on court rolls of, **8,** 82
estoppel, operates by, **8,** 82
fee, in, **8,** 70; **24,** 166
grantee and heirs of his body, to, effect of, **8,** 70; **24,** 172
how effected, **8,** 82, 83
lands passing under, **4,** 523; **8,** 84, 85
lord, by, effect of, **8,** 69, 84
place of making, **8,** 84
proof of, how made, **8,** 82
surrender, upon, nature of, **8,** 82
validity of, **8,** 83, 84
voluntary, nature of, **8,** 82
who may make, **8,** 82, 83
who may take, **8,** 85, 86
Crown. *See* CROWN GRANT.
Crown lands, of, **25,** 527 n.
bridges, for purposes of, **7,** 192
burial ground, for, **3,** 437; **7,** 192
church, as site for, **7,** 151, 152
churchyard, for, **3,** 435; **7,** 192
construction of, **6,** 476; **7,** 150; **25,** 257 n.
letters patent, by, **7,** 150, 174

GRANT—*continued.*
Crown lands—*continued.*
parsonage, as site for, **7,** 192
proof of, **7,** 156
easement, of. *See* GRANT OF EASEMENT.
foreshore, of, construction of, **28,** 366, 367
extent of, **3,** 119; **7,** 112; **28,** 368
fishery, subject to public right of, **7,** 112; **28,** 368
navigation, subject to public right of, **7,** 112, 113; **28,** 368
public rights as affected by, **7,** 112, 113; **28,** 368
words used in, **28,** 367
land, in relation to, *defined,* **24,** 294; **25,** 423
assurance of land by, **10,** 361, 367; **24,** 294
Statute of Uses, under, **24,** 274 *et seq.* *See* STATUTE OF USES.
boundary, of, by deed, **3,** 110, 111
building, for, rights as to minerals, **20,** 585
common, right of, by deed, **4,** 483
copyholds, of, **8,** 82—85. *See* copyhold, *supra.*
corporation, to, aggregate, **8,** 372
not in existence, **8,** 373
sole, **8,** 371
covenant for quiet enjoyment, not enlarged by, **18,** 528
covenant implied from use of word, **10,** 481
Crown lands, of, **25,** 527 n. *See* Crown lands, *supra.*
deed necessary, **10,** 361, 367
easements, of. *See* GRANT OF EASEMENT.
essentials to valid, **10,** 361; **24,** 293
estoppel in case of, **13,** 373, 402
exception in relation to, **10,** 470
foreshore, of. *See* foreshore, *supra.*
fraud, effect of, on, **6,** 482; **8,** 400, 401
freeholds, of, **10,** 362, 367; **24,** 294
gift by, acceptance presumed in case of, **15,** 418
incorporeal hereditament, of, **10,** 361; **11,** 246; **15,** 219; **24,** 293
joint tenants, as between, construed as release, **24,** 203 n.
lease, of. *See* LEASE.
licence and not lease, when, **18,** 337
lost. *See* LOST GRANT.
manor, of. *See* manor, *infra.*
minerals, exception to take, **20,** 536, 550
profit à prendre, of, **10,** 361; **11,** 247, 248
rentcharge, of. *See* RENTCHARGE.
reservation operating as, **10,** 472
reversion, of, **18,** 335 n.; **24,** 293
School Sites Acts, under, **12,** 118—121
Settled Land Acts, under, reservation of rentcharge, **25,** 656
Statute of Uses, under, **24,** 274 *et seq.* *See* STATUTE OF USES.
licence, of. *See* LICENCE.
excise. *See* EXCISE LICENCE; EXCISE LICENCE (Intoxicating Liquors).
justices'. *See* JUSTICES' LICENCE.
lost. *See* LOST GRANT.
manor, of, *cum omnibus pertinentiis,* **28,** 367
evidence of usage to explain, **8,** 4
infra manerium, **28,** 368, 381
land by lord of, for educational purposes, **12,** 118
rights included in, **8,** 19, 20
market tolls, of, **20,** 36, 37. *See* TOLLS.

GRANT—*continued.*
money, of, allotments, for, **1,** 360, 361
education, for. *See* BOARD OF EDUCATION; EDUCATIONAL GRANT.
guardians, to, county council, by, **22,** 528
London, in, **22,** 529
parliamentary, ecclesiastical purposes, for, **11,** 784 n.
education, for, **12,** 49
public services, for, **21,** 770, 771
Queen Anne's Bounty, from, **11,** 781
patent, of, **22,** 129, 178, 179
Crown, by, **6,** 488; **22,** 128
disclosure of discovery as consideration for, **22,** 131
essentials of, **22,** 129
incapacity to obtain, **22,** 129, 130
opposition to, **22,** 175—178
costs in proceedings relating to, **22,** 171
procedure on making, **22,** 175—177
validity of, **22,** 179
peerage, of, limitation of, **6,** 457 *et seq.*; **22,** 268. *See* PEERAGE.
probate, of, **14,** 151 *et seq.* *See* PROBATE.
sewers, of, duty to repair, arising by, **25,** 783, 784. *See* SEWERS.

GRANT OF EASEMENT,
express grant, by, **11,** 245—251
after-acquired interest bound by, when, **10,** 470; **11,** 245
air, of, **11,** 327
right to pollute, of, **11,** 327
ancillary rights included in, **11,** 249
construction of, nature and extent, **11,** 250
Conveyancing Act, 1881, effect of, on, **11,** 249, 250, 251
corporation, by, **8,** 376
covenant, by, **11,** 246, 247, 248, 326
deed generally necessary to, **10,** 361; **11,** 239, 246
duration of, **11,** 245, 246
estoppel, by, **11,** 245, 246
exception, easement is not the subject-matter of an, **11,** 249
executor, by, **11,** 245 n.
form of, **10,** 361; **11,** 246, 247
general words, by, effect of, **10,** 470; **11,** 245
grant not a necessary word, **11,** 247
grantee, what estate essential in, **11,** 246
grantor, common owner as, **11,** 253
estate or interest essential in, **11,** 245
light, of, **11,** 247, 303
mortgagee, by, **11,** 304; **21,** 256, 257
negative easement, of, **11,** 247, 248
prescription presumes, **11,** 244, 257—260, 269, 279, 305
reservation, easement is not the subject-matter of, **11,** 249, 254
rights created by, nature of, **11,** 236, 240, 248, 249, 326
seal, not under, **11,** 246, 303 n.
support, of, **11,** 322, 323
tenant for life, by, **11,** 245, 249; **25,** 652, 662, 665
tenant for years, by, **11,** 245 n.
use, by way of, **11,** 249
verbal agreement as distinguished from grant, effect of, **11,** 246
water, of right to pollute, **11,** 318

GRANT OF EASEMENT—*continued.*
express grant—*continued.*
watercourse, of rights in, **11,** 310, 314, 315, 316
way, of, **11,** 287, 288
implied grant, by, **11,** 251—256
apparent easements, of, **11,** 254, 255
simultaneous disposition of both tenements on, **11,** 255, 304
way, in cases of, **11,** 255, 256
buildings conveyed with land, in case of, **11,** 251
common owner, by, **11,** 253
continuous and apparent accommodation, **11,** 254, 255
derogation from grant not allowed, **11,** 255, 256
devise, in case of, **11,** 252
grantee, by, **11,** 254
implied reservation distinguished from, **11,** 252
intention of parties, arising from, **11,** 256
light, of, **11,** 254, 255, 304; **18,** 416 n.
necessity, easements of, **10,** 470; **11,** 241, 253, 254, 288
reasons for, **11,** 254
part of land retained by grantor, **11,** 252
statutory company, in case of, **11,** 256
support, **11,** 254, 323
water, of right to pollute, **11,** 318
watercourse, of rights in, **11,** 314, 315, 316
way, of right of, **11,** 254, 255, 288—291
lost modern, doctrine of, **11,** 256 n., 264—268. *See* LOST GRANT.

GRANTEE,
bill of sale, of, description of, **3,** 35, 48, 49, 50
gift of mortgaged chattels to, **15,** 412 n.
joint, **3,** 37
rights of, **3,** 68, 71, 73; **15,** 412 n.
seizure by, **3,** 40, 42, 65—67, 69—71
wrongful seizure by, **3,** 67
construction of deed in favour of, **10,** 440, 441
Crown grant, except in case of, **6,** 479, 480, 481; **10,** 442
habendum, naming in, **10,** 473
description different in premises and habendum, **10,** 473
uses, to, **24,** 274—276, 281, 282. *See* STATUTE OF USES.
disclaimer by, **10,** 409

GRANTHAM,
local court of, **9,** 163

GRANTOR,
bill of sale, of, act of bankruptcy by, **3,** 58, 59, 69
explanation before execution, whether entitled to, **3,** 45
false representation by, **3,** 67, 68
joint, **3,** 36
persons entitled to be, **3,** 64, 65
purchase from, **3,** 67, 68
removal of chattels by, **3,** 69
rights of, **3,** 64—67
construction of deed against, **10,** 440
Crown grant, except in case of, **6,** 479, 480, 481; **10,** 442
purchaser, when deemed to be, **11,** 8
rentcharge, of, estate necessary for, **24,** 475
resulting
trust to, **15,** 417; **28,** 49, 50, 54
use to, **15,** 417; **24,** 276

GRASS,
cutting of, commoner, by, **4,** 516
co-owner, by, **27,** 856, 898 n.
distress for rent on, **1,** 254; **11,** 133
eatage of grass, not subject to distress for rent, **11,** 132 n.
land, rateable occupation of, **24,** 6, 7
purchaser of, when held to have exclusive possession of, **18,** 337 n.

GRATE,
fixture, as, **18,** 418

GRATIAN,
the father of canon law, **11,** 378 n.

GRATING,
accident due to worn, liability for, **16,** 153 n., 182 n.
non-repair of, as nuisance, **16,** 153
salmon fisheries, in connection with, *defined,* **14,** 620
regulations affecting, **14,** 620, 621

GRATUITOUS,
act, liability for misfeasance or nonfeasance, in respect of, **21,** 374, 375, 377
bailee, **1,** 526—543. *See* GRATUITOUS BAILEE.
bailment, **1,** 526—543. *See* GRATUITOUS BAILMENT.
carrier of goods, duty of, **4,** 5; **21,** 427.
loan, chattels, of, **1,** 538, 539. *See* LOAN, chattel.
money, of, **21,** 375, 538, 539
promise, deed necessary to support, **10,** 364
quasi-bailment, **1,** 541—543
release, purely equitable interest, of, **10,** 376
seal, to be under, **13,** 165
services, architect, of, **3,** 304
liability, effect on, **21,** 374, 375, 377; **23,** 318
undertaking, liability in respect of, **28,** 860

GRATUITOUS BAILEE,
accident or mistake, by, **1,** 527—531, 542
banker, **1,** 533
bare licensee, position as, **21,** 393
carriage, for, **4,** 5
commodatum, under contract of, **1,** 525, 537—540. *See* COMMODATUM.
deposit, under contract of, **1,** 525—534. *See* DEPOSIT, chattels.
mandate, under contract of, **1,** 535—537. *See* MANDATE.
mutuum, under contract of, **1,** 540, 541
nature of chattels as affecting responsibility of, **1,** 532, 538
necessity, under stress of, **1,** 527
negligence of, **1,** 531, 538; **21,** 430; **26,** 526 n.
obligation on part of, **1,** 527, 531—537
pro-mutuum, under contract of, **1,** 541, 542
use, for, **1,** 537—540. *See* LOAN, chattel.

GRATUITOUS BAILMENT,
deposit by way of, **1,** 525—534
mandate, **1,** 535—537
nature of, **1,** 531—534
quasi-bailment, **1,** 541—543
use, for, **1,** 537—540. *See* LOAN, chattel.

GRATUITY,
company, by, to employees, **5,** 119, 288, 290; **15,** 401
earnings as, workmen's compensation, for purposes of, **20,** 155, 201

GRATUITY—*continued.*
part consideration for contract of service, as, **20,** 86
policeman, incapacitated, to, **22,** 511
widow and children of, to, **22,** 511, 512
prisoner, to, on discharge, **23,** 259
rates, payment out of, **19,** 273; **25,** 778 n.
remuneration of servant by, **20,** 65 n., 86

GRAVE. *See also* TOMB; VAULT.
churchyard, in, faculty required, when, **11,** 541 n.
position of, **3,** 415, 427
common, burial in, regulations as to, **3,** 539
gravestone, cemetery company's right to remove, from, **3,** 522
damage to, **3,** 523
rateability of cemetery company for land sold for, **24,** 13 n.

GRAVEDIGGER,
employment of, **3,** 459, 511, 519; **11,** 712

GRAVEL,
allotments for supply of, **4,** 595—597
Commissioners of Sewers, deposited by, removal of, **25,** 781
common, in, lord's right to take, **4,** 447, 471, 503; **8,** 24
right to dig for highway purposes, **4,** 604, 614; **16,** 109
foreshore, on, rights in, **11,** 341 *et seq.*; **28,** 378, 383, 384
mineral, whether a, **20,** 503 n.
pit. *See* GRAVEL PIT.
right to dig, **4,** 471, 472, 604, 614
adjustment of rights, **4,** 602, 603
highway purposes, for, **4,** 604, 614; **16,** 109
inclosure as against, **4,** 508; **20,** 552
tenant for life, right of, to, **20,** 505, 506; **25,** 600 n.

GRAVEL PIT,
abandonment, extinction of title, **20,** 537
quarry, when a, **20,** 634 n.
rateable valuation of, how ascertained, **24,** 43
when open, **20,** 505

GRAVESEND,
local court of, **9,** 163

GRAVEYARD. *See* CHURCHYARD.
defined, **3,** 424 n.
delivery of address not permitted by lawful authority in, **9,** 479

GRAVITY,
beer, of, imported, scale of customs duty based upon the, **24,** 594
testing of, **24,** 594
nature of, to be entered by brewer, **24,** 614
mixing of low wines or spirit to increase, offence of, **18,** 151, 158
spirits, of, degree of, **24,** 623
worts, of, incorrect declaration as to, **18,** 150

GRAZING. *See also* PASTURE.
rateability of trustees of rights of common for payments for, **24,** 10
right of owner of, and ground game, **15,** 221

GREAT BRITAIN,
census in, **6,** 343 n.
King, title of, in relation to, **6,** 360
peerage of, claim to, form of prayer of petition, **22,** 278
peers of, disqualification for election to House of Commons, **22,** 270
franchise disqualification of, **22,** 270
no creation of new, since Act of Union with Ireland, **22,** 267
precedence of, **22,** 272
who are, **22,** 262

GREAT GRIMSBY,
local court of, **9,** 163
port of, usage of, **10,** 293

GREAT SEAL,
authority for use, **7,** 10, 11
charters under, **7,** 17
commission, in, **7,** 55, 59, 63
commissioners' duties under Judicature Act, **7,** 55 n., 63
commissions under, **7,** 17
judges, to, **9,** 91; **11,** 501, 502
counterfeiting, a felony, **7,** 61; **9,** 735
custodian of, Lord Chancellor is, **7,** 55, 60, 61
damasking, **7,** 61
demise of Crown, use on, **7,** 61 n.
documents passing under, procedure, **7,** 10, 11, 13
exemplifications under, when evidence of record, **13,** 549
fees in relation to, **7,** 17, 18 n.
Lord Chancellor's powers as to, **7,** 12, 13
gentleman of the chamber attending, **7,** 12
grants under, **6,** 476, 477; **7,** 17
Ireland, of, **7,** 10, 11 n.
use in, **7,** 10
judicial notice taken of, **13,** 427, 495, 496
letters patent under, when employed, **7,** 13, 17, 61. *See* LETTERS PATENT.
Lord Chancellor, appointment by delivery of, **7,** 55, 56
duties in relation to, **7,** 11, 55, 60, 61
messenger or pursuivant of, duties of, **7,** 12 n.
Order in Council necessary, when, **7,** 61
Parliament opened by commission under, **7,** 59; **21,** 692
passage of documents under, **7,** 10, 60, 61
illegal, **7,** 14
patent office, fees in, **7,** 17, 18
place of keeping, **7,** 60
proclamations, necessary for, **7,** 14
procuring affixing of, offence of, **7,** 14
property in, on demise of Crown, **7,** 61
rules, Lord Chancellor's powers as to, **7,** 13
Scotland, use in, **7,** 10, 11 n.
sheriffs, appointment of, under, **25,** 794 n.
sign manual, when necessary, **7,** 11
treaties and documents authorising treaties, under, **6,** 440; **7,** 10, 17
United Kingdom, use in, **7,** 8, 10, 60, 61
use of, **7,** 10, 60, 61. *See* grants, *supra.*
authority for, **7,** 10, 11
offences connected with, **7,** 14
wafer, use of, **7,** 13, 60
writ under, use of, **7,** 16
peerage conferred by, **7,** 17 n.

GREAT TORRINGTON,
local court of, **9,** 207

GREAT YARMOUTH,
local court of, **9,** 164
port of, usages of, **10,** 293

GREEK MARRIAGES,
validity of, **16,** 309, 315

GREEN HIDES,
prohibition of carriage in emigrant ship, **26,** 345, 346

GREENGROCER,
restrictive covenant, **27,** 586

GREENHOUSE,
claim of light in respect of a, **11,** 306
fixture, as, **18,** 419
market garden, in, rating of, **24,** 23, 85 n., 100
general district rate, partial exemption from, **24,** 85

GREENWICH,
hospital, Admiralty control, **7,** 90, 91
government of, **7,** 90
lands of, grant of mining leases, **20,** 534
pensioners part of army reserve, **25,** 58
pensions in discretion of Admiralty, **25,** 34
time, judicial notice of, **13,** 492
observance of, statutes, deeds and other instruments, in, **27,** 441

GREGORY IX.,
decretals of, **11,** 378 n.

GRENADA,
courts of, **10,** 555
Government of, **10,** 503 n.
legal codes in, **10,** 541 n.

GRIEVOUS BODILY HARM,
offence of causing, **9,** 600, 601
choking, by, **9,** 602
corrosive substance, by, **9,** 604
explosive substance, by, **9,** 604
mantrap, by, **9,** 605
poison etc., by administering, **9,** 603
what amounts to, **9,** 600

GRIMSBY. *See* GREAT GRIMSBY.

GRINDING,
corn, duty of miller keeping mill for purposes of, **28,** 489, 490
tenement factory, in, regulations as to, **14,** 465, 466

GRIPS,
grass margin of highway, on, as nuisance, **16,** 154

GROCER,
licence to sell intoxicating liquor, **18,** 14; **24,** 653, 674
restrictive covenant, **27,** 586

GROGGING,
spirit casks, of, offence of, **18,** 156; **24,** 639

GROOM,
as menial servant, **20,** 71

GROOM-IN-WAITING,
change of ministry as affecting, **7,** 106, 107

GROSS,
common in, *defined*, **4,** 446, 457, 458
lease, suspension by, **4,** 524
common of pasture in, **4,** 457, 458, 525
easement in, impossibility of, **11,** 236, 242
profit à prendre may exist in, **11,** 338; **24,** 162

GROSS ESTIMATED RENTAL,
defined, **24,** 25, 115 n.
railways, of, **24,** 33

GROSS PROFITS,
trade, of, deductions from, for income tax, **16,** 650, 651

GROSS RECEIPTS,
rateable value based on
canals, **24,** 38, 39
gas, water, electrical undertakings, **24,** 35—38
harbours or docks, **24,** 39, 40, 41
railways, **23,** 638; **24,** 31—35
theatre, of a, partnership not arising from, **22,** 8

GROSS VALUE,
defined, **17,** 187; **24,** 115
land, of, *defined*, **24,** 550 n.
legacy duty, of, on annuity, how valued, **13,** 245, 246
metropolis, in, appeal against, procedure, **24,** 123

GROUND GAME,
defined, **15,** 209
authority to kill, production of, **15,** 222, 223
common, rights of, do not include, **15,** 221
concurrent right to kill and take, **15,** 217, 220, 221, 223
contracting out of the act, **15,** 221, 222, 224
firearms, use of, in killing, **15,** 210, 220, 222, 224
franchises etc., owners of, protection of rights of, **15,** 222
game licence in respect of, exemptions from, **15,** 248
grazing rights, owner of, no right to, **15,** 221
gun licence required for, **15,** 252 n.
joint tenants, rights of, to, **15,** 222
landlord, rights of, as to, **15,** 211 n.; **27,** 847 n.
lessee, rights to, **15,** 218, 221; **18,** 433
lessor's rights to, reserved, limitation of, **15,** 218; **18,** 433
moorlands, on, rights of tenants to, **15,** 222
occupier, household of, authority to kill ground game, **15,** 223
right to take, **15,** 222
persons authorised by occupier to kill, **15,** 222, 223
poison, setting, penalty for, **15,** 211
servants on occupier's land may be authorised to kill, **15,** 223 n.
shooting rights, grant by occupying owner, extent of, **15,** 217, 221
reservation of, by landlord, **15,** 211 n., 218; **18,** 433
sub-lessee, right of, to, **15,** 221
tenant's right to, restrictions on, **15,** 218, 220, 221; **18,** 433
time limits, **15,** 222
uninclosed lands, on, time limit for killing, **15,** 222

GROUND RENT,
defined, **25,** 307 n.
bequest of, where land leased, effect of, **28,** 699
mortgage security, payment of ground rent added to, **21,** 242

GROUND RENT—*continued.*
payment of, by tenant or sub-lessee to avoid distress, effect of, **11,** 157 n.; **25,** 500
settled land, as, **25,** 625 n., 647
Settled Land Acts, investment of capital under, in ground rents, **25,** 647
sale of ground rents, when implied under, **25,** 632

GROUNDING. *See also* AGROUND.
fairway, ship in, precautions to be taken, **26,** 498
lights in case of, **25,** 403, 406, 478 n.
navigation, in exercise of right of, **28,** 40
smelling ground in rivers, risk of, **26,** 497

GROUSE,
close season for, **15,** 209
damage to crops by, compensation for, **15,** 224
eggs of, as game, **15,** 214 n., 236
game, as, **15,** 208, 214 n., 236, 242 n., 258
warren, are not birds of, **4,** 501 n.; **15,** 215

GROWING CROPS,
assignment of, as bill of sale, **1,** 275; **3,** 20, 23, 29, 37
separate, what is, **3, 23**
bankruptcy, trustee in, rights as to, **1,** 275
bequest of, **28,** 528 n.
bill of sale, assignment as, **3,** 20, 23, 37
inclusion in, **1,** 275, 282, 293, 294; **3,** 20, 21, 23, 29, 37; **25,** 112
reputed ownership in case of, **1,** 276
retrospective statutory provisions as to, **3,** 4
separate assignment of, **3,** 20, 23, 37
subject-matter of, as, **3,** 20, 21
tenant's restricted right to assign by, **1,** 275; **3,** 23 n.
true ownership in case of, **3,** 21, 23, 29, 37
compensation for damage to, **1,** 278, 279
deer, by, **1,** 278; **15,** 224, 262
game, by, **1,** 278; **15,** 224
increase of game gives claim to, **18,** 434
shooting tenant liable for, **1,** 278; **18,** 433, 434
sparks from locomotives, **1,** 278, 279; **23,** 727
destruction of, Board of Agriculture, by order of, **1,** 280
insects, by, precautions against, **1,** 280
distress upon, appraisement of, **1,** 254, 255; **11,** 171, 197, 198
excessive, effect of, **1,** 257; **11,** 198
execution, after, **1,** 255, 257; **11,** 179; **14,** 54
rent, for, **1,** 254, 255; **11,** 133, 142, 179
rentcharge, for, **1,** 254; **11,** 121
sale, crops, of, before ripe is void, **1,** 254
right of, **1,** 255, 258; **11,** 133, 180, 183, 196
tender, effect of, before cutting, **1,** 254; **11,** 153, 154
emblements, tenant's right to, **1,** 282; **14,** 218, 219; **18,** 565, 566; **24,** 177
execution, distress after, **1,** 255, 257; **11,** 179; **14,** 54
liability to, **1,** 257
sheriff, by, powers in respect of, **1,** 255, 257, 258; **11,** 179; **14,** 54
execution creditor, position of, as to, **1,** 255, 257, 258; **11,** 179; **14,** 45, 46
free cropping, tenant's right to, **1,** 250—251
goods, when, **1,** 293, 294; **25,** 112
grass, when an interest in land, **1,** 294

GROWING CROPS—*continued.*
impounding of, **1,** 254; **11,** 169
interpleader by sheriff, mortgagee in possession, in case of, **17,** 589
landlord, rights of, as against sheriff in respect of, **1,** 255; **11,** 179; **14,** 54
mortgagee, right of, to, **17,** 589; **21,** 198
personal chattels, are not, **3,** 23; **22,** 389
rent, subject to distress for, **1,** 253
sale of, **1,** 293, 294; **25,** 291 n.
Sale of Goods Act, 1893, when goods within, **25,** 112
seizure in execution, distress after, of, **1,** 255, 257; **11,** 179; **14,** 54
sheriff's expenses of reaping, **1,** 257, 258; **14,** 33, 34, 46; **25,** 833 n.
Statute of Frauds, effect of, on sale of, **1,** 293
tenant, outgoing, rights to, **1,** 282; **14,** 218, 219; **18,** 565, 566; **24,** 177
will, gifts by, of, **28,** 528 n.

GROYNES,
erection of, powers as to, **28,** 383
foreshore, on, easement, as, **28,** 372
erection of, right as to, **28,** 383
proof of possession, as, **28,** 369
highway protection, repair of, **16,** 103
Settled Land Acts, authorised by, as improvements, **18,** 283, 284 n.

GUANO,
prohibition of carriage on emigrant ship, **26,** 345, 346

GUARANTEE,
The title GUARANTEE *is contained in Vol. XV., pp.* 437 *et seq.*
defined, **15,** 439
acceptance of, requisites for, **15,** 448, 449
action on, assignee, by, **15,** 504
compromise of, by debtor, effect of, **15,** 485
defences to, **13,** 62; **15,** 504 n., 507, 508; **20,** 755 n.
joinder of defendants in, **15,** 504
joinder of plaintiffs in, **15,** 502, 503
partners, by, **15,** 502, 503
set-off in case of, **15,** 504, 505; **25,** 490
stranger, by, **15,** 503
third party notice, co-surety, to, **15,** 505 n., 533, 534
debtor, to, **15,** 525, 526
trustees, by, **15,** 503
addressed, to whom, **15,** 467, 503
administration bond. *See* ADMINISTRATION BOND.
admission of liability, effect of, **15,** 479
agent, by, **15,** 457, 462, 463, 467 n., 470
agreement to give a, within Statute of Frauds, **7,** 362
alteration of. *See* variation, *infra.*
ambiguity in, construction of, **15,** 453, 454, 469, 476—478, 492
appropriation of payments in case of, **7,** 451; **15,** 536—538. *See* APPROPRIATION OF PAYMENTS.
assent necessary to contract of, **7,** 354; **15,** 448, 449
assignment of, **15,** 504
avoidance of, **15,** 539—546. *See* AVOIDANCE.
bail in criminal cases, of, illegality of, **9,** 325 n.; **15,** 446

GUARANTEE—*continued.*
banker, to, **1,** 639—643
absorption or amalgamation of banks as affecting, **1,** 642; **15,** 500
appropriation of payments in case of, **1,** 586, 639; **15,** 537, 538
balance, for, **15,** 480
bankruptcy of principal debtor as affecting, **1,** 640, 642
change in constitution of bank as affecting, **1,** 642
consideration for, **1,** 639, 640
continuing, determination of, **1,** 640, 641
determination of, **1,** 640, 641
disclosure, customer's account, of, **1,** 640, 643; **15,** 457 n., 541
indebtedness, of, duty as to, **1,** 640; **15,** 541, 542
joint, effect of, **1,** 641
limitation of actions in case of, **1,** 643; **15,** 551 n.; **19,** 46
limited in amount, effect of, **1,** 640
return of securities on repayment of independent advances, **15,** 511 n.
bankruptcy, dismissal of petition in, on giving, **2,** 59
proof in, for amount of, **2,** 204, 205
bill of exchange, by, **15,** 465, 504 n. *See* BILL OF EXCHANGE.
of, **2,** 544; **15,** 480, 551, 558, 559
bill of sale, of, **3,** 45; **15,** 560
bond, by, **15,** 485, 551, 571
breach of, acquiescence in, effect of, **15,** 558
building contract, of, **3,** 171, 279, 280; **15,** 547 n., 548
banking account, in case of, **3,** 281
discharge of, **15,** 558
surety's liability on, **3,** 280; **15,** 548
cancellation of, **15,** 507, 508
fraud, on ground of, **15,** 543, 544
procedure to obtain, **15,** 543, 544
capacity of parties to contract of, **15,** 450
cestui que trust, action by, on, **15,** 503
change of circumstances, effect of, on, **15,** 496—501
charterparty, for due performance of, stamp duty on, **15,** 472; **26,** 87
cheque, indorsement of, by surety, effect of, **15,** 466
clerk, on behalf of, **15,** 487 n., 496 n., 497 n., 498 n.
collateral contract, as, **15,** 439, 440
company, by, discharge or variation of, **15,** 467 n.
form of, **15,** 467
company limited by, *defined,* **5,** 46
articles and memorandum of, **5,** 75—77
incorporation of, **5,** 46
marine insurance, for purpose of, **17,** 505
reduction of capital of, **5,** 101, 104
registration of, **5,** 62
winding up of, **5,** 392
company, to,
amalgamation as affecting, **15,** 500
change of status of company as affecting, **15,** 499, 500
reconstruction as affecting, **15,** 500
composition, preference to creditor in, effect of, **15,** 453 n., 546 n.
surety for payment of, discharge of, **15,** 545 n.
compounding debt by surety, effect of, **15,** 524
condition precedent to, **15,** 469 n., 545, 546, 573, 574
fidelity guarantee, to, **17,** 538 n.

GUARANTEE—*continued.*
consideration for, **1,** 639; **15,** 442 n., 450—454, 457, 468
absence of, from written document, effect of, **15,** 453, 457, 468
failure of, **1,** 639; **15,** 451, 453, 454, 545
future guarantee, in case of, **15,** 453
necessity for, **15,** 450, 451
writing, whether required to be in, **15,** 457, 468
construction of, rules governing, **15,** 474—478, 481, 482 n., 491 n., 492, 495
liability limited, where, **15,** 481
continuing, *defined,* **15,** 440, 491, 492
revocation of, by change of parties, **15,** 498, 499
contribution by sureties to, **15,** 526—534. *See* CONTRIBUTION.
co-surety, rights and liabilities of, in case of, **15,** 526—535. *See* CO-SURETY.
death of, effect on guarantee, **15,** 573
counterclaim, liability as, **15,** 504, 526
surety's claim to debt on, right of, **15,** 508
counter-security, co-surety to bring into hotchpot, **15,** 535
creditor not entitled to, **15,** 505
debtor to surety, as indemnity, rights in, **15,** 516 n., 518
credit, to obtain goods on, acceptance of, **15,** 449
consideration for, **15,** 451
discharge of surety in case of, **15,** 549, 556
requisites of, **15,** 456, 457
stamp duty, exempt from, **15,** 473
Statute of Frauds, when within, **15,** 460 n.
creditor, in case of, *defined,* **15,** 441
additional security, effect of taking, on, **15,** 565, 567
appropriation of payments by, **15,** 537
assignment of debt and securities by, effect of, **15,** 562
assignment of judgment debt to, effect of, **15,** 557 n.
counter-security, not entitled to, **15,** 505
disclosure of facts by, to surety, **15,** 540
forbearance by, effect of agreement for, **15,** 452, 553 n.
fraud on, effect of, **15,** 453 n., 501
inquiry into circumstances by, when necessary, **15,** 541
laches of, effect of, **15,** 558—561, 562 n.
neglect of, effect of, **15,** 555
damages under, surety's right to recover, **15,** 520, 523; **25,** 490
death of principal debtor, effect of, on, **15,** 572
deed, by, alteration of, effect of, **15,** 544 n.
discharged by parol contract, **15,** 570 n., 571 n.
revocation of, **15,** 572 n.
not by, requires consideration, **15,** 450
default by debtor, what constitutes, **15,** 487
del credere agent, by, **15,** 463
determination of, **15,** 535—574
directors of company, by, **5,** 233; **15,** 470, 471
distress, creditor, by, in respect of guaranteed debt, **15,** 536 n., 562
promise to pay rent to prevent, not within Statute of Frauds, **15,** 459
enforcement of, **15,** 502—505
evidence of, **15,** 454—472
account stated as, **15,** 443 n., 479

GUARANTEE—*continued.*
evidence of—*continued.*
parol. *See* parol evidence, *infra.*
payment by surety as, **15,** 522
receipt as, **15,** 479 n.
written, when required, **15,** 464—472. *See* MEMORANDUM.
fidelity, of, agent, of, **15,** 441, 484 n., 548
liability under, when arising, **15,** 491
servant, of, **15,** 441 n.
floating balance, for, **15,** 482 n.
forbearance to sue as consideration for, **15,** 452, 481
form of, **15,** 465
fraud, effect of, on. *See* FRAUD.
friendly society, by, **15,** 125, 143
giving time, effect of, **15,** 552—558, 567, 570. *See* GIVING TIME.
guarantor, *defined,* **15,** 441
illegality connected with, effect of, **15,** 518
indemnity distinguished from, **15,** 444, 460 n., 461; **27,** 225
infant, by, **15,** 450
for, **15,** 459
insurance broker, by, of solvency of underwriters, **17,** 348 n.
insurance in relation to. *See* INSURANCE.
interest on sum due under, **15,** 482, 523; **21,** 41; **24,** 420, 423
joint, liability in case of, **15,** 441 n., 489, 490
several, or, liability in case of, **1,** 641; **15,** 502 n., 504
laches of creditor, effect of, on, **15,** 558—561
lease, in, stamp duty on, **18,** 400
limited to certain sum, when may be, **1,** 641; **15,** 492, 493
loan of money, to secure, **15,** 449, 451
lost, parol evidence of, **15,** 456, 465
married woman, for, **15,** 459
memorandum in case of, **7,** 362—364; **15,** 439, 464—472. *See* MEMORANDUM.
mercantile or trade, nature of, **15,** 492
merger, doctrine of, not applicable to, **15,** 440
miscarriage of another, promise to answer for, as, **7,** 362—364; **15,** 439
misrepresentation as affecting, **15,** 539, 543, 544; **20,** 739 n.
mistake as affecting, **15,** 449
mortgage interest, of, **15,** 482
motive for entering into, immaterial, **15,** 464
mutual assent necessary to contract of, **7,** 354; **15,** 448, 449
names of contracting parties necessary for, **15,** 467
non-continuing, how to be framed, **15,** 493
offer of, when binding, **15,** 448
parol evidence, admissibility of, **15,** 467, 476—478
ambiguity, to explain, **15,** 453, 454
consideration, as to, **15,** 469, 476
lost guarantee, in case of, **15,** 456, 465
part performance, doctrine of, not applicable to, **15,** 457, 468; **27,** 33
partner's authority to give, **22,** 26
payment, surety, by. *See* SURETY.
personal representative's liability in respect of deceased's, **14,** 310
policy of insurance, by, **17,** 572—574. *See* GUARANTEE POLICY.
principal debtor, **15,** 441—451. *See* PRINCIPAL DEBTOR.
promise to give a, within Statute of Frauds, **7,** 362; **15,** 460 n.

GUARANTEE—*continued.*
proof of, **15,** 454—473
receiver, accounts, form of, **24,** 410
bond, form of, **24,** 422 n.
company as surety for, **24,** 371, 372, 422
recitals control operative part of, **10,** 462; **15,** 475, 476
replevin bond, by, **15,** 483, 554
requisites of, **15,** 448—454
revocation of, **15,** 570—574. *See* REVOCATION.
security in case of, **15,** 509—515
counter-security, creditor not entitled to, **15,** 505
creditor taking additional, effect of, **15,** 571
destruction of, as release of liability, **15,** 571 n.
life policy as, **15,** 565 n.
substitution of, for personal liability, effect of, **15,** 571
surety's right to benefit of, after payment, **15,** 509, 510, 511
when not standing in place of creditor as to, **15,** 563
setting aside of, **13,** 52, 62; **15,** 507, 508, 543, 544
signature to. *See* SIGNATURE.
stamp duty on, **15,** 472, 473; **18,** 400
Statute of Frauds as applied to, **7,** 362; **15,** 454—472. *See* STATUTE OF FRAUDS.
subrogation of surety to rights of creditor, **15,** 509, 512
surety, rights and liabilities of, on, **15,** 478—526. *See* SURETY.
third person, statement as to intention of, not a, **20,** 663, 664
time, for a specified, **15,** 495
giving, effect of, **15,** 552—558, 567, 570. *See* GIVING TIME.
tort, against, **27,** 487
uberrimæ fidei, when not required, **15,** 479, 480; **17,** 572
when required, **15,** 539; **17,** 572, 573
underwriters, of solvency of, by insurance brokers, **1,** 153; **15,** 463; **17,** 348 n.
unilateral contract, as, **15,** 448
variation of, breach, before, **15,** 571; **27,** 64, 65
company by, before statutory meeting, **5,** 74, 303
effect of, **10,** 431 n.; **15,** 544, 546—552
separate part, of, effect of, **15,** 549
writing necessary for, **7,** 361; **15,** 454, 571
verbal, effect of, **15,** 456, 465 n.
foreign, enforcement of, **6,** 307; **15,** 456
personal representative's duty in respect of, **14,** 251, 258; **15,** 456
wager distinguished from, **15,** 269 n.
waiver of, breach, before, **15,** 571
condition, creditor, by, duty to notify surety, **15,** 491
subsequent agreement, by, **15,** 571
surety by, effect of, **15,** 509, 515, 516
warrant of attorney, by, **15,** 528 n., 532 n.
warranty distinguished from, **15,** 440 n.; **25,** 149 n.
writing, in, when necessary, **15,** 464—472
limited company, in case of, **15,** 467
parol evidence of terms of ambiguous, **15,** 476, 477
person guaranteed must be named in, **7,** 375
signature of, **15,** 469, 471, 472
agent, by, **15,** 470
directors, by, **15,** 470, 471
stamp on, **15,** 472, 473

GUARANTEE POLICY,
breach of condition precedent avoiding, **17,** 573
construction of, **15,** 143 n.
nature and incidents of, **17,** 572—574
renewal of, condition as to, **17,** 574
stamping of, **17,** 516 n.; **24,** 705 n.

GUARD,
communication with, provision for, **4,** 52; **23,** 692
posts, footpaths protected by, **16,** 183, 184

GUARDIAN AD LITEM,
infant, of, **17,** 140—142
affidavit of fitness of person proposed, **17,** 141 n.
appearance entered by, **17,** 140; **23,** 124 n., 125 n.
appointment of, **17,** 141, 142, 144
Agricultural Holdings Acts, under, **1,** 268
county court actions, in, **8,** 479, 480, 537; **17,** 141 n.
assignment of, by court, **16,** 504; **17,** 141, 142
costs, when liable to pay, **17,** 144
county court
action against, **8,** 455
appointment in, **8,** 479, 480, 537; **17,** 141 n.
practice as to, **8,** 455, 456, 479; **17,** 141 n.
death of, **17,** 142
defence by, **1,** 22; **8,** 455; **17,** 140; **23,** 124 n., 125 n.
discovery against, **11,** 48, 49; **17,** 142
discovery by, **11,** 48, 49; **17,** 142
divorce proceedings, in, **16,** 526; **17,** 142 n.
election of, by minor, **17,** 144
guardian of person usually is, **17,** 141, 142
interest adverse to infant, must not have, **17,** 140, 141
naming of, before appearance, **17,** 140
official solicitor, as, **17,** 141 n.
payment of costs of, **17,** 144
order for, when no appearance entered, **17,** 141 n.
partition action, in, **17,** 82; **21,** 847, 862
party to action, is not a, **17,** 142
probate proceedings, in, **17,** 144
qualifications of person acting as, **17,** 140, 141
removal of, **17,** 142
solicitor to plaintiff cannot be, **17,** 141 n.
status of, **17,** 142
lunatic, of, appointment of, court, by, **1,** 22; **19,** 465
county court, in, **8,** 455, 479, 537
consent to procedure by, **8,** 455, 456
defends when lunatic not so found by inquisition, **19,** 463
discharge of order appointing, on lunatic recovering sanity, **19,** 465 n.
discovery against, **11,** 49
divorce proceedings, in, **16,** 504
married woman, eligibility of, **19,** 465 n.
not so found by inquisition, proceedings against, **19,** 463, 465
official solicitor as, **9,** 71; **19,** 465 n.

GUARDIAN OF INFANT,
ad litem. *See* GUARDIAN AD LITEM.
administration, by, persons usually entitled to grant, **14,** 197
when all executors are infants, **14,** 197; **17,** 50

GUARDIAN OF INFANT—*continued.*
advancement by, position on, **17,** 130, 131 n.; **19,** 20
Agricultural Holdings Act, 1908, under, **8,** 630
appointment by court, **6,** 475; **17,** 109, 125—127, 130, 144
choice exercised by infant, **17,** 106
death of one of several guardians, effect of, **17,** 127
discretion of court as to, **14,** 198; **17,** 125—127
distrain, power to, **11,** 130
father of infant, of, **17,** 128 n.
father's lifetime, in, **17,** 126 n.
firm, as to, **17,** 127
foreign guardian, in case of, **17,** 126, 128 n.
foreign infant, **17,** 126
Guardianship of Infants Act, 1886, jurisdiction under, **8,** 654; **17,** 108
land, special powers as to, **17,** 132
lease, power to make, **11,** 130
married woman, in case of, **17,** 127 n.
mode of, **17,** 108, 125, 126, 128
nearest relative, selection of, **17,** 127
parents' wishes, attention to, **17,** 126
persons who will not be appointed, **17,** 126, 127
removal of guardian, **17,** 109, 110, 125, 126
solicitor to parties concerned, as to, **17,** 127
special purposes, for, **17,** 127
superseding appointment by infant, **17,** 59
appointment by deed, **10,** 365, 399; **17,** 59, 123, 124
appointment by infant, children, of his, **17,** 59
court's appointment supersedes, **17,** 59.
in what cases, **17,** 48, 58, 59, 123
socage land owner, **17,** 58
appointment by parents, **17,** 123—125
court may displace unfit guardian, **17,** 125 n.
disclaimer before acceptance, **17,** 124
grandfather, by, **17,** 123 n.
surviving guardian, **17,** 124
bastard, for, duties and powers of, **2,** 442
benefice, presentation by infant to, **17,** 101
children for whom appointment may be made, **17,** 124
control of, court, by, **17,** 128, 129
copyholds, of, acts of, not liable to cause forfeiture of infant's lands, **8,** 49, 81
admittance of, **8,** 81
appointment of, **8,** 80, 81
duties of, **8,** 80
fine on admittance, effect of non-payment of, **17,** 97
county court, in, statutory jurisdiction of, **8,** 654; **17,** 108
court may control, **17,** 128
custody of infant, **10,** 52, 53; **17,** 129
interference by one guardian with another, **17,** 129 n.
custom, by, **8,** 80; **17,** 121—123
disagreement between guardians, **17,** 128
distress by, **11,** 130
divorce proceedings, in, **16,** 498, 504
Education Acts, duty under, **12,** 55 n. *See* religious education, *infra.*
ejectment action in respect of infant's land, **17,** 58
election of, by infant, **16,** 504; **17,** 58, 144
estate, of, duties, **17,** 131
extent of power over person, **17,** 128
father as, position of, **17,** 105, 128
next friend, as, **17,** 136

GUARDIAN OF INFANT—*continued.*
foreign, rights of, **6,** 281 ; **17,** 126
gas undertaking, infant shareholder in, power of, **17,** 61
gavelkind lands, in the case of, **17,** 122 n., 128
ill-treatment of infant by, **17,** 110
incest, deprivation for, **9,** 618
injunction against, for permitting marriage of ward of court, **17,** 148
kinds of, **17,** 121
land tax, redemption of, **17,** 132 ; **18,** 321
Land Transfer Acts, 1875 and 1897, under, powers of, **17,** 95, 96
land vested in infant absolutely, powers of, **17,** 86, 87, 131 *et seq.*
Lands Clauses Acts, sale under, by, **6,** 57, 58 ; **17,** 82
lands of ward, rights and duties in respect of, **17,** 131
alienation of, restraint on, **17,** 132, 133
lease by. *See also* LEASE.
powers as to, **11,** 130 ; **17,** 58, 99, 132 ; **18,** 351
renewal and surrender of, **17,** 98—100
liability to account, **1,** 188 ; **17,** 117, 131, 132 ; **19,** 165, 166
London, City of, custom of, as to, **17,** 122
lunatic as, exercise of powers by committee of his estate, **17,** 129 ; **19,** 455
power of court as to, **17,** 129 ; **19,** 414, 455
maintenance of infant, duty as to, **17,** 85 *et seq.*, 129, 130
manager appointed by, **24,** 340
marriage of ward, consent to, **17,** 58, 130, 148
marriage settlement, consent of, validity to, **17,** 132
meaning of, when word used in an enactment, **17,** 128 n.
money of, no obligation to expend on maintenance of infant, **17,** 130
mortgage on ward's estate, effect of assignment of, to, **21,** 193
mother as, after father's death, powers of, **17,** 123 *et seq.*, 128
jointly with appointed guardian, **17,** 108, 125
nature, by, **17,** 122 ; **18,** 351 n.
number of, **17,** 128 n.
nurture, for, **17,** 123 ; **18,** 351 n.
offence by child, responsibility in case of, **9,** 424, 437 ; **17,** 177
office of, determination of, **17,** 124
not assignable, **17,** 124
trust constituted by, **17,** 121 n. ; **28,** 5 n.
parent in the Education Acts includes, **12,** 55 n.
parental right, by, **17,** 123
partition action, in, concurrence of, **17,** 82, 133
person, of the, no authority over property, **17,** 128
personal estate, declaration concerning, **14,** 198
proceedings against, by infant, how instituted, **17,** 134 n.
proceedings by, as infant's next friend, **17,** 134
receiver appointed by, **24,** 340
registered land, power to act for infant in relation to, **17,** 95, 96
religious education, effect of, on selection of, **17,** 113, 147, 167
transfer of child to new guardian, **17,** 167
removal of, in what cases, **17,** 109, 110, 125, 126
resignation at will not permitted, **17,** 124
service of writ on, good service on infant, **17,** 140
settled estate, notices as to, may be given to, **25,** 681

GUARDIAN OF INFANT—*continued.*
settled land, powers of infant as to, exerciseable by, **17,** 94 ; **25,** 629, 630
Settled Land Acts, in relation to, **17,** 94 ; **25,** 629, 630
settlement
conferring benefit on, **25,** 562
sanction of court to, application by, **25,** 561
socage, in, action for account against, **1,** 36 ; **13,** 27
age when terminable, **17,** 58, 122
distress by, **11,** 130
extension of guardianship to other land and to person, **17,** 121, 122
lands of ward, powers and rights over, **17,** 131
lease by, when granted, **11,** 130 ; **17,** 132 ; **18,** 351 n.
partition of land by, rule as to, **17,** 133
person entitled to be, **17,** 122 n.
rights and duties of, **17,** 121, 122, 128, 131
testamentary guardian supersedes, **17,** 122 n.
sole, married woman as, position with respect to, **17,** 127
person residing out of jurisdiction, appointment of, as, **17,** 127
Sovereign has no legal, **6,** 375, 376
surviving, power of, **17,** 124
tenant for life, exercise of powers of, by, **17,** 95, 96
testamentary, **17,** 123, 125 ; **28,** 506
father or mother, power of, to appoint, **17,** 123
infant parent, power of to appoint, abolished, **17,** 59 n. ; **28,** 534
leasing of land by, **17,** 132
paramount authority of, **17,** 125
powers of, **17,** 123 *et seq.*, 128, 131, 132
removal of, **17,** 125 n.
rents and profits of infant's lands, as to, **17,** 131
trustees of infant's land, rights against, **17,** 95, 96
title of, court's direction as to trial of validity of, **17,** 129 n.
undue influence of, presumption of, **13,** 18 ; **15,** 108
voting by, as member of company, **5,** 720 ; **17,** 60
ward and, nature of relation between, **17,** 121
power and reciprocal duty of, **17,** 129 n., 131, 132
will, in, abolition of appointment by infant of, **17,** 59 n. ; **28,** 534 n.
writ, service of, on, good service on infant, **17,** 140

GUARDIANS OF THE POOR.
For constitution and election of guardians, see BOARD OF GUARDIANS. *See also* POOR LAW.
affiliation, payment under order to, **2,** 451
proceedings at instance of, **2,** 441, 443 n., 449
Agricultural Rates Act, 1896, as spending authority within, **22,** 535
apprentice, interference on behalf of, **22,** 541
power to bind poor child as, **20,** 80 ; **22,** 565, 566
bankrupts disqualified to be, **2,** 89
boarding out by, **22,** 565
borrowing powers of, **22,** 535, 537, 556
burial, consecration of ground for, **3,** 543
powers and duties as to, **3,** 425, 540—546 ; **22,** 570
casual relief by, **22,** 566—568
charity, trustees of, power to act as, **4,** 259
children, adoption of, **22,** 568, 569
defective. *See* DEFECTIVE CHILDREN.

GUARDIANS OF THE POOR—*continued.*
children—*continued.*
desertion of, powers in case of, **22,** 568, 569, 570, 571
education of, **12,** 82—85
cost of, in metropolis, how met, **12,** 83, 89 ; **20,** 415
reception of, **22,** 537
Society for Prevention of Cruelty to, subscription to, **17,** 171
visitation of, when in service or adopted, **22,** 544, 545, 566, 569
Children Act, 1908, proceedings under, by, **17,** 171 ; **22,** 537, 541
constitution of. *See* BOARD OF GUARDIANS.
contracts by, **3,** 279 ; **22,** 535, 536
Corrupt Practices Act, 1889, application of, to, **22,** 535
costs, payment of, by, **22,** 541
county council, contribution by, to expenses of, **19,** 352, 353 ; **20,** 450 ; **22,** 529
empowered to make provision as to, **12,** 390 ; **19,** 378 ; **22,** 531
county rate, default in payment of, **24,** 76
precepts for, **24,** 70, 76
duties and liabilities of, **22,** 527, 535—539, 541—544, 546, 550, 551, 558, 559, 563
education, agreements with regard to, between, **12,** 82
blind, deaf, and dumb children, of, **12,** 83
county council grant to, **22,** 528, 529
duties in respect of, **12,** 51, 82—85
fees paid by, **12,** 51
out-relief in case of, by, **12,** 83
schools, certified, powers in respect of, **12,** 84, 85
district, use of, for purposes of, **12,** 83
public elementary and other, contributions towards, **12,** 51, 82, 83
workhouses, in, **12,** 82, 89, 90
election of, **12,** 192, 389—393, 397 ; **22,** 531, 532, 533. *See* BOARD OF GUARDIANS.
emigration assisted by, **22,** 565
friendly society, relief to members of, by, **15,** 149, 150, 154 ; **22,** 564
hospital subscription by, **22,** 537
infant, custody of, court's order as to, **17,** 109
disability in respect of being, **17,** 47
information connected with their duties, power to collect, **22,** 537
injunction to restrain improper application of poor rate, **17,** 226 ; **22,** 535 n.
land, power to purchase and sell, **22,** 535, 557, 558 ; **25,** 310
legal proceedings, Children Act, 1908, under, by, **17,** 171 ; **22,** 537, 541
jurisdiction of, unions, in respect of, **22,** 541
justices, before, appearance, **22,** 539, 540
protection of property, for, **22,** 540, 541
servant, for protection of, **22,** 541, 544, 545, 566
loan, relief by, **22,** 566, 567
Local Government Board, returns to, **22,** 538, 548
schools, inspection of, by, **12,** 85
lunatic, annuity of, right to, of, **19,** 494
maintenance, homes and institutions, by, in, **22,** 564, 565
orders, powers as to, **22,** 571
mandamus to, **10,** 89
meetings of, **22,** 533, 534. *See* BOARD OF GUARDIANS.

GUARDIANS OF THE POOR—*continued.*
National Insurance Act, 1911, relief to person entitled under, **22,** 564
Navy, power to assist boys to join, **22,** 566
officers of, **22,** 542—548. *See* BOARD OF GUARDIANS.
overseers appointed by, **22,** 530
pauper. *See* PAUPER.
accident to, liability for, **22,** 561
annuity of, claim against, **19,** 494 ; **22,** 572
effects of, administration of, by, **3,** 543
idiots or imbeciles, powers as to, **19,** 527
liability to, **1,** 18 n. ; **22,** 546, 561
maintenance of, no preference claim by, **14,** 251
reimbursement for, by, **14,** 251 n. ; **22,** 570
naval pension of, right to receive, **25,** 35
offence by, **22,** 540, 561, 562, 564, 608, 609, 613
property of, powers as to, **22,** 570, 572
removal of, without order, **22,** 591
work found for, is parochial relief, **12,** 142
pauper lunatic, in relation to. *See* PAUPER LUNATIC.
payment by, limitation of time for, **19,** 180 ; **22,** 536, 541 ; **24,** 53
poor law education authority, as, **12,** 81—85
poor rate, application of, **22,** 549 ; **24,** 16, 53, 54. *See* POOR RATE.
powers, duties and liabilities of, **22,** 535—539
precepts by, to overseers for poor rate, **22,** 549 ; **24,** 53, 70
metropolitan borough councils, to, **24,** 128
precepts to, for county rate, **24,** 70, 76
prisoners, relief to released, **22,** 569, 570 ; **23,** 259
property, acquisition of, power as to, **22,** 535
protection of, proceedings for, **22,** 540, 541
register offices, provision of, borrowing power for, **24,** 440
relief, duty as to supplying, **22,** 563
recovery of cost of, **22,** 570—573
removal of pauper, consent to, without order, **22,** 591
power to apply for order for, **22,** 596 n.
retirement of, **12,** 390 ; **22,** 583
safe, fireproof, duty to provide, **24,** 440
school fees, payment of, by, in case of poverty of parent, **12,** 84
servant, offence against, costs of prosecution on behalf of, **22,** 541
stamp duty not payable on documents of, **22,** 536
sureties from contractors with, **3,** 279
term of office of, **12,** 390 ; **22,** 533
tort, liability for, of person appointed by, **27,** 486 n.
unions, control of, **22,** 524, 540, 555
position on dissolution of, **22,** 554, 555
property of, etc., protection of, **22,** 540
vaccination, administration of, by, **23,** 469 *et seq.* *See* VACCINATION.
valuer appointed by, for rate assessment, **24,** 51
visitors of young servants appointed by, **22,** 544, 545, 566
widow, relief to, **22,** 567
wife, where chargeable to parish, rights of, **16,** 317
workhouse, fitting and furnishing, borrowing for, **22,** 557
management, duties as to, **22,** 558, 559
rateability in respect of, **24,** 16, 17
visiting committee, appointment of, **22,** 559

GUERNSEY,
Admiralty jurisdiction in, **1,** 141, 142
company registered in, **5,** 13
legislation in, **10,** 575
removal of chargeable person to, when order made for, **22,** 601

GUEST,
defined, **17,** 313, 318
agreement between, and innkeeper, as to liability, validity of, **17,** 316
debt of, when innkeeper may be liable for, **17,** 323
dog of, when innkeeper liable for injury done by, **1,** 397; **17,** 323
goods of, damage for loss of, burden of proof, **13,** 434
damage to, remedy against innkeeper for, **17,** 318, 322; **21,** 431
liability for, limited to innkeepers properly so called, **17,** 316; **21,** 431
liability of innkeeper by statute, **17,** 321—323
horse of, liability of innkeeper as to, **17,** 307, 309, 310, 312, 316, 317
injuries, personal, remedy against innkeeper for, **17,** 313; **21,** 431
innkeeper, liability of, in respect of, **17,** 307, 313—320, 321; **21,** 431
refusing to receive, **17,** 310, 311
right of, to bring action against, **17,** 323
visitor distinguished from guest, **17,** 313
what constitutes an, **17,** 318, 319
where exclusive custody assumed by, **17,** 320, 321
invitee, negligence in regard to, **21,** 385—391. *See* INVITEE.
licensee, when a bare, **21,** 392
lodger distinguished from, **17,** 318 n.
lodging at the inn, when not necessary to character of guest, **17,** 319
lodging-houses, keepers of, not obliged to receive, **17,** 308
misconduct of, effect on innkeeper's liability, **17,** 319, 320; **21,** 431
negligence of, effect on innkeeper's liability, **17,** 313, 318, 319, 320; **21,** 431
occupier of premises, towards, **21,** 385, 386, 388, 391—394. *See* NEGLIGENCE.
property of, extent of innkeeper's liability as to, **17,** 307, 314, 315, 317, 318; **27,** 465 n.
innkeeper's lien upon, **17,** 323, 324; **19,** 12
removal of, right of innkeeper as to, **17,** 309, 310; **18,** 142; **27,** 875 n.
safety of, liability of innkeeper for, **17,** 313, 314
tenant, of, liability of landlord for injury to, when caused by non-repair, **18,** 505, 570; **21,** 382—385. *See* NEGLIGENCE.
traveller entering an inn, when not a guest, **17,** 318

GUESTLING,
Court of, **9,** 129

GUILD,
admission to, declaration on, **7,** 26, 27
incorporation by grant of, **8,** 315
London, City of, history, foundation, and objects of, **5,** 746
rents. *See* RENT.

GUILDFORD,
local court of, **9,** 165

GUILTY,
plea of, **9,** 355
indictable offence, to, **19,** 584, 585

GULLY,
provisions as to, in metropolis, **25,** 769

GUM,
chewing, drug or article of food, whether, **15,** 6 n.

GUN,
defined, **15,** 251 n.
deer unlawfully hunted, seizure of gun in case of, **15,** 263
discharging, over land of another, **15,** 226, 229
game, right use of, for killing, **15,** 210, 217 n., 220
ground game, killing, with, **15,** 220, 222, 224. *See* GROUND GAME.
Gun Licences Act, 1870, proceedings under, when failing under Game Licences Act, 1860, **15,** 251
harbour regulations as to, **26,** 643
highway, firing near, when an offence, **27,** 276
licence for carrying, **15,** 252; **24,** 695
antique pistol, in case of, **27,** 547 n.
deer, in respect of, **15,** 262 n.
duty on, **15,** 252 n.; **24,** 684
exemptions from, **15,** 251, 252, 253 n.; **24,** 696
forfeiture of, **15,** 252
game licence holder, not required by, **15,** 246, 251
gamekeeper, for, **15,** 242
penalty in default of, **15,** 252, 253
persons requiring, **15,** 251
production of, who may require, **15,** 252, 253
register of, **15,** 253
loaded, duty to take care in handling, **21,** 365
misrepresentation as to injury through, **20,** 706 n.
parts, carried in, liability in case of, **15,** 251 n.
poaching armed with, **15,** 230, 233, 234, 237
Poaching Prevention Act, 1862, seizure under, of, **15,** 238, 245 n.
spring, setting of, **9,** 605; **15,** 227
trespasser armed with, gamekeeper's powers of arrest, **15,** 244
firing by, into another's land, **15,** 226

GUN BARRELS,
compulsory marks on, **27,** 546 n., 722

GUN-COTTON,
explosive, as, under Explosives Act, 1875, **14,** 357
term, what it includes, **14,** 357 n.

GUNPOWDER,
defined, **14,** 361
buildings, destroying, by, **9,** 776, 777
carriage of, by rail, **4,** 27
certificate, continuing, when may be lawfully kept under, **14,** 374
compulsory marks on, **27,** 722
dynamite, conversion into, prohibited, **14,** 377 n.
endangering life with, what constitutes, **9,** 777
explosive, as, under Explosives Act, 1875, **14,** 357
factories and magazines, general rules relating to, in Explosives Act, **14,** 368, 369
harbour regulations as to, **26,** 643, 644
manufacture of, with intent to commit felony, **9,** 792
manufacture or possession of, unlawful, **9,** 605, 792

GUNPOWDER—*continued.*
quantity, additional, allowed within radius of factory where process of manufacture stopped, **14,** 359
sale of, hawkers or pedlars, by, **14,** 380; **20,** 56 n.
regulations affecting, **14,** 380, 381; **27,** 722 n.
stores, general rules relating to, **14,** 373

GUTTER. *See* DRAIN.
abatement of nuisance arising from, **21,** 538; **25,** 758—760
highway authority's power in respect of, **16,** 113; **25,** 771, 772

GUTTERING,
nuisance by allowing water to fall from, **28,** 457

GYMNASIUM (PUBLIC),
Act under which established, **23,** 582, 583
bye-laws regulating, **23,** 592
closing of, **23,** 590, 591
letting of, to public, **23,** 590, 591
provision and maintenance of, **23,** 581, 588
rate in respect of, limitation of, **23,** 594
regulation of, **23,** 590
sale of, **23,** 589
swimming bath, public, use of, as, **23,** 497

HABEAS CORPUS (WRIT),
defined, **10,** 39
affidavit in support of application for, **10,** 57, 59, 60, 65 n., 76
testificandum, in support of, **10,** 75
alias, nature of, **10,** 44
appeal from grant or refusal of, **10,** 73—75; **14,** 416; **23,** 193 n.
costs of, **10,** 75
application for, **2,** 372, 373; **10,** 55—60
costs of, **10,** 62
attachment for disobedience to, **7,** 304; **10,** 72, 73
bail, prisoner, of, pending hearing, **10,** 71
refusal of, remedied by, **9,** 246 n., 326; **10,** 51, 52
bastard child, custody of, to enforce, **2,** 440; **10,** 53
chambers, application to judge in, for, **10,** 58
colony, in, **10,** 46, 560, 562
committal, when good return to, **10,** 68
common law right to, **10,** 41, 43
contempt of court by disobedience to, **7,** 304
contents of, **10,** 62
costs of application for, **10,** 62
counsel, application by, for, **2,** 372, 373; **10,** 56
custody of infant obtained by, **10,** 52, 53; **17,** 105, 109, 129 n.
discharge from custody of person brought up on, **10,** 71
drawing up of order for, **10,** 61
enforcement of, **7,** 304; **10,** 72, 73
ex parte application for, **10,** 55, 58
extradition, in cases of, **10,** 50, 51, 55, 58; **14,** 415, 416; **19,** 659
false imprisonment, in case of, **10,** 39; **27,** 884
form of, **10,** 62, 63
fugitive offender, application by, for, **10,** 51; **14,** 427
Houses of Parliament, in case of members of, **10,** 48; **21,** 791 n.
husband and wife, in case of, **10,** 54; **16,** 318

HABEAS CORPUS (WRIT)—*continued.*
illegal commitment, in case of, **10,** 49, 50, 68
illegitimate child, custody of, to enforce, **2,** 440; **10,** 53
impressment, in case of, **10,** 49 n.; **25,** 21
indorsement on, **10,** 63, 64
infant, custody of, obtained by, **10,** 52, 53; **17,** 105, 109, 129 n.
Isle of Man, may issue to, **10,** 46
issue of, **10,** 62, 64
judge's liability for unlawfully refusing, **10,** 44; **23,** 331
jurisdiction to award, **10,** 43—48
justices, against, **10,** 51; **19,** 659
Lord Chancellor's power as to, **7,** 64
lunatic, affidavit by, **10,** 54
alleged, in case of, **10,** 54; **19,** 418
pauper, release of, obtained by, **19,** 523 n.
military custody, to obtain release from, **25,** 21, 90, 91
motion for, **10,** 57, 58
naval custody, to obtain release from, **25,** 21, 90, 91
notice of issue of, **10,** 65
order for, **10,** 60—62
pauper lunatic, release of, obtained by, **19,** 523 n.
peer, no privilege of, in respect of, **10,** 40, 41; **21,** 780 n.
places to which may be directed, **10,** 45, 46
pluries, nature of, **10,** 44
prisoner, in case of, **10,** 57, 71; **23,** 251, 252 n.
procedure on, **10,** 55—75
purposes for which granted, **10,** 48—54
quashing of, **10,** 65, 66
reasonable ground to be shown for, **10,** 41, 48
remedial nature of, **10,** 42
renewal of application for, in other courts, **10,** 62
return to, **10,** 66—72
amendment of, **10,** 70
contents of, **10,** 67
evidence to controvert, **10,** 69, 70
false or insufficient, effect of, **10,** 73
form of, **10,** 67 n.
place for, **10,** 66
procedure on, **10,** 68, 69
production impossible, when, **10,** 68
time for, **10,** 66, 67
schoolmaster, against, in case of detention of pupil, **12,** 124
scope of, **10,** 39, 40
service of, **10,** 64, 65
solicitor obtaining, no lien for costs of, **26,** 816
statutory right to, **10,** 43—45
subjiciendum, service of writ, **10,** 65 n.
vacation, application during, for, **10,** 42 n., 43 n., 55, 56
voter in custody of sheriff, in case of, **12,** 311 n.
wife and husband, in case of, **10,** 54; **16,** 318
witness, to obtain release of, **13,** 588

HABEAS CORPUS AD DELIBERANDUM ET RECIPIAS (WRIT), **10,** 76, 77

HABEAS CORPUS AD RESPONDENDUM (WRIT), **10,** 76

HABEAS CORPUS AD SUBJICIENDUM (WRIT). *See* HABEAS CORPUS (writ).

HABEAS CORPUS AD TESTIFICANDUM (Writ), **10,** 75, 76; **13,** 580
arbitration, in case of, **1,** 462; **10,** 75
contempt of court by disobedience to, **7,** 304
county court proceedings, in case of, **8,** 530, 531; **10,** 76
inquest, in case of, **8,** 266
prisoner, in case of, **10,** 75, 76; **23,** 251

HABENDUM,
assurance of land, in case of, **25,** 425
functions of, **10,** 381, 473
grantee different in premises of deed and, effect of, **10,** 473, 474
lease for
lives, in case of, **18,** 461
term of years, in case of, **18,** 456
life estate limited by, **24,** 174
limitation in premises of deed, effect of, **10,** 474, 475
omission of, effect of, **10,** 473
parcels specified in, effect of, **10,** 474

HABITS,
animals, of, evidence as to, **13,** 452
scienter, in regard to, **1,** 372—374
children, of, judicial notice taken of, **13,** 495
horses, of, judicial notice taken of, **13,** 495
lunatic, alleged, of, evidence as to, **13,** 448; **19,** 409
testator, of, evidence as to, **28,** 638, 642

HABITUAL CRIMINAL,
defined, **9,** 415
punishment of, **9,** 415—417

HABITUAL DRUNKARD,
defined, **9,** 417 n.
appeal against conviction as, **18,** 167
Children Act, 1908, punishment where guilty of offence under, **9,** 418 n.; **17,** 169
coroner's inquest on death of, **8,** 243
county court jurisdiction in respect of, **8,** 659, 660
detention of. *See* reformatory; retreat, *infra*.
husband as, relief to wife, **16,** 596
indictment as, **9,** 417, 554
intoxicating liquor, obtaining of, by, **18,** 167, 168
penalty for supply of, to, **18,** 163, 167, 168
legal proceedings concerning, **18,** 166, 167
limitation of actions in respect of, **18,** 167
old age pension, disqualification for, of, **9,** 554; **22,** 619
punishment of, **9,** 417, 553, 554; **18,** 166, 167
reformatory for, breach of regulations of, **18,** 169
certified, *defined*, **18,** 168
computation of time for detention in, **18,** 169
control of, **7,** 85; **18,** 168; **23,** 231
costs of conveyance to, **18,** 169
detention in, **9,** 417, 554; **18,** 167—170
escape from, **18,** 165, 170
establishment of, **18,** 168; **23,** 235
inspection of, **18,** 169
leave of absence from, **18,** 168
local authority, borrowing powers of, in respect of, **18,** 169
certificate obtained by, for, **18,** 168
contribution by, towards, **18,** 169
management of, **18,** 168; **23,** 235
officer of, powers of, **18,** 169, 170

HABITUAL DRUNKARD—*continued.*
reformatory for—*continued.*
poor law removal in case of detention in, **18,** 170; **22,** 593 n.
Prison Commissioners' control over, **18,** 168; **23,** 235
recovery of cost of detention in, **7,** 85; **8,** 660; **18,** 170
regulations for, **18,** 168
State, establishment of, **18,** 168
Treasury grant towards, **18,** 169
retreat for, *defined*, **8,** 243 n., 659 n.; **9,** 418 n.; **18,** 160 n.
absence from, under licence, **18,** 164
death during, provisions in case of, **18,** 166
admission to, **18,** 161—163
assisting escape from, offence in case of, **18,** 165
coroner's inquest on person dying in, **8,** 243; **18,** 166
county court jurisdiction in respect of, **8,** 659, 660; **18,** 163, 164
death in, provisions in case of, **8,** 243; **18,** 165, 166
detention in, **9,** 418; **17,** 169; **18,** 159—166
discharge from, **18,** 161, 163, 164
disobedience to rules of, **18,** 165
escape from, **18,** 165
fees payable in respect of, **18,** 163
forfeiture in case of detention in, **18,** 163
ecclesiastical benefice, in case of, **18,** 163
High Court jurisdiction in respect of, **18,** 163, 164
illtreatment in, **18,** 165
inspection of, **8,** 660; **18,** 163, 164
intoxicating liquor, introduction of, into, **18,** 165
leave of absence from, **18,** 164, 166
licence to keep, **18,** 159, 160
stamp duty on, **18,** 162; **24,** 706 n.
transfer of, **18,** 160, 162
local authority, *defined*, **18,** 160 n.
contribution by, towards, **18,** 162
expenses of, in connection with, **18,** 162, 163
powers of, in respect of, **18,** 159, 160
neglect in, **18,** 165
notice of reception into, **18,** 162
offences in connection with, **18,** 164—166
patient in, *defined*, **18,** 163 n.
penalties for offences in connection with, **18,** 166
poor law removal in case of detention in, **18,** 163; **22,** 594
readmission to, **18,** 161, 162
summary jurisdiction in respect of offences by, **18,** 165—167; **19,** 583, 584
wife as, relief to husband, **16,** 597

HACKNEY CARRIAGE. *See* Cab; Carriage (Vehicle).
defined, **27,** 294, 295, 303
driver. *See* Cab-driver.
motor car as, for highway purposes, **27,** 333
regulations as to, **27,** 294—300. *See* Cab.
metropolis, in, **27,** 303—305. *See* Cab.

HAINAULT FOREST,
Commissioners' award as to, **7,** 190
golf course on, maintenance of, **20,** 399

HAIR,
cutting of, female prisoners, of, **23,** 249
prisoners awaiting trial, of, **23,** 244
sentenced to hard labour, **23,** 248, 249
sentenced to second division, **23,** 247
cutting off without consent, an assault, **27,** 873 n.

HALF A YEAR,
notice to quit, how reckoned for purposes of, **18,** 445, 446

HALF-BLOOD,
deceased wife's sister, marriage with, **16,** 285 n.
description by relationship in wills includes, **28,** 739, 740
distribution of intestate's personal estate, on, **11,** 23
inheritance by, **11,** 11
crown of England, to, **6,** 320
marriage within prohibited degrees, **16,** 284
preference of brother of, in descent of Crown, **6,** 321 n.

HALF HOLIDAY,
factory, in, **14,** 496
Saturday, on, **14,** 490, 491, 492, 493, 507
shop, in case of, **14,** 510, 511

HALF-PAY,
arrears of, are assignable, **4,** 400 n.
assignment, sale, or contract relating to navy or marine, invalidity of, **4,** 400, 401; **25,** 34
bankruptcy, appropriation of, on, **2,** 191; **25,** 35
marine, non-assignable, is, **4,** 400, 401, 402; **25,** 34
military officer, of, not assignable, **4,** 400, 401
receiver not appointed in respect of, **24,** 368
officer on, restriction on acceptance of civil employment, **24,** 753

HALF-QUARTER DAYS,
what are, **27,** 437

HALF-TIMER,
child as, in factory, **14,** 491, 492, 493, 503
special orders as to, **14,** 503, 507, 508

HALFPENNY,
packet, *defined*, **22,** 643 n.
postage rate of, **22,** 638
remedy on coinage of, **6,** 468 n.
standard weight and fineness of, **6,** 467 n.

HALIMOTE,
court of the township in pre-Norman times, **9,** 215

HALL,
inhabited house duty, when chargeable with, **17,** 182, 184
land tax, when exempt from, **18,** 311, 312

HALL-KEEPER,
whether tenant or servant, **20,** 69 n.

HALL MARK,
imported plate, on, **24,** 592, 593; **27,** 724
plate, on, offences connected with, **9,** 758; **27,** 724, 725
statutory provision for, **27,** 723—725

HALLAMSHIRE,
lordship and liberty of, locality of, **27,** 686 n.
Sheffield register of trade marks for, **27,** 686
trade marks, **27,** 707

HALLUCINATIONS. *See also* DELUSION.
when indicative of insanity, **19,** 392, 393

HAMMER,
mark of, applied only to goods forged or made with hammer, **27,** 725 n.

HAMMER PRICE,
Stock Exchange, on, *defined*, **27,** 217
differences, *defined*, **27,** 217

HAMMERING,
Stock Exchange, on, *defined*, **27,** 217

HANAPER, CLERK OF THE,
performance of duties of, **7,** 12 n..

HANDBILLS,
election, at, **12,** 279
servants' registries, notice of provisions relating to, **28,** 881

HANDCUFFS,
arrest, when may be used in, **9,** 309; **22,** 498

HANDRAILS. *See also* FENCE.
provision of, by railway company at level crossings, **23,** 662

HANDWRITING. *See also* WRITING.
ancient document, in, evidence as to, **13,** 608
criminal cases, proof in, **9,** 389 n., 390 n.; **13,** 607 n.
deciphering bad, function of court as to, **7,** 509 n.
will, in, **28,** 634
evidence of, **9,** 764; **13,** 482, 508, 510, 607, 608
expert in, opinion of, **13,** 480. *See* EXPERT.
interrogatories directed to, **11,** 100 n., 102
opinion of witness as to, **13,** 482, 607
proof of, **13,** 482, 607, 608
comparison, by, **13,** 608
signature of unattested documents, **13,** 510
specimen of, witness may be required to write in court, **13,** 508 n.

HARBOUR. *See also* DOCK; PORT.
defined, **28,** 412 n., 420 n.
Factory and Workshop Act, 1901, **14,** 484 n.
Merchant Shipping Act, 1894, **14,** 484 n.; **26,** 554 n., 634
Petroleum Act, 1871, **23,** 571
accidents in, due to harbour master, **26,** 640
Admiralty, powers of, as to, **7,** 90
authority, **26,** 634. *See* HARBOUR AUTHORITY.
Board of Trade, general control of, **27,** 513
bottom of, accident due to, extraordinary state of, **17,** 461
buoys, lights, and beacons, provisions as to, **26,** 645
bye-laws, confirmation of, **26,** 646 n.
Secretary of State, by, **26,** 646
copies of, to be posted, **26,** 646
enforcement of, by fines, **26,** 647
proof of, **26,** 647
cargo, combustible, discharge of, **26,** 643
collision with, jurisdiction as to, **1,** 128; **26,** 547

HARBOUR—*continued.*
combustible matter in, prohibition as to, **26,** 643
Commissioners of Sewers, interference by, with, **25,** 780, 781
compensation for land taken for, **6,** 157, 158
construction of, **28,** 412, 413
certificate of completion of, **28,** 415
consents required to, **28,** 414
deviation as to, **28,** 414
financial aid by local authorities, provisions as to, **28,** 418, 419
provisional order, under, **28,** 415—418
special Act authorising, when necessary, **28,** 412, 413
creation of, by Crown, **6,** 458, 459
Crown prerogative as to, **28,** 387—390
damage to, limitation of liability for, **26,** 612—614
recovery from third party of amount paid by owner, **26,** 644
shipowner, liability of, as to, **26,** 611, 644
docks included in definition of, **26,** 634
dues. *See* rates and dues, *infra.*
emigration, power to make bye-laws as to, **26,** 646
entrance, ships crossing whilst passing, **26,** 440
explosives in, prohibition of, **14,** 384; **26,** 643
fires, regulation as to use of, **26,** 643
foul berth, liability for, **21,** 417 n.; **26,** 489, 647
goods left on quay, removal and sale by harbour master, **26,** 642
guns and gunpowder in, regulations as to, **26,** 643
improvement to land, as, construction of, **18,** 280 n., 284 n.
injury to ship in, liability for, **26,** 532, 640
inland navigation and, reservation of rules for, under Sea Regulations, 1910, **26,** 477—479
inspection of, under Explosives Act, 1875, **14,** 389
jurisdiction in respect of damage done by ship to, **26,** 547
land for, acquisition of, **6,** 157, 158
lifeboat and rocket apparatus in, **26,** 645
light railway allowed to connect existing light railway with, **27,** 819 n.
lights and fire in, regulations as to, **26,** 643
maintenance and repair of, harbour master's duty as to, **26,** 641. *See* HARBOUR MASTER.
loans for, **28,** 420, 421
master. *See* HARBOUR MASTER.
meters to measure cargo being discharged, **26,** 643
navigation rules in, **26,** 440, 477—479
negligence in relation to, **21,** 365; **26,** 648
obstructions, no ballast, earth, or refuse to be thrown in, **26,** 644
removal of, **26,** 642
police, powers of, **22,** 496
pollution of, prevention of, **28,** 442
poor rate, liability to, **24,** 8
private, borrowing powers of harbour authority on account of, **28,** 421
limited owner, power to borrow in respect of, provisions as to, **28,** 421
Public Works Loan Commissioners, conditions of loan from, **28,** 421
Public Health Acts, saving from provisions of, **23,** 366
public user of, **6,** 460
rateability of, **24,** 8, 16, 39—41
tolls, in connection with, **24,** 9
rates and dues, **26,** 634—640; **28,** 388. *See also* PORT.
collection of, **26,** 634, 635; **28,** 412, 413 n.

HARBOUR—*continued.*
rates and dues—*continued.*
composition for, **26,** 637
dispute as to, **26,** 639
enforcement of, **26,** 638, 639
exemption from, **26,** 637
foreign ships, on, **26,** 637
lighthouse property exempted from, **26,** 628
list of, where to be exhibited, **26,** 635
payment, time of, on goods to be shipped or unshipped, **26,** 638
rights to ship goods and embark passengers on payment of, **26,** 635
ship's duty as to, on arrival, **26,** 637
refuge, of, negligence in respect of, **21,** 365
refuse matter in, regulations as to depositing, **26,** 644
repair of, a charitable purpose, **4,** 107
safety of, provision for, **26,** 639, 643, 644
sea marks in, Trinity House to order fixing of, **26,** 645
sea regulations, **26,** 440, 477, 478
ships
approaching in opposite directions, duty of, in, **26,** 498, 499
duties of, **26,** 639, 640
entering, management of, **26,** 639, 640
removal of, powers of harbour master as to, **26,** 641
who may be employed in, **26,** 605
statutory duty, liability for failure to comply with **21,** 377
tonnage rate, composition for, **26,** 637
disputes as to, **26,** 639
enforcement of, by withholding vessel's clearance, **26,** 639
tug, private, in, restriction on use of, **26,** 635 n.
water, depth of, liability for, **26,** 647; **28,** 390 n.
weighers to weigh cargo being discharged, **26,** 643
wind and weather report to be sent to Board of Trade, **26,** 645

HARBOUR AUTHORITY,
defined, Merchant Shipping Act, 1894, **26,** 554 n. 612 n., 634; **28,** 390, 413 n.
Petroleum Act, 1871, **23,** 571
barometer, duty to provide, **26,** 645
borrowing powers of, **28,** 419—421
buoys, lights, beacons, and sea marks, duty as to, **26,** 645
bye-laws of, **26,** 645, 646
copies of, duty to post, **26,** 646, 647
emigrants, as to, **26,** 646
explosives, as to, **14,** 384, 385
petroleum, as to ships carrying, **23,** 592
disputes with general lighthouse authority may be referred to Board of Trade by, **26,** 554
fires and lights, power as to, **26,** 643
jurisdiction of, exemptions from, **26,** 636
lands, purchase of, by, powers, **28,** 413
liabilities of, **21,** 265, 417; **26,** 647, 648
acts of servants, for, **26,** 647, 648
limitation of, **26,** 612—617, 648
negligence, for, **21,** 365; **26,** 648
non-repair of port, **28,** 391
state of harbour, **26,** 647
lifeboat and rocket apparatus, provision of, duty as to, **26,** 645
loans raised by, security for, **28,** 421
local authority, financial aid from, **28,** 418, 419
meters and weighers, employment of, by, **26,** 643

HARBOUR AUTHORITY—*continued.*
Petroleum Acts, execution of, by, **23,** 570
poor rate, liability to, **24,** 16
Railway Commission, complaint to, **23,** 756
tide gauge and weather report, duty as to, **26,** 645
warehouses, construction of, by, **28,** 414
wharf, statutory charges for use of, **28,** 423
works of, consents required to, **28,** 414
construction of, at request of Commissioners of Customs, **28,** 415
deviation from plans, **28,** 414
documents to be deposited by, **28,** 413
powers and duties of, on completion of, **28,** 414, 415
wreck, removal of, by, **26,** 534, 554, 555

HARBOUR MASTER,
defined, **26,** 634, 640
explosives, powers on breach of bye-laws as to, **14,** 385
goods left on quays, power as to, **26,** 642
King's, dockyard ports vested in, **28,** 388, 389
powers of, **7,** 90; **28,** 389, 390
mooring vessels, power as to, **26,** 639, 640
negligence of, accident to ship in harbour caused by, **26,** 532, 640
causing collision between ships, **26,** 532
obstructions, power to remove, **26,** 642
orders of, obedience to, **26,** 499, 640, 641
penalty for disobedience to, **26,** 641
shipowner, liability of, as affected by, **26,** 532, 533
Port of London, of, appointment of, **28,** 412
powers of, generally, **26,** 640, 641
repairing or cleansing of harbour, duty on, **26,** 641, 642
wrecks and obstructions, power as to removal of, **26,** 642
wrongful exercise of powers by, liability for, **26,** 642

HARBOURING
constable on licensed premises, offence of, **22,** 502
felon, offence of, **9,** 255 n.
prostitutes, offence of, **18,** 136—138
servant, damages recoverable for, **20,** 269, 270
thieves, accessory after the fact by, **9,** 255 n.
appeal from conviction for, **18,** 136
entertainment, by keeper of public place, of **18,** 135
innkeeper, by, **9,** 555; **18,** 135
licensed premises, on, closing order in case of, **18,** 135, 136
place of public resort, by keeper of, **18,** 135
refreshment house, by licensee of, **18,** 137
Towns Police Clauses Act, as offence under, **18,** 137
wife, a, liability of third party for, **16,** 318, 319

HARD LABOUR,
defined, **23,** 248 n.
imprisonment with, **9,** 410; **23,** 248
maximum period, **9,** 410
imprisonment without, **9,** 410; **19,** 604; **23,** 247
penal servitude concurrent with, undesirability of, **9,** 411 n.
prisoner sentenced to, medical examination of, **23,** 238, 239
prison treatment of, **23,** 248, 249

HARDSHIP,
arbitrator's award causing, **1,** 476; **27,** 40
contract involving, whether specifically enforceable, **27,** 39—42
duress of property, as affecting, **7,** 357
injunction, consideration in granting, **17,** 208, 211, 212, 215
mistake causing, relief in equity, **13,** 23
specific performance, in, conduct of defendant involving, **27,** 40
consideration, inadequacy of, as, **27,** 41, 42
forfeiture, exposure to, as, **27,** 41
lease, on breach of agreement for, **18,** 378, 379
nature of, as affecting court's discretion, **27,** 40
performance refused where, **27,** 39, 40
relief granted on terms to prevent, **27,** 41
sale of land, in contract for, **25,** 408
time at which must arise, **27,** 40
where no relief granted on ground of, **25,** 303; **27,** 41

HARES,
breeding ground, offence by taking or killing in, **15,** 239
chase, as beasts of, **6,** 490
Christmas Day, killing on, **15,** 260 n.
close time not allowed for, **15,** 210, 260
commons, on, right to kill, **4,** 501, 502
coursing, game licence not required in case of, **15,** 249
gamekeeper's right to interfere with, **15,** 243 n.
leave, without, **15,** 230 n.
trespass, right to, in case of, **15,** 230
damage by, protection from, **15,** 224
foreign, sale of, **15,** 210, 260
game, as, **15,** 208, 209, 236, 242 n., 258. *See* GAME.
ground game, as, **15,** 209. *See* GROUND GAME.
Hares Act, persons authorised under, game licence, exempt from, **15,** 248
larceny at common law, when subject of, **1,** 370, 371
licence, killing without a, **15,** 217
licensed dealer, liability of, for selling out of season, **15,** 260
sale of, restrictions on, **15,** 210, 260
statutory offences as to, **1,** 372; **15,** 239
Sundays, killing on, **15,** 260 n.
warren, as beasts of, **4,** 501 n.; **15,** 215
offence by taking or killing in, **15,** 239

HARROW SCHOOL, 12, 97, 98 n., 99 n.

HARSH AND UNCONSCIONABLE,
borrower, relief to, where transaction is, **21,** 53 *et seq.* *See also* UNCONSCIONABLE BARGAIN.
when bargain may be held to be, **21,** 54 n.

HARTLEPOOL,
local court of, **9,** 165
separate commission of peace for, **19,** 541, 542

HARVESTING,
Sunday, on, not an offence under Sunday Observance Act, **1,** 294
vehicles engaged in, may be excused carrying lights, **27,** 291

HARWICH,
local court of, **9,** 165
separate commission of peace for, **19,** 541, 542

HASSOCKS,
church, in, may be provided by the incumbent and churchwardens, **11,** 736

HASTINGS,
barons for coronation service, number of, **6,** 333 n.
Cinque Ports, as one of, **9,** 127 n. ; **19,** 541
coronation service by barons of, **6,** 333 n.
county borough, as, **19,** 301
justices of, licensing powers of, **9,** 127—129 ; **18,** 35
local court of, **9,** 166
local government purposes, excepted from Cinque Ports for, **9,** 302
recorder of, **9,** 166

HAT,
making, disqualification of justices engaged in, **19,** 556
felt, regulations for, **14,** 479 n., 513
regulations under Factory and Workshop Act, 1901, applied to, **14,** 513
manufacture, regulations under Factory and Workshop Act, 1901, for, **14,** 479 n.
statutory offences by employees in, **20,** 127 n.
works, *defined*, **14,** 440

HATCH,
river, in, easement for maintenance of, **11,** 328
ship, on, when master must batten down, **26,** 225

HAUNTED HOUSE,
action for slander of title for allegation as to, **27,** 678 n.

HAVE NO ISSUE,
construction of words in will, **28,** 833, 834

HAVEN. *See also* HARBOUR ; PORT.
control of, in the Crown, at common law, **6,** 459

HAVER,
Scots law, in, *defined*, **5,** 560 n.
examination in company winding up, summons for, **5,** 560

HAVERFORDWEST,
local court of, **9,** 166
separate commission of peace for, **19,** 541, 542

HAWKER. *See also* PEDLAR.
defined, **20,** 55, 56 ; **23,** 575
arrest of, powers under Hawkers Act, 1888, **9,** 302 ; **20,** 56 n. ; **24,** 658
auction, must have auctioneer's licence for selling goods by, **1,** 502
bye-laws in respect of, **27,** 280
on esplanades or promenades, **27,** 273
prohibition under, **24,** 658 n.
co-operative society as, **24,** 657 n.
corporation as, **20,** 56 n. ; **24,** 658 n.
explosives, prohibition of, selling by, **14,** 380, 381 ; **20,** 56 n.
licence for, **24,** 657, 658
auctioneer, when required by, **24,** 657 n.
exemption from, in what cases, **20,** 56, 57
forgery in respect of, **20,** 57 n.
goods which may be sold without, **24,** 658, 659
how and when granted, **20,** 57

HAWKER—*continued.*
licence for—*continued.*
offence by letting, hiring, or lending, **20,** 57 n.
penalty on acting without, **24,** 658
premises, grant irrespective of, **24,** 627
required, when, **20,** 56, 57 ; **24,** 657, 658, 659
term of, **24,** 658
licensed hawker, use of words, **20,** 57
market rights and, **20,** 10, 47
metropolis, regulation in, **20,** 56 n. ; **22,** 472 ; **27** 288
offences by, on highway, **27,** 275, 276
petroleum, of, **20,** 56 n. ; **23,** 575
pirated musical works, sale of, **20,** 56 n.
plate licence, when required by, **24,** 658 n., 666
police, statutory powers of, as to, **20,** 57 ; **22,** 503
prohibited places and trading, no privilege in, **24** 658
restrictions on goods sold by, **20,** 56 n.
servant, use of master's certificate or licence by, **20,** 57 ; **24,** 657 n.
spirits, sale of, **20,** 56 n. ; **24,** 658 n.
trading as, what constitutes, **20,** 56 n. ; **24,** 657 n.
victuals, what is included in, **20,** 57 n. ; **24,** 658 n.

HAWKS,
straying, property in, **15,** 213 n.

HAY,
attempt to set fire to, **9,** 773, 791
buyer, right of, to have weighed, **28,** 491
contract as to delivery of stones of 24 lbs. of, **28,** 469 n.
covenants in lease as to, **1,** 247, 275
distress upon, **1,** 254 ; **11,** 133
agreement for utilisation on land, in case of, **11,** 179
impounding of, removal from premises prohibited, **11,** 169
making of, common field, in, no conversion, **27,** 898 n.
rights of joint or common tenants, **27,** 856
markets in metropolis, closing hours of, **20,** 18, 34
merchant, covenant in restraint of trade, validity of, **27,** 587 n.
removal of, covenant against, **18,** 564
rick, distrainable, **11,** 133
sale of, agricultural lessee, by, **1,** 251 ; **18,** 564
London, City of, in, **20,** 18, 34, 35 ; **28,** 490, 491, 492
metropolis, in, regulations governing, **20,** 34
delivery of ticket, **28,** 492
market clerk, duty of, where weight deficient, **20,** 35
mixing water etc. with, **1,** 291
offences and penalties, **20,** 35
weighing, provisions as to, **20,** 35 ; **28,** 490, 491, 492
trusses of, weight of, **1,** 291
weighing of, disputes as to, **28,** 492
fraudulent increase in, **1,** 291 ; **23,** 492
penalties in respect, **28,** 491

HAY-BOTE,
defined, **4,** 447 n., 467 n., 468 n.
right of, extent of, **4,** 467 n., 468 n.
tenant for life's right to, **24,** 176

HAZARD,
illegality of game of, **4,** 436 ; **15,** 285

HEAD
lease, distress for rent reserved by, **18,** 408
inspection of, intending underlessee, by, **18,** 409
notice of covenants in, **18,** 591
provision for observance of covenants in, on grant of underlease, **18,** 408, 409
underlease, in relation to, **18,** 406 *et seq.*
lessor, underlessee in relation to, **18,** 407, 408. *See* SUPERIOR LANDLORD.
rent, payment of, by sub-tenant, effect of, **19,** 127. *See also* GROUND RENT.

HEAD-MONEY,
report by election commissioners as to payment by way of, **12,** 468, 469

HEADBOROUGHS,
election and duties of, **22,** 462

HEADSTONES. *See also* MONUMENT; TOMBSTONE.
gift for, valid as gift for charitable purpose, **4,** 114
gravestone, offence by damage to, **3,** 523
right of cemetery company to remove, **3,** 522

HEALTH. *See also* PUBLIC HEALTH.
animals dangerous to, keeping of, **21,** 513, 514, 538
baths. *See* BATHS AND WASHHOUSES.
building regulations for purposes of, **23,** 416—421
burial grounds, precautions as to, **3,** 537, 538
burial of body dangerous to, **3,** 552
cellar dwellings, **23,** 505, 529
closing order in regard to building dangerous to, **23,** 527—529, 545, 546. *See* CLOSING ORDER.
common lodging-houses, in, provisions for, **23,** 511, 512; **28,** 249, 263, 304. *See* COMMON LODGING-HOUSE.
diseases affecting. *See* DISEASE; INFECTIOUS DISEASE.
domicil as affected by residence for purpose of, **6,** 188
drains, provisions as to, **25,** 750—754; 761—767. *See* DRAIN.
factories, in, provisions for, **14,** 447—463. *See* FACTORY.
food injurious to. *See* ADULTERATION; FOOD; MILK.
gymnasiums, provision of, by local authorities, **23,** 581, 582
hospitals. *See* HOSPITAL.
infected clothes as danger to, **23,** 451
inspection as to. *See* INSPECTION; INSPECTOR.
cases in which a person may be compelled to submit to, **9,** 375; **13,** 508
refusal to submit to, may be evidence against a person, **13,** 508
insurance, **28,** 905—1002. *See* NATIONAL HEALTH INSURANCE.
laundry or public wash-house, liability for sending infected clothes to, **23,** 451
light and air necessary for, provision of open spaces for, in metropolis, **20,** 481, 482
limewashing and painting in factories for purposes of, **14,** 449
nuisance injurious to, **21,** 529—546. *See* NUISANCE.
offensive trades. *See* OFFENSIVE TRADE.
open spaces, **21,** 582—601. *See* OPEN SPACE; RECREATION GROUND.

HEALTH—*continued.*
public. *See* PUBLIC HEALTH.
sanatoria. *See* SANATORIUM.
sanitary
authority. *See* SANITARY AUTHORITY.
convenience. *See* SANITARY CONVENIENCE.
schools, public elementary, in, medical inspection and attendance, **12,** 18, 31, 32
sewers, provisions as to. *See* SEWERS.
smoke, **21,** 532, 533, 541. *See* NUISANCE.
temperature, reasonable, required in factories and workshops, **14,** 448
trades injurious to, proceedings to stop the carrying on of, **23,** 563—568
underground rooms, **23,** 505, 529
unhealthy
areas, provisions as to, **23,** 516—523, 544. *See* UNHEALTHY AREA.
dwelling-house. *See* DWELLING-HOUSE.
vaccination. *See* VACCINATION.
water supply for purposes of, **28,** 253, 260, 299, 300. *See* WATER SUPPLY.

HEAPED MEASURE,
use of, illegal, **28,** 470

HEARING. *See also* TRIAL.
appeal, of, county court matter, in, **8,** 607—609
criminal matter, in, **9,** 440
House of Lords, before, **21,** 646, 649
licensing matter, in case of, **18,** 82, 83
quarter sessions, at, **19,** 646, 647; **22,** 605
revising barrister, from, **12,** 253, 254
arbitration, of, **1,** 460—462; **6,** 82.
counsel, of, **2,** 409—418. *See* AUDIENCE; BARRISTER.
Court of Appeal, by, powers of amendment etc., **23,** 200—204
House of Lords, by, usual sittings for, **21,** 649
in camerâ, **9,** 363. *See* IN CAMERÂ.
Judicial Committee of Privy Council, in, **9,** 44—46. *See* JUDICIAL COMMITTEE OF PRIVY COUNCIL.
Latin information, of, **10,** 11
Law Society, committee of, before, place of, **26,** 853
municipal election petition, of. *See* ELECTION PETITION (municipal).
parliamentary election petition, of. *See* ELECTION PETITION (parliamentary).
patent, application for, of, **22,** 167, 168
when opposed, **22,** 177, 178
setting down for. *See* SETTING DOWN.
summary jurisdiction, information or complaint under, **15,** 596—602
place and time for, **19,** 597

HEARSAY,
defined, **13,** 455
accounts, in taking, **13,** 456
admission, **13,** 456—462
complaints, **9,** 388, 394; **13,** 446
criminal cases, in, **9,** 393
deceased person, declaration by, **13,** 424, 463
boundaries, as to, **3,** 142
business and duty, in course of, **9,** 393 n.; **13,** 464—467
contemporaneous, **13,** 466
limited to duty, **13,** 467
oral contradicting written, **13,** 467
oral or written, **13,** 467
professional men, **13,** 466

HEARSAY—*continued.*
deceased person—*continued.*
interest, pecuniary or proprietary, against, **9,** 393 n.; **13,** 463, 464
connected facts admitted, **13,** 464
rights, ancient public or general, as to, **13,** 467
ante litem motam, **13,** 468, 469
competency of declarant, **13,** 468
form and contents of, **13,** 468, 469
rights, private, as to, **13,** 468
declaration by dying person. *See* DYING DECLARATION.
documents as acts of ownership, **13,** 443, 455 n.
evidence, exceptions to rule against, **13,** 456
interlocutory proceedings, in, **13,** 456
original or circumstantial evidence, distinct from, **13,** 423, 455
pedigree, matter of, as to, **13,** 469—471
competency of declarant, **13,** 470
declaration by deceased relation, **13,** 469
form of, **13,** 471
spontaneous, **13,** 469 n.
what is, **13,** 470
presence of party, statements in, **13,** 459
public documents, statements in, **13,** 472—479. *See* DOCUMENTARY EVIDENCE *under description of particular document.*
rejection of, exceptions to, **13,** 423, 424, 456
reasons for, **13,** 423, 455
reputation. *See also* REPUTATION.
boundaries, as to, **3,** 141, 142
custom, to prove, **4,** 520
general rights, not particular facts, to prove, **3,** 142; **9,** 393 n.
marriage, to prove, **9,** 393 n.
bigamy, not on charge of, **9,** 534
res gestæ, distinct from rule as to, **13,** 437, 455 n.
summons for directions, order of judge on, **13,** 456
testator, declaration by, **13,** 471, 472

HEART DISEASE,
death by, whether within Workmen's Compensation Act, **20,** 162 n., 164 n.

HEATH,
firing, arrest for, **15,** 245

HEATH GAME. *See also* MOOR GAME.
game, as, **15,** 208, 242 n. *See* GAME.
gamekeeper, licence for sale by, **15,** 242 n.
licence to deal in, **15,** 258

HEATHER,
right to take, **4,** 468

HEATING,
factories and workshops, in, **14,** 448, 456
laundries, in, **14,** 461
ship's cargo, of, liability in respect of, **26,** 204, 226

HEATSTROKE,
whether within Workmen's Compensation Act, **20,** 161

HEDGE,
defined, Telegraph (Construction) Act, 1908, for purposes of, **27,** 351
boundary, as, **3,** 109, 124, 125, 148, 149
cattle trespassing by reason of disrepair of, effect of, **27,** 871 n.

HEDGE—*continued.*
highway authority, cutting by, of, **16,** 114
removal by, of, **16,** 165, 166
summons by, in respect of, **16,** 113, 165
ownership of, evidence as to, **3,** 148, 149; **13,** 452
presumption as to, **3,** 124, 125
telegraph line construction, in relation to, **27,** 365

HEDON,
local court of, **9,** 167

HEIR. *See also* HEIRS.
defined, **28,** 749—752
accumulation of income, when devolving on the, **22,** 382, 383
administration, position on, **14,** 186
advowson, when entitled to next presentation, **14,** 231
alienation, effect of, on, **24,** 287
apparent. *See* HEIR APPARENT.
ascertainment of, **11,** 7—16
bastard, of a, **11,** 9 n.
bond binding on, **3,** 89
borough English, **11,** 12, 15, 16; **24,** 152, 155
building contract, rights as to, **3,** 273; **15,** 426
charity administration suit, in, costs of, **4,** 349
chattels personal devolving upon the, **14,** 218; **24,** 238—241
co-heir. *See* CO-HEIR.
common law, at, **11,** 7—16; **28,** 749, 750
contributory, as, **5,** 490, 491
coparcener, to. *See* COPARCENER.
copyhold, to. *See* COPYHOLD; DESCENT.
creditor in administration action, statutory rights of, against, **14,** 246
customary, copyhold, in case of, **8,** 86, 87
customary freeholds, to. *See* CUSTOMARY FREEHOLDS; DESCENT.
debt, liability for, special occupant, as, **24,** 181
under old law, **13,** 34, 35
devise, to. *See* DEVISE.
trustees, to, to convey to, **11,** 8
disinheriting, rule against, **28,** 667
dower, discovery against, **13,** 41, 42
inability of heir to convey free from, **25,** 418
election, when put to, **13,** 119; **28,** 517 n.
estoppel, ancestor, on, when bound by, **13,** 345
statute of limitations, none against setting up, by, **13,** 374
evidence as to, **13,** 470 n.
ex parte paternâ, succession of, to property coming *ex parte maternâ*, **11,** 8
exclusion of, testator's expressed intention, by, **28,** 806
expectant. *See* EXPECTANT HEIR.
family arrangement, giving up of property by, **14,** 544
felo de se, of, **11,** 26 n.
funeral expenses, payment of, by, **3,** 406, 407
gift in will to, **28,** 767. *See* GIFT BY WILL.
guardian of, infant, as, **17,** 121
hotchpot by, in respect of advances of personalty, **11,** 20
impeachment of will of realty by, old law, **28,** 629 n.
infant, confirmation or avoidance of leases made by, **18,** 349
injunction by, restraining waste by father, **17,** 118
mortgage debt, notice requiring payment by, **21,** 251

HEIR—*continued.*
intestacy, on, letters of administration, entitled equally with next of kin to, **14,** 186
procuring, compelled to carry out wishes of deceased, **13,** 75
vesting of legal estate on, **11,** 5
letters of administration, title of heir proved by, **11,** 5; **14,** 212
licensed person under Licensing Acts, of, rights of, **18,** 49, 50
limitations, statute of, not estopped from setting up, **13,** 374; **19,** 74
lis pendens, registration against, effect of, **14,** 247
living person, of a, no one can be the, **28,** 749
mortgage, redemption of, by, **21,** 141
mortgagor, of, marshalling of securities in favour of, or against, **21,** 304, 305
mortgagee's remedies against, **21,** 270, 271
right to tack against, **21,** 333
payment by, statute of limitations, effect as regards, **19,** 74
pedigree, claimant must plead his, **22,** 456
peerage, abeyance of, by disqualification of, **22,** 274
personal estate, share of, statutes of distribution, under, **11,** 20
personal representative, payment by, not binding on, **19,** 74
posthumous, **11,** 11 n.
presumptive, **11,** 11 n.
privy in blood to ancestor, **13,** 344
probate action, in, citation of, **14,** 176, 177
pur autre vie, estate, descending to, as special occupant, **11,** 13; **24,** 181
purchaser from, prior voluntary grantee, is secure against, **15,** 99
qualified, **11,** 11
real estate, descent of, to, **11,** 2 *et seq.*
re-entry, proviso for, how benefiting, **18,** 534, 535
rents and profits, widow's claim against, **13,** 42
representative party for, appointment in action of, **23,** 103
resulting trust of undisposed of real estate to, **11,** 3, 28; **28,** 51, 52
retainer, none out of proceeds of sale of real estate by, **13,** 36 n.
seisin of, whether in deed or in law, **24,** 215
supposititious, how heir presumptive protected against, **11,** 11 n.
title of, how proved, **14,** 212
trespass, action of, after entry, by, **27,** 851 n.
trust and mortgage legal estates, statutory substitution of personal representatives for, **11,** 5; **14,** 233
unconscionable bargain with, **15,** 111—113. *See* EXPECTANT HEIR.
widow's claim for damages against, **13,** 42
will, ambiguity in, construction in favour of, **28,** 671, 672
direction in, as to, **28,** 765
realty, of, impeachment by, old law, **28,** 629 n.
winding-up, liability as contributory in, **5,** 490, 491
writ *de ventre inspiciendo*, when granted to presumptive, **11,** 11 n.

HEIR APPARENT,
guardian of, by nature, **17,** 121
King, of, compassing death of, **6,** 349, 368; **9,** 450
titles of, **6,** 368

HEIR-AT-LAW. *See* HEIR.

HEIRESS. *See* COPARCENER.
abduction of, **9,** 619, 620
co-heiress. *See* CO-HEIRESS.

HEIRLOOM,
defined, **24,** 240
chattel in the nature of, **11,** 3 n.; **24,** 241
settlement of, **22,** 347; **25,** 703—706
common law, at, **24,** 240, 241
devolution of, **11,** 3 n.; **14,** 218; **24,** 238
election, doctrine of, does not apply to an, **13,** 117
hereditament, as an, **24,** 160
land purchased with proceeds of sale of, position of, **25,** 652 n.
legacy duty in respect of, persons accountable for, **13,** 253
monument in church or churchyard constitutes an, **3,** 418
perishable article is not an, **25,** 703 n.
sale of, **25,** 659—661
settlement of, **22,** 347, 414; **25,** 703—705
sheriff generally cannot seize an, **14,** 45
specific delivery of, **14,** 74, 75; **27,** 917 n.
tenant for life, power of, to sell an, **25,** 659—661
tenant in fee simple, power of disposition of, how limited, **24,** 241
will, not disposable by, **24,** 241; **28,** 524

HEIRS,
defined, **24,** 226, 227; **28,** 749—752
body, of the, deceased person, of, effect of limitation to, **24,** 243, 244, 246
estate tail, ordinary words of limitation of, **24,** 243—246
word issue in a will may mean, **23,** 9; **28,** 767
words when supplied, **24,** 245
conversion not effected by limitation of personalty to, **13,** 105 n.
deceased person, of, effect of limitation to, **25,** 597
descent to, rules of, **11,** 7—12
devise to. *See* DEVISE.
fee simple created by use of word, **24,** 165, 288; **25,** 425
female, **24,** 245; **28,** 750 n., 765
gavelkind, in. *See* GAVELKIND.
general, **28,** 750
legitimate, inheritability of realty limited to, **6,** 273
limitation, as word of, in deeds, **24,** 165, 288; **25,** 425
unnecessary in wills, **24,** 166; **28,** 764
limitation to, deceased person, of, effect of, **25,** 597
generally, effect of, **11,** 8
male, preference given to, where limitation to heirs of the body, **24,** 245
omission of word, in grant, effect of, **24,** 145
peerage, extinction from failure of, **22,** 273
remainder limited to, effect of, **24,** 226
Shelley's Case, rule in, **24,** 226
wife, right heirs of, trust for, **25,** 581

HELSTON,
local court of, **9,** 167

HEMP,
trade usages in respect of, **10,** 282
wrongful dealing with, offence of, **20,** 127, 128

HERALDS,
College of, **22,** 288, 289. *See* COLLEGE OF ARMS.
description and function of, **22,** 288, 289
funeral certificate of, as evidence, **13,** 476
number of, **22,** 288, 289
Scotland, of, claim to attendance at coronation, **6,** 334
visitations of, evidence of peerage, as, **22,** 289
record of, **22,** 289

HERBAGE,
highway, on, inclosure award of, effect of, **16,** 55
letting, as evidence of ownership of soil, **16,** 51
ownership of, **16,** 56, 58
trespass, as subject-matter of, **27,** 850

HEREDITAMENT,
defined, **18,** 413; **24,** 159, 160
corporeal. *See* CORPOREAL HEREDITAMENTS.
gift, may be the subject of, **15,** 407
incorporeal. *See* INCORPOREAL HEREDITAMENTS.
kinds of, **24,** 160—162
land, inclusion of, in, **11,** 7 n.
land tax, liability for, **18,** 308, 309
mine included in, **20,** 505
real and personal, nature of, **24,** 162
real estate, inclusion in, of, **11,** 3
Statute of Uses as applied to, **24,** 274
tenement as, **24,** 160
trust of, how created, **15,** 414; **28,** 10—12

HEREDITARY REVENUES OF THE CROWN,
sources of, **7,** 108
surrender of, **7,** 109—111

HEREFORD,
local court of, **9,** 167

HERESY,
defined, **11,** 653
archbishop's court for trial, in respect of, **11,** 510
deprivation, ecclesiastical, for, **11,** 538
proceedings for, **11,** 521

HERIOT,
defined, **8,** 37
alienation, on, when due, **8,** 41
bankrupt, from, **8,** 41
cestui que trust, not due from, **8,** 42
compensation for, compulsory purchase of land, on, **6,** 137
inclosure, on, **4,** 572
creation of, **8,** 37
custom, due by, action for debt to recover, **8,** 59
apportionment of, **8,** 40
curtesy, in case of tenant by, **8,** 41
distress to recover, **8,** 40
dower, in case of, **8,** 41
essentials to claim of, **8,** 39
freebench, in case of, **8,** 41
mode of claim for, **8,** 44
nature of, **8,** 39
recovery of, **8,** 40, 59
customary freehold, in case of, **8,** 39; **13,** 95 n.
disseised tenant, from, **8,** 42
escheat, effect of, on, **8,** 41
extinguishment of, **8,** 45, 114
interesse termini, not due from owner of, **8,** 42
joint tenant, from, **8,** 43
kinds of, **8,** 37

HERIOT—*continued.*
knight service, retained on abolition of, **24,** 148
limitation of actions in respect of, **8,** 44, 45; **19,** 108
married woman, not due from, **8,** 42
mortgagee, from, **8,** 40
multiplication of, **8,** 39, 42, 43
nature of, **8,** 43
non-existent, remedy when, **8,** 44
partition, order in respect of, **21,** 825, 826
property in, when passing, **8,** 43
rent, as, **8,** 44
seizure of, **8,** 44
selection of, **8,** 43
service, due by, apportionment of, **8,** 38
distress to recover, **8,** 38; **11,** 118 n., 127
extinguishment of, **8,** 38, 39
multiplication of, **8,** 39, 42
nature of, **8,** 37, 38
recovery of, **8,** 38
several tenements, from holder of, **8,** 42
suit heriot, nature of, **8,** 37
tenant in common, from, **8,** 43
trover in respect of, **27,** 889 n.
trustee, from, **8,** 40

HERON,
warren, as fowl of, **15,** 215

HERRING,
fishing, rights in respect of, **14,** 575 n.
sale of, cran measure, by, **28,** 484—488. *See* CRAN MEASURE.

HERTFORD,
local court of, **9,** 168

HIDES,
offences by knacker concerning, **23,** 561

HIGH BAILIFF,
actions by or against, **8,** 423, 424, 426
appointment of, **8,** 421
companies, service of process in proceedings of, **5,** 561
conversion of goods by, **17,** 634, 638 n.; **25,** 812 n.
damages, liability in, of, **8,** 425; **17,** 638; **25,** 812 n.
deputy, appointment of, **8,** 421
directions to, application for, in county court, **8,** 507
distress for rent by, **8,** 564, 661, 662; **11,** 162
duties of, **8,** 422
execution by, **8,** 422, 557—560
out of jurisdiction, **8,** 567, 568
interpleader
adjudication on claim, **17,** 637
admission by execution creditor of claim, notice of, **17,** 630
appeal as to finding on the issue, **17,** 639
application for summons, **17,** 635
conversion, liability as to, **17,** 634
costs, **17,** 631, 632, 636, 640, 641
damages, claimant, claimed by, procedure in case of, **17,** 630, 632
neglect, for, **17,** 635, 636, 638
delay of sale of goods, costs in respect of, **17,** 634
deposit by claimant, **17,** 631, 632
fees, adjudication as to, **17,** 631, 632, 638, 640
appeal as to, **17,** 640

HIGH BAILIFF—*continued.*
interpleader—*continued.*
negligence or misconduct, claim for, **17,** 635, 636
particulars to be delivered by claimant, **17,** 629, 630
payment into court; **17,** 630, 633
possession fees, **17,** 631, 632, 640, 641
relief, application for, **17,** 628, 629
sale of goods, **17,** 633, 634; **25,** 194
security by claimant, **17,** 631, 632
stay of action, **17,** 637
withdrawal from possession, **17,** 631, 632
inventory and appraisement by, **8,** 570
negligence or misconduct on part of, **8,** 425, 426; **17,** 635, 636; **25,** 812 n.
possession fees, **8,** 559; **17,** 631, 632, 640, 641
protection of, **8,** 426, 427
registrar of county court as, **8,** 421
replevin, duties in connection with, **11,** 201, 202
salary of, **8,** 422
sale of goods by, duty in case of, **8,** 565, 566; **17,** 633—635
sale of vessel under order of county court, duties in connection with, **1,** 138
security to be given by, **8,** 423
service of summons, duties as to, of, **8,** 475, 476
solicitor in county court action, may not act as, **8,** 423
Southwark, of, election of, **25,** 799 n.
surety for party to action, may not be, **8,** 423

HIGH COMMISSION COURT,
former ecclesiastical court, **11,** 374 n., 502

HIGH COMMISSIONER,
Church of Scotland, of, cannot be a Roman Catholic, **11,** 804

HIGH CONSTABLE,
appointment and duties of, **22,** 463

HIGH COURT OF DELEGATES,
appeal from former ecclesiastical courts to, **9,** 29

HIGH COURT OF JUSTICE,
action remitted by. *See* REMITTED ACTION.
adjournment, trial, of, in, **23,** 176
Admiralty jurisdiction of. *See* ADMIRALTY JURISDICTION.
affidavit, filing of, in, **13,** 629
appeal from, **9,** 63. *See* APPEAL.
appeal to, **9,** 59, 60; **17,** 639. *See* APPEAL.
bankruptcy jurisdiction of, **2,** 6, 7; **9,** 56
case stated for opinion of, **23,** 160, 161
certiorari, courts amenable to, **10,** 167
original jurisdiction of, **10,** 187
Chancery Division of, **9,** 60; **13,** 61. *See* CHANCERY DIVISION.
claims which may be adjudicated on by, **13,** 62
constitution of, **9,** 60
coroner, inquisition of, powers in respect of, **8,** 287
jurisdiction of, over, **8,** 252—254
county court, equitable action in, transfer to, **8,** 446
remission of action to, **8,** 438—443; **23,** 151. *See* REMITTED ACTION.
transfer of action in, to, **8,** 489, 490. *See* COUNTY COURT ACTION.

HIGH COURT OF JUSTICE—*continued.*
district registrar of. *See* DISTRICT REGISTRAR.
district registry of. *See* DISTRICT REGISTRY.
interpleader in, **17,** 581—627. *See* INTERPLEADER IN HIGH COURT.
joinder of cause of action in, **22,** 443, 444; **23,** 108, 109
judges of, **9,** 62. *See* JUDGE.
judgment summons in, appeal from order on, **2,** 341
county court rules applicable to, **2,** 341
hearing of, **2,** 341
evidence of means on, **2,** 341
issue of, **2,** 341
judicial proceeding in, how proved, **13,** 548, 549; **25,** 353
jurisdiction of, **9,** 52—60
civil, **9,** 54
criminal, **9,** 55, 88, 266
original, **9,** 54
jury in, **18,** 237, 259, 265, 267; **25,** 809. *See* JURY.
King's Bench Division of, **9,** 61. *See* KING'S BENCH DIVISION.
Lord Chancellor as an officer of, **7,** 62; **9,** 62
mandamus does not lie to, **10,** 93
Mayor's Court, removal of action in, to, **20,** 296, 301
practice in, **23,** 99—207. *See* ADMIRALTY JURISDICTION; APPEAL; CHAMBERS; CHANCERY DIVISION; DIVORCE DIVISION PRACTICE; JUDGE IN CHAMBERS; KING'S BENCH DIVISION; MASTER; ORIGINATING SUMMONS; SUMMONS IN HIGH COURT.
Probate, Divorce, and Admiralty Division of, **9,** 62. *See* PROBATE, DIVORCE, AND ADMIRALTY DIVISION.
protector of settlement, as, **24,** 253
railway, acquisition of land for, assessment of compensation on, in, **6,** 94, 95
replevin in, **11,** 201
solicitor's right of audience in, **26,** 723, 724
special case to. *See* SPECIAL CASE.
statute, functions as to interpretation of, **27,** 126, 127
taking away jurisdiction of, must be unambiguous, **27,** 150, 151

HIGH COURT OF PARLIAMENT,
bill of attainder, in regard to, **9,** 20
constitution of, **9,** 19
House of Lords, appeal to. *See* HOUSE OF LORDS (Court of Appeal).
impeachment, trial by, **9,** 19, 20, 265
Ireland, representative peers of, decision of questions as to election of, **9,** 21
Irish divorce bills in, **9,** 20
judges of, **9,** 22, 23
jurisdiction of, appellate, **9,** 22
criminal, **9,** 265
original, **9,** 19—21
peerage, claim to, in case of, **9,** 20, 21
peers indicted for treason or felony, trial of, **9,** 19, 266
Scotland, representative peers of, decision of questions as to election of, **9,** 21

HIGH PEAK,
barmote courts of, **9,** 140
mining custom of, **20,** 639—645. *See* MINES, Derbyshire.

HIGH SEAS,
defined, **28,** 359
Admiralty jurisdiction over occurrences on, **1,** 60; **23,** 285
coroner has no jurisdiction in matters arising on, **8,** 221, 233
criminal offences on, **9,** 523—528
fish caught in the, property in, **14,** 590 n.
flotsam, jetsam and lagan taken on, **7,** 210, 211
fugitive criminal, where crime committed on, requisition for surrender of, **14,** 408
prize law jurisdiction in respect of matters arising on, **23,** 285
soil under, no property in, **28,** 359
torts committed on, conflict of laws as to, **6,** 251, 252; **27,** 491 n.

HIGH SHERIFF,
appointment of, **25,** 793
Cambridge, for, **25,** 793
Cornwall, for, **25,** 795
Huntingdon, for, **25,** 793
Lancaster, for, **25,** 794
successor of, duty to act until, **25,** 796
assizes, duty at, **25,** 805, 842 n.
authority of, extent of, **25,** 793
county, of, **25,** 793—795
county quarter sessions, does not usually attend, **25,** 806
disqualifications of, **25,** 804
election, duty to provide constables at, **12,** 527
returning officer, as, **12,** 258
reversal of decision of revising barrister, notice of, to, **12,** 256, 257
election petition, notice of, to, **12,** 439
exemptions from liability to serve as, **25,** 795
Lands Clauses Acts, duty in respect of, **25,** 808
nomination of, **25,** 793, 794
office of, not transferable, **25,** 796
pricking, ceremony of, **25,** 794
qualification of, **25,** 795
tenure of office of, **25,** 795
under-sheriff's duties as, **25,** 801, 802
warrant of appointment of, procedure as to, **25,** 794

HIGH STEWARD,
House of Lords, of, functions of, **9,** 22; **21,** 653, 654

HIGH TREASON. *See also* TREASON.
defined, **9,** 450
accessories, none in, **9,** 455
acts constituting, **9,** 450
aliens guilty of, when, **9,** 451
ambassador chargeable with, **9,** 451
conspiracy in respect of, **9,** 457
evidence at trial for, **9,** 457
heir apparent, compassing death of, **6,** 349; **9,** 450
violation of wife of, **6,** 350; **9,** 450
indictment and trial for, **9,** 342, 455—457
King, adherence to enemies of, **6,** 349; **9,** 454, 455
aiding King's enemies in realm or elsewhere, **9,** 450
allegiance to, violation of, is essence of offence of, **6,** 341; **9,** 450
compassing the death of, **6,** 346—348; **9,** 451, 452
constructive, **6,** 347 n., 348

HIGH TREASON—*continued.*
King—*continued.*
eldest daughter of, violation of, **6,** 350; **9,** 450
levying war against. *See* LEVYING WAR AGAINST THE KING.
maiming or wounding, **6,** 347; **9,** 450
limitation of time in proceedings for, **9,** 456
Lord Chancellor, murder of, as, **6,** 350 n.; **7,** 58; **9,** 450
Lord High Treasurer, murder of, as, **9,** 450
married woman, liability of, for, **9,** 457
offences constituting, **9,** 450
overt acts must be proved, **9,** 451, 456
petty jury, list of, to be supplied to accused, **9,** 456
petty treason distinguished, **6,** 346 n.
punishment for, **9,** 451
Queen Consort, violation of, **6,** 349, 350, 366; **9,** 450
succession to Crown, endeavouring to hinder or deprive from, **9,** 450
witnesses, number of, necessary to conviction for, **9,** 456

HIGH-WATER MARK,
defined, **28,** 361
accretion, in relation to, **3,** 119; **28,** 362
boundary line, as a, **3,** 118—120; **28,** 361
Crown's right to land between, and low-water mark, **7,** 112; **28,** 363
foreshore, is landward limit of, **28,** 361

HIGH WYCOMBE,
local court of, **9,** 154

HIGHER EDUCATION,
defined, **12,** 18
audit of accounts in respect of, **12,** 52
Board of Education, jurisdiction in respect of, **12,** 10, 14
borrowing for, by county council, **12,** 51 n.
college, money aid to, for purpose of, **12,** 23, 24
concurrent powers of councils with respect to, **12,** 17, 24, 46
county borough councils, powers of, as to, **12,** 16
county council, powers of, as to, **12,** 16
education authority, duty of, to supply, **12,** 17, 22
education committee, powers of, as to, **12,** 20
elementary and, distinction between, **12,** 17, 18
evening schools, maintenance of, as, **12,** 18
expenses of, charge of, **12,** 23, 47
financial assistance to students, in respect of, **12,** 22 n.
grants in aid of, **12,** 10, 48, 49
hostel, money aid to, **12,** 23, 24
inspection of secondary schools, expenses of, **12,** 10, 23
intermediate education, meaning of, **12,** 111 n.
land for purposes of, acquisition of, **6,** 166; **12,** 24
loans for, **12,** 50 n., 51 n.
local education authority for, **12,** 17, 18
alienation of land by, **12,** 21
audit of accounts of, in respect of, **12,** 52
duty of, as to, **12,** 22—24
powers of, as to, **12,** 10, 16, 17, 24
relinquishment of, **12,** 19
returns by, with regard to, **12,** 14
science and art schools, transfer of, to, for, **12,** 24
London, City of, rate in, for, **12,** 53
metropolis, in, special provision for, **12,** 53
rate for, limit of, **12,** 23
metropolis, in, limit of, **12,** 53; **20,** 438 n.

HIGHER EDUCATION—*continued.*
religious instruction, rules as to, **12,** 23, 24
school for, money aid to, **12,** 23, 24
provision of, **12,** 24
state-aided, history of, **12,** 18 n.
Technical Instruction Acts, 1889 and 1891, under, **12,** 22
training of teachers for, **12,** 10, 18
transfer of powers as to, **12,** 22 n.
travelling expenses, allowance of, in respect of, **12,** 22 n.
urban district council, powers of, **12,** 23
vehicles, provision of, in respect of, **12,** 22 n.
Welsh Intermediate Education, system of, **12,** 22 n., 99 n., 111—114. *See* WELSH INTERMEDIATE EDUCATION.

HIGHWAY.
The title HIGHWAYS, STREETS, AND BRIDGES *is contained in Vol. XVI., pp.* 1 *et seq.*
defined, common law, at, **16,** 7, 8
easement, as distinguished from, **11,** 284
Highway Act, 1835, for purposes of, **16,** 8, 9
Motor Car Acts and Orders, in, **27,** 307
railway crossing, for purpose of, **23,** 655 n.
acceptance of, on dedication, **16,** 33, 34. *See* DEDICATION.
access to, **16,** 59—62. *See* ACCESS.
ad quod damnum, writ of, in case of stopping or diverting, **16,** 70
animal on, provisions as to, **21,** 406, 410; **27,** 275, 278. *See* ANIMAL.
authority. *See* HIGHWAY AUTHORITY.
banks obstructing, Wilts, Dorset, Somerset, Devon and Cornwall, special provisions applying to, **16,** 165
barbed wire, land adjoining, on, nuisance, as, **15,** 227
metropolis, in, duty of borough council as to, **20,** 405
barbed wire fence adjoining, as nuisance, **16,** 156, 169
prohibition of, **3,** 128
betting on, **9,** 551; **15,** 291—293; **27,** 280. *See* BETTING, street.
board. *See* HIGHWAY AUTHORITY.
borough councils, powers of, as to, **16,** 24—26. *See* BOROUGH COUNCIL.
boundary, as, **3,** 109, 122—124; **16,** 51—55, 99—100; **18,** 414
conveyance of adjoining land, effect of, **3,** 123; **10,** 468, 469; **16,** 52
description of property in conveyance, **3,** 110
lease of land adjoining, **16,** 52; **18,** 414
ownership of soil, presumption as to, **3,** 122; **16,** 51, 52
parishes, between, **16,** 99—100
post, erection of, on, **16,** 116
sale of adjoining land, presumption in case of, **3,** 123; **10,** 468, 469; **16,** 52
usque ad medium filœum vi, presumption as to, **3,** 122, 123; **10,** 469; **16,** 51, 52. *See* MEDIUM FILUM RULE.
breaking up, statutory powers, under, **16,** 198. *See* BREAKING UP.
bridge as, inclusion of, **16,** 8, 9, 189, 190, 191
bridleway as a, **16,** 7, 8
bull-baiting on, an offence, **27,** 276
camping on, as an offence, **27,** 275, 276
care, standard of, ordinarily required in using, **21,** 372

HIGHWAY—*continued.*
carriage-way as a, **16,** 7, 8
cartway as a, **16,** 8
cattle
on, **16,** 55, 56, 166; **27,** 278, 279
trespass by, from, **1,** 377
on, **1,** 377
causeway as a, **16,** 8
cellar flap on, duty in respect of, **16,** 205, 250; **21,** 399 n., 410 n., 411 n.; **27,** 285, 287
centre of, *defined,* **16,** 9
certiorari in proceedings relating to, **10,** 190, 213; **16,** 142, 143, 144, 172. *See* CERTIORARI (WRIT OF).
churchway, as a, **16,** 8, 23, 33
classes of, **16,** 12, 13
coal-shoots on, duty in respect of, **21,** 411 n.
company, non-repair or obstruction by, **5,** 311
compensation for injury by exercising powers in respect of, **6,** 171; **16,** 104, 241
compulsory purchase of land for, **6,** 7, 171; **16,** 104
mine-owner's rights on, **20,** 507, 508
Road Board, authorised by, **16,** 94
construction of, purchase of premises for, **16,** 93
costs, Private Streets Works Act, 1892, proceedings under, of, **16,** 233
proceedings in relation to, of, **16,** 146, 148
recovery of, summarily, **16,** 170
crematorium must be fifty yards from, **3,** 569
cul de sac as a, **16,** 7 n., 11, 12
custom, right of way by, not a, **10,** 243; **16,** 33
dangerous riding and driving on, **27,** 276, 277. *See* DRIVING.
dead body, exposure of, near, **9,** 553
dedication of, **16,** 33—47, 70, 92, 93, 94. *See* DEDICATION.
depôt, provision of, **16,** 116
destruction of, liability to repair, effect as to, **16,** 70, 98
right of passage, effect as to, **16,** 70
deviation from, right of, extent of, **16,** 50, 70
direction post. *See* sign-post, *infra.*
distress on, cattle driven off premises to avoid distress, when, **11,** 156
illegal, when, **11,** 196
included in demise, when, **11,** 155
district council, position of, as to, **16,** 24—27, 128, 162, 163. *See* DISTRICT COUNCIL.
ditch on or near, **16,** 30, 113; **25,** 770—772. *See* DITCH.
diversion of, **16,** 69—82. *See* DIVERSION.
drain, **16,** 68, 113, 154; **25,** 770—772. *See* DRAIN.
driving on, offences as to, **27,** 275—277, 282, 287. *See also* DRIVER; DRIVING.
dyke as boundary of, **16,** 66
electric lighting undertaker, duty of, in respect of, **6,** 157; **12,** 570 *et seq.*; **16,** 198
encroachment on, nuisance, as a, **16,** 152
penalty for, **16,** 163, 164, 166
engine near, fencing of, **27,** 275
excavation near, duty to fence, **3,** 129; **16,** 169
excessive weight on, **16,** 172—180. *See* EXTRAORDINARY TRAFFIC.
expenses in respect of, **11,** 216 n.; **16,** 125—132 *See* REPAIR OF HIGHWAY.
extinction of, **16,** 70, 98

HIGHWAY—*continued.*
extraordinary traffic on, **16,** 174—180. *See* EXTRAORDINARY TRAFFIC.
fees prescribed by Highway Act, 1835, by whom taken, **16,** 171
fencing of, **16,** 114, 115; **21,** 398, 409. *See* FENCE.
adjoining owner's obligations as regards, **3,** 128; **16,** 115. *See* FENCE.
dangerous places near, **21,** 397, 398, 409, 410, 515 n.; **27,** 275. *See* FENCE.
ferry
as a highway, **14,** 555, 556; **16,** 12 n.
continuation of a, **14,** 557 n.
leading to, right of passage over, **16,** 12
owner of, no occupation of highway over river, **14,** 564 n.
fires, firearms, and fireworks on, offences, **27,** 275, 276
flood posts on, erection of, **16,** 116
footpath as a, **16,** 7, 9, 68, 116, 180
footway as a, **16,** 8, 9, 116
foreshore not a, **16,** 8
furious riding and driving on, **27,** 277. *See* DRIVER; DRIVING.
game on, offence, as an, **27,** 275
gas-pipes in, laying, **15,** 307, 325—331; **16,** 198. *See* GAS UNDERTAKING.
gate on, **16,** 104, 105, 117, 118; **27,** 272. *See* GATE.
gipsy on, offences as to, **27,** 275, 276
goods on, duty not to injure, **21,** 411
offence of placing, **27,** 283, 284, 287, 288
hawker, offences by, on, **27,** 275, 276
hedge on, powers of highway authority in respect of, **16,** 113, 114, 165, 166. *See* HEDGE.
herbage on, ownership of, **16,** 56, 58. *See* HERBAGE.
Highway Act, 1835, appeals from order, conviction, judgment etc., **16,** 171, 172
compensation for interference with land under, **6,** 171
petty sessions, powers of, under, **19,** 570, 571
proceedings under, **16,** 170—172
special case in, stating, **16,** 172
quarter sessions, powers of, under, **16,** 172; **19,** 637
saving clauses in, **16,** 31, 32
surveyor, within meaning of, **16,** 137
hindering passage on, offence of, **27,** 276, 277. *See* OBSTRUCTION.
hoarding on or adjoining, provision as to, **16,** 205; **23,** 401
horse on, offences in relation to, **27,** 275, 278. *See* HORSE.
horseway as, **16,** 8, 9. *See* HORSEWAY.
house adjoining, in town, lease of, what passes under, **3,** 124; **16,** 53
improvements in, **16,** 105, 106, 124
Inclosure Act, award under, as evidence in respect of, **3,** 145
set out under, provisions as to, **4,** 564, 565; **16,** 55, 86
Isle of Wight, in, provisions relating to, **16,** 30
justices' jurisdiction over, **16,** 171
kiln near, fencing of, **27,** 275
kinds of, **16,** 9, 10
level crossing on, **23,** 660—663
level of, alteration in, rights of adjoining owners on, **16,** 61, 62
obligation to raise, effect of occasional flooding as to, **16,** 102

HIGHWAY—*continued.*
levelling, power of authority to require, on making up street, **16,** 220
lighting, **16,** 118—124. *See* LIGHTING OF STREETS AND HIGHWAYS.
local authority, Motor Car Act, 1903, powers and duties as to erection of notice boards and sign-posts under, **16,** 116; **27,** 328. *See* MOTOR CAR.
statutory powers of, as to breaking up etc. of, **16,** 198
statutory vesting of highways in, **16,** 57—59
Local Government Board, jurisdiction of, as to, **16,** 30
locomotives on, provisions as to, **21,** 546; **27,** 305—335. *See* LOCOMOTIVE.
machinery, near, fencing of, **27,** 275
maintenance of, **16,** 101. *See* REPAIR OF HIGHWAY.
malicious damage to, criminal offence, as a, **9,** 785, 786; **16,** 169
manor, inclusion within, of, **8,** 4
market or fair on, extent of right to hold, **20,** 22
metalled track as, **16,** 66
metropolis, in, provisions as to, **16,** 31; **20,** 396, 403, 404
milestone on, damage to, **16,** 167
erection of, **16,** 116, 167
mine, owner of, duty to avoid damage to, **16,** 58; **20,** 572
shaft near, fencing of, **3,** 130; **16,** 169; **27,** 275
under, ownership of, **16,** 56; **20,** 507, 508
Motor Car Act, 1903, erection of notice boards and sign-posts under, **16,** 116; **27,** 328. *See* MOTOR CAR.
navigable river, leading to, right of passage over, **16,** 12
negligence in regard to, **21,** 410—416. *See* NEGLIGENCE.
new, dedication of, Highway Act, 1835, under, **16,** 92, 93
Public Health Act, 1875, under, **16,** 93
non-repair of. *See* REPAIR OF HIGHWAY.
nuisance on, **16,** 153; **21,** 512; **27,** 275—289
defined, **21,** 524
abatement of, **16,** 158, 161—172; **21,** 549. *See* ABATEMENT.
act authorised by statute, remedy of individual, **16,** 160
damage, sufficiency of, to support action, **16,** 159, 160
indictment for, procedure, **16,** 158
injunction to restrain commission of, **16,** 158
instances of, **3,** 129; **16,** 153—158
locus in quo, declaration as to, no action by individual for, **16,** 159
public, *defined,* **16,** 151, 152
interference with private access as, **16,** 62
user as, no inference of extended dedication from, **16,** 11
remedies for, persons who can take proceedings, **16,** 158, 159
third person, act of, how affecting liability for, **16,** 161
obstruction on, **16,** 46, 47, 50, 51, 55, 151—172; **21,** 410, 411, 512, 524. *See* OBSTRUCTION.
off-licensed premises, near, licence holder's liability in case of, **18,** 116, 117
offences on, arrest for, **16,** 168, 170
list of various, **16,** 166—168; **27,** 275, 276

HIGHWAY—*continued.*
offences on—*continued.*
penalty for, **16,** 168
application of, **16,** 171
recovery of, **16,** 170
summary conviction for, **16,** 168
once a highway always a highway, common law rule of, **16,** 69
open space as, by user of, **16,** 68
ordinary, *defined*, **16,** 13
origin of, **16,** 12, 33
owner of soil of, position on dedication, **16,** 51
Inclosure Act, of highway set out under, rights of, **4,** 565; **16,** 55
rates, liability for, of, **16,** 57
rights of, **16,** 51—59
diversion, effect of, on, **16,** 78
enforcement of, **16,** 55
extent of, **16,** 55; **20,** 507
interference with soil, as to, **16,** 56, 57
trees and herbage, right to, **16,** 56
vesting of highway in local authority, position after, **16,** 58
ownership of
air above, **16,** 57
manor, within a, **8,** 4
presumption as to, **16,** 51
roadside waste, in case of, **4,** 566; **16,** 53. *See* ROADSIDE WASTE.
sale or lease of land, in case of, **16,** 52
soil, inclosure award, in roads set out under, **4,** 565
statutory highway, in case of, **16,** 54
Turnpike Act, effect of, as to, **16,** 54
parish council and meeting, powers in respect of, **16,** 29, 30. *See* PARISH COUNCIL; PARISH MEETING.
passage over, public right of, **16,** 49, 50, 66—69
path, when not a, **16,** 7, 8
pedestrian on, rights and duties of, **21,** 416
pipes under, duty of highway authority as to use of steam-rollers in case of, **16,** 137
lighting purposes, for, **15,** 307.
owner of soil, rights as to, **16,** 56, 57
plants on land adjoining, injury to, highway authority's liability for, **16,** 137
pleading in actions relating to, particulars of, **22,** 456 n.
poaching on, offence of, **15,** 233, 237, 244
poison on, to kill game, offence of putting, **15,** 211
police, statutory powers of, in respect of, **22,** 503
premises
adjoining, duty of occupier of, to public, **21,** 371, 372, 397—400
forming part of, extent of occupier's duty as to, **21,** 399 n.
private improvement expenses, owner of soil not chargeable to, **16,** 57
private road, adoption of, **16,** 94
private streets, provisions as to, **16,** 231, 232, 235. *See* PRIVATE STREET.
processions on, how far an offence, **27,** 280
property in, **16,** 117
Public Health Acts, application of, to, **16,** 32
notices under, in respect of, **16,** 170
saving clauses of, as to, **16,** 32
public meeting on, **27,** 280, 281
public rights in, **16,** 10, 11, 49—51
releasing, no power of, **16,** 69, 70
restriction on, **16,** 12
public street, as a, **23,** 657 n.

HIGHWAY—*continued.*
quarry near, fencing of, **16,** 169; **27,** 275
quarter sessions, powers of, as to, **16,** 172; **19,** 637
railway company, erection of screen by, on, **23,** 687
line crossing, duty to build bridge on, **23,** 655
rate. *See* HIGHWAY RATE.
rateability of, **16,** 57
repair of, **16,** 82—151. *See* REPAIR OF HIGHWAY.
ratione tenuræ, **16,** 88, 89. *See* REPAIR OF HIGHWAY.
Road Board in relation to. *See* ROAD BOARD.
road or path not a, when, **16,** 7
roadside waste on, **3,** 123; **16,** 161—163; **19,** 375, 376. *See* ROADSIDE WASTE.
rules of road, offence as to non-observance of, **27,** 276, 277
Scilly Isles, in, provisions as to, **16,** 31
scrapings from, property in, **16,** 117
screen on, erection by railway company of, **23,** 687
shafts, machines, engines, and kilns, as protection from, **27,** 275
sewer in, **16,** 206, 220. *See* SEWERS.
shafts near, fencing of, provisions as to, **16,** 169; **27,** 275
shooting game from, when an offence, **15,** 230
sign-post on, damage to, **16,** 167
erection of, **16,** 116
smoke from locomotive as nuisance on, **21,** 546
snow on, removal of, **16,** 114
soil of, ownership of. *See* owner; ownership, *supra*.
South Wales, in, provisions relating to, **16,** 31
statute, created by, **16,** 48
relating to, **16,** 24
statutory, public right of user over whole width of, **16,** 69
stopping-up, **16,** 69—82. *See* STOPPING-UP HIGHWAY.
street refuges on, maintenance etc. of, **16,** 254
subsidence of, **16,** 61; **20,** 572
measure of damages for, **20,** 582
sewer, through defective, **25,** 737 n.
surveyor of, highway authority as, **16,** 137. *See* SURVEYOR.
telegraph undertaker's duty in respect of, **27,** 360
thoroughfare, need not be a, **16,** 11, 12
toll, **16,** 62—65. *See* TOLL.
traffic on, regulation of, **16,** 117, 118; **27,** 268—274, 313. *See* TRAFFIC.
tramway promoter's powers of interference with, **27,** 801
trees, lopping of, in certain counties, **16,** 114, 165
obstructing, **16,** 113, 114, 165, 166
on, ownership of, **16,** 56, 58
trespass on, **15,** 226; **16,** 50, 55, 58. *See* TRESPASS.
tunnel under, right of owner of soil to, **16,** 56
turf or soil on side of, penalty for removal of, **16,** 166
unnecessary, provisions relating to, **16,** 98, 99
user of, **16,** 9, 10; **27,** 268, 269. *See* USER.
usque ad medium filum viæ, presumption of ownership, **3,** 122; **16,** 51
vault, arch or cellar
open to the danger or obstruction of residents or passengers, **16,** 251
under, construction of, **16,** 250
vehicle on, **21,** 411—416; **27,** 272. *See* VEHICLE.
via trita, statutory provisions as to width of, **16,** 69
water-pipes in, laying, **28,** 290 *et seq.*

HIGHWAY—*continued.*
widening, provisions as to, **16,** 93, 104, 105.
width of, **16,** 66—69
highway authority's duty as to, **16,** 69
wires above, right of owner of soil as to, **16,** 57

HIGHWAY AUTHORITY,
accident to workman, notice of, to be given by, **16,** 138
accounts of, **16,** 131
actions against, when may be brought, **16,** 132, 133
borrowing powers of, **16,** 106, 132, 236
boundary post, power to erect, **16,** 116
bridge, adoption of, by, **16,** 190
construction of, power as to, **16,** 195, 196; **25,** 771
duties in respect of, **16,** 190
improvement of, by, **16,** 196
combination of, with another highway authority, **16,** 124
compulsory acquisition of land by, **6,** 7, 171; **16,** 104
contract, district councillor, with, **16,** 113
power to enter into, **16,** 112
county council as, **19,** 375
dedication of new highway, inference as to, by action of, **16,** 42
notice of, to, **16,** 92
objection as to utility by, **16,** 93
default of, powers of county council in, **16,** 149—151, 163
depôt, power to provide, **16,** 116
ditches, powers as to, **16,** 30, 113; **25,** 771
drains, powers in respect of, **25,** 771
entry upon land or premises, powers of, **16,** 124, 125
exhausted land, disposal of, by, **16,** 107—109
expenses of, **11,** 216 n.; **16,** 125—132. *See* HIGHWAY, expenses in respect of.
extraordinary traffic, action in respect of, by, **16,** 172—180. *See* EXTRAORDINARY TRAFFIC.
fencing, duty as to, **16,** 114, 115
flood post, power to erect, **16,** 116
footway, power to construct, **16,** 116
foreshore, right to take stone from, **28,** 378
gate, powers as to widening, **16,** 105
gutter, powers in respect of, **25,** 771
hedges, powers in respect of, **16,** 109, 113, 114, 165, 166
Highway Act, 1835, under, **16,** 25 n.
Highway Board, bankrupt cannot be member of, **2,** 89
disqualification as justices of members of, on appeal from decision, **19,** 556
horse and foot causeway, duty to protect, **16,** 115
illegal expenditure by, **16,** 131, 132
improvement of highway, powers as to, **16,** 105, 106
Inclosure Act, taking over highway set out under, by, **4,** 564
indictment against, by county council, **16,** 140, 150
Isle of Wight, in, **16,** 30
level of highway, alteration of, by, **16,** 61
liability of, employment of contractor, effect on, **16,** 136
examples illustrating, **16,** 134—137
misfeasance and non-feasance, for, **16,** 132—135; **21,** 376; **23,** 317 n.
persons other than passengers, to, **16,** 137

HIGHWAY AUTHORITY—*continued.*
lighting, powers and duties as to, **16,** 118—124. *See* LIGHTING OF STREETS AND HIGHWAYS.
London County Council as, **20,** 396
main roads, for, **16,** 26—28
materials and tools, property in, **16,** 117
metropolitan borough as, **20,** 403, 404
milestone, power to erect, **16,** 116
mines, rights on subsidence by working, **20,** 572
negligence of, **16,** 132—137. *See* NEGLIGENCE.
new roads, construction of, power of, as to, **16,** 237
nuisance not excused by consent of, **16,** 152
obstruction, removal of, by, **16,** 114, 164, 165
officers of, appointment of, **16,** 124
arrest, powers of, **16,** 170
ordinary highways, for, **16,** 24, 25
penalties payable to, **16,** 130
pipes, liability for damage to, **16,** 137
plants on adjoining land, liability for injury to, **16,** 137
private Act of Parliament affecting, deposit of, **21,** 734
private road, adoption of existing, by, **16,** 94
property of, **16,** 117
displacing or injuring, penalty for, **16,** 117
taking away, penalty for, **16,** 117
repair of highway, duty as to, **16,** 101—104. *See* REPAIR OF HIGHWAY.
Road Board, advances by, to, **16,** 28, 106, 129
as a, **16,** 28, 29
rural district council as a, **19,** 331
borrowing powers of, **16,** 132
construction of new streets, for, **16,** 236
private street works, for, **16,** 236
delegation of powers by, to parish council, **16,** 26
powers of, on succeeding highway board, **16,** 25, 26
protection of public rights, duty as to, **16,** 162, 163
sanitary authority, liability as, **16,** 135
screen, power to compel railway company to erect, **23,** 687
servant, liability for acts of, **16,** 135
sewage works, notice of construction of, to, **25,** 745, 746
sewers and drains, jurisdiction in respect of, **16,** 113; **25,** 720
sign-post, power to erect, **16,** 116
snow, duty to remove, **16,** 114
streets, powers and duties in respect of, **16,** 26
summary proceedings against, **16,** 137
support of highway, right to, **20,** 572, 579 n.
surveyor of highway, as, **16,** 137
not surveyor of highway within meaning of Highway Act, **16,** 137
tolls, power to redeem, **16,** 64
tramway company, effect of agreement with, on, **16,** 136
trees and hedges, powers in respect of, **16,** 113, 114, 165, 166
tunnel, power to construct, **25,** 771
turf or soil, liability for removing, **16,** 166
watercourse, powers in respect of, **25,** 771
widening highway, powers as to, **16,** 104, 214 n.
width of highway, duty as to, **16,** 69, 104
workman, liability in respect of, **16,** 138
workmen's compensation, liability for, **16,** 138

HIGHWAY RATE,
appeal against, **16,** 171, 172; **24,** 97
borough or urban districts, in, **16,** 126
collection of, **24,** 97
distress for, **11,** 216
exemption from, **16,** 90, 91, 96; **24,** 84, 96
destruction of highway, effect of, as to, **16,** 91
form of, **24,** 97
justices, need not be allowed by, **24,** 97
making of, **24,** 97
nature of, **24,** 96
person liable, description of, where name not known, **24,** 97
persons rateable to, **24,** 96
publication of, **24,** 97
rating of owners to, **24,** 96, 97
recovery of, **11,** 216; **24,** 97
rural districts, as general expenses in, **24,** 97, 98
separate, when levied, **16,** 126

HINDU,
marriage of, when validity not impeached, **16,** 283 n.

HIRE,
animal, of dangerous, **27,** 465 n.
carriage, of, infant, by, held not necessary, **17,** 68 n.
carrier of passengers for, liability for negligence, **21,** 426
chattels, of, **1,** 550—554. *See* BAILMENT; HIRE OF CHATTELS; HIRE-PURCHASE AGREEMENT.
compulsory, land, of, allotments, for, **1,** 345—347, 349; **6,** 169, 170
customs purposes, for, **6,** 161
small holdings, for, **6,** 169, 170; **26,** 682—686
criminal breach of contract of, **9,** 564; **15,** 357; **20,** 127; **26,** 61; **28,** 325
custody, of, **1,** 543—549. *See* BAILMENT; HIRE OF CUSTODY.
hackney carriage plying for, fares, how regulated, **20,** 299, 300
metropolis, in, **20,** 299
horse, of, duty of hirer, employ veterinary surgeon, to, **1,** 552
feed, to, **1,** 552 n.
implied warranty of fitness, **1,** 551
improper user, liability for, **1,** 553
infant, by, not allowed as necessary, **17,** 68 n.
measure of damages where injured through negligence, **1,** 553
stands, provision of, **27,** 274, 283
land, of, allotments, for, agreement, by, **1,** 344
compulsory. *See* compulsory, *supra.*
licence for, animals, of, **27,** 274
vehicles, of, **27,** 296
meter, of. *See* METER.
plying for, offences by cab drivers in relation to, **20,** 299, 301
without licence, hackney carriage or omnibus, by, **20,** 300
services, of, **20,** 92—117. *See* CONTRACT OF SERVICE.
ship, of. *See* CHARTERER; CHARTERPARTY.
lump freight as consideration for, **26,** 103
master's authority as to, **26,** 65, 66
voyage charter, under, **26,** 103
time charter, under, **26,** 104
telegraphic or telephonic fittings, of, **27,** 395
work and labour, of, **1,** 556—562. *See* BAILMENT; HIRE OF WORK AND LABOUR.

HIRE AGREEMENT. *See* HIRE-PURCHASE AGREEMENT.

HIRE OF CHATTELS. *See* HIRE-PURCHASE AGREEMENT.
defined, **1,** 550
conversion of chattels in case of, **27,** 906
measure of damages in case of injury to chattel, **1,** 553
nature of, **1,** 550
obligations, hirer of chattel, of, **1,** 552—554
owner of chattel, of, **1,** 550—552
servant, liability for negligence of, **1,** 553
trader may restrict use of chattels, **27,** 530

HIRE OF CUSTODY,
deposit, distinguished from, **1,** 543
distress for rent in case of, **1,** 546, 547; **11,** 136, 155 n.
essentials of, **1,** 543
lien of bailee in case of, **1,** 547—549; **19,** 7, 11
measure of damages, in case of loss of chattel, **1,** 546
nature of, **1,** 543
obligations of bailee in case of, **1,** 544—546
railway cloakrooms, in case of, **1,** 549; **4,** 94
servant, liability for negligence of, **1,** 545

HIRE OF WORK AND LABOUR,
defined, **1,** 556. *See also* WORKMAN.
care, duty of workman to exercise, **1,** 560
conduct, hiring and service inferred from, **20,** 75
delegation of contract for, **1,** 560, 561
essentials of contract for, **1,** 556
extra work, liability of hirer to pay for, **1,** 558
facilities to workman, duty of hirer to provide, **1,** 559
lien of workman in case of, **1,** 561; **19,** 11, 12—14. *See* LIEN.
materials, liability of hirer to pay for, **1,** 557, 558
obligations, hirer, of, **1,** 557—559
workman, of, **1,** 559, 560
privity of contract essential to right to recover, **1,** 560, 561
quantum meruit, liability of hirer on a, **1,** 558, 559; **7,** 381; **20,** 111; **28,** 867, 869, 870
remuneration, claim to, forfeiture by workman of, **1,** 560
sale distinguished from, **1,** 557
skill, duty of workman to exercise, **1,** 559

HIRE-PURCHASE AGREEMENT, 1, 554—556; **3,** 12
defined, **1,** 554
assignment of rights in, by owner, effect of, **1,** 556; **3,** 13
bankruptcy of hirer, effect of, on, **1,** 555; **2,** 175
bill of sale, whether a, **1,** 554; **3,** 12, 13, 22
conversion by hirer of chattels under, **1,** 556; **27,** 892, 893, 906
default in payment of instalments under, effect of, **1,** 555, 556
distress for rent on chattels comprised in, **1,** 555; **11,** 145
execution on chattels comprised in, **1,** 555; **14,** 51
guarantee of instalments under, **15,** 565
licence to seize in, effect of, **1,** 556; **3,** 12
mortgage of chattels comprised in, effect of, **21,** 119
option of hirer essential to, **1,** 554
owner of chattels, rights of, **1,** 555, 556

HIRE-PURCHASE AGREEMENT—*continued.*
purchase from hirer, effect of, **3,** 13
registration as bill of sale, whether necessary, **1,** 554, 555; **3,** 12
sale, distinguished from, **1,** 554, 555

HIRING FAIRS, 20, 5

HIS MAJESTY'S SHIP. *See* KING'S SHIP; WARSHIP.

HISSING,
theatres, in, **27,** 409, 410. *See* THEATRE.

HISTORICAL INTEREST,
light railway construction, objection to, on ground of injury to objects of, **27,** 824 n.
monuments of. *See* ANCIENT MONUMENT.
objects of, preservation of in town-planning schemes, **21,** 605
places of, London County Council, power of, as to, **20,** 397

HISTORY,
books of, as evidence, **3,** 148; **13,** 478, 479, 563
county boundaries, of, **3,** 148; **13,** 563
judicial notice of facts of, **13,** 492 n., 493 n., 494 n.

HOARDING,
advertisements, for, bye-laws as to, **23,** 398—400
confirmation by Secretary of State, **7,** 68, 69; **23,** 399
enforcement by metropolitan borough councils, **20,** 406
evidence of, **23,** 400
penalties for offences against, **23,** 400
distress on, **11,** 137 n.
easements in respect of, **11,** 328
fixing of, provision as to, **23,** 401
fixture, as a, **18,** 419
illegal payment at parliamentary election in respect of, **12,** 294
licensing of, **23,** 400, 401
railway station, on, valuation for rating purposes of, **24,** 31 n.
building operations, during, erection of, **16,** 205, 251, 252
nuisance by, **16,** 155
light, easement of, prevention of acquisition by, **11,** 298 n.
metropolis, in, erection of, **16,** 205
property in, **3,** 261

HOLDER IN DUE COURSE. *See* HOLDER OF NEGOTIABLE INSTRUMENT.

HOLDER OF BILL OF LADING,
agent of shipper, as, position of, **26,** 159 173
bankruptcy of consignee, in case of, **2,**
delivery of cargo to, discharge of shipowner by, **26,** 147, 167, 264, 265
right to claim, **26,** 147, 172, 264, 286
dishonouring bill against goods, property does not pass to, **25,** 183
freight, charterer's liability for, how affected by alternative liability of, **26,** 294
liability for, **26,** 173, 176, 286, 297, 298, 309
mortgagee taking possession, position of, as to, **26,** 309

HOLDER OF BILL OF LADING—*contd.*
freight—*continued.*
purchaser of ship, no right to refuse delivery of goods until payment of, **26,** 309
shipowner's rights against, **26,** 297, 298
lien of agent, where, **26,** 288
set, in a, priority of title, **25,** 185; **26,** 158
shipowner
justified in delivery to, when, **26,** 264
lien of, when subject to, **26,** 285, 286

HOLDER OF JUSTICES' LICENCE,
defined, **18,** 118
drunkenness, duty as to prevention of, **18,** 118

HOLDER OF NEGOTIABLE INSTRUMENT,
defined, **2,** 463
acceptance for honour, in case of, **2,** 539—541. *See* ACCEPTANCE.
accommodation bill, liability on, **2,** 517
accord and satisfaction between principal debtor and, effect, **2,** 553
action by, **2,** 523—526. *See* BILL OF EXCHANGE.
bankruptcy of, effect of, **2,** 170—172, 511
bankruptcy petition by, against acceptor, **2,** 38, 42
bearer as, **1,** 572 n.; **2,** 463
bills in a set, of, **2,** 560
blanks, right to fill up, **2,** 466, 472, 483, 484, 486
cancellation by, effect of, **2,** 552
of prior party's signature by, **2,** 555
cheque, of, dishonour, cannot sue banker for, **1,** 608
may not pay in deficit to meet, **1,** 585
right to cross, **1,** 593; **2,** 480
conflict of laws, application of *lex loci contractus,* **2,** 563
forged indorsement, under, rights, how determined, **2,** 512
costs, right to sue for, after payment, **2,** 526
damages, costs in action for, **2,** 526
recoverable by, **2,** 523—526
re-exchange where instrument dishonoured abroad, **2,** 525
date, may insert, **2,** 466, 486
declaration of former holder as evidence against, **13,** 460
defective title, with, cannot compel payment of bank note, **1,** 571
negotiation by, **2,** 514
dishonour, notice of, by or on behalf of, **2,** 542—549. *See* DISHONOUR OF BILL OF EXCHANGE.
rights on, of, **2,** 508; **26,** 307
due course, in, *defined,* **2,** 464, 479
alteration in instrument or acceptance of bill, position of, in case of, **2,** 514, 552, 556
blank acceptance, holder of, not a, **2,** 484 n.
charge on property paid for by bill not acquired by, **3,** 226
conditions requisite to, **2,** 479, 484 n.
conversion, in case of, **27,** 893
corporation, rights against, **5,** 305; **8,** 362
dishonour, rights on, of, **2,** 508
equities, holds free from, **2,** 508, 514; **4,** 391
estoppel in favour of, **2,** 517, 520; **13,** 400, 401
forged indorsement, with, remedies of, **27,** 894 n.
holder presumed to be, **2,** 498, 499

HOLDER OF NEGOTIABLE INSTRUMENT—*continued.*
due course—*continued.*
immediate party whether a, **2,** 484 n., 519 n.
position of, **2,** 508, 514
presumption of law as to, **2,** 498, 499; **13,** 435
title of, **2,** 508, 514
transferee from, rights of, **2,** 498, 499
duties of, **2,** 542—549, 563
former, statement by, how far binding, **13,** 460
fraud, effect of, **2,** 499
indorsee becoming, **2,** 479
indorsements, right to strike out, **2,** 509
indorser
discharging bill as, **2,** 554, 555
right of compensation against, when paying, **2,** 519
promise, of, to indemnify, writing essential to, **15,** 461
lien of, **2,** 498, 499
lost bill, duplicate, right to, **2,** 514, 515
protest on copy by, **2,** 515
noting, discretion as to, **2,** 537
duties as to, **2,** 535
overdue instrument, of, **2,** 507, 508
payee as, **1,** 569 n.; **2,** 484 n., 519 n.
payment *supra* protest, acceptance of, by, **2,** 542
effect of, **2,** 541
persons liable to, **2,** 523; **8,** 362
presentment for acceptance by, **2,** 526—529. *See* PRESENTMENT FOR ACCEPTANCE OF BILL OF EXCHANGE.
presentment for payment by, **2,** 530—535. *See* PRESENTMENT FOR PAYMENT OF BILLS AND NOTES.
prior party becoming, by re-negotiation, **2,** 508, 509
proof in bankruptcy by, **2,** 45, 205—209, 226, 513. *See* PROOF OF DEBTS.
protest, duties as to, **2,** 535—539. *See* PROTEST.
qualified acceptance, effect of taking, **2,** 554
referee in case of need, option to apply to, **2,** 563
release of prior party by, **2,** 555
repayment, when compellable to make, **2,** 512
Scots bill, of, as assignee of funds drawn against, **2,** 515, 563
secured creditor, as a, **2,** 45
securities held by, indorsee's right to, **2,** 520
value, for, *defined,* **2,** 463, 498
broker as, **27,** 248
indorsee becoming, **2,** 479
lien or advance, in case of, **2,** 498, 499
transferor by delivery, rights against, **2,** 521
voting at meetings of creditors by, **2,** 68
waiver of duties of, by prior party, **2,** 479, 506, 518, 548

HOLDER OF OFFICE,
description of donee as, effect of, **28,** 757
member of Parliament, as, when disqualified, **21,** 659

HOLDING OUT. *See also* ESTOPPEL.
agency, by, **1,** 156, 158, 201; **13,** 390; **16,** 430
test of, **1,** 159
club, by members of committee of, **4,** 424
corporation, by, liability in case of, **1,** 156; **8,** 388
husband and wife, in case of, **16,** 430
partner, as, liability for, **22,** 13—16, 37
modes of, **22,** 14, 15

HOLDING OUT—*continued.*
partner—*continued.*
personal representatives of deceased partner, position of, **22,** 15
prospective partner, liability of, on, **22,** 37
retired partners, of, **22,** 15
servant, of, master, by, **20,** 246
trade marks and trade names, in case of, protection against, **27,** 749

HOLDING OVER,
continuance in possession, tenant under mining lease, by, whether, **20,** 566
distress for rent, right of, how affected by, **11,** 121, 150, 151
effect of, **18,** 435, 436, 441, 443
emblements, in lieu of, **1,** 283; **18,** 566
evidence of, **11,** 150, 151
notice to quit, whether waived by, **18,** 455
tenancy created by, **18,** 441, 443
tenant *pur autre vie,* by, effect of, **24,** 183
trespass arising from, **27,** 849, 850 n.

HOLIDAY. *See* BUSINESS, day.
defined, **27,** 442
bank, *defined,* **14,** 446, 447; **27,** 442
days appointed to be, **27,** 442
last day of grace falling on, **2,** 477, 478
notice of dishonour, excluded from computation of time for giving, **2,** 546 n.
presentment of bill may not be made on, **2,** 527 n., 532 n.
computation of time in relation to, **27,** 451—453
bill of exchange, in case of, **2,** 477, 478; **27,** 452
building contract, in case of, **3,** 243
charterparty, in case of, **26,** 122; **27,** 453
county court, in, **8,** 620
imprisonment, in case of term of, **23,** 258; **27,** 452
meeting of corporation or company, in case of, **27,** 451, 452
municipal election petition, in case of, **12,** 499, 504, 508
negotiable instrument, in case of, **2,** 478; **27,** 452
parliamentary election, in case of, **12,** 262; **27,** 453
workmen's compensation, in case of, **20,** 206; **27,** 453
factories and workshops, in, provisions as to, **14,** 496, 507, 508
prohibited acts on, **27,** 445
Supreme Court offices, in, **27,** 436, 451

HOLY CATHOLIC AND APOSTOLIC CHURCH,
defined, **11,** 370 n.
Church of England a branch of, **11,** 370

HOLY COMMUNION, 11, 689—692. *See* COMMUNION.

HOLY ISLAND,
Durham County Palatine Act, exception in, as to, **7,** 114

HOLY MATRIMONY, 11, 692—709. *See* MARRIAGE.

HOLY ORDERS. *See* DEACON; ORDERS (religious); PRIEST; RECTOR; VICAR.
defined, **11,** 550 n.
age of admission to, **11,** 550
declaration as to, before call to the bar, **2,** 365
deposition from, sentence of, **11,** 526, 539
fellowship of college, as qualification for, **4,** 249
marriage solemnised by person not in, **9,** 535, 536; **16,** 280
master in endowed school need not be in, **12,** 107, 108
ordination to, **11,** 549—555. *See* ORDINATION.
parish clerk, appointment as, of person in, **11,** 476
relinquishment of, deed necessary to, **10,** 372, 399
title to, **11,** 550

HOMAGE,
archbishop, by, **6,** 397 n.; **7,** 25, 26 n.
coronation, at, **6,** 328
bishop, by, **7,** 25, 54; **11,** 399
coronation, at, **6,** 328
infant, by, **17,** 56
manorial court, of, *defined*, **8,** 11
consent of the, to customary inclosure, **4,** 531, 532
majority of, binding power of, **8,** 11
military tenure, as an incident of, **24,** 141 n.
peers, by, at coronation, **6,** 328
socage tenure, not required in, **24,** 141
tenure in chivalry, in case of, **24,** 140

HOME OFFICE, 7, 82—86
constitution of, **7,** 82
educational authority, as, **12,** 15. *See also* EDUCATION; REFORMATORY AND INDUSTRIAL SCHOOLS.
execution of death sentence, date of, to be notified to, **25,** 826
extradition, application in respect of, to, **14,** 418
factory, accidents occurring in, investigation by, **14,** 474
seal used in, **7,** 68
workshop, accidents occurring in, investigation by, **14,** 474

HOME SECRETARY, 7, 82—86. *See also* SECRETARY OF STATE.
advertisements, powers in regard to bye-laws as to, **7,** 69; **23,** 399, 400
aircraft, powers as to, **27,** 336, 337
aliens, expulsion of, powers in case of, **1,** 323, 324; **7,** 85. *See* ALIEN.
assistants of, **7,** 82
burial ground, inquiries as to consecration of, **3,** 539
bye-laws confirmed by, **7,** 69; **17,** 150 n.; **20,** 144; **23,** 389 n., 391 n., 392, 399; **26,** 646
census of production, powers as to, **7,** 69, 70; **27,** 515
cinematograph exhibitions, regulations as to use of electric light in, **12,** 644
City police not subject to control of, **22,** 518
convicts, release on licence, **23,** 266, 267
coroner, salary of, when fixed by, **8,** 222, 223
costs in criminal cases, regulations as to, **9,** 446
Court of Criminal Appeal, power to refer to, **9,** 443
cremation, regulations as to, **3,** 568, 575
crematorium, maintenance and inspection of, **3,** 570, 571

HOME SECRETARY—*continued.*
criminal lunatics, supervision of, **7,** 85
Crown, Church, and, medium of communication between, **7,** 83
subject, and, medium of communication between, **7,** 82
disinterment of dead bodies, licence for, **3,** 553, 554, 573; **8,** 263 n.
Employment of Children Act, 1903, bye-laws under, confirmation by, **17,** 150 n.
ex officio member of certain Boards, **7,** 83
explosives, powers as to, **14,** 367, 371, 386. *See also* EXPLOSIVES; SECRETARY OF STATE.
extradition, powers as to, **7,** 69; **14,** 411, 418. *See* EXTRADITION.
factories and workshops in relation to. *See* FACTORY; SECRETARY OF STATE.
Foreign Enlistment Act, 1870, powers and duties under, **7,** 84
fugitive offenders, powers in respect of, **7,** 84; **14,** 408 *et seq.* *See* EXTRADITION FUGITIVE OFFENDER.
functions of, **7,** 82
habitual drunkards, powers with regard to, **7,** 85; **18,** 162. *See* HABITUAL DRUNKARD.
hackney and stage carriages, regulations as to, **27,** 304, 305
high treason, power to commit for, **7,** 68
housing of the working classes, recovery of penalties by, **7,** 85
immigration, control over, of, **1,** 321, 322, 323, 325, 326. *See also* ALIEN.
industrial school, in relation to. *See* INDUSTRIAL AND REFORMATORY SCHOOL.
inebriates, powers with regard to, **7,** 85; **18,** 162, 168; **23,** 231. *See* HABITUAL DRUNKARD.
infant, emigration of, authorised by, **17,** 110 n., 165, 166
internal administration by, **7,** 83
judicial administration, duties in connection with, **7,** 84
legal proceedings by or against, **7,** 85
Lights on Vehicles Act, in relation to exemption from, **27,** 291, 292
magistrates, borough, appointed on recommendation of, **7,** 61 n.
metropolitan police, authority over, **22,** 467—470, 506 n., 510 n., 518. *See* METROPOLITAN POLICE.
metropolitan police magistrates, appointment of, by, **7,** 84; **19,** 548, 549
mines, powers in relation to, **20,** 604, 605, 606, 626. *See* SECRETARY OF STATE.
pardon, jurisdiction in respect of, **6,** 405, 406
parish constables, powers as to, **22,** 519
petition of right to be left with, **10,** 31
petrol, power as to storage of, **27,** 333
police, powers and duties with regard to, **7,** 85; **22,** 516—519. *See also* POLICE.
precedence of, **7,** 82
prisons, powers as to, **7,** 85; **23,** 231. *See* PRISON.
public order, maintenance of, within department of, **7,** 83
riot, compensation for damage by, powers as to, **7,** 70
special constables, powers as to, **22,** 492, 519
stipendiary magistrates, appointment of, by, **7,** 84; **19,** 546
treason, persons charged with, power to commit, **7,** 68, 83

HOME WORK,
restrictions with regard to, **14,** 461—463. *See* OUTWORKER

HOMICIDE,
defined, **9,** 570
culpable, **9,** 570—586. *See* MANSLAUGHTER; MURDER.
excusable, when, **9,** 587
justifiable, when, **9,** 586, 587
kinds of, **9,** 570
presumption as to, **9,** 570; **13,** 499

HONG KONG,
code of civil procedure in, **10,** 541 n.
courts of, **10,** 555
Crown colony, as a, **10,** 503 n.

HONORARY CANONS, 11, 433, 434. *See* CANON.

HONORARY DEANS, 11, 416

HONOUR,
bills of exchange for. *See* ACCEPTANCE.
Crown as fountain of, **6,** 454—458
feudal system, under the, **8,** 3; **24,** 143 n., 156
lease, incapable of being subject of, **18,** 341 n.
lord of, can only hold one court for all the manors, **8,** 13
office of, co-heirs, rights of, **22,** 274
restoration of, procedure on introduction of Bills for the, **21,** 727
titles of. *See* TITLE OF HONOUR.

HONOURABLE CORPS OF GENTLEMEN-AT-ARMS. *See* GENTLEMEN-AT-ARMS.

HOPS,
adulteration of, **15,** 69
penalties for, **1,** 291, 292; **15,** 69
regulations as to, **1,** 291, 292
binds, destruction of, **9,** 781
compulsory marks, **27,** 722
distress for rent on, **11,** 133
food, whether a, **15,** 69 n.
grounds, tithe rentcharge on, **11,** 745, 746
division into ordinary and extraordinary, **11,** 746
land tax, exemption from, **18,** 312
separate valuation for purposes of, **11,** 746
merchants, customs and usages of, **10,** 277
restrictive covenant in case of, **27,** 587 n.
offences in connection with, **1,** 291, 292; **15,** 69
pickers, accommodation for, bye-laws for securing, **1,** 277; **23,** 516
Sale of Food and Drugs Acts, when within, **15,** 69 n.
statutory warranty on sale of, **25,** 162
tenant, right of, to, **1,** 282, 283; **18,** 565, 566
trade usages, **10,** 277, 278

HORSE,
defined, in Knackers Act, 1844, **23,** 559 n.
agent, warranty by, on sale, **1,** 393, 394
auction, sale at, **1,** 392; **20,** 679 n.; **27,** 898 n.
auctioneer selling by private contract, not a tradesman, **27,** 510 n.
bailee not liable for death of, in absence of default, **27,** 494 n.

HORSE—*continued.*
bailment of, implied warranty of fitness for purpose, **1,** 551
breaker of, lien of, for cost of breaking in, **19,** 13, 14
bye-laws as to diseases of, **20,** 461
carriage of, extent of liability of railway or canal company for loss in case of, **4,** 36
common of pasture for, **4,** 447, 453, 475
conversion of, example of, **27,** 898 n.
cruelty to, beating, overdriving, etc., by, **1,** 409
liability of owner for driver's, **1,** 415. *See* CRUELTY.
dangerous, liability for, of person hiring out, **27,** 465 n.
not presumed to be, to human beings, **1,** 372, 373, 376, 377; **13,** 495
dead, depots for reception of, licensing of, **20,** 399; **23,** 569
dealer in. *See* HORSE-DEALER.
diseased, sale of, liability for, **1,** 420. *See* glanders, *infra.*
distress, at livery, liability to, **11,** 136 n.
sale by sheriff subject to agreement to consume crops on land, effect as to, **1,** 255; **11,** 179
stable let by tenant during races, in, liability to, **11,** 136 n.
use, in actual, privileged from, **1,** 379; **11,** 137; **27,** 858 n.
dog, injury by, to, *scienter* need not now be proved, **1,** 373, 397
drivers of, on highways or streets, duties as to control of, **21,** 412—414; **27,** 276, 282, 287
elections, at, illegal hiring of, **12,** 294, 303, 348
stabling or baiting for conveyance to poll, **12,** 294
fair, sale in, of. *See* sale, *infra.*
farrier, liability of, for injury in shoeing, **21,** 367 n.
flesh of, **15,** 69. *See* HORSEFLESH.
footways, riding, leading, or driving on, offence of, **27,** 275, 283, 286, 287
furious riding and driving of, negligence, as, **21,** 413; **27,** 277
glanders, affected with, offences in relation to, **1,** 420
slaughter of, by local authority, **1,** 428
guest, of, innkeeper's liability as to. *See* innkeeper, *infra.*
highway, on, control of, duties of drivers as to, **27,** 276, 282, 287
driver causing injury to, by negligence, liability for, **27,** 276
drunk while in charge of, offence of being, **18,** 141
furious or dangerous riding and driving of, **27,** 277. *See* DRIVING.
locomotive attendants, duty of, as to safety of, **27,** 312
offences in regard to, **27,** 275, 276, 282, 286, 287
straying or lying about, liability of owner, **27,** 278
tethering of, offence of, **27,** 275, 283
hire of, feeding, duty of, **1,** 552 n.
implied warranty of fitness, **1,** 551
improper user, liability for, **1,** 553
infant, by, not a necessary, **1,** 553 n.; **17,** 68 n.
liability of owner, where known to be dangerous, **27,** 465 n.

HORSE—*continued.*
hire of—*continued.*
measure of damages where injured through negligence, **1,** 553
negligence by not calling in veterinary surgeon, **1,** 552 n.
stands, provision of, **27,** 274, 283
hurt to, causing, by misbehaviour in driving, **27,** 276
infant, contract for hire not binding on, **1,** 553 n.; **17,** 68 n.
warranty, not liable for breach of, **1,** 394
infected, bringing to public place, an offence, **1,** 420
injuries caused by, *scienter* essential to liability of owner, **1,** 372, 377
innkeeper, liability of, guest's, for, **17,** 316, 317, 324
traveller's, to receive and accommodate, **17,** 307, 309, 312
lien of, for keep of, extent of, **17,** 324
custom of London as to, **17,** 326 n.
none on stolen, placed with him by police, **17,** 326
post-horses, no obligation to provide, **17,** 310
insurance of, cattle insurance societies, by, **15,** 125
judicial notice of nature of, **13,** 495
kicking, liability of owner for damage by, **1,** 376, 377
knacker's yard, in, inspection and account of, **23,** 559, 560. *See* KNACKER'S YARD.
larceny of. *See* stealing, *infra.*
locomotives meeting, on highways, duties of attendants, **27,** 312
markets and fairs, sale in, provisions as to, **20,** 31. *See* sale of, *infra.*
negligence, control of, in, **21,** 412, 413, 414
liability for damage done by escaping, independent of, **1,** 376
nuisance, keeping in stables adjoining private property as, **21,** 513 n.
use of vehicles calculated to frighten, as, **16,** 155, 156
overtaking, duty of cyclist to give warning, **27,** 335
partner's warranty binding on sale of, **1,** 394
rule of the road as to led, **21,** 412
presumed not dangerous, **1,** 372
sale of, duties of owner of market or fair, **20,** 31
entries of particulars by toll-keepers or book-keepers, **20,** 31, 32
exposure, market or fair, in, **20,** 31
metropolis, in, streets, in, an offence, **27,** 286
metropolitan police district, in, statutory provisions as to, **27,** 287
places other than market, market-place, or fair, in, an offence, **27,** 282
fraud on, effect of, on rights of party defrauded, **1,** 393
market overt, in, special rules as to, **20,** 31, 32, 54; **25,** 195 n.
misrepresentation as to vendor's personality, materiality of, **20,** 699 n., 700 n.
warranty on, **1,** 389—394. *See* WARRANTY ON SALE.
scienter as to, **1,** 372, 377
servant
leaving unattended, master's liability for damage by, **20,** 252 n.
liability of master for cruelty of, **1,** 415
warranty by, on sale of, **20,** 247, 248

HORSE—*continued.*
slaughter of, **1,** 412, 413. *See* HORSE-SLAUGHTERER; KNACKER.
metropolis, in, licensing of depôts for, **20,** 399
prohibition of, in certain cases, **23,** 560, 561, 562. *See* KNACKER; KNACKER'S YARD.
regulation of. *See* KNACKER; KNACKER'S YARD; SLAUGHTER-HOUSE.
unlicensed premises, on, penalty for, **23,** 569
stealing, common law offence, **1,** 368
Larceny Act, under, **1,** 368, 369
stolen, innkeeper no lien upon, when brought by the police, **17,** 326
sale in market overt within six months of theft, **20,** 54
slaughter of, prohibited, **23,** 560
straying on highway, liability for, **1,** 377; **21,** 414
testator, of, maintenance of, as a non-charitable purpose, **4,** 118
trade usages as to, **10,** 278
traffic, local authority may determine routes for, **27,** 269
nuisances and offences in relation to, **27,** 276, 282, 283, 286, 287
trainer of, lien of, for cost of keep and training, **19,** 14
usages amongst, as to meaning of necessaries, **10,** 278
traveller, of, liability of innkeeper to receive and provide for, **17,** 307, 309, 312
trespass by, extent of liability of owner for, **1,** 376, 377; **21,** 214
unattended, negligence of servant, through, liability of master, **20,** 252 n.
penalty for leaving, **21,** 412
undivided parts of, gifts of, as declaration of trust, **15,** 413
unsoundness, what is, **1,** 390
veterinary surgeon, duty of hirer to employ, **1,** 552 n.
vivisection, restrictions of, to prevent cruelty to, **1,** 417
warranty on sale of, **1,** 389—394. *See* WARRANTY ON SALE.

HORSE-DEALER,
agent of, authority of, to warrant, **1,** 393, 394; **20,** 248
person dealing with, right to assume authority to warrant, **1,** 394
custom of, not to warrant inadmissible, **1,** 394; **10,** 278
horse-slaughterer cannot be, **1,** 413; **23,** 568 n.
partner, warranty by, **1,** 394
servant of, authority to warrant, **1,** 393, 394; **20,** 247, 248
trade usages, **10,** 278
tradesman, a, within Sunday Observance Act, **27,** 510

HORSE-POWER,
motor car excise licence duty varies with, **27,** 334; **24,** 690

HORSE RACE,
defined, **15,** 286; **27,** 427
betting on, betting house in connection with, offence of keeping, **15,** 294
illegal consideration for securities given in connection with, **15,** 269 n., 280 n.
on result of, **15,** 267, 286

HORSE RACE—*continued.*
betting on—*continued.*
previous race, in case of, **15,** 269 n., 279 n.
racecourse not a public place, for, **9,** 551 n.; **15,** 293
sweepstake in connection with, **15,** 267, 297
Charing Cross, within ten miles of, restrictions as to, **15,** 286, 287; **27,** 427
game, as a, within Gaming Act, **15,** 279 n., 280 n.
infant, sending circular to, respecting, offence, **1,** 552
intoxicating liquors at, licence for sale of, **18,** 100, 101
legality of, **15,** 286, 287
pari-mutuel machine, use of, in connection with, **15,** 292 n.
partnership, betting, with a view to, **15,** 277 n.
race-cards, seizure of, under Gaming Act, **15,** 294 n.
racecourse, licensing of, provisions as to, where required, **15,** 287; **27,** 427
steeplechase, usage as to, **10,** 278
stewards, position of, in settlement of disputes, **15,** 274 n.
unlicensed course, on, indictment for, **15,** 287 n.
nuisance, as, **27,** 427
owner or lessee guilty of misdemeanour, **15,** 287; **27,** 427
penalties imposed in case of, **15,** 287; **27,** 427

HORSE-SLAUGHTERER. *See also* KNACKER; KNACKER'S YARD; SLAUGHTER-HOUSE.
cruelty, prevention of, duties as to, **1,** 413
horse-dealer, cannot be, **1,** 413; **23,** 568 n.
licence of, **1,** 412, 413; **23,** 553, 558, 561. *See also* KNACKER.
London, in, restriction on establishment of, **23,** 565

HORSEFLESH,
defined, **15,** 69
asses' flesh as, **15,** 69
boiling of, whether a nuisance, **21,** 535
inspection and seizure of, **15,** 70
mules' flesh as, **15,** 69
onus of proof in cases as to sale of, for human food, **15,** 70
sale of, penalty for offence against provisions as to, **15,** 70
restrictions on, **15,** 69, 70
shops for sale of, regulations as to provision of signs, **15,** 70

HORSEWAY,
defined, **16,** 9
actus ab agendo, right of way, **11,** 284 n.; **16,** 9 n.
carriage and cartway included in, **16,** 9
footpath, includes a, **16,** 9
protection of, from carriageway, duty of highway authority as to, **16,** 115

HOSIERY ACT, 1843,
pledge of materials, penalty for, **20,** 127, 128; **22,** 237
power of arrest under, **9,** 303
trades included under, **20,** 127 n.

HOSIERY TRADE,
artificers, *defined,* **14,** 524
county court, jurisdiction of, as to, **8,** 655

HOSIERY TRADE—*continued.*
distress upon machinery and materials used in, **11,** 140
employers, *defined,* **14,** 524
frames or machines, improper use of, penalty for, **14,** 524
illegal contracts in connection with, **14,** 524
materials of, pawn of, unlawful, **20,** 127, 128; **22,** 237
penalty for breach of provisions relating to, **14,** 524
restrictive contracts relating to, **27,** 585
tickets of work and duplicates, duty of manufacturer to deliver to workman, **27,** 540
wages in, payable in current coin without deduction, **14,** 524
workmen, offences by, **20,** 127, 128; **27,** 540 n.

HOSPITAL,
defined, **4,** 282; **8,** 315 n.
Lunacy Acts, in, **19,** 478
committee. *See* HOSPITAL COMMITTEE.
compulsory purchase, right to have whole premises purchased in case of, **6,** 71, 72
covenant, whether establishment a breach of, against nuisance, **21,** 508 n.
Crown land as site for, **7,** 192
death in, cremation, suspension of regulations as to, in certain cases, **3,** 573, 574
liability of local authority for burial, **23,** 432
removal of body for burial, provisions as to, **3,** 550, 551
gas supply to, gratuitous in certain cases, **15,** 343 n.
infected person, detention of, in, **23,** 454, 455
removal of, to, **23,** 454
infection from, evidence as to, **13,** 452
infectious diseases, for, **23,** 434, 435. *See* ISOLATION HOSPITAL.
annoyance or grievance, whether erection is a breach of covenant against, **21,** 508 n.
contributions by county council to, **23,** 434
injunction to restrain erection of, **21,** 561
nuisance is not necessarily a, **21,** 534, 561, 562
offensive business, is not an, **21,** 534
provision of, local authority, by, **23,** 433 n.
inhabited house duty, exemption from, **4,** 213, 214; **17,** 191
Isolation Hospital Acts, establishment under, **23,** 435—443. *See* ISOLATION HOSPITAL.
land tax, exemption from, of, **18,** 311
local authority, conveyance of infected persons, powers as to, **23,** 435, 454
detention of infected person at cost of, in, **23,** 454, 455
negligence, liability in respect of, **23,** 432
nuisance, liability in respect of, **21,** 521; **23,** 432
provision by, of, **23,** 432 *et seq.*
transfer of hospital by county council to, **23,** 440
application of consideration money, **23,** 440
lunatics and persons of unsound mind, for, closing order for, **19,** 479
management of, complaints as to, **19,** 479
medical attendance, provisions as to, **19,** 478
officers of, superannuation allowances of, **19,** 479
registration of, **19,** 478
regulations of, approval required for, **19,** 478

HOSPITAL—*continued.*
lunatics and persons of unsound mind—*contd.*
removal of pauper lunatic from, **19,** 521
visitation of, by Commissioners in Lunacy, **19,** 471
metropolitan asylums managers, powers as to maintenance of non-pauper patients in, **20,** 412; **22,** 552
national health insurance benefits to inmates of, **28,** 925
negligence of physicians, surgeons, nurses, or assistants, liability for, **20,** 331 n., 334
nuisance, whether a, **21,** 508 n., 534
physician in, appointment as, qualification for, **20,** 338
property of, liability to rates, **4,** 212; **24,** 17
property tax, exemption from, **4,** 208—211
fees, partly supported by, effect as to exemption from, **4,** 209, 211
Public Health Acts, under, **23,** 433
ambulances for infectious and other cases, **23,** 435, 440
cost of maintenance in, may be remitted, **23,** 435
recovery of, **23,** 434
joint, of two local authorities, **23,** 434
resident surgeon, whether tenant or servant, **20,** 69 n.
smallpox, for, whether a nuisance, **21,** 561, 562
subscriptions to, approved society and insurance committee, by, **28,** 945
friendly society, by, **15,** 170, 171
guardians, by, **22,** 537

HOSPITAL (ELEEMOSYNARY). *See also* ALMSHOUSE.
defined, **4,** 282; **8,** 315 n.
inhabited house duty, for purpose of exemption from, **4,** 214
chaplain of, **11,** 651
charitable corporation, as a, **4,** 282, 283
ecclesiastical corporation, as an, **11,** 793
elections, regulation of, **4,** 247—250
corrupt elections, **4,** 248
majority of corporators can elect, **4,** 248
visitor determines questions as to, **4,** 247, 248
franchise qualification, county, of inmates of, **12,** 148, 149
gift for charity generally may be applied to, **4,** 196
inhabited house duty, exemption from, **4,** 213, 214; **17,** 191
land tax, exemption from, of, **18,** 311
Lord Chancellor as visitor of royal, **7,** 64
manor, right of presentation to hospital as incident to, **8,** 7
mortmain restrictions as to acquisition and holding of land, exemption from, **4,** 137, 138
officers of, appointment and removal of, **4,** 247—250
franchise, qualification for, **12,** 148, 149
property of, liability of, to rates, **4,** 212; **24,** 17
property tax, exemption from, **4,** 208—211
fees, partly supported by, effect as to exemption from, **4,** 209, 211
relief of inmates of, a charitable purpose, **4,** 108
support of, **4,** 110
visitation of, **4,** 290, 291. *See* VISITOR.

HOSPITAL COMMITTEE,
acquisition of land by, **23,** 439
additional accommodation, provision of, powers in regard to, **23,** 439
constitution of, **23,** 438
contracts by, for hospital accommodation, **23,** 439, 440
decision as to expenses at isolation hospital is final, **23,** 442
delegated powers of, **23,** 439
expenses of, how defrayed, **23,** 443
incorporation of, **23,** 438
local authority as, **23,** 438, 439
management of hospital, rules and regulations for, by, **23,** 440
nurses, powers as to training of, **23,** 440, 441
patient's expenses, recovery of, by, **23,** 442, 443

HOTCHPOT,
annuity, in case of, **11,** 20, 21; **14,** 277; **24,** 501
co-surety to bring receipts from counter-security into, **15,** 535
insurable interest, as, **17,** 368
intestacy, in case of, collaterals, between, **11,** 23
descendants, between, **11,** 21
payments deemed to be advances for purposes of, **11,** 20, 21
portions, of, **11,** 19, 20, 21
widow, in favour of, **11,** 21
marriage settlement, in case of, **25,** 542 n.
power, in case of default of appointment under, **22,** 360 n.
settlement, in case of, **25,** 574, 575
advancement, as applied to, **25,** 574, 685, 686
will, in case of, construction of, **28,** 842—844

HOTEL. *See also* INN.
defined, compensation fund, for purposes of, **18,** 72
compensation charge in respect of, rate of, **18,** 72
easement of light in respect of, claim of, **11,** 306
expenses, country agency cases, allowances on taxation, **26,** 802 n.
goods, delay in delivery of, how far recoverable, **4,** 19
housekeeper of, menial servant, not a, **20,** 71
notice of dismissal of, period of, **20,** 98 n.
inn, may be an, **17,** 303
keeper of, when an innkeeper, **17,** 319
monopoly value, condition of premises to secure, **18,** 67
private house used as, not an inn, **17,** 304
residential, probably not an inn, **17,** 304
servants, gratuities as remuneration, **20,** 86 n.
restrictive covenants held good against, **20,** 89 n.
shop, as a, **14,** 510 n
station, exclusion of hotel in assessing rateable value of railway station, **24,** 31 n.
temperance, when an inn, **17,** 303, 304

HOURS,
defined, **27,** 441
Greenwich time to be regarded in fixing, when, **27,** 441
local time, of, how ascertained, **27,** 441
when regarded in fixing, **27,** 441

HOURS OF EMPLOYMENT,
bakehouses, in, **14,** 504
bleaching and dyeworks, in, **14,** 490, 491, 501

HOURS OF EMPLOYMENT—*continued.*
children, for, **14,** 491—497; **17,** 150—152. *See* CHILD.
coal-mines, in, **20,** 594—596
creameries, in, provisions as to, **14,** 507
domestic factory or workshop, of young persons in, **14,** 494
factories and workshops, in, **14,** 490—509
fair or market, in, **20,** 19 n.
fish and fruit preserving, women and young persons engaged in, **14,** 506
glass works, in, male young person, of, **14,** 503
holidays, **14,** 496
institution, charitable or reformatory, in, **14,** 509
lace factories, in, **14,** 504
laundries, in, **14,** 501, 504
meal-times, provisions as to, **14,** 490, 492, 495, 499; **17,** 155
night work, **14,** 501—503
males not under fourteen, **14,** 501
males not under sixteen, **14,** 502
printing newspapers, males above sixteen, **14,** 503
non-textile factories, in, **14,** 492, 493
special orders by Secretary of State as to, **14,** 499, 500, 501, 503
women, of, **14,** 492
young persons, of, **14,** 492, 502, 503, 507
notices, fixing, provisions as to, **14,** 495, 497
overtime, **14,** 498—501
sudden press of orders, effect of, **14,** 499
women, of, in what cases, **14,** 500, 501
young persons, of, in certain cases, **14,** 500, 501
railway servants, of, regulation of, **23,** 731, 732
Saturdays, on, **14,** 490, 491, 492
Secretary of State, orders by, as to variation of, **14,** 498, 499, 502, 503, 507
shop, for, **14,** 509—512. *See* SHOP.
persons under eighteen, of, **14,** 509
special exceptions as to, **14,** 497—509
textile factories, in, women and young persons, of, **14,** 490, 505
Turkey red dyeing, in case of, **14,** 501, 507
women, of, **14,** 490—496, 498, 505—508
young persons, of, **14,** 490, 491, 492, 494, 495, 496, 498, 500—509. *See* YOUNG PERSONS.

HOUSE. *See also* DWELLING-HOUSE; MESSUAGE.
defined, building contract, for purpose of, **3,** 177 n.
compulsory acquisition, for purpose of, **6,** 71, 72
Housing of the Working Classes Act, 1903, in, **6,** 20
inhabited house duty, for purposes of, **17,** 182
lease, in, **18,** 412
Public Health Acts, in, **23,** 401 n., 402 n., 455 n.; **25,** 750 n.
will, in, **28,** 702
apartments, let in, income tax in respect of, **16,** 631
rating of, **24,** 19
betting, for, illegal by statute, **9,** 548. *See* BETTING-HOUSE.
keeping, what is, **9,** 550
boundary, as, exclusion from grant of land, **3,** 109
breaking into. *See* BREAKING; FORCIBLE ENTRY; HOUSEBREAKING.
cleansing of, provision for, **23,** 458, 459, 608
closing of. *See* CLOSING ORDER.
compulsory acquisition of, right to have whole premises purchased, **6,** 70—73

HOUSE—*continued.*
curtilage. *See* CURTILAGE.
dangerous condition, in. *See* CLOSING ORDER; DANGEROUS; DEMOLITION.
nuisance, as a, **16,** 153; **21,** 515, 530
defence of one's, right of assembly for purpose of, **9,** 470
demolition of. *See* DEMOLITION.
destruction of, before completion of contract for sale, effect of, **27,** 56
disinfection of. *See* DISINFECTION.
disorderly. *See* DISORDERLY HOUSE.
distress, tenant not to be excluded upon, **11,** 169 n.
drainage of, **25,** 720 n., 750—762. *See* DRAIN.
free occupancy of, right of, by gift in will, effect of, **28,** 774
gaming, *defined,* **9,** 545, 548. *See* GAMING-HOUSE.
gift of, will, in, construction in regard to, **28,** 702
highway, adjoining, dangerous condition, in, as a nuisance, **16,** 153; **21,** 515, 530
inclosure of common for building, **4,** 504 n., 505
infected. *See* INFECTED HOUSE.
inhabited house duty on. *See* INHABITED HOUSE DUTY.
lease of, warranties in case of, **18,** 502. *See* DWELLING-HOUSE.
lodgings, let in, *defined,* **23,** 507
bye-laws as to, in and outside London, **23,** 396 n., 507, 508, 511, 516, 539
name identical with that of neighbour's, no cause of action, **27,** 672 n.
naming and numbering of, jurisdiction of London County Council as to, **20,** 395
new. *See also* BUILDING, new.
drainage of, **25,** 752
metropolis, in, **25,** 725 n., 754
inhabited house duty, how and when chargeable, **17,** 190
rating of, where occupied for first time during currency of rate, **24,** 68
water supply of, **28,** 253, 254
metropolitan boroughs, in, **25,** 754—756
numbering of, London County Council, jurisdiction of, **20,** 395
provision for, in urban districts, **16,** 255, 256
parsonage, *defined,* **11,** 753. *See* HOUSE OF RESIDENCE.
purchase of, destroyed by fire before completion, **17,** 520, 521; **25,** 369, 370; **27,** 56
for immediate occupation, time as essence of contract, **27,** 68
rebuild, covenant to, when not specifically enforceable, **27,** 40 n.
refuse, *defined,* **23,** 568 n.
property of sanitary authority, as, **23,** 607
removal of, bye-laws as to, **23,** 608
district councils, by, **23,** 606
metropolis, in, **23,** 568, 606
sale of, collecting authority, by, **23,** 607, 608
trade refuse distinguished from, **23,** 605 n., 606 n.
riotous demolition of, a felony by statute, **9,** 473, 777, 778
sale of, implied terms of contract for, **27,** 27, 28, 68
site of, *defined,* **25,** 751 n.
street offences committed by occupier of, **27,** 285
structural injury to, reversioner's rights of action, **27,** 855 n.
support of, extent of right of, **11,** 321
tax on. *See* INHABITED HOUSE DUTY.

HOUSE—*continued.*
unhealthy, **23,** 535
London County Council, jurisdiction of, as to, **20,** 395
waste in relation to, what amounts to, **24,** 175
water supply apparatus of, in metropolis, control of metropolitan borough council over, **25,** 754—756

HOUSE AGENT,
agreement for lease by, when valid, **18,** 371, 372
appraiser, licensed, authorised to act as, **24,** 659; **28,** 228 n.
auctioneer as, **1,** 501
authority of, extent of, to bind principal, **18,** 372
implied, extent of, **1,** 166
licence required by, provisions as to, **24,** 659, 660
licensed, may act as appraiser, **24,** 659; **28,** 228

HOUSE-BOAT,
sanitary conveniences on, provisions as to, **28,** 451
Thames Conservancy, powers of, as to, **20,** 414

HOUSE-BOTE,
defined, **4,** 447 n.
nature of right to, **4,** 447 n., 467 n., 468 n.; **18,** 429 n.
tenant for life's right to, **4,** 467 n.; **24,** 176

HOUSE OF COMMONS,
address to the Crown by, **21,** 804
demise of Sovereign, on, **21,** 699
King's speech in reply to, **21,** 697, 698
matter of public importance, to obtain information upon, **21,** 619
ministry, for appointment of, **7,** 6 n., 35 n.
removal from office, for, **7,** 6 n., 23
adjournment of debate. *See* debate, *infra*
adjournment of the House, **21,** 673, 674, 699
motion for, on matter of urgent public importance, **21,** 674, 677
quorum, for lack of a, **21,** 668
vacancies, filling of, during, **21,** 789
affirmation, form of, in, **11,** 823 n.; **21,** 688
agenda of, notification of, **21,** 670 n.
alien, disqualification of, for membership of, **1,** 308; **21,** 656
amendment to Bill in. *See* AMENDMENT.
appropriation accounts in, **21,** 777
Appropriation Bill in, **21,** 775
army, officer of, as to qualification for membership of, **21,** 660; **25,** 93
arrest, privilege from, act of bankruptcy by member, in case of, **7,** 321, 322
of members of, **21,** 779; **25,** 818
articles of charge by member of, for removal of person holding office during good behaviour, **7,** 23
attendance, duty of members as to, **21,** 672
Attorney-General as prosecutor for, **7,** 74
ballot for precedence of private members' Bills, **21,** 675
bankrupt, incapacity of, to sit in, **2,** 88; **21,** 658
bar of, order to attend at, **21,** 790
behaviour of members in, rules for, **21,** 680, 681
Bill in, stages of, **21,** 663. *See* BILL IN PARLIAMENT.
blocking motions in, **21,** 669
Budget, **21,** 774, 775. *See* BUDGET.
business in, interruption of, usual time for, **21,** 673, 674

HOUSE OF COMMONS—*continued.*
business in—*continued.*
precedence of, **21,** 674, 675
private, when taken, **21,** 674, 675
procedure and conduct of, **21,** 663—672, 677
public, **21,** 677, 678
Cabinet in relation to, **7,** 39, 41, 43. *See* CABINET.
Canal Bills, nomination of committee for, **21,** 751
casting vote of Speaker or Chairman, **21,** 672, 683 n.
Chairman of Committees. *See also* CHAIRMAN.
casting vote of, **21,** 672
nomination of, **21,** 711
select committee, in case of, **21,** 683
Chiltern Hundreds, appointment to, of member of, **21,** 662
Church of Scotland, clergy of, incapacity to sit in, **21,** 657
civil servant, position as to membership of, **7,** 81, 82; **21,** 658
clergy's incapacity to sit in, **11,** 556, 559; **21,** 657
clerk of, appointment and duties of, **9,** 25; **21,** 667
assistant to, appointment and functions of, **9,** 25; **21,** 667
ex-officio commissioner of income tax, as, **16,** 615
signature of, for attendance of witnesses, **21,** 781 n.
Speaker, duty on election of, **21,** 693
closure, application of the, **21,** 670
committees of, appointment of, **21,** 665, 682—687, 711
audience of counsel before, **2,** 371; **21,** 683, 754
joint committee with House of Lords, **21,** 639, 640, 708, 752, 753
private Bills, on, **21,** 751
privileges of, **21,** 686, 687
procedure in, **21,** 753—756
Public Accounts, **21,** 684, 777
reports of, privileged, **21,** 784
select. *See* SELECT COMMITTEE.
standing. *See* standing committees of, *infra.*
whole House, of the. *See* whole House, *infra.*
Commons, Select Committee on, **21,** 685
composition of, **21,** 655
Consolidated Fund Bills, **21,** 775
contractor to Government, incapacity of, for membership of, **21,** 658
corrupt and illegal practices, disqualification for membership for, **12,** 484; **21,** 657
counsel's right of audience before, **2,** 371; **21,** 706 n., 747, 781
count of, effect of, **21,** 668
county court judge, disqualification for membership during continuance of office, **8,** 415; **21,** 661
Crown pensioner cannot sit in, **21,** 658
debate in, adjournment of, **21,** 679
in case of grave disorder, **21,** 681
closure of, **21,** 670, 671
at time for interruption of business, **21,** 673
member may speak once only, **21,** 679
order in, **21,** 679
publication of, **21,** 783
relevance in, **21,** 678—679
rules of, **21,** 678—680
deputy chairman, appointment of, **21,** 666
disorder in, power of Speaker in case of, **21,** 681
disqualification for membership of, **2,** 88; **21,** 655—661
penalty for sitting or voting after, **21,** 660 n.

HOUSE OF COMMONS—*continued.*
distribution of seats in the, **21,** 655 n.
divisions in, announcement of, procedure, **21,** 672
invalid, in regard to, **21,** 668
locking of doors during, **21,** 672
mode of taking, **21,** 671
vexatious, power of Speaker or Chairman in case of, **21,** 671
divorce Bills in the, procedure relating to, **9,** 24; **21,** 762
Dublin, corporation of, right of, to present petitions at bar of, **21,** 676
election court, report of, effect on membership, **12,** 519
election petition, action in regard to, **12,** 461—464. *See* ELECTION PETITION (Parliamentary).
election to, **12,** 257 *et seq.* *See* PARLIAMENTARY ELECTION.
estimates, consideration of, by, **21,** 768—771
supplementary, **21,** 769
etiquette of, **21,** 680, 681
excess grants, sanction for, **21,** 770
felony, conviction for, as disqualification for seat in, **9,** 429; **21,** 657 n.
finance, sole control over, **21,** 766, 792—796
Finance Bill, **21,** 775; **27,** 120. *See* BILL IN PARLIAMENT.
front benches, custom as to occupation of, **21,** 672
Government business in the, precedence of, **21,** 674
grant by, requiring the sanction of the Crown, **21,** 766, 767
special, **21,** 771
House of Lords, amendments by, procedure in relation to, **21,** 721, 722, 799
attendance at, election of Speaker, on, **21,** 694
meeting of a new Parliament, on, **21,** 695 n.
opening of Parliament, on, **21,** 692, 696
prorogation of Parliament, on, **21,** 700
communications with, **21,** 804—807
hybrid Bill in, **21,** 684, 703
impeachment by, **21,** 650—652
pardon not pleadable in bar of, **6,** 404
infant, disqualification of, for membership of, **17,** 47; **21,** 656
introduction of new member, **21,** 677 n., 691
journals of, **21,** 668
compilation of, **21,** 668
evidence, as, **13,** 527; **21,** 668 n.
printing spurious copies of, a felony, **9,** 737
judge of superior court, inability of, to sit in, **21,** 661
jurisdiction of, **9,** 24; **21,** 681, 682
jury service, exemption from, of member, **18,** 231; **21,** 780, 781
Kitchen and Refreshment Rooms Committee, **21,** 685
ladies' gallery, closing of, **21,** 785 n.
Local Legislation Committee, **21,** 752
London, City of, right of, to present petition at bar of, **20,** 423; **21,** 676; **25,** 797 n.
lunatic, disqualification of, for membership of, **21,** 656
member, vacation of seat, **21,** 656, 788
meeting of, time for, **21,** 673
procedure upon, **21,** 673
membership of, disqualifications for, **2,** 88; **21,** 655—661
ministry, resignation of, through adverse vote of, **7,** 48, 50; **21,** 618 n.

HOUSE OF COMMONS—*continued.*
money Bills, **21,** 776, 792—799. *See* BILL IN PARLIAMENT.
motions in, **21,** 668—670. *See also* adjournment of the House; debate, adjournment of, *supra.*
commencement of public business, at, **21,** 678
empowering chair to select amendments, **21,** 671
irregular, **21,** 669
notices of, **21,** 669, 670
personal charges, embodying, **21,** 669
procedure, **21,** 668, 669
subsequent to report of committee, **21,** 713
naming a member, **21,** 681
navy, officer in, as to qualification to sit in, **21,** 660; **25,** 93
new Parliament, proceedings at assembly of, **21,** 692 *et seq.*
Nonconformist, qualification of, for seat in, **11,** 811; **21,** 657 n.
Northstead, manor of, appointment to, of member of, **21,** 662 n.
oath of allegiance by member of, **6,** 343; **21,** 688, 689, 694
demise of Crown, after, **21,** 698
office of profit, acceptance of, effect on membership of, **7,** 40; **21,** 659, 660, 662
officers of, **9,** 25; **21,** 667
arrest, protection from, **21,** 781 n.
official receivers, disqualification of, for membership of, **2,** 99
opening of Parliament, procedure on, **21,** 695 *et seq.*
opposition in, benches occupied by, **21,** 672
order in, maintenance of, **21,** 678—680
Parliament Act, 1911, effect of, **21,** 722, 723
procedure under, **27,** 113
peer, disqualification of, for membership of, **21,** 656, 657; **22,** 270
Irish, qualification of, for membership of, **21,** 625; **22,** 270
right of, to vote at election for member of, **12,** 141; **22,** 270
personation, offence of, effect on membership, **12,** 528
petitions to, **21,** 685. *See* public petitions, *infra.*
prayers in, **11,** 652; **21,** 673
press gallery in, **21,** 783 n.
private Bill in, **21,** 751—765. *See* BILL IN PARLIAMENT.
private members' business, **21,** 674, 675
privileges of, **21,** 777, 787—791
breach of, punishment for, **9,** 25
claim of rights and, **21,** 694
colonies, granted to, powers as to, **10,** 536. *See* COLONIES.
Committee of, **21,** 686
enforcement of, **21,** 790, 791
money Bills, as to, **21,** 792—797
penalties, Bill imposing, as to, **21,** 797, 798
Speaker, duties of, as to, **21,** 664, 779 n.
procedure of, **21,** 663—672
committee, on going into, **21,** 665
first day of Parliament, on, **21,** 693
second day of Parliament, on, **21,** 694, 695
proceedings in, privilege as to, **18,** 683
publication of, without consent of, offence, **21,** 783, 784
progress, motion to report, **21,** 712, 713, 773
Public Accounts Committee, **21,** 684, 777

HOUSE OF COMMONS—*continued.*
public Bill in. *See* BILL IN PARLIAMENT.
public petitions, committee on, **21,** 676, 685
presentation of, procedure on, **21,** 675, 676
question put, judgment of the House obtained by, **21,** 668
questions in, **21,** 676, 677
quorum of, **21,** 668
railway and canal Bills, general committee on, **21,** 751
receiver, member of Parliament qualified to act as, **24,** 361
report stage of Bill. *See* REPORT STAGE.
retirement from membership of, methods of, **21,** 661, 662
revising barrister, incapacity of, for membership of, **12,** 218, 219
Roman Catholic layman qualified for seat in, **11,** 804, 805
Roman Catholic minister, disqualification of, for seat in, **21,** 657
salaries of members, **21,** 655
seat in, custom and usage as to securing particular, **21,** 672
Secretaries of State, limited number of, in, **7,** 39 n., 66
select committee of, **21,** 682—685. *See* SELECT COMMITTEE.
selection, committee of, **21,** 711
duties of, as to private Bills, **21,** 751, 752
Serjeant-at-arms of, **9,** 25, 26; **21,** 667
arrest, power of, **9,** 26; **21,** 790, 791
sessional orders, making of, **21,** 697
sheriff, exemption of member of House from serving as, **25,** 795, 796
position of, for membership of, **21,** 659 n.; **25,** 804
sittings of, **21,** 672—678
time and duration of, **21,** 673
Sovereign, access to the, **6,** 391; **21,** 785
Speaker of, **21,** 663—665. *See* SPEAKER.
deputy, **21,** 666
speech, freedom of, by members of, **1,** 13; **9,** 461; **18,** 683
standing committees of, **21,** 663, 682, 711, 712
closure in, **21,** 670, 671
powers of, **21,** 712
procedure in, **21,** 711, 712
standing orders, **21,** 743 *et seq.* *See* STANDING ORDERS.
select committee on, appointment and duties on, **21,** 743
strangers, admission of, to the, **21,** 784, 785
gallery, closing of, **21,** 785 n.
select committee, presence at, **21,** 683
supply, **21,** 768—776
committee of, **21,** 771, 772
interruption of business in, **21,** 773
order of votes, **21,** 773
procedure in, **21,** 772—774
resolutions in, **21,** 773
sittings of, **21,** 772, 773
days allotted to, **21,** 772
suspension of member, **21,** 681
tellers in division, **21,** 671
treason, conviction for, as disqualification for seat in, **21,** 657
Treasury Bench, occupants of, **21,** 672
under-Secretaries of State, number limited of, in, **7,** 39 n.
unopposed Bills, committee on, **21,** 751

HOUSE OF COMMONS—*continued.*
vacancies in, corrupt and illegal practices, member guilty of, **12,** 484; **21,** 657
death, on, **12,** 257; **21,** 662, 789
disqualification, through, **7,** 40; **21,** 655—661
election court, as result of report of, **12,** 519
expulsion, by, **21,** 787
how filled, **21,** 788, 789
personation, offence of, for, **12,** 528
votes, account, on, **21,** 769
credit, of, **21,** 770
votes and proceedings in, **21,** 667
voting in, **12,** 671, 672
Ways and Means, Chairman of, **21,** 666, 750. *See* CHAIRMAN.
committee of, **21,** 771, 772
procedure in, **21,** 774, 775
sittings of, **21,** 772
whole House, committee of the, **21,** 665, 712
chairman of, **21,** 666, 712
conduct of business in, **21,** 713, 714
money Bills, consideration of, in, **21,** 766
recommitment of Bill to, **21,** 715
removal from office, as to, **7,** 23
withdrawal of member by order of chair, **21,** 681
women, disqualification of, for membership, **21,** 655

HOUSE OF ILL-FAME. *See* BAWDY HOUSE; BROTHEL; DISORDERLY HOUSE.

HOUSE OF KEYS,
constitution of, **10,** 577
election of, **10,** 577
functions of, **10,** 578
Speaker of, attestation by, of promulgated Acts, **10,** 578

HOUSE OF LORDS,
address to Crown by, **21,** 619, 696—699, 802—804
King's Speech, in acknowledgment of, **21,** 696
trial of peer, on, **21,** 653
adjournment of, **21,** 635, 636, 699
alien, disqualification of, for membership of, **1,** 308; **21,** 622, 622 n., 623
amendment to Bill made by, acceptance of, by Commons, **21,** 798, 799
disagreement of Commons, effect of, **21,** 799
insistence by Lords, effect of, **21,** 799
appeal, court of, as, **9,** 22; **21,** 643—650. *See* HOUSE OF LORDS (Court of Appeal).
Attorney-General as prosecutor for, **7,** 74
bankrupt, incapacity of, to sit in, **2,** 88; **21,** 622, 622 n., 623, 623 n.
bar of, order to attend at, **21,** 790
Bill in, **21,** 708—710, 713—724. *See* BILL IN PARLIAMENT.
bishops as members of. *See* lords spiritual, *infra.*
Black Rod, Gentleman Usher of the, **9,** 24; **21,** 630, 631, 692, 790
Yeoman Usher of the, **21,** 631
business of, conduct and procedure, **21,** 628—634
division of, **21,** 632
order of, **21,** 635
precedence of, **21,** 632
casting vote, none in, **21,** 634
Chairman of Committees, appointment of, **21,** 630
duty of, on a division, **21,** 633, 634
procedure in absence of, **21,** 630
salary of, **21,** 630

HOUSE OF LORDS—*continued.*
Church of Ireland, bishops of, in, **11,** 373 n.
Clerk of the Parliaments, **9,** 24; **21,** 630, 631. *See* CLERK OF THE PARLIAMENTS.
assistant, appointment and removal of, **21,** 630, 631
clerks, various, in, **21,** 630 n.
committees of, appeal, of, **21,** 641, 642. *See* HOUSE OF LORDS (Court of Appeal).
evidence heard by, **21,** 708
joint committee with House of Commons, **21,** 639, 640, 708, 752, 753
journals, for, **21,** 641, 642
offices, of, **21,** 642, 643
private Bills, on, **21,** 639, 750. *See* BILL IN PARLIAMENT.
privileges, for, **21,** 641, 642; **22,** 278, 279
procedure in, **21,** 753—756
reports of, **21,** 784
secret committee, appointment of, **21,** 639
report of, **21,** 639
select, procedure of, **21,** 628, 637—639. *See* SELECT COMMITTEE.
selection, of, **21,** 641, 642
sessional, appointment of, **21,** 637, 638, 641
standing orders, for, **21,** 641, 642, 743, 744
whole House, of the, **21,** 628, 637, 643, 708, 709
composition of, **9,** 19; **21,** 619—628
contempt, powers as to, **9,** 21. *See* privileges. *infra.*
cross benches, members' occupation of, **21,** 624
Crown, consultation of, with, **7,** 6 n.
debate in, **21,** 636, 637
conduct of, **21,** 636, 637
order, maintenance of, **21,** 636
deputy Speakers in, **21,** 629, 630
divisions in, Lord Chancellor, in regard to vote of, **21,** 629
procedure, **21,** 633, 634
divorce Bill in, **21,** 761, 762
procedure in regard to, **9,** 20; **21,** 762
examiner of standing orders, functions of, **21,** 740—743
Gentleman Usher of the Black Rod as officer of, **9,** 24; **21,** 630, 631, 631 n.
House of Commons, attendance of, **21,** 692, 696. *See* HOUSE OF COMMONS.
communications with, **21,** 804—807
impeachment before, **9,** 19; **21,** 650—652. *See* IMPEACHMENT (Parliamentary).
infant, incapacity of, for membership of, **17,** 47; **21,** 623
Irish peers in, **21,** 626, 627
election of, powers as to, **9,** 21
journals of, committee for the, **21,** 642
compilation of, **21,** 631
evidence, as, **13,** 527
printing spurious copies of, a felony, **9,** 737
judges, attendance of, in what cases, **7,** 73; **9,** 23
judgment in, **21,** 649, 650. *See* HOUSE OF LORDS (Court of Appeal).
impeachment, on, **21,** 652
trial of peer, on, **21,** 654
judicial functions of, **21,** 643—654. *See* HOUSE OF LORDS (Court of Appeal).
jurisdiction, original, of, **9,** 19—21; **21,** 650—654
King's Speech in, **21,** 696
law officers, attendance of, in what case, **7,** 73
Lord Chancellor, duties of, **7,** 58, 59; **21,** 629, 635 n. *See* LORD CHANCELLOR.

HOUSE OF LORDS—*continued.*
Lord Keeper. *See* LORD CHANCELLOR.
lords of appeal in ordinary as members of, **9,** 23; **21,** 628
lords spiritual, avoidance of sees of, effect of, **21,** 620, 620 n.
introduction of, to, **21,** 691
judges at trial of peers, as, **21,** 621
lords of Parliament, as, **11,** 387, 388, 403, 404; **21,** 619—622; **22,** 262
number of, **21,** 620
prayers read by, **21,** 622, 635
privileges of, **21,** 621
resignation of, effect of, **21,** 620
trial by nobility, not entitled to, **21,** 621
lords temporal, **21,** 622, 628
classes of, **21,** 622
introduction of, to, **21,** 689
judicial functions of the House, rights in regard to, **9,** 23
lords of appeal in ordinary as, **21,** 628
peers, hereditary, United Kingdom, of, **21,** 622—624
minutes of proceedings, printing of, **21,** 632
money Bills, as to, position of, **21,** 776, 792—797; **27,** 113. *See* BILL IN PARLIAMENT.
motions in, **21,** 632, 633
committee, to go into, **21,** 709
Nonconformist, capacity of, to sit in, **11,** 811
notices in, **21,** 632
oath of allegiance after demise of Crown, **21,** 698
officers of, **9,** 23, 24; **21,** 629—631
permanent, **21,** 630, 631
protection of, **21,** 781 n.
order in, maintenance of, **7,** 59; **21,** 636
orders of the day, **21,** 632, 633
parliamentary franchise, incapacity of peers to exercise, **12,** 140
peerage claims, determination of, by, **7,** 73, 74; **9,** 20; **21,** 786; **22,** 277—282. *See* PEERAGE.
peers of. *See* lords, *supra*; PEER; PEERAGE.
petition, peer presenting, right of, to address the House, **21,** 635 n.
prayers in, **21,** 622, 635
precedence and place in, **21,** 624
Prince of Wales, introduction of, into the, **21,** 691
privileges of, **21,** 785, 786
breaches of, **9,** 21 n.; **21,** 783
enforcement of, **9,** 21; **21,** 790
procedure of, **21,** 628—634. *See* business, *supra.*
opening of Parliament, on, **21,** 692, 695, 696
protests in, **21,** 634
proxy, voting by, **21,** 786
publication of proceedings of, **21,** 783, 784
privilege as regards, **18,** 698
putting the question in, **21,** 633
questions in, **21,** 628, 632
quorum of, **21,** 632
reading clerk in, **21,** 630, 631, 631 n.
report stage of Bill. *See* REPORT STAGE.
Roman Catholic, capacity of, to sit in, **11,** 804
royal peer, introduction of, into the, **21,** 691
Scottish peers in, **21,** 626, 627
election of, powers as to, **9,** 21
roll of, **21,** 625
Serjeant-at-arms as officer of, **21,** 630, 631
sittings of, **21,** 635, 636
days for, **21,** 635
Speakers in, appointment of, **21,** 629, 630

HOUSE OF LORDS—*continued.*
standing orders in, **21,** 628, 740. *See* STANDING ORDERS.
strangers in, **21,** 635 n., 784, 785
trial of
peer for treason, felony etc., procedure, **9,** 19; **21,** 653, 654
Queen Consort for treason by, **6,** 366, 367
voting by proxy discontinued, **21,** 786
Yeoman Usher of the Black Rod as officer of, **21,** 631

HOUSE OF LORDS (COURT OF APPEAL),
Admiralty, appeal from Admiralty Court to, **1,** 63, 126
nautical assessors in case of, **21,** 648
appendix to case, **21,** 644
arbitration, appeal from order as to, **1,** 481
bankruptcy appeals, **2,** 304
certificate by counsel of reasonableness of appeal, **2,** 379
certiorari granted in, **10,** 187
commune forum of United Kingdom, **13,** 485; **27,** 126 n.
composition of, **9,** 22, 23
costs in, **21,** 650 n.; **26,** 767
security for, **21,** 645, 646
counsel in, **2,** 370, 417
county court, appeals from, **2,** 303; **5,** 550; **8,** 609
criminal appeals to, **9,** 221, 433
hearing in, **21,** 649
interpretation of law, function as to, **27,** 126
Irish law judicially noticed by, **13,** 485
judges of, *defined,* **9,** 22, 23
appointment of, **9,** 23
pension of, **9,** 23
qualification for, **9,** 23
salary of, **9,** 23
tenure of office of, **9,** 23
judges of Supreme Court as assistants of, **9,** 23; **21,** 647, 648
judgment in, authority of, **18,** 210
delivery of, **21,** 649, 650
proof of, **13,** 551
jurisdiction, **9,** 22; **21,** 643—650
lay peers, position of, **9,** 23
lords of appeal in ordinary as members of, **9,** 23; **21,** 628
matrimonial appeals, **16,** 558
petition of appeal, signature of, by counsel, **2,** 378
lodgment of appeal, procedure on, **21,** 643, 644
Railway and Canal Commission, appeal from, **23,** 763, 764
revenue cases, appeal in, **24,** 586
salvage reward, appeal in respect of, **26,** 581, 582
Scottish law judicially noticed by, **13,** 485
sittings when Parliament is dissolved or prorogued, **9,** 22
time for appeal, **21,** 643
winding up appeals, **5,** 550
Workmen's Compensation Act, appeal under, **20,** 240

HOUSE OF RESIDENCE,
curate, residence of, when required by bishop, **11,** 641
dilapidations in. *See* ECCLESIASTICAL DILAPIDATIONS
charges created for repairing, **11,** 759
prevention of, **11,** 767, 767 n.

HOUSE OF RESIDENCE—*continued.*
erection of, loan for, **11,** 758, 759
expenditure on, charges authorised for purpose of, **11,** 759, 760
mortgage by incumbent to pay, **11,** 755—759
fixtures, grants from Queen Anne's Bounty for, **11,** 782
glebe lands, sale of, for benefit of, **11,** 767
incumbent, licence of bishop to, to reside out of, **11,** 610, 611
provided for, **11,** 610, 611, 622, 640
insurance of, obligation of incumbent as to, **11,** 772, 773
land, grant of, for, **11,** 725, 755
sale of, for, **11,** 723
loan for erection of, **11,** 758, 759
mortgage, default in payment of, sequestration in case of, **11,** 622
new, provision of, sale of old, by, **11,** 754
possession, delivery of, bishop's enforcement of how effected, **11,** 623
in what cases, **11,** 623
rates and taxes due on, **11,** 623
provision of, before consecration of church, **11,** 720, 754
purchase of, facilities for, **11,** 754
surplus pew rents used for, **11,** 788
site, purchase of, for, **11,** 754
use, proper, incumbent, by, **11,** 754
widow, continuance of occupation by, **11,** 627

HOUSEBREAKING,
defined, **9,** 672, 673
entering for purpose of, **9,** 673
felony, as, **9,** 673
implement of, *defined,* **9,** 675 n.
possession by night of, **9,** 675
rogue and vagabond, by, possession of, **22,** 612
sacrilege in case of, **9,** 675
trespass, action for, in respect of, **27,** 846

HOUSEHOLD,
effects, will, in, *defined,* **28,** 711
franchise. *See* HOUSEHOLD FRANCHISE.
furniture, *defined,* **28,** 711
bill of sale on, effect of, **3,** 60
effects, and, will, in, **28,** 711
goods, *defined,* **28,** 711
passenger's luggage, as, railway company not liable to carry, **4,** 41
royal. *See* ROYAL, household.

HOUSEHOLD FRANCHISE, 12, 163—174
bankruptcy of occupier, effect of, **12,** 167 n.
college rooms, in case of occupation of, **12,** 164 n.
dwelling-house, in relation to, **12,** 163 *et seq.*
eleemosynary occupation, in case of, **12,** 166
flat, in case of occupation of, **12,** 168
imprisonment of occupier, effect of, **12,** 164, 165 n.
inhabitancy for purpose of, **12,** 164, 165
inhabitant occupier, in case of, **12,** 163—172
interest in qualifying property, in case of, **12,** 166
joint occupation, in case of, **12,** 167
lodger, distinction between, and inhabitant occupier, **12,** 165, 168, 169
position of, with regard to, **12,** 165
lunatic asylum, effect of absence of occupier in, **12,** 164
military service, effect of absence of occupier on, **12,** 165 n.
nature of, **12,** 163

HOUSEHOLD FRANCHISE—*continued.*
part of a house, in case of, **12,** 168
proof of tenancy agreement, when necessary, **12,** 166, 167
rating for purpose of, **12,** 170—172.
house exempt from rating, effect of, **12,** 171
payment of rates necessary, **12,** 171, 172
successive occupiers, **12,** 171
requisites for, **12,** 163, 166, 169
service franchise, **12,** 163, 172—174. *See* SERVICE FRANCHISE.
successive occupation, in case of, **12,** 165, 171
sufferance, tenant by, in case of, **12,** 167
trustees, in case of occupation as, **12,** 166
will, tenant at, in case of, **12,** 167

HOUSING OF WORKING CLASSES,
acquisition of land for, **23,** 538
compensation on, **23,** 533, 543, 544
compulsory purchase, by. *See* compulsory purchase, *infra.*
additional accommodation, provision of, **23,** 540
arbitration with reference to, **1,** 492; **6,** 163—166
borrowing powers in respect of, additional accommodation for, **23,** 540
local authority, of, **23,** 536, 541
metropolis, in, **20,** 444; **23,** 535, 541
Public Works Loans Board, from, **21,** 59 n.; **23,** 538, 541, 542
town planning scheme, for, **23,** 526, 527
bye-laws in respect of, **23,** 539, 548
capital money under Settled Land Acts, application of, for, **18,** 286; **25,** 648
charitable purpose, gift of land as, **4,** 139
closing order, **23,** 527—529. *See* CLOSING ORDER.
determination of, **23,** 529
duty of local authority and its officers as to, **23,** 527, 528
notice of, occupiers of premises affected, to, **23,** 529
owner of dwelling-house, to, **23,** 529
underground room, in respect of, **23,** 529
compulsory purchase of land for, **6,** 163—166; **23,** 533, 539, 544, 546—548
compensation on, **6,** 164—166; **23,** 544, 547
monument site exempt from, **21,** 605; **23,** 534 n., 547 n.
open space exempt from, **21,** 580; **23,** 547 n.
railway company's land exempt from, **23,** 547 n., 623 n.
royal palace or park, near, **21,** 583
unhealthy area, in, **6,** 164, 165; **23,** 544
village green exempt from, **21,** 584
co-operative society's powers in respect of, **17,** 6
county council's duties and powers in respect of, **23,** 536—538, 541
county court jurisdiction in respect of, **8,** 656
day, for purposes of, *defined,* **27,** 440 n.
demolition order, **23,** 530, 531. *See* DEMOLITION.
dwelling, *defined,* **6,** 20
highway, dedication as, of land acquired for purposes of, **16,** 94
Home Secretary's powers in relation to, **7,** 85
house, *defined,* **6,** 20
houses for purpose of, compulsory purchase of, **21,** 738
improvement under Settled Land Acts, as, **18,** 286; **25,** 644
lease of house for, implied conditions in, **18,** 503, 504
local authority's powers as to, **23,** 536—540

HOUSING OF WORKING CLASSES—*continued.*
Local Government Board in relation to, **23,** 426, 537—541, 547, 548
lodging-house. *See* LODGING-HOUSE.
metropolis, in, **20,** 395, 396, 481, 482; **23,** 536, 537
borrowing powers in respect of, **20,** 444; **23,** 535, 541
obstructive building, *defined,* **23,** 531
removal of, **23,** 531—533
Public Works Loans Board, loan by, for purpose of, **23,** 538, 541, 542
railway company, by, **23,** 540
reconstruction schemes for, **23,** 533—535
rehousing of displaced working classes, **6,** 20, 21 **12,** 569 n.
removal of obstructive buildings, **23,** 531—533
settled land, lease of, for, **23,** 538; **25,** 654 n.
sale of, for, **23,** 538; **25,** 652, 653
statutory power for, **23,** 536
town planning scheme, **23,** 523—527. *See* TOWN PLANNING SCHEME.
unhealthy areas, **6,** 164; **23,** 516—523. *See* UNHEALTHY AREA.
working class, *defined,* **6,** 20; **23,** 538 n.

HOVE-TO,
duty of vessel, **26,** 432, 433, 493

HOWE v. DARTMOUTH,
rule in, **14,** 282; **25,** 611; **28,** 31, 129, 528
application of, **14,** 283; **25,** 611; **28,** 31, 129, 528
exclusion of, **14,** 283; **28,** 31, 129, 529
income-producing property, adjustment in case of, **14,** 284; **28,** 33
reversionary property, adjustment in case of, **14,** 284; **28,** 33

HOYMEN,
common carriers, as, **4,** 3

HUE AND CRY,
common law process of, **9,** 300 n., 304 n.
pursuit of felon, **9,** 300 n., 304 n.
sheriff's duty to raise, **9,** 300 n.; **25,** 811
statutes relating to, **9,** 300 n.

HULL,
Kingston-upon-Hull. *See* KINGSTON-UPON-HULL.
port of, usages of, **10,** 292

HUMAN REMAINS. *See* CORPSE; DISINTERMENT OF BODY.

HUMBER,
local rules of navigation, **26,** 481

HUNDRED,
constable, appointment and duties of, **22,** 463
court. *See* HUNDRED COURT.
rate for repair of bridges and roads, **24,** 77
separation from county, sheriff's duties as to, **25,** 798 n.
service of writ on inhabitants of a, **23,** 116

HUNDRED COURT,
distress for suit to, **11,** 118 n.
ecclesiastical authority, as, **11,** 499
generally, **9,** 214
jurisdiction of, **9,** 214

HUNDRED COURT—*continued.*
pre-Norman times, in, **9,** 214 n. ; **11,** 499
record of proceedings in, **10,** 168 n.
surrender to the Crown, by, discontinuance of, **8,** 412

HUNDREDGEMOT,
hundred court, subsequently known as, **9,** 214 n.

HUNTING,
captive wild animal, not ill-treatment, **1,** 410
deer, gamekeeper's right to interfere with, **15,** 243 n., 245
hounds, with, game licence not required for, **15,** 249, 262
penalty for unlawfully, **1,** 371
trespass, right to, in course of, **15,** 230
dog licence not required for, when, **1,** 404
game licence not required for, **1,** 404
royal forests, in, **7,** 188
trespass in case of, **1,** 368 ; **15,** 213 ; **27,** 861

HUNTINGDON,
high sheriff, appointment of, for, **25,** 793
jury service, relief after, in, **18,** 265, 266
local court of, **9,** 168

HUNTSMAN,
menial servant, as, **20,** 71
usages of, **10,** 289

HUSBAND.
The title HUSBAND AND WIFE *is contained in Vol. XVI., pp.* 265 *et seq. See also* WIFE ; *and, as to matters relating to husband and wife jointly, see* HUSBAND AND WIFE.
acknowledged deed of wife, concurrence in, dispensed with, when, **16,** 384—386
necessary, when, **16,** 381
administration of deceased wife's estate by, **14,** 183, 184, 186
adultery, **16,** 477—479. *See* ADULTERY.
after-acquired property, effect on, of covenant by, **25,** 555
alimony. *See* ALIMONY.
ante-nuptial contracts, debts, and torts of wife, liability in respect of, **16,** 407—411
arbitration with wife, **1,** 444 ; **16,** 331
assault by, wife, in defence of, **9,** 609 ; **27,** 875
on, **9,** 608 ; **16,** 596
bankruptcy of. *See* BANKRUPTCY.
bankruptcy petition by, against wife, **2,** 37
bill of exchange accepted by wife, liability on, **2,** 485 ; **16,** 418
bond of, to secure wife's costs in Divorce Division, **16,** 524, 583
breach of trust by wife, liability for, **16,** 439 ; **28,** 186
burial of wife, liability for, **3,** 405, 407 ; **16,** 320
charge created by, priority over dower, **24,** 194
chattels
personal of wife, rights in respect of, **16,** 325, 326, 376
real of wife, rights in respect of, **16,** 323, 324, 376 ; **24,** 300, 301
cheque signed by wife, liability on, **16,** 418
choses in action, wife's non-separate, rights in respect of, **16,** 326—334, 377. *See* CHOSE IN ACTION.
coercion, presumption of, by, **9,** 244 ; **16,** 436
collusion by, **16,** 487, 489. *See* COLLUSION.

HUSBAND—*continued.*
condonation of matrimonial offence by, **16,** 489—491. *See* CONDONATION.
conduct of, conducing to adultery of wife, effect of, **16,** 493, 494
justification for wife leaving him, as, **16,** 426
legitimacy of child, as evidence of, **2,** 430
connivance by, **16,** 487, 488. *See* CONNIVANCE.
consortium, right of, **16,** 318—320. *See* CONSORTIUM.
contempt of court, failing to give security for wife's costs as, **7,** 300
contingent interest of wife, rights in, **16,** 324, 325
contract by wife with, **16,** 432—434
contract for separation, **7,** 396 ; **16,** 439—452. *See* SEPARATION.
contract of wife, liability in respect of, **16,** 408—411
conversion of goods by wife, liability in respect of, **16,** 436 n. ; **27,** 897 n.
conveyance of land by, to wife, or by wife to, **15,** 399, 400 ; **16,** 391, 392
copyholds of wife, rights in respect of, **8,** 96, 108 ; **16,** 323, 376
costs in matrimonial proceedings, **16,** 547—552, 580—584. *See* DIVORCE DIVISION PRACTICE.
creditor of, leaseholds of wife, rights as to, **16,** 325
policy effected by husband with intent to defraud, **16,** 401
seizing goods of wife after protection order, **16,** 347
settlement between husband and wife supported against, when, **15,** 79 ; **16,** 338
criminal liability of, for wife's crime, **1,** 217, 218 ; **9,** 401, 402 ; **16,** 435
cruelty to wife by, **16,** 473—477. *See* CRUELTY.
damages in divorce proceedings by. *See* DAMAGES.
debt of, acknowledgment by wife, **16,** 420
paraphernalia subject to, **16,** 356, 357
set-off in case of, **25,** 499
wife's property liable for, **16,** 390
declaration of trust by, in favour of wife, **16,** 393, 394
defamation by wife, liability for, **18,** 617, 618
desertion of wife by, **16,** 481—484. *See* DESERTION.
dissolution of marriage. *See* DIVORCE ; DIVORCE DIVISION PRACTICE.
distress for rent by, in right of wife, **11,** 129
enticing wife away from, action for, by, **16,** 318
equitable estates and interests of wife, rights in respect of, **13,** 94 n., 96 n. ; **16,** 324 ; **24,** 298
equity of exoneration in relation to, **16,** 405—407
equity to a settlement against, **16,** 334—341. *See* EQUITY TO A SETTLEMENT.
evidence of, criminal proceedings, in, **9,** 405—407 ; **13,** 462, 570
fatal accident to wife, action for negligence, **21,** 457
funeral expenses of wife, liability for, **3,** 407 ; **16,** 320
gift by, to wife, **15,** 399 ; **16,** 392—399
chattels, of, necessity for delivery or deed, **16,** 393
chattels in wife's exclusive possession, **16,** 395
declaration of trust, by, **16,** 393
expenditure by husband on improvements on wife's property, effect of, **17,** 396

HUSBAND—*continued.*
gift by—*continued.*
fraud of creditors, in, invalidity, **16,** 399
presumption of, **16,** 394, 395, 396
gift to, by wife, **15,** 399; **16,** 392—399
no presumption, **16,** 396, 397
receipt by husband of wife's capital, effect of, **16,** 398
receipt by husband of wife's income, effect of, **16,** 397
habeas corpus by, custody of wife, to regain, **10,** 54
implied authority to wife, **16,** 417—432. *See* IMPLIED AUTHORITY.
impotence of, remedy of wife in case of, **16,** 470—472
incestuous adultery by, **16,** 480
inheritance, wife's estates of, rights in respect of, **16,** 322, 323
injunction against, in respect of wife's separate property, **17,** 268, 269
insurable interest of, in wife's life, **17,** 544, 545
insurable interest of wife in life of, **17,** 544, 545
interpleader in case of claim by, against banker, **17,** 587
intestacy of, widow's rights on, **11,** 16—18
investment by wife of money of, **16,** 404
judicial separation. *See* JUDICIAL SEPARATION.
larceny of wife's property by, **9,** 634
lease by, wife's land under the Settled Estates Act, of, **18,** 354; **25,** 676
lien of, incumbrances on wife's separate estate, for paying off, **16,** 403
premiums on wife's policy, for paying, **16,** 399
purchase money of wife's property, for paying, **15,** 417; **16,** 404
life estates of wife, rights in respect of, **16,** 322, 323
life insurance, Married Women's Property Acts, under, **16,** 399—401
premium on wife's, paid by, **16,** 399, 401
loan by wife to, effect of, **16,** 434, 435
lunacy of, position of wife in proceedings as to, **19,** 416, 417
maintenance of wife by, **16,** 316—318. *See* MAINTENANCE OF PERSONS.
maternity benefit under National Insurance Act, duty as to, **28,** 957
necessaries of wife, liability for, **16,** 420—428
non-separate property of wife, rights in respect of, **16,** 322—341, 376, 377
paraphernalia, rights in respect of, **14,** 220; **16,** 355—357. *See* PARAPHERNALIA.
parish relief to wife, liability for, **16,** 317; **22,** 573, 574
permanent alimony, **16,** 563, 564. *See* ALIMONY.
pin money, payment of, by, **16,** 357, 358. *See* PIN MONEY.
power of appointment, wife, by, to, **16,** 387
wife, to, by, **16,** 388
proceedings by wife against, **16,** 459—462
protection order against, **16,** 501, 502. *See* PROTECTION ORDER.
ratification by, of contract of wife, **16,** 431, 432
receiver of property stolen by wife, as, **9,** 679
restitution of conjugal rights to. *See* RESTITUTION OF CONJUGAL RIGHTS.
savings of wife, rights in respect of, **16,** 358, 359
security for costs in matrimonial proceedings, **16,** 523—525. *See* DIVORCE DIVISION PRACTICE.

HUSBAND—*continued.*
separate property of wife, rights in respect of, **16,** 341—353, 377—381. *See* SEPARATE PROPERTY OF MARRIED WOMAN.
settlement of property of wife in fault on, in matrimonial cause, **16,** 569, 570
shareholder, of, petition by, **5,** 402
shares in wife's name, not liable as contributory for, **16,** 419
summary proceedings by wife against, **16,** 596—604. *See* SUMMARY JURISDICTION (Married Women).
torts of wife, liability for, **16,** 437, 438; **27,** 487
trespass, cannot sue wife in, **16,** 460; **27,** 848 n.
trustee for wife, deemed to be, **16,** 341—345, 402—404; **28,** 61
unnatural offence by, remedy of wife in case of, **16,** 477
variation of settlements, **16,** 571—576. *See* VARIATION OF SETTLEMENTS.
wife as
agent for, **16,** 417—431. *See* IMPLIED AUTHORITY.
surety for, **15,** 541
charge on wife's property, **16,** 405, 406
duress as avoiding guarantee, **15,** 450; **16,** 392 n., 396 n.
witness against wife, as, **9,** 388, 405, 406

HUSBAND AND WIFE.
The title HUSBAND AND WIFE *is contained in Vol. XVI., pp.* 265 *et seq.*
NOTE.—*Only matters which concern husband and wife jointly are dealt with under this heading.*
action against, antenuptial debts of wife, for, **16,** 410
libel and slander, in respect of, **18,** 614
tort of wife for, **16,** 436—439
action by, ante-nuptial choses in action of wife, in respect of, **16,** 329
equity, in, effect of decree, **16,** 330
joinder of, **8,** 458; **16,** 454; **22,** 444
libel and slander, in respect of, **18,** 614
money received for use of wife, in respect of, **16,** 330
claims by or against, **8,** 458; **16,** 454; **22,** 444
common law doctrine as to, **16,** 321, 322
conspiracy by, **9,** 264; **16,** 436
contract by, **16,** 415, 416, 432, 434
conveyance to, effect of, **16,** 354, 355; **25,** 420
copyhold surrender to, before 1883, effect of, **8,** 108; **16,** 354
counterclaim by, **25,** 505
covenant by, to settle future property of wife, **25,** 555, 556
current account in names of, effect of, **16,** 395
discovery against, **16,** 454
friendly society shares in names of, **15,** 147
gift to, effect of, **16,** 354
personalty, of, effect of, **16,** 327, 336, 354
income tax, assessment of, **16,** 675, 676
injunction against, breach of, by wife, **17,** 294
investment in names of, presumption of gift to wife, **15,** 415; **16,** 394
joinder of claims in case of, **16,** 454; **22,** 444
limitation of estate to, effect of, **16,** 354, 355
misrepresentation by wife, liability for, **16,** 438
mortgage by, effect of, **16,** 406; **24,** 511
service of writ on, **16,** 454
surety for purchase by, sale to one only, effect, **15,** 481

HUSBAND AND WIFE—*continued.*
torts of wife, liability for, **16,** 436—438; **27,** 487
workhouse, admitted to, provisions as to, **22,** 560

HUSBAND OF QUEEN REGNANT,
privileges and liabilities of, **6,** 367

HUSBANDLIKE MANNER,
cultivation of land or farm in, **1,** 243, 244, 246, 251; **18,** 563, 564

HUSBANDRY. *See* AGRICULTURE.
instruments of, conditional privilege of, **11,** 142
servants in, hiring, duration of, **20,** 92

HUSTING, COURT OF,
Great Yarmouth, of, **9,** 164
Lincoln, formerly held at, **9,** 178
London, **9,** 176, 177; **20,** 424
Lyme Regis, **9,** 179
Norwich Guildhall Court as, **9,** 186
Oxford, at, **9,** 189
York, abeyance, in, **9,** 214

HYBRID BILL,
defined, **21,** 703. *See* BILL IN PARLIAMENT.
Bill relating to Crown property introduced as a, **21,** 703 n.
select committee of the House of Commons on, **21,** 684

HYDRANT, 16, 259; **28,** 304. *See* FIRE-PLUG.

HYDRAULIC PRESSURE,
supply for, metropolis, in, **28,** 344

HYDROMETER,
Sykes', provision for use of, **18,** 151, 153; **28,** 493

HYDROPATHIC INSTITUTION,
inhabited house duty, rate of, **17,** 186 n.

HYMN,
interpolation of, at service, **11,** 659

HYPOCRISY,
charge of, defamatory statement, as, **18,** 623

HYPOTHEC,
loss of, through laches of creditor, liability of surety where, **15,** 558 n.

HYPOTHECATION,
cargo, of, **26,** 240. *See* CARGO.
goods, of, to banker, **1,** 638
letter of, with goods, not a bill of sale, **3,** 7 n., 18
ship, of, master's authority as to, **26,** 69—71

HYPOTHETICAL TENANT,
rating purposes, for, **24,** 26, 33

HYTHE,
Cinque Ports, one of the, **9,** 127 n.
justices of, jurisdiction of, **19,** 541 n.
licensing powers of, **18,** 35
local court of, **9,** 168

I.O.U.,
account stated, evidence of, **2,** 575; **7,** 492; **21** 50 n.
donatio mortis causâ, inoperative as, **15,** 433
loan, is no evidence of, **2,** 575; **21,** 50 n.
no stamp necessary on, **2,** 575; **7,** 537

ICE,
charterer, protection of, **26,** 132
collision with, charterparty as to, **26,** 95, 96
floor or staircase, on, negligence in case of, **4,** 49
peril insured against, as, **17,** 436 n.
profit à prendre, in relation to, **11,** 337
protection of, in public pleasure-ground, **21,** 589, 590
ship strengthened to encounter, **26,** 215

ICE CREAM,
address of maker of, to be exhibited by vendor, **15,** 71
exposure to contamination of, by dealer etc., **15,** 70, 71
London County Council control over, **15,** 70, 71; **20,** 398
manufacture or sale of, **15,** 70, 71; **20,** 398
notification of infectious disease on premises used for, **15,** 71
penalty for offence in respect of, **15,** 71
vendor of, not a purveyor of milk, **15,** 64 n., 70

ICELAND,
sea fishing off, regulations as to, **14,** 635

ID CERTUM EST QUOD CERTUM REDDI POTEST,
application of maxim, specific performance, to, **27,** 24
wills, to, **28,** 679, 680

IDEAS,
copyright in, **8,** 143

IDENTIFICATION. *See* IDENTITY.
bill of sale affidavit, in, **3,** 49
candidate, of, in nomination paper, **12,** 274
contract, parties to, of, **7,** 335, 354, 355, 370, 372 n., 524; **27,** 24, 25
criminal cases, in, **13,** 447, 451
deeds, persons or objects in, of, **10,** 448, 451
document, of, sale of goods memorandum, in, **25,** 134
written agreement, in, **7,** 525
driver guilty of negligence, of, with plaintiff, **4,** 46 n.; **21,** 452
evidence as to, **13,** 447, 451, 480, 482, 607
executor, of, in applications for probate, **14,** 166
exhumation for, **3,** 554; **11,** 542
fugitive criminal, of, **14,** 412
gifts to institution incapable of, *cy-près* doctrine, **4,** 156, 191, 192
goods incapable of, delivery from ship of, **26,** 270
distress upon, **11,** 138
mark on motor car. *See* IDENTIFICATION MARK.
matrimonial causes, in, **16,** 533, 534
money incapable of, distress upon, **11,** 138
pawnticket lost or stolen, of owner of, **22,** 253
photographs admitted in proof of, when, **13,** 482 565, 607; **16,** 533 n.
plans, of, in agreements, **3,** 139

IDENTIFICATION—*continued.*
prisoners, of, statutory regulations for, **23,** 239, 245, 246
witnesses, by, **13,** 447, 482
reputation in proof of, **13,** 480
ships, of, **26,** 11, 16
specific performance, in relation to, **20,** 547; **27,** 24—26
testator, of, in applications for probate, **14,** 166
voter, of, list of voters, for, **12,** 233
wills, in, donee, of, **28,** 650, 651, 689
evidence for the purpose of, **28,** 637—646
evidence of testator's instructions, **23,** 650
land in a particular parish, **28,** 640 n.
witness may state opinion in matters of, **13,** 482, 607

IDENTIFICATION MARK,
motor-car, for, **27,** 317—320
forgery of, **9,** 761 n.; **27,** 320
illumination of, **27,** 318, 319
Local Government Board regulations as to, **27,** 327
manufacturer or dealer, assigned to, **27,** 319
register of, **27,** 319

IDENTITY. *See* IDENTIFICATION.
invention, of, prior use of art, in regard to, **22,** 145
land, of, condition of sale, **3,** 139; **25,** 328, 424
mistake as to, party, of, **7,** 354, 355; **21,** 5—7
parcels, of, **18,** 411; **25,** 328, 424
patent, of, no infringement without, **22,** 213, 214
personal, proof of, **13,** 447
subject-matter, of, mistake as to, **7,** 355; **21,** 6

IDIOT. *See* IMBECILE.
defined, **6,** 475 n.; **19,** 394
care of, Crown, by, **6,** 475, 476
institution, in, **19,** 526
carnal knowledge of female, **9,** 612—614
deaf and dumb person presumed to be, when, **6,** 475 n.; **19,** 394, 395, 403
death of, registered institution, in, **19,** 527
epileptic child distinguished from, **12,** 41
gas undertaking, shareholder in, **15,** 365 n.
gift by, void, **15,** 403
immigrant, undesirable, as, **1,** 305
juror, as, disqualified, **18,** 230
Lands Clauses Acts, in case of sale under, **6,** 57, 58
Lunacy Acts, provisions in, not applicable to, **19,** 526
lunatic distinguished from, **6,** 475 n.; **19,** 395, 407, 526 n.
marriage settlement by, effect of, **25,** 559
pauper, cost of burial of, **3,** 542
poor law guardians' powers as to, **12,** 83; **19,** 527
presumptions as to, **19,** 394, 407
registered institution for care of, **19,** 526, 527
status of person detained as, **19,** 395
voter, as, common law incapacity of, **12,** 140
will of, invalidity of, **19,** 403; **28,** 532
witness, as, incompetency of, **9,** 400; **13,** 569

IDLE AND DISORDERLY PERSON,
defined, **22,** 607—609
punishment of, **22,** 609

IGNORANCE,
acquiescence incompatible with, **12,** 169; **13,** 168; **15,** 113
building contract, particulars of, excuse as to, **3,** 192

IGNORANCE—*continued.*
company director, of, requirements for prospectus, as to, **5,** 125
concealment is not, **17,** 298 n.
condition to gift by will, of, effect of, **13,** 153; **28,** 592
contempt of court, no excuse to publisher for, **23,** 223
contract founded on, **7,** 355; **27,** 41
fact, of, as defence, **9,** 236
judge protected by, where, **23,** 330
recovery of money paid in, **15,** 155, 509; **21,** 30
family arrangements, in relation to, **14,** 550
law, of. *See* IGNORANCE OF LAW.
medical practitioner, of, liability for, **20,** 331, 332
unqualified, of, **20,** 335
misrepresentation founded on, when fraudulent, **20,** 688
mistake due to, relief for, **21,** 16
money paid in, recovery of, **15,** 155, 509; **21,** 30
surety, by, **15,** 509
name and arms clauses, failure to comply with, through, **25,** 699
remedy, of nature of, when affecting ratification or acquiescence, **13,** 170; **15,** 114
Statutes of Limitation, as to, **13,** 170 n.
title, of, may prevent estoppel by acquiescence, **13,** 168
tortious act by servant through, effect of, **20,** 277
trade name infringed in, **27,** 773 n.
trespass to goods, no defence to action for, **27,** 870

IGNORANCE OF LAW,
application of the principle, **27,** 114, 194, 195
defence, as, **9,** 238; **27,** 194
irrebuttable presumption as to, **13,** 499
private right, as to, **21,** 4
relief in case of, when granted, **21,** 4
statutes, as to, **27,** 114

IGNORANTIA FACTI EXCUSAT,
judge protected by rule, **23,** 330. *See also* IGNORANCE.

ILL OPINION,
statement causing, action as to, **18,** 619

ILL-TREATMENT. *See* CRUELTY.
animals, of, **1,** 409—419
apprentice, of, **20,** 106; **27,** 876
child, of, **9,** 623—626; **17,** 45, 162—164. *See also* CRUELTY.
habitual drunkard, of, **18,** 165
infant, of, **17,** 110
servant, of, **20,** 102

ILLEGAL. *See also* UNLAWFUL; WRONGFUL.
act, agent cannot recover for, **1,** 166, 196, 197
implied authority to do, **1,** 166
condition tending to promote, **15,** 424, 425
forfeiture of goods or ship for, **1,** 77; **26,** 33
insurance policy not made void by, when, **17,** 431
prescriptive title not proved by, **27,** 194
ratification of, effect of, **1,** 175
restraint of, injunction, by, when injury involved to property, **17,** 205
adventure, recovery of subscription to, **22,** 68
advertisement, **23,** 221, 222
elections, with regard to, **12,** 294

ILLEGAL—*continued.*
association, winding up under Companies Acts, **5,** 394, 768; **22,** 18. *See* company, *infra.*
commission, statutory provisions as to, **15,** 424. *See* AGENT, bribery; SECRET.
commitment tested by *habeas corpus,* **10,** 49
company, **5,** 44, 764—768; **17,** 339
action not maintainable against, **5,** 768; **13,** 73 n.
banking company, failure to make returns, effect of, **5,** 766 n.
more than ten persons, consisting of, **5,** 44
registration, when required, **1,** 581—583; **5,** 766
illegality, effect of, **5,** 767, 768
legal proceedings in case of, **5,** 394, 767, 768; **13,** 73 n.
money-lending company, when, **5,** 765; **21,** 51
officer of, embezzlement by, **5,** 768
proceedings by or against, **5,** 767
property of, beneficial interest in, **5,** 767
purposes rendering company illegal, **5,** 766
sale of shares in, **5,** 768
unincorporated company is, when, **5,** 44, 764, 765
winding up not applicable to, **5,** 394, 768
condition, bequest, attached to, **28,** 583, 585, 591
charitable gift, subject to, **4,** 171
gift, to, **15,** 424, 425
patented articles, as to use of, **22,** 193
consideration. *See* ILLEGAL CONSIDERATION.
contract. *See* ILLEGAL CONTRACT.
distress, **11,** 195—210. *See* DISTRESS FOR RENT.
fishing, **14,** 590, 591, 619
gift, **15,** 424
hiring, election, in relation to, **12,** 303, 348; **18,** 140
insurance, **17,** 354, 358, 429. *See* INSURANCE.
waiver of policy, as to, **17,** 432
loan, when made by ballot by loan society, **19,** 223
marriage abroad, effect of, in England, **6,** 254, 255
means, trade union, in relation to, **27,** 653, 654
military drilling, **6,** 359; **9,** 467
ornaments etc. in church, removal of, **11,** 545
partnership, effect of, **22,** 16, 17
pawning, **22,** 236—238. *See* UNLAWFUL.
detention of person suspected of, **22,** 257, 258
liability of offender in respect of, **22,** 257
pawnbroker, liability of, in respect of, **22,** 255, 256
title to goods the subject of, **22,** 247
practices. *See* ILLEGAL PRACTICES.
purpose, commission, payment of, for, **15,** 424
compensation when house used for, **6,** 164
gifts for, liability of persons as to, **15,** 424
property intended to be used for, suit in equity not maintainable where, **13,** 73 n.
society existing for, power of Registrar of Friendly Societies to suspend, **3,** 396; **17,** 37
surety in respect of, effect of, **15,** 518
sale of liquor, club, by, **4,** 429
sports. *See* GAMES.
statutory power of police as to, **22,** 503
term, contract, in, **27,** 194
trading, liability of ship to forfeiture for, **26,** 33
trust, **28,** 26

ILLEGAL CONSIDERATION,
bill of exchange, in case of, **2,** 467, 499—501
common law illegality, **2,** 501
statutory illegality, **2,** 501
bond, in, **3,** 85, 86
cohabitation as, **7,** 400
contract, in relation to, **7,** 407; **13,** 54; **15,** 283
made abroad, in case of, **15,** 282
debts founded on, not provable in bankruptcy, **2,** 200
deed, for, **10,** 360
founded on, delivery up of, **13,** 73
defendant, plea by, **13,** 73
effect of, **7,** 407, 408; **15,** 453; **17,** 501, 502; **20,** 81, 82 n.
equitable relief in case of, **13,** 54
evidence of, **2,** 467
gaming, by way of, **13,** 54; **15,** 271, 279, 280; **17,** 502
money lent abroad for, **15,** 282, 283 n.
guarantee, in case of, **15,** 453
marine insurance, in, **17,** 502
money lent on, **5,** 767; **15,** 279; **21,** 51
mortgage, for, **15,** 270 n.; **21,** 347
partial, effect of, **7,** 407, 408; **17,** 500; **21,** 347
particeps criminis, when relieved by equity, **13,** 73 n.
security given for, **3,** 86; **15,** 269 n.
service, in contract of, **20,** 81, 82 n.

ILLEGAL CONTRACT,
account stated, in relation to, **7,** 491
advertisement, as to, **23,** 222
avoidance of deed for, **10,** 360
bail, indemnification of, **7,** 398; **15,** 518
bankruptcy, in, buying off opposition, **2,** 244
payment by debtor under, **2,** 185
bankruptcy laws, as being a fraud on, **2,** 244 n.; **7,** 393
benefice, for resignation of, **11,** 628
building, as to non-completion of, **3,** 200
charterer released from obligation to load by, **26,** 201
collateral agreement, as, **7,** 396, **27,** 36
common law, at, **7,** 392—401; **10,** 360
construction of, test to be applied in, **27,** 19
court takes cognizance of, **7,** 390; **20,** 741; **22,** 17, 432 n.; **27,** 36, 63
creditors, fraud on, **7,** 393
defence in relation to, **7,** 408
election in relation to, **12,** 300—303
election petition, as to withdrawal of, **12,** 434
foreign law, in relation to, **6,** 238, 243—245; **7,** 406
fraud, by reason of, **7,** 393
freight, as affecting, **26,** 307
illegal association, of, **7,** 410
illegality, nature of, **7,** 391, 392
sources of, **7,** 392—406
after contract made, **7,** 406
under foreign law, **7,** 406
immoral contract, **7,** 400
impossible contract, distinguished from, **3,** 196
incidents of, **7,** 407—410
indemnification of surety, **7,** 398; **15,** 518
insurance, of, recovery of premium paid under, **17,** 501, 502. *See* marine, *infra.*
justice, tending to pervert course of, **7,** 398—400
lien
for work done under, **7,** 392; **19,** 4
in case of, **25,** 242 n.

ILLEGAL CONTRACT—*continued.*
loan by ballot, **19,** 223
marine insurance, of, **17,** 429, 497, 502
money-lender, by, **21,** 48—53
municipal election, in relation to, **12,** 345—349
parliamentary election, in relation to, **12,** 300—303
part performance of, **7,** 408, 409, 487; **22,** 17 **27,** 63, 194
partial illegality of, **7,** 408; **27,** 36, 63
parties to, are *in pari delicto*, **7,** 408
partnership, as to, **22,** 17
public policy, contrary to, **7,** 394—398
quantum meruit in case of, **3,** 200
recovery of goods or money paid under, agent, by, **2,** 184; **7,** 409, 486, 488
rule in equity as to, **13,** 72
security knowingly taken for debt arising from, not enforceable, **7,** 410
specific performance, in relation to, **27,** 36
statutory, **7,** 401—406; **17,** 429; **27,** 193, 194
after legal inception, **7,** 406; **27,** 56
repeal of prohibitive statute as affecting, **27,** 194
statutory confirmation of, effect of, **7,** 407
Sunday, in relation to, **7,** 402; **27,** 443, 445, 446. *See* SUNDAY.
tenant for life, by, **25,** 636
undue influence, set aside on proof of, **7,** 408
void, common law, at, **7,** 392—401; **10,** 360
statute, by, **7,** 403—405; **17,** 429; **27,** 193. 194
void contract, distinguished from, **7,** 390, 397, 403

ILLEGAL PRACTICES,
defined, **12,** 281, 293, 294, 534
advertisements, display of, as, **12,** 294, 346
agent, through, relief from, **12,** 398
appeal of person guilty of, **12,** 469
authorised excuses for, **12,** 398—408. *See* AUTHORISED EXCUSES.
band, flags etc., payment for, **12,** 301, 347
candidate, against order of, **12,** 399
inducing withdrawal of, **12,** 301, 347
municipal, disqualification of, **12,** 524
parliamentary, disqualification of, **12,** 484
personal character of, false statement as to, **12,** 298
when excused, **12,** 398 *et seq.*
withdrawal of, false statement as to, **12,** 296
commissioner's inquiry into, **12,** 465, 488
committee rooms, excessive, **12,** 294, 346
places forbidden as, **12,** 304, 348
conveyance to poll, payment for, **12,** 293, 346, 348
conviction for, effect on right to vote, **12,** 141
subsequent effect of, **12,** 141, 483—486, 524
corrupt practice, **12,** 530. *See* CORRUPT PRACTICES.
county council chairman, election, as to, **12,** 360
creditors, innocent, rights of, in relation to, **12,** 304
criminal prosecution for, **12,** 535—537
Director of Public Prosecutions and, **12,** 442
election, avoidance of, **12,** 460, 491, 518, 519
commissioner's report on, **12,** 468—471
judge's report on, **12,** 461
expenses, failure to make return of, **12,** 298, 349
not within meaning of, **12,** 302
illegal employment as, **12,** 302, 348, 492, 524
indemnity, certificate of, for, **12,** 462, 467, 469, 484, 485, 514

ILLEGAL PRACTICES—*continued.*
indictment for, **12,** 528, 530
instances of, **12,** 345—349
London, City of, election, at, **12,** 395
municipal election, at, **12,** 345—349, 353, 355
inquiry into, **12,** 488
prevention of, **12,** 345, 368
results of, **12,** 524
summary jurisdiction as to, **12,** 534
parish election, at, **12,** 387
parliamentary elections, at, **12,** 293—304, 399—404
disqualifications on account of, **12,** 469, 483—485
employment at, **12,** 300, 302, 303, 311 n.
summary jurisdiction as to, **12,** 534
hiring at, **12,** 300, 303, 304, 348
summary jurisdiction as to, **12,** 534
payments at, **12,** 294, 300—303, 337, 404
summary jurisdiction as to, **12,** 534
payment, agent, otherwise than through, **12,** 297
alderman, election of, in relation to, **12,** 355
candidate, election of, to procure, **12,** 293
conveyance to poll, for, **12,** 293, 346, 348
examples of, as, **12,** 294—298
illegal under Corrupt Practices Acts, **12,** 300—303, 345
mayor, election of, in relation to, **12,** 353
personal expenses, in relation to, **12,** 301
prescribed time limit, after, **12,** 298, 349
prohibited, knowingly making, **12,** 294, 346
statutory limit, in excess of, **12,** 295, 346
persons other than candidate, effect on, **12,** 483—486, 524
petition on ground of, **12,** 411, 491
printer's name, absence of, **12,** 296, 348
prosecution for, before election court, **12,** 535, 536
summary, **12,** 534
public meeting, disturbance of, during parliamentary vacancy, **12,** 300
publication of list of persons guilty of, **12,** 196
punishment for, **12,** 534
Public Prosecutor, functions of, **12,** 138
relief for, agent, by, **12,** 398
relief to candidate from consequences of, **12,** 399—404, 476, 519
report as to, **12,** 461, 470, 518
laid before Attorney-General, **12,** 462, 519
statutory
illegal employment, **12,** 300
illegal hiring, **12,** 300, 303, 348
illegal payment, **12,** 300, 349
urban district council, at, **12,** 368
vote, exercise of prohibited, **12,** 296, 347
voter, disqualification of, for, **12,** 141, 196, 457, 534 n.
voters' corrupt and illegal practice list, **12,** 209, 216, 217, 242

ILLEGALITY. *See* ILLEGAL; UNLAWFUL.
bills, in relation to, **2,** 467, 499—501
bond, as to, **3,** 85; **13,** 73 n.
building contract, as to, **3,** 195, 200, 316
company setting up its own, **5,** 768
consideration, of. *See* ILLEGAL CONSIDERATION.
contract, in, **7,** 390—410. *See* ILLEGAL CONTRACT.
supervening after, **7,** 406
cy-près in relation to, **4,** 190, 191
defence by agent, as, in regard to insurance, **17,** 354

ILLEGALITY—*continued.*
defence to action on contract, as, **7,** 408
gifts, as to, test of, **4,** 191 ; **15,** 424
guarantee, of, **15,** 453, 518
ignorance of, innocent person, by, **7,** 392
insurance, defence of, by agent, **17,** 354
premium not returnable in case of, **17,** 501, 502
international law in relation to, **6,** 242—245 ; **7,** 406
partnership, dissolution of, for, **22,** 16, 87
privilege, how far destroyed by allegation of, **11,** 80
proof of, extrinsic evidence allowed for, **7,** 407
restraint of trade, as to, **27,** 572—575
sources of, common law, **7,** 392—401
contract, as to, **7,** 392—406
specific performance, as, bar to relief by, **27,** 36, 63
statute, in relation to, **27,** 193, 194
wagers, of, **15,** 266, 271

ILLEGITIMACY,
admission of deceased person received as to his own, **13,** 470
declaration of, **2,** 433—435
declarations as to, competency of person making, **13,** 470, 471
form of, immaterial, **13,** 471
description of relationship in will as affecting, **28,** 542, 735—740
son, of, admissibility of declaration of deceased father as to, **13,** 470

ILLEGITIMATE CHILD. *See* BASTARD ; CHILD ; LEGITIMACY.
benefit, intention to, must be expressed, **17,** 120
capacity to take under will, **28,** 542, 543
children, legitimate, absence of, as circumstance favouring, **28,** 736
not included in term, **17,** 45, 120 ; **28,** 735
custody of, regained by *habeas corpus*, **10,** 53
en ventre sa mère, compensation in case of, **21,** 457 n.
gift to, **15,** 404 ; **28,** 537, 542 ; **25,** 579 n.
friendly society, payment on death by, **15,** 155
gift to, **15,** 404 ; **28,** 542
future, invalidity of, **28,** 542, 738
of a man by a certain woman, **28,** 738
guardian of, father cannot appoint, **17,** 123 n.
legitimate children, absence of, a circumstance favouring, **28,** 736 n.
no rule absolutely barring participation with, **11,** 19 ; **28,** 542, 736 n., 737
legitimation of, subsequent marriage, by, **22,** 283
maintenance of. *See* MAINTENANCE OF PERSONS.
marriage settlement, in, interest of, may be defeated, **25,** 564
mother of, cannot divest herself of her legal obligations to, **7,** 396
paternity, reference to, on gift to, effect of, in will, **28,** 542
portion of, accumulation for, **22,** 379
provision for, deed, by, **25,** 564, 579, 583 n.
resettlement, by, **14,** 541
purchase in name of, presumption of gift in case of, **15,** 414, 415 ; **28,** 56
registration of birth abroad of, born of British parents, not allowed, **24,** 459
schools, certified, education in, **12,** 84 n.
settlement of property on. *See* SETTLEMENT OF PROPERTY.

ILLEGITIMATE RELATIVES,
cannot take unless intention clear by will, **28,** 736
indications that they are intended to be included, **28,** 737, 738
not included in description of donee by reference to relationship to the testator, **28,** 735, 736

ILLITERATE PERSON,
affidavit of, **2,** 318 n. ; **8,** 520 ; **13,** 627 ; **16,** 535
execution of deed by, **10,** 393
gift by, presumption of fraud as to, **15,** 419, 420
probate of will of, requirements of registrar before grant made, **14,** 167
proxy of, as a creditor in winding-up proceedings, **5,** 468, 469
receiver, as, **24,** 361
specific performance, in relation to, **27,** 38, 42 n.
voter, as, **12,** 317

ILLNESS. *See also* SICKNESS.
apprentice, of, as excuse for non-performance of contract, **20,** 106
architect, of, effect on contract, **3,** 293
contract, theatrical, breach of, through, **27,** 411
damages for, when result of wrongful exposure or fright, **10,** 321
discovery, non-compliance with order for, through, **11,** 57
false imprisonment, caused by, **10,** 321 ; **27,** 884 n.
inn accommodation, refusal of, on account of, **17,** 311
juror, of, during the hearing, effect of, **18,** 254
master or seaman, of, liability of owner as to, **26,** 45, 46
National Health Insurance, under, **28,** 944—956. *See* NATIONAL HEALTH INSURANCE ; SICKNESS BENEFIT.
prisoner, of, power of magistrate in case of, **14,** 415
servant, temporary absence of, through, right as to wages, **20,** 84, 85
service, contract of, as affected by, **20,** 100, 101
slander, in action for, not a natural result of defamatory words, **10,** 324
wages or salary during, **20,** 84, 85

ILLUMINATING POWER,
gas, of, **15,** 389

ILLUSIONS,
delusions distinguished from, **19,** 393
when indicative of insanity, **19,** 392, 393

ILLUSTRATIONS,
books, in, copyright in, **8,** 155, 198
copyright in, registration of, **8,** 198

IMAGES,
church decorations, as, **11,** 669
legality of, **11,** 668

IMBECILE. *See* IDIOT ; LUNATIC.
child, education of, **12,** 42
convict, as, special treatment of, **23,** 270
juror, as, disqualification of, **18,** 230
poor children, guardians' powers as to, **12,** 83

IMITATION. *See* PASSING OFF.
coins, importation of, forbidden, **6,** 474
designs, of, fraudulent use of, **27,** 738
mala fides in, **27,** 739, 740

IMITATION—*continued.*
packing of goods, of, trade mark in relation to, **27,** 712
silver, marking of, offences relating to, **9,** 759; **27,** 725
regulations for, **27,** 725, 725 n.
trade mark, of. *See* TRADE MARK.
a question of fact, **27,** 712

IMMATERIAL,
allegations, no particulars ordered of, in pleading, **22,** 456
alteration of a deed, **10,** 415
omissions, bill of sale, in, **3,** 36

IMMEDIATE TENANT. *See* TENANT.

IMMEDIATELY,
meaning of, time, as to, **27,** 456

IMMEMORIAL,
custom, as to, **8,** 222, 223
manor, in, **8,** 8
enjoyment of easement, **11,** 260

IMMIGRANT. *See* IMMIGRATION.
defined, **1,** 304
alien, regulation of, **1,** 320—329. *See* IMMIGRATION.
port, *defined,* **1,** 304
ship, *defined,* **1,** 304
exemption of, from inspection, **1,** 321
slave status changed to free labour, **27,** 533
undesirable, *defined,* **1,** 304, 305
leave to land, **1,** 320, 321

IMMIGRATION. *See* IMMIGRANT.
admission of aliens, **1,** 320—323
alien seaman, exemption of, **1,** 321
appeals in regard to, **1,** 322, 323
appointment of officers etc., as to, **1,** 321, 322
board, appeal from refusal of leave to land, to, **1,** 323
constitution of, **1,** 322
bond in connection with alien, **1,** 322, 323
expulsion, as to, **1,** 323—325; **7,** 84, 85
form of return, **1,** 326
Home Secretary, statutory power of, over, **1,** 322, 326 n.; **7,** 84
inspection of immigrant, **1,** 320
landing of aliens, **1,** 320—329; **22,** 502
means, want of, leave to land for, in certain cases, **1,** 320, 321
offences under Aliens Act, 1905, as to, **1,** 328; **22,** 613
officer, appeal from decision of, **1,** 322
appointment of, **1,** 322
inspection of immigrants by, **1,** 320
leave to land granted by, **1,** 320, 321
ports established for immigrants, **1,** 322 n.
returns, as to, **1,** 325—327
rules of Secretary of State as to, **1,** 322, 326 n.
security from master of ship, in respect of, **1,** 322
statutory forms to be filled up, **1,** 326

IMMINENT,
danger, unusual course justified by, effect of, **21,** 452
risk, act done in face of, as a defence in action for tort, **27,** 479, 498, 499

IMMODERATE SPEED,
driving at, **27,** 272, 277
motor traffic, as to, **27,** 332
ship, as to, **26,** 418, 419
tramcar, as to, **27,** 272

IMMORAL. *See* IMMORALITY.
act, court will not aid plaintiff in action founded on, **18,** 619
conduct, dismissal of servant for, **20,** 99, 100
statement imputing, defamatory, as, **18,** 620
consideration, bond, for, **3,** 85
conflict of law, in case of, **6,** 244
contract, for, **7,** 400
deed, for, **10,** 360
illegality of contract of service based on, **20,** 81
contract, **7,** 400
publication, copyright in, not protected, **8,** 144; **13,** 73 n.
purpose, property used for, no action for, **13,** 73 n.; **18,** 515
surroundings, treatment of children found in, **12,** 71; **17,** 163, 164, 165
trust, illegality of, **28,** 26
work, no remuneration recoverable in respect of, **28,** 871

IMMORALITY. *See* IMMORAL.
claim in respect of, effect on surety's rights, **15,** 524
clergyman, in case of, deprivation of benefice for, **11,** 537
procedure against, **11,** 523
prosecution for, in Consistory Court, **11,** 524
public nuisance, as, **21,** 541

IMMOVABLES. *See also* FOREIGN LAND; REAL PROPERTY.
defined, **6,** 196; **11,** 3 n.
assignment of, **6,** 205, 207—211, 275, 277
capacity for, and form of, **6,** 207—209
informal, **6,** 208
marriage, on, **6,** 275
validity of, and restrictions as to, **6,** 209—211
burdens on, determined by the local law, **6,** 212
capacity to contract in respect of, governed by *lex situs,* **6,** 233, 234
colonial, petition of right as to, **6,** 201
contract relating to, **6,** 205, 236, 242
presumptions as to particular, **6,** 241
conveyance of, **6,** 207—209
currency and rate of interest where sum charged on, **6,** 212, 213
English leaseholds in foreign State rank as, **6,** 196
foreign, account of rent and profits of, jurisdiction of English courts to order, **6,** 206
contract as to, jurisdiction of English courts to order specific performance of, **6,** 205, 206
conversion of wasting property not applied to, **14,** 283
discovery of documents relating to, **6,** 200
foreclosure in respect of, **6,** 205
fraudulent dealings in relief for, **6,** 206; **13,** 66
injunction in relation to, **6,** 200, 204
intestate succession to, **6,** 218
jurisdiction *in personam* in reference to, **6,** 202—207
money representing, **6,** 198, 202
mortgages of, **6,** 205

IMMOVABLES—*continued.*
foreign—*continued.*
proceeds of sale of, **6,** 198, 200, 201
fund in court, as, **6,** 201
receiver for, **6,** 207; **13,** 66; **24,** 367, 379
redemption suit in case of, **6,** 205
trusts relating to, jurisdiction to enforce, **6,** 204
judgment *in rem* as to, **6,** 296; **13,** 66, 338
lex fori in relation to, **6,** 237, 244, 245
lex loci rei sitæ, nature determined by, **6,** 196; **13,** 66
prescription and limitation of actions determined by, **6,** 211
lex situs in relation to, **6,** 233, 234, 273
limitation of actions as to, **6,** 211, 306
marriage contract or settlement as affecting, **6,** 275—277
mortgage of, **6,** 205, 212; **13,** 66
movables, distinguished from, **6,** 196; **24,** 137 n.
prescription in relation to, **6,** 211
succession to, **11,** 10; **13,** 66
intestate's property, determination of persons entitled to, **6,** 218, 273
legitimacy necessary for, **6,** 218, 273
trust relating to foreign, enforcement of, **6,** 204
uncivilised country, in, **6,** 201
widow, rights of, to, **6,** 218
will, conflict of laws as to, **6,** 199, 219, 220; **13,** 66; **28,** 558
construction of, in regard to, **6,** 220
validity of, as to, **6,** 219; **28,** 517, 545, 558

IMMUNITY. *See* PRIVILEGE.
client, of, from action for counsel's fees, **2,** 391, 393
counsel, of, from action for negligence etc., **2,** 394
juror, of, for anything said or done in discharge of his office, **18,** 266

IMPANELLING,
common jury, criminal trial, for, **9,** 362
land compensation, for, **6,** 88
jurors, provision as to, **18,** 239, 240
special jury, land compensation, for, **6,** 89, 90

IMPARTIALITY,
arbitrator, of, **1,** 478—481
architect, of, duty of, **3,** 205, 215, 218, 219
cross-examination as to, **9,** 384
justices, of. *See* BIAS.

IMPEACHMENT. *See also* AVOIDANCE.
act of bankruptcy, transactions prior to, in case of, **2,** 182
foreign judgment, of, burden of proof, **6,** 287
Scottish or Irish judgment in England, of, **6,** 292
parliamentary. *See* IMPEACHMENT (Parliamentary).
waste, for. *See* IMPEACHMENT OF WASTE.
witness's credit, of, **13,** 602

IMPEACHMENT (PARLIAMENTARY),
articles of, **21,** 651
answer to, **21,** 651
commoner, of, Lord Chancellor presides, **7,** 63
counsel, assignment of, to accused, **2,** 387
right of accused to employ, **2,** 370, 387; **21,** 652
Crown servants appointed by letters patent, in case of, **7,** 22
delivery of judgment on, **21,** 652

IMPEACHMENT (PARLIAMENTARY)—*contd.*
House of Commons, by, **9,** 265
managers for, **21,** 652
pardon not pleadable in bar of, **6,** 404
House of Lords, jurisdiction of, **9,** 19
initiation of, **21,** 651
judges, of, **7,** 22
liability to, **21,** 651
Lords and Commons, position of, in an, **21,** 650, 651
lords spiritual as judges in, **21,** 621
ministers, responsibility of, enforced by, **7,** 48
motion for, **21,** 651
procedure on, **9,** 265; **21,** 651, 652
trial of, **9,** 19; **21,** 652
who may be the subject of, **21,** 651

IMPEACHMENT OF WASTE,
exemption from, extent and nature of privilege of, **24,** 176; **25,** 603
owner in fee subject to executory devise over, in case of, **24,** 167
restraint on anticipation, not inconsistent with, **16,** 360
tenant for life, rights of, where, **24,** 176; **25,** 586, 587, 602, 603
provisional order as a protection against, under Improvement of Land Acts, 1844 and 1899, **18,** 296
tenant for life, right of, to cut timber, **25,** 658, 659
rights and liabilities of, **24,** 175; **25,** 600—603

IMPERCEPTIBLE,
meaning of, tide encroachment, as to, **28,** 362

IMPERFECT DEED,
act of bankruptcy, as, when intended to delay creditors, **2,** 20
gift, of, equity will not assist, **13,** 98
not a declaration of trust, **13,** 98
trust, of, effect of, on gift, **15,** 429

IMPERFECT GIFT, 15, 428—430. *See* INCOMPLETE GIFT.

IMPERIAL DEFENCE COMMITTEE,
constitution and functions of, **7,** 98

IMPERIAL LEGISLATION,
Channel Islands, for, **10,** 573
colonies, for, **10,** 569. *See* COLONIES.
Isle of Man, for, **10,** 577

IMPERIAL STANDARDS,
Board of Trade duties as to, **28,** 464, 465, 466, 473, 474, 477, 478
custody and verification of, **28,** 465
parliamentary copies of, **28,** 464, 465
standard of weight, as, **28,** 463, 468
yard, standard of area and length, as, **28,** 463, 468

IMPERSONATION. *See* PERSONATION.

IMPLEMENTS. *See* TOOLS.
agricultural, distress upon, **1,** 252; **11,** 142 n., 179
malicious damage to, **1,** 283, 284; **9,** 781
repair of, right to ploughbote for, **24,** 176

IMPLICATION. *See also* PRESUMPTION.
air, of right to, **4,** 445; **11,** 327
authority by. *See* IMPLIED AUTHORITY.

IMPLICATION—*continued.*
condition by. *See* IMPLIED CONDITION.
contract by. *See* IMPLIED CONTRACT.
covenant by. *See* IMPLIED COVENANT.
del credere agency by, **1,** 153
estates, of. *See* IMPLIED GIFT.
gift by. *See* IMPLIED GIFT.
indemnity, of, **7,** 465; **15,** 446—448
agent, in case of, **1,** 196, 197
executor, in case of, **14,** 326
money paid on behalf of another, in case of, **7,** 465 *et seq.*
partner, in case of, **22,** 60, 61
servant, in case of, **20,** 124, 125
trustee, in case of, **28,** 157—159
wife's property charged for benefit of husband, when, **16,** 405—407
light, of right to, **11,** 304
malice, of, defamation, in case of, **18,** 608
malicious proceedings, in case of, **19,** 684, 694 n., 696 n., 698
notice, of. *See* CONSTRUCTIVE NOTICE.
pollution of
air, right as to, by, **11,** 327
water, right as to, by, **11,** 318
power, creation of, by, **23,** 6, 7, 13
release of easement by, **11,** 278
representation by, **20,** 660 n., 671, 672—676. *See* ESTOPPEL BY CONTRACT; HOLDING OUT.
support, right of, by, **11,** 323
surrender of lease by, **18,** 548—550
trust, of. *See* CONSTRUCTIVE TRUST; IMPLIED TRUST.
warranty by. *See* WARRANTY.
watercourse, right to water in, by, **11,** 314, 315
way, right of, by, **11,** 288—291

IMPLIED AUTHORITY,
agency arising from, **1,** 147, 154, 170, 171
conduct of principal, implied from, **1,** 147 n., 158, 159, 173—181; **13,** 390; **17,** 359 n.
agent, of. *See* AGENT.
auctioneer, of, **1,** 502—505
bailiff, of, to receive rent, **1,** 167; **11,** 163
bill of exchange, to sign, **1,** 169; **2,** 489—493, 494, 495
club management, of, **4,** 421, 422
company's agent, of, **5,** 292—297
conduct, by, **1,** 154, 160, 161. *See* HOLDING OUT.
custody, as to giving into, **1,** 165, 166; **19,** 673, 674
delegation of agency, as to, **1,** 170, 171
estate or house agent, of, **1,** 166, 167
estoppel in case of, **1,** 158, 159; **13,** 390, 391
extent of, **1,** 164, 166
factor, of, **1,** 167
guarantee, to sign, **15,** 470
marine insurance, as to, **17,** 354, 355
insurance agent, of, **17,** 359, 360
mistress, of, pledging credit, as to, **16,** 420
necessity, arising from, **1,** 154, 157, 158
partners, of, **22,** 25—30
pledging credit, as to, **1,** 164, 165. *See also* wife, *infra.*
receiving payment, as to, **1,** 165
representation, to make, **20,** 712, 713
servant, of, circumstances, arising from, **20,** 245
conduct of master, from, **20,** 245, 246
determination of, **20,** 248
scope of authority, where acting within, **20,** 246—248
tort, liability for, **20,** 249—256

IMPLIED AUTHORITY—*continued.*
shipmaster, of, over cargo, **26,** 228—231, 247. *See also* MASTER OF SHIP.
steward, of, **1,** 167
stockbroker, of, **27,** 222, 223
usage, to act in accordance with, **1,** 167, 168; **10,** 267, 268
wife, of, **16,** 417—431
acknowledgment of debt, as to, **16,** 420
bill of exchange, in case of, **2,** 494; **16,** 412, 418
cheque, in case of, **16,** 412, 418
pledging husband's credit, as to, **16,** 420—431
adultery of wife as affecting, **16,** 423, 427, 428
allowance to wife as affecting, **16,** 422, 423
apart, while living, **16,** 423—428
child, in respect of, **16,** 427
conduct of husband, from, **16,** 430, 431
costs, for, **16,** 428—430
death of husband as affecting, **16,** 428
deed of separation as affecting, **16,** 424, 425
judicial separation as affecting, **16,** 423, 424
lunacy of husband as affecting, **16,** 316, 427
notice by husband as affecting, **16,** 427, 431
presumption as to, **16,** 420, 423
protection order as affecting, **16,** 424
rebuttal of presumption as to, **16,** 422, 423
separation by agreement as affecting, **16,** 424, 425
together, while living, **16,** 420—423

IMPLIED CONDITION,
apprenticeship contract, in, **20,** 106
building contract, in, **3,** 174, 238
architect, appointment of, as to, **3,** 198
employment of, as to, **3,** 293
destruction of subject-matter, in case of, **3,** 194
local authority's consent, to obtain, **3,** 196
materials, as to quality of, **3,** 189
payment on account, as to, **3,** 225
plans and drawings, as to provision of, **3,** 198, 199
site, as to provision of, **3,** 198
workmanship, as to, **3,** 189
carriage of goods by sea, in case of, **26,** 186—189, 211—224
contract, in, **7,** 512, 518
specific performance in case of, **27,** 27, 28
contract of service, in, **20,** 126
grant of fee, on, **24,** 169 n.
letting of
furnished house, **18,** 569
small house, **18,** 503
mining contract, in, **20,** 546
sale of goods, in case of, **25,** 116 n., 153, 154, 157—163
description, that goods correspond to, **25,** 154
fitness for particular purpose, **25,** 157—159, 162
merchantable quality, **25,** 159
negatived by express agreement, **25,** 163
right to sell, **25,** 153
sample, on sale by, **25,** 154, 156, 161
seller, on the part of the, **25,** 153
seller's own manufacture, that goods are, **25,** 162
sale of land, on, covenants for title, **25,** 461, 462
freedom from incumbrances, **25,** 301, 413
good title, for, **25,** 341; **27,** 28
title deeds, as to, **25,** 337; **27,** 28

IMPLIED CONDITION—*continued.*
specific performance, person claiming, must have performed implied condition precedent. **27,** 52

IMPLIED CONTRACT,
defined, **7,** 463
account stated, in case of, **7,** 489—493. *See* ACCOUNT STATED.
agent's remuneration, for, **1,** 194
architect's remuneration, in respect of, **3,** 304
building contractor, to pay, **3,** 179, 184, 185, 225
conduct, from, **7,** 348 *et seq.*, 463, 464; **25,** 126
contribution to liability, in case of, **7,** 471—473
fencing, as to erection and repair of, **3,** 131
foreign judgment, in case of, **6,** 281; **7,** 493
indemnity, for, **7,** 465; **15,** 446—448. *See* IMPLICATION, indemnity.
interest on money, to pay, **21,** 39
money had and received, in case of, **7,** 473—489. *See* MONEY HAD AND RECEIVED.
money paid, in case of, **7,** 465—470. *See* MONEY PAID.
nature of, **7,** 334, 463, 464
partnership, as to duration of, **22, 23**
personal representative's liability in respect of, **14,** 310. 311
shares in company, to take, **5,** 146, 148
statutory debt, in case of, **7,** 494
tenancy at will, in case of, **18,** 335
tenancy from year to year, in case of, **18,** 335

IMPLIED COVENANT,
agricultural land, as to, **1,** 243
beneficial owner, by use of words, **10,** 484; **21,** 123, 126; **25,** 426, 464 n.
conveyance, in, **25,** 426, 427
mortgage, in, **21,** 123, 126, 127
separate covenants, in regard to, **10,** 484
voluntary conveyance, in case of, **25,** 426 n.
business, in sale of, **10,** 479
committee of lunatic so found, on conveyance by, **25,** 427
continuance of existing circumstances, as to, **10,** 479
conveyance under order of the court, in case of, **25,** 427
demise, by use of word, **10,** 480; **18,** 527
examples of, **10,** 477
expressions creating, **10,** 478
grant, by use of word, **10,** 481
law, in, **10,** 480
negative, **10,** 478
when only an affirmative expressed, **17,** 235, 243
preliminary act implied from express covenant, **10,** 479
quiet enjoyment, for. *See* QUIET ENJOYMENT, COVENANT FOR.
rent, to pay, **18,** 467, 486
sale of business, in case of, **10,** 439,
title, for, **10,** 370, 481, 484; **25,** 426

IMPLIED GIFT,
defined. **28,** 845. 846
absolute interest, of, gift in trust, from, **28,** 849
gift over, from, **28,** 849
life estate severed from a power by gifts which fail, from, **23,** 10

IMPLIED GIFT—*continued.*
absolute interest—*continued.*
particular right of disposition, from, **28,** 771
power unexercised, in case of, **23,** 70, 71
bequest followed by gift over on failure of children, in, in case of, **28,** 849
contrary intention inferred, in case of, **28,** 848
covenant against alienation infringed, in case of, **28,** 848
cross executory limitations, in case of, when arising, **28,** 853, 853 n., 854
cross-remainder, of, gift over in remainder, from, **28,** 852 n.
gift over on failure of issue, from, **28,** 853
issue of A. as tenants in common, and for want of such issue over, **28,** 852 n.
when arising, **28,** 852
easements, of, disposition *inter vivos*, in case of, **11,** 252
will, in case of, **11,** 252
estate tail, of, devise of realty capable of being entailed, from, **28,** 850
devise on general failure of issue, from, **28,** 851
devise over on prior donee's death without issue, **28,** 851
when arising, **28,** 850, 851
fee simple conditional, of, devise of realty not capable of being entailed, from, **28,** 850 n.
gift over on death intestate to testator's heir, personalty, of, **28,** 847
realty, of, **28,** 847
implication, doctrine of, application of, **28,** 846
basis of, **28,** 845, 845 n.
when not applicable, **28,** 847, 848
life interest, of, gift to A till specified event, then over, by, **24,** 220 n.
grant by deed without words of limitation, in, **10,** 474; **24,** 174
settlement, in, **25,** 572
trust for parent and children, from, **25,** 572
will, in, **24,** 174
determination of interest on an event, from, **28,** 774
gift over, from, **28,** 846—848, 852 n.
restrictions on disposition, from, **28,** 772 773
rights of enjoyment, from, **28,** 773
rights personal to donee, from, **28,** 773
use and occupation, from, **28,** 773, 774

IMPLIED TRUST. *See* CONSTRUCTIVE TRUST.
absolute necessity as basis of, **28,** 7 n.
agent, in case of, **1,** 182, 188; **28,** 58
auctioneer, in case of, **1,** 515; **28,** 59
banker, in case of, **1,** 583, 584, 588; **28,** 59
director of company, in case of, **5,** 221, 222; **28,** 59, 60
husband, in case of, **16,** 341, 342; **28,** 61
mortgage, in case of, **21,** 253, 254, 260, 261; **28,** 62, 63
partnership, in case of, **22,** 56; **28,** 63, 64
personal representative, in case of, **14,** 246, 317; **28,** 60, 61
power, in case of creation of, **23,** 69—71
promoter of company, in case of, **5,** 49, 50; **28,** 59
sale of land, pending completion of, **25,** 364—376; **28,** 64. *See* VENDOR OF LAND.
solicitor, in case of, **26,** 837—840; **28,** 64
tenant for life, in case of, **25,** 635, 636; **28,** 61, 62

IMPORTATION,
adulterated articles, of, **15,** 43
animals, of, regulations as to, **1,** 421, 424, 427, 432
arms, of, prohibition of, **6,** 355 ; **7,** 15 n.
beer, of, customs duty in case of, **24,** 594, 595
butter, of, regulations as to, **15,** 25 n., 55, 56, 61
chicory, of, customs duty in case of, **24,** 595, 596
revenue restrictions on, **15,** 45 · **24,** 595, 596
chloral hydrate, of, customs duty in case of, **24,** 603
chloroform, of, customs duty in case of, **24,** 603
clearance of goods on, **24,** 589
cocoa, of, customs duty in case of, **24,** 596
coffee, of, customs duty in case of, **15,** 45 ; **24,** 597
coins, of, **6,** 473, 474 ; **9,** 516, 519
collodion, of, customs duty in case of, **24,** 603
Commissioners of Customs and Excise in relation to. *See* COMMISSIONERS OF CUSTOMS AND EXCISE.
composite sugar goods, customs duty in case of, **24,** 604—606
copyright
books, of, infringement through, **8,** 166
paintings, drawings, and photographs, of, **8,** 200
action for damages for, **8,** 198
pirated copies, of, **8,** 170 n.
prints, engravings, and lithographs, of, **8,** 205
sculpture, models, or casts, of, **8,** 208
unauthorised copies, of, **8,** 166
counterfeit gold or silver coins, of, felony by, **6,** 474 ; **9,** 516, 519
Crown, powers of, in relation to, **6,** 460, 461
dogs, of, regulations as to, **1,** 402, 403
dried fruit, of, customs duty in case of, **24,** 597
entry of goods in case of, **24,** 587, 588
ether, of, customs duty in case of, **24,** 603
ethyl, of, customs duty in case of, **24,** 603
explosives, of, regulations as to, **6,** 448 ; **14,** 382
food, of, regulations as to, **15,** 43—45, 55, 56
game, of, licence in case of, **15,** 259, 260
glucose, of, customs duty in case of, **24,** 603
gold and silver plate, of, regulations as to, **24,** 593 ; **27,** 724
gunpowder, of, regulations as to, **14,** 382, 383
hares, of, close season in case of, **15,** 210, 260
invention, of, infringement of patent by, **22,** 211
regulations as to, **22,** 132—134
Isle of Man, of goods from or into, **24,** 592
Local Government Board regulations as to, food, in respect of, **15,** 44
lottery notices, of, prohibition of, **15,** 303 n.
margarine, of, regulations as to, **15,** 55, 56
matches, phosphorus, of, prohibition of, **14,** 479
milk-blended butter, of, regulations as to, **15,** 55
milk or cream, regulations as to, **15,** 65, 66
molasses, of, customs duty in case of, **24,** 603, 604
motor spirit, of, customs duty in case of, **24,** 597, 598
place of, where goods liable to customs duty, **6,** 459 n. ; **24,** 587
plate, of, regulations as to, **24,** 593 ; **27,** 724
playing-cards, of, customs duty in case of, **24,** 598
saccharine, of, customs duty in case of, **24,** 598, 599
spirits, of, customs duty in case of, **24,** 599—602
sugar, of, customs duty in case of, **24,** 603, 604
tea, of, customs duty in case of, **24,** 606, 607
regulations as to, **15,** 68, 69
tobacco, of, customs duty in case of, **24,** 607, 608

IMPORTATION—*continued.*
transparent soap, of, customs duty in case of, **24,** 602
wine, of, customs duty in case of, **24,** 608, 609

IMPORTER. *See* IMPORTATION.
defined, **15,** 6 ; **24,** 587 n.
entry of goods by, **24,** 587, 588
false customs entry, liability for, **24,** 589
infringer of patent, as, **27,** 710
landing of goods by, provisions as to, **24,** 588
loss of goods in warehouse, rights in case of, **24,** 589, 590

IMPOSSIBILITY OF PERFORMANCE,
act of God, caused by, **3,** 93 ; **7,** 427—429 *See* ACT OF GOD.
Act of Parliament, caused by, **7,** 431
act of party, caused by, **7,** 432
act of State, caused by, **7,** 432
bailment, in case of, **1,** 553, 559
bond, in case of, **3,** 84, 92, 93, 97
breach of contract, in case of, **7,** 426—432, 438 ; **28,** 870
building contract, in case of, **3,** 188, 192—195, 199, 200.
temporary, in case of, **3,** 195
carriage, contract of, in, **4,** 8, 9
charitable gift, of condition in case of, **4,** 170, 171
charterparty, in. *See* CHARTERPARTY.
consideration, in regard to, **7,** 385
destruction of subject-matter, caused by, **7,** 427 ; **28,** 870
effect of, **7,** 426, 427
excuse, when ground for, **7,** 426, 427
gift, of condition in case of, **4,** 170, 171 ; **15,** 422
implied condition, effect of, **7,** 430, 431
infant, of condition subsequent in case of, **17,** 77
personal contract, in case of, **7,** 431
promise, absolute, in case of, **7,** 427 ; **28,** 870
alternative, in case of, **7,** 429 ; **27,** 63
conditional, in case of, **7,** 429, 430
sale of goods, in case of, **25,** 145, 146, 151
specific performance in case of, **27,** 55, 56, 61—64
time of agreement, existing at, effect of, **7,** 427
towage, contract of, as to, **26,** 357
war, declaration of, caused by, **1,** 310, 311 ; **6,** 443 ; **7,** 432 ; **26,** 132, 193
will, conditions in, in regard to, **28,** 590, 591
work and labour, contract of, in, **1,** 559 ; **28,** 870

IMPOTENCE,
legitimacy, in relation to, **2,** 427
marriage voidable for, **16,** 470—472

IMPOUNDING,
cattle dying by act of God, **11,** 188
cattle straying on highway, of, **27,** 278, 279
cestui que trust, interest of, who has instigated breach of trust, **28,** 202, 203, 205
chattels injured by act of God, **11,** 170
distress damage feasant, in case of, **1,** 382—386, 412 ; **25,** 195
feeding of impounded animals, **1,** 384
place for, **1,** 383
pound-breach after, **1,** 385, 386
pound-keeper, duties and liabilities of, **1,** 384, 385
rescue before, **1,** 385, 386

IMPOUNDING—*continued.*
distress damage feasant—*continued.*
sale of impounded animal, **1,** 384 ; **25,** 195
tender of compensation, effect of, **1,** 383
distress for rent, in case of, **11,** 168—170
defined, **11,** 168
cattle, of, **11,** 169, 170
corn and hay, of, **11,** 169
growing crops, of, **11,** 169
notice in respect of, **11,** 166—168
poundbreach after, **11,** 192—195. *See* POUNDBREACH.
rescue before, **11,** 41 n., 192—195, 209. *See* RESCUE.
tender as affecting, **11,** 153, 181 n.
distress under Summary Jurisdiction Acts, in case of, **11,** 226
documents, of, by court, **23,** 176
infant, interest of, on repudiation of settlement, **17,** 102, 103

IMPRESSMENT (MILITARY),
animals, of, transport, for, **8,** 634 ; **25,** 48—53
carriage, of, nature of, **25,** 48, 49
payment for, **25,** 51, 52
procedure on, **25,** 49, 50
transport, for, **8,** 634 ; **25,** 48—53
civil authorities, power exercisable only by, **25,** 49
conveyance of troops by rail, **25,** 52
drivers, of, transport, for, **25,** 48, 49
fraudulent demands in case of, **25,** 53
justice's warrant, constable's neglect to execute, **25,** 52
put into operation by, **25,** 49
offences, civilians, by, in regard to, **25,** 52
persons subject to military law, by, in regard to, **25,** 52, 53 n.
various, in case of, **25,** 53
order for, person neglecting to comply with, **25,** 52
payment in case of, **8,** 634 ; **25,** 51
Army Council's powers as to, **25,** 51, 52
court of summary jurisdiction, powers of, **25,** 51
dispute in, county court's powers in case of, **8,** 634, 635 ; **25,** 52
procedure on, **25,** 49, 50
railroad and plant seizable in emergency, **7,** 69 ; **23,** 699, 700 ; **25,** 52
requisition of emergency, **25,** 50
articles affected, **25,** 50
justice's warrant in, **25,** 50
payment by Army Council for, **25,** 51, 52
procedure in, **25,** 50
Territorial Force, by, **25,** 71
traffic, naval and military purposes, for, precedence of, **23,** 700 ; **25,** 52

IMPRESSMENT (NAVAL),
defined, **25,** 19
abeyance, now in, **25,** 19, 20 n.
apprentice to sea service, exemption as to, **25,** 20
Crown, as prerogative of the, **25,** 19
exemptions from, **25,** 20
ferryman, salt-water, exempt from, **14,** 558 n. ; **25,** 20, 20 n.
foreigner serving in merchant-ship exempt from, **25,** 20
habeas corpus for release from illegal, **10,** 49 n. ; **25,** 21
legality of, **25,** 19, 19 n.
liability to, extent of, **25,** 20

IMPRESSMENT (NAVAL)—*continued.*
method of, **25,** 20, 21
origin of, **25,** 19 n.
original meaning of word, **25,** 19 n.
person under eighteen or over fifty-five years of age exempt from, **25,** 20
person using the sea for two years exempt from, **25,** 20
person who has served in Royal Navy exempt from, **25,** 20
public necessity, justifiable only on grounds of, **25,** 19

IMPRISONMENT. *See also* COMMITTAL ; PRISON ; PRISONER.
affiliation order, effect of mother's imprisonment on, **2,** 451
alien, of, pending expulsion, **1,** 325
arbitrary, is unconstitutional, **6,** 377, 378
attachment for contempt of court, in case of, **7,** 318
child under fourteen not liable to, **9,** 420
Christmas Day, term expiring on, **23,** 258 ; **27,** 452
civil debt, sum recoverable as, when enforceable by, **11,** 224 ; **19,** 610
common law, at, common law misdemeanour, for, **9,** 410
unlimited period of, **9,** 410
companies, winding-up of, in case of, **5,** 562, 563
concurrent terms of, in what case, **9,** 411
consecutive terms of, in what case, **9,** 411 ; **19,** 602
costs recoverable by, **11,** 227
court-martial, military, by, **25,** 43, 45
naval, by, **25,** 16, 17
debt, for. *See* IMPRISONMENT FOR DEBT.
attachment, under. *See* ATTACHMENT OF PERSONS.
desertion, marital, may continue during, **16,** 482
discharge, date of, when term expires on holiday, **27,** 452
distress for rates and taxes, in default of, **11,** 215, 217
distress for rent, in default of, **11,** 191
distress under Summary Jurisdiction Acts, in default of, **11,** 223, 224, 227
scale of, **11,** 224 n. ; **19,** 604 n.
distress warrant, pending return to, **11,** 222
false, **9,** 606, 607. *See* FALSE IMPRISONMENT.
fiduciary position, persons in, when liable to, **7,** 299, 300 ; **28,** 58 n., 189
fine in lieu of, in what case, **19,** 602
magistrate's discretion as to, **19,** 602
fine with, as punishment for misdemeanour, **9,** 412
franchise, effect on, **12,** 141, 164, 165 n.
hard labour, with, imposed by statute, **9,** 410 ; **19,** 604 n.
without, divisions of, **9,** 410 ; **23,** 247, 248
substitute for pillory, as, **9,** 410 n.
illegal warrant, under an, special damages in case of, **11,** 225 n.
magistrate, powers of, as to, **19,** 602—604
master, liability of, where prosecution by servant is preceded by, **19,** 673, 674
old age pension, as disqualification for, **22,** 619
penal servitude, **9,** 409, 410. *See* PENAL SERVITUDE.
principal, liability of, where prosecution by agent is preceded by, **19,** 673, 674
probation in lieu of, **9,** 413
rates, in default of distress for, **11,** 215, 217

IMPRISONMENT—*continued.*
recognisance, on failure to observe conditions of, **9,** 412, 413 ; **19,** 608
reduction of prescribed, magistrate's power as to, **19,** 602
sedition or seditious libel, for, first division, in, **9,** 410 n.
solicitor, of, for default in payment of costs, **7,** 301
Sovereign, of, compassing, as treason, **6,** 347
statute, by, for some kinds of felony or misdemeanour, **9,** 410
maximum period without hard labour, **9,** 410
term not specified, where, **9,** 410 n.
Statutes of Limitation, suspension of, during, **19,** 53
summary jurisdiction, in case of, **19,** 604, 604 n.
sureties, on failure to find, **9,** 412
trustee or person in fiduciary position, **7,** 299—301 ; **28,** 58 n., 189
wrongful, trespass to the person, as, **27,** 871. *See* FALSE IMPRISONMENT.
young person, of, **9,** 420, 421, 422

IMPRISONMENT FOR DEBT,
abolition of, subject to exceptions, **2,** 337, 338 n.
administration order, not after, **2,** 343
alimony, non-payment of, **2,** 339 ; **16,** 521 n.
attachment of debtor, **7,** 298—302, 308 n.
Crown debt, for, **7,** 302
evidence on application, **7,** 311
bankrupt, income, non-payment of, ordered by court, **2,** 338
salary, non-payment of, ordered by court, **2,** 338
burden of proof, creditor, on, **2,** 339
civil debt, for non-payment of, **11,** 224 ; **19,** 610
committal, procedure in, county court, in, **2,** 341, 342
High Court, in, **2,** 341
Mayor's Court, in, **2,** 341
committal order, appeal against, **2,** 341, 344
detention for twenty-four hours not applicable in case of, **25,** 816 n.
duration of, **2,** 343
inferior court, of, requirements in, **2,** 339
suspension of, **2,** 343
validity of, requisites for, **2,** 339
when cannot be made or enforced, **2,** 343
compensation, non-payment of, Workmen's Compensation Act, awarded by, **2,** 339
costs, non-payment of, **2,** 338, 339
Crown debt, for, **2,** 338 ; **7,** 302 ; **25,** 821, 822
distress, in default of sufficient, Summary Jurisdiction Act, under, **11,** 223, 224 ; **19,** 604
extinction of debt not resulting from, **2,** 340
facts to be proved in case of, **2,** 339
fiduciary capacity, non-payment by person in, sum ordered by court, of, **2,** 338 ; **7,** 299—301 ; **28,** 58 n., 189
fine imposed by justices for non-payment of, **19,** 604 ; **25,** 821, 822
fraudulent debtors, in case of, **2,** 345—355. *See* FRAUDULENT DEBTOR.
fraudulently preferred creditor, refusal of repayment by, effect, **2,** 287
instalments, payment by, orders of court as to, **2,** 340
judgment debt, non-payment of, **2,** 338—340
procedure, **2,** 341—344. *See* JUDGMENT SUMMONS.

IMPRISONMENT FOR DEBT—*contd.*
judgment debt—*continued.*
receiving order in lieu of committal, **2,** 344, 34
term of imprisonment imposed, **2,** 338
judgment summons, procedure as to, **2,** 341—344
See JUDGMENT SUMMONS.
jurisdiction in respect of, courts exercising, **2,** 33
extent of, **2,** 339
land tax, for non-payment of, **11,** 220 n. ; **18,** 319
liability to, cases of, **2,** 337, 338
married woman, exemption of, in case of, **2,** 340
personal judgment against, in case of, **2,** 340
means of debtor, proof of, **2,** 339, 340, 341 ; **19,** 610
when derived from wife, **2,** 340 n.
order for payment of money, on non-compliance with, **7,** 298
payment into court, on non-compliance with order for, **7,** 298, 300
penalty, non-payment of a, **2,** 337 ; **11,** 223 ; **24,** 743
principle of existing law as to, **2,** 337
prison to which debtor committed, **23,** 250
rates, for non-payment of, **11,** 215, 216, 217
receiving order in lieu of committal, **2,** 344, 345
receiving order, not after, **2,** 63, 343
recognisance, on non-payment of sum due on, **2,** 338 ; **19,** 609 ; **25,** 821, 822
release from, how effected, **2,** 344
second imprisonment, restrictions as to, **2,** 343
solicitor, of, for costs for misconduct, **2,** 338 ; **7,** 301, 302
sum recoverable summarily, of, **2,** 338
Summary Jurisdiction Act, under, **11,** 223, 224 ; **19,** 604
treatment in prison, **23,** 249, 250

IMPROPRIATION. *See* IMPROPRIATOR.
defined, **11,** 717
benefice, of, **11,** 717, 718
layman, in hands of, temporal inheritance, as, **11,** 718 n.
origin of, **11,** 801, 802
owner of, augmentation by, **11,** 727
rectory of a parish, of, effect, **11,** 561, 562

IMPROPRIATOR. *See* IMPROPRIATION.
defined, **11,** 717
augmentation by, **11,** 727
great tithe, of, surrender by, effect, **11,** 718 n.
lay rector, as, dissolution of the monasteries, after, **11,** 802

IMPROVEMENT.
For matters under the Towns Improvement Clauses Act, 1847, *see the specific subjects dealt with in it.*
bridges, of, by county council, **16,** 194, 195
building line of street, of, **16,** 248
compensation for, agricultural holding, in case of, **1,** 258—271, 276 ; **4,** 224, 225 ; **18,** 566, 567
See AGRICULTURAL HOLDING.
mistaken belief of title, in case of, **13,** 71
design, in, when registrable, **27,** 731
drainage, by, **18,** 301—305. *See* DRAINAGE OF LAND.
Agricultural Holdings Acts, under, **1,** 261 ; **18,** 301 n.
Commons Acts, under, **4,** 603
Improvement of Land Acts, under, **18,** 277, 278, 280—283, 293—301

IMPROVEMENT—*continued.*
drainage—*continued.*
Land Drainage Acts, under, **18,** 301—303
Public Money Drainage Acts, under, **18,** 303—305
Settled Land Acts, under, **18,** 277, 279, 280 n.
floods, for prevention of, **6,** 174
footpath, of, **16,** 129
highway, of, **16,** 105, 106, 124, 129. *See* IMPROVEMENT OF ROADS.
inclosure of commons, on, **4,** 540, 549, 602, 603. *See* IMPROVEMENT OF COMMON.
land, of, **18,** 276—305. *See* IMPROVEMENT OF LAND.
leaseholds, of, ecclesiastical property, in case of, **11,** 764
landlord and tenant, as between, **18,** 491
Settled Land Acts, under, **25,** 655
lunatic, to property of, **19,** 432 n., 451
mortgagee, by, **21,** 203, 240
part performance of contract for sale, as, **27,** 34
patent, in case of existing, **22,** 132, 138
private improvement expenses, what are. *See* PRIVATE IMPROVEMENT EXPENSES.
public
places in metropolis, of, **20,** 458
ponds, wells, and watering-places, of, **4,** 549
rateable value of land, as affecting, **24,** 107
repairing lease, tenant's liability under, **18,** 506
river Thames, of navigation of, **28,** 408, 409
roads or streets, of, **6,** 171, 172; **16,** 105, 106, 124, 129. *See* IMPROVEMENT OF ROADS.
scheme for, Housing of Working Classes Act, under, **6,** 165; **23,** 518
Settled Land Acts, under, **18,** 289, 290; **23,** 518—523
servant, by, in patent or invention, **22,** 132
settled land, in respect of, **18,** 283—289. *See* SETTLED LAND ACTS IMPROVEMENTS.
sewers, of, *defined*, **24,** 112
streets, to, **16,** 93, 214, 215; **20,** 396, 458. *See* IMPROVEMENT OF ROADS.
towns, of, statutory powers for, **6,** 171; **19,** 292, 328; **25,** 720 n., 733
trust property, in respect of, **28,** 146, 147, 149
urban districts, in, **19,** 292
wife's property, to, when regarded as gift by husband, **16,** 396, 403

IMPROVEMENT OF COMMON,
compensation money, application of, **4,** 497
district council, by, under Commons Act, 1899, **4,** 611—614
expenses of, provisions for raising, **4,** 605
Inclosure Acts, under, **4,** 540, 603
metropolitan common, in case of, **4,** 606—611
National Trust, by, **21,** 598
sale of small common, in case of, **4,** 560
scheme for, Commons Act, 1899, under, **4,** 591, 599
metropolitan common, in case of, **4,** 606—611
village green, in case of, **4,** 591
valuer, instructions on appointment of, **4,** 549
works comprised in, Inclosure Acts, for purpose of, **4,** 603

IMPROVEMENT OF LAND.
The title LAND IMPROVEMENT *is contained in Vol. XVIII., pp.* 275 *et seq.*
abandoned works, abatement of nuisance caused by, **18,** 299

IMPROVEMENT OF LAND—*continued.*
absence of power to effect, remedy for, **28,** 147
absolute order for charge, Improvement of Land Act, 1864, under, **18,** 296, 297, 301
statutory powers of private improvement companies, under, **18,** 301
accumulations of income, payment out of, **18,** 285
acquiescence by owner in expenditure by stranger, effect of, **13,** 71, 168
acquisition of land for drainage or warping, **18,** 302
adjoining land, drainage works on, **18,** 303. *See* DRAINAGE OF LAND.
power to enter on, **18,** 299, 303
advances for, creation of rentcharge to secure, **24,** 477
incorporation of companies to make, **18,** 278
limit of, Public Money Drainage Acts, under, **18,** 304 n.
private companies, by, **18,** 277, 279, 280, 283, 301
public money, out of, **18,** 278, 303—305
security for, **18,** 300
agricultural
drainage, for purpose of, **1,** 261; **18,** 278, 301 n.
holding, on, compensation for. *See* compensation, *infra.*
works, for purpose of, **18,** 278, 283—285, 301
Agricultural Holdings Acts, within, **1,** 259—271; **18,** 288
allotments, to land acquired for, **1,** 347, 352, 356
allowance for, disclaimer by bankruptcy trustee of lease, on, **2,** 193
mortgagee, to, **21,** 240
partition action, in, **21,** 852
rectification of conveyance, on, **21,** 28
voluntary conveyance, on setting aside of, **15,** 101 n.
alterations of existing buildings regarded as, **18,** 286, 287
application to court, Board of Agriculture, to authorise proceeding by, **18,** 295
Land Drainage Acts, under, **18,** 301
petition or summons, by, **18,** 290
trustees, by, **28,** 147
apportionment of charge for expenses of, **18,** 298, 299, 305
authorised improvements, Agricultural Holdings Acts, under, **1,** 261 n.; **18,** 288 n.
allotments, in case of, **1,** 347, 356
custom of the country, by, **1,** 258
Improvement of Land Acts, under, **18,** 280—283
liberal interpretation of, **18,** 285
market gardens, in case of, **1,** 269, 270
Settled Land Acts, under, **18,** 283—288. *See* SETTLED LAND ACTS IMPROVEMENTS.
Board of Agriculture, advance out of public fund authorised by, **18,** 304
application to, **18,** 293—295, 303—305
approval by, **18,** 280—282
certificate of repayment, power to give, **18,** 300
entry, power to grant rights of, **18,** 301, 302
inspection, powers of, **18,** 295
investigation by, **18,** 294, 295
particulars to be furnished to, **18,** 281
bridges, by provision or repair of, **1,** 347; **16,** 105, 194—196; **18,** 280 n., 284 n., 285 n.
building lease, as consideration for, **11,** 763, 764 **25,** 655

IMPROVEMENT OF LAND—*continued.*
buildings, by alteration, repair, or provision of, **1,** 347; **18,** 280, 281, 284 n., 286, 287
canal, charge of subscription to stock or share of, **18,** 300
interference with, **18,** 295
may be made as, **18,** 280 n., 284 n.
capital money applied in payment for, **18,** 279, 283—293; **25,** 644—649. *See* SETTLED LAND ACTS IMPROVEMENTS.
certificate for advance out of public fund, **18,** 304
Chancery Division, petition to, **18,** 301
charge for expenses of, apportionment of, **18,** 298, 299
assignment of, **18,** 296, 298
charity lands, when allowed in case of, **4,** 276
enforcement of, **18,** 298, 301
expenses of application to Board of Agriculture included in, **18,** 296 n.
Improvement of Land Act, 1864, under, **18,** 281, 297, 298
Land Drainage Acts, under, **18,** 301
land improvement company, by, **18,** 295 n.
limited owner, by, **21,** 105
nature of, **18,** 297
personalty, as, **18,** 297; **22,** 389
public money, on advance of, **18,** 304
redemption of, out of capital money, **18,** 292
release of, **18,** 298
charity trustees, by, capital, by expenditure out of, **4,** 239
mortgage, power to raise money by, **4,** 235
cleansing of drains and streams, provision for, **18,** 302
collection of rentcharge by land tax collectors, **18,** 304
common law, no right to compensation at, **18,** 567
commons, on inclosure of, **4,** 560—568
companies incorporated for, extension of powers of, **18,** 283
names of, **18,** 278 n.
powers of, **18,** 278, 279, 282 n., 283, 300, 301
compensation of tenant for, **1,** 258—271, 347; **4,** 276; **18,** 567. *See* COMPENSATION.
agreement, by, **1,** 245, 261, 262; **18,** 567
Agricultural Holdings Act, under, **1,** 258—271
allotments, in case of, **1,** 258, 347, 356, 357, 358; **8,** 633
capital money, out of, **1,** 267
cottage garden, in case of, **1,** 258
custom, by, **1,** 243—247, 258, 356; **10,** 257; **18,** 567
small holdings, in case of, **26,** 680, 684
compulsory hiring for small holdings, in case of, **26,** 684
concurrence in execution of, by tenant for life, **18,** 289
conflict of powers under Settled Land Acts, **18,** 291; **25,** 668 n.
consent, landlord, of, under Agricultural Holdings Acts, **1,** 258—263
occupier, of, under Land Drainage Acts, **18,** 301 n.
consolidation of statutes relating to, **18,** 278
contribution to expenses of water supply by district council, **18,** 282
Cornwall, in Duchy of, **7,** 242, 244, 249, 252, 257. *See* CORNWALL, DUCHY OF.
corporation as landowner, powers of, **18,** 294 n.
corpus of settled estate, expenses payable out of, **18,** 277. *See* capital money, *supra.*

IMPROVEMENT OF LAND—*continued.*
cottages for artisans and labourers, by provision of, **18,** 284 n.
county council, by, allotments, to land hired for, **1,** 347, 352
public walks or pleasure grounds, in respect of, **21,** 587
small holdings, to land hired for, **26,** 680, 684
court, approval of scheme where money is in, **18,** 290
covenant to carry out, as consideration for grant, **15,** 96, 97
cricket ground, by provision of, **18,** 285 n.
Crown
lands, compensation to tenants of, **1,** 268
rights as to, **7,** 156
provisional order does not affect, **18,** 296
death of landowner before completion of, **18,** 297
deductions to be made in estimating value of estate, **18,** 281
defective title of landowner, effect of, **18,** 279
delay in executing, effect of, **18,** 291
disability, on behalf of persons under, **18,** 294, 304 n.
distress, recovery of rentcharge by, **18,** 298, 305 n.
drainage of land, by, **1,** 261, 347; **18,** 280, 283, 299, 301, 303. *See* DRAINAGE OF LAND.
Agricultural Holdings Acts, under, **1,** 261; **18,** 301 n.
Commons Acts, under, **4,** 603
Improvement of Land Acts, under, **18,** 277, 278, 280—283, 293—301
Land Drainage Acts, under, **18,** 301—303
Public Money Drainage Acts, under, **18,** 301—303
Settled Land Acts, under, **18,** 277, 279, 280 n.
drains, by provision of, **18,** 283 n., 287 n., 303
Duchy lands, tenant's right to compensation in case of, **1,** 268, 270
duration of charge, contribution to district council, in case of, **18,** 282
Land Drainage Acts, under, **18,** 301
provisional order, under, **18,** 297
Public Money Drainage Acts, under, **18,** 304
ecclesiastical property, in case of, **1,** 269; **11,** 764
embanking as, **1,** 347; **18,** 280 n., 283, 284 n.
entry on land of persons under disability, powers of, **18,** 301, 302
expenses of, charged on inheritance, **18,** 277
increase of rent to cover, distress not leviable for, when, **11,** 122
Settled Land Acts, under, **18,** 285; **25,** 644
extension of term for repayment under Improvement of Land Act, 1864, **18,** 296 n.
farming purposes, by works for benefit of, **18,** 280 n., 283, 284 n., 285 n.
fences, by provision of, **1,** 347; **18,** 285 n.
field gardens, in case of, **4,** 592
fire hydrants and hose, by provision of, **18,** 287 n.
fixtures, by addition of, **18,** 420
floods, for prevention of, **1,** 347
golf course, by construction of, **18,** 285 n.
groynes and sea walls, by provision of, **18,** 284 n.
Housing of Working Classes Acts, schemes under, **6,** 165, 166
husband, by, in respect of wife's property, **16,** 396, 403
impeachment of waste, provisional order as protection from, **18,** 296
Improvement of Land Acts, under, **18,** 280—283, 293—300

IMPROVEMENT OF LAND—*continued.*
improving lease. *See* IMPROVING LEASE.
inclosing, by means of, **18,** 280 n., 283, 284 n.
Inclosure Commissioners, devolution of powers of, **18,** 281 n.
incorporation of companies to execute, **18,** 278
incumbent of benefice, by, **11,** 764
infant, to property of, **17,** 87
inheritance, power to charge expenses on, **18,** 276, 278, 283; **21,** 105
inquiry, Board of Agriculture, by, **18,** 302
master of High Court, by, **18,** 301
salvage by repairs, in case of, **18,** 277
inspection of works on loan out of public fund, **18,** 304
insurance against fire, provision for, **18,** 281 n., 293, 299
interest, arrears of rentcharge, on, **18,** 298, 301; **21,** 39
expenditure under Land Drainage Acts, on, **18,** 301
local authority, on improvement expenses due to, **21,** 39
Ireland, application of sale money from land in, **18,** 279 n.
irrigation works as, **1,** 347; **18,** 280 n., 283
joint application for leave to make, **18,** 294
jurisdiction of High Court to order, **18,** 277
labourers' cottages, by works affecting, **18,** 280, 284 n., 286; **25,** 689
Lancaster, in Duchy of, **7,** 230, 231, 236
Land Drainage Acts, under, **18,** 301—303
landlord, charge obtained by, for compensation paid to tenant, **1,** 266, 267
execution of works by, **1,** 261
landowner, powers and liability of, **18,** 303—305
rentcharge to be kept down by, **18,** 279
lease containing covenants to make. *See* IMPROVING LEASE.
lessee at rack rent not regarded as landowner, **18,** 279
lien for expenses of, on partition, **13,** 41
limitation of expenses to be charged on estate, **18,** 281
limited
company, inability to charge land of, **18,** 279 n.
owner, former lack of power of, **18,** 276
local authority, agreement for supply of water to, **18,** 282
creation of rentcharge by, **24,** 477
maintenance and repair of, **18,** 293, 299, 301, 305
mansion house, by works affecting, **18,** 280, 281, 284, 287
manufacturer, agreement for supply of water to, **18,** 282
market gardens, in case of, **1,** 269, 270
master of High Court, inquiry by, **18,** 301
metropolitan borough council, by, **21,** 600
mills, by provision of, **18,** 280, 283, 284 n., 285 n.
mines, by works in connection with, **18,** 284 n., 286; **20,** 516
mortgage, power of trustee to raise money by, **28,** 149
mortgagee in possession, by, **21,** 203, 240
National Trust, by, **21,** 597, 598
notice before making, remaindermen or mortgagees, to, **18,** 295 n.
river or canal, to controllers of, **18,** 295
open spaces, powers as to, **21,** 584—590. *See* OPEN SPACES.
provision of, **18,** 284 n., 285

IMPROVEMENT OF LAND—*continued.*
osier beds, by planting, **1,** 347
part performance of contract by tenant, as evidence of, **18,** 376
partition action, by parties to, **11,** 41; **21,** 848, 851, 852
pasture, by laying down permanent, **1,** 284, 347
permanent value, proof of addition to, **18,** 280—282, 294, 295
personal remedy against landowner, exclusion of, **1,** 268; **18,** 298
plan or drawing of, delivery of, **18,** 295
power to dispense with, **18,** 304 n.
planting, by means of, **1,** 260 n., 347; **18,** 280 n., 283, 284 n., 294
power of trustee to make. *See* trustees, *infra.*
preliminary works in development of mines, **18,** 286
priority of charges for, **18,** 281, 297, 301, 304; **21,** 346
disputes as to, **18,** 298
registration of claim to, **18,** 298
private improvement companies, under statutory powers of, **18,** 278, 283, 300, 301
procedure, Improvement of Land Act, 1864, under, **18,** 293—300
Land Drainage Acts, under, **18,** 301
private improvement company, under acts of, **18,** 300, 301
Public Money Drainage Acts, under, **18,** 303—305
Settled Land Acts, under, **18,** 289—292
statutory compensation to tenant, in case of, **1,** 263—266
provisional
certificate, under Public Money Drainage Acts, **18,** 304
order for, by Board of Agriculture, **18,** 295, 296, 301
Public Improvements Act, 1860, under, **21,** 593
public improvements by private landowner, charge for, **18,** 299, 300
Public Money Drainage Acts, under, **18,** 303—305
railway, charge of subscription to stock or shares of, **18,** 300; **23,** 631
reclaiming of land as, **1,** 347; **18,** 280 n., 283, 284 n.
recovery of rentcharge under Public Money Drainage Acts, **18,** 304
recreation grounds, in case of, **4,** 592
redemption of rentcharge for, **18,** 297 n., 305
registration, order creating charge, of, **18,** 297, 298; **21,** 346
rentcharge of, **18,** 297; **24,** 477; **25,** 361
reimbursement of tenant for life for past expenditure, **18,** 291
release of charge for, **18,** 299
remedies for recovery of rentcharge, Improvement of Land Act, 1864, under, **18,** 298
Public Money Drainage Acts, under, **18,** 304
renewal of lease of charity lands, as ground for, **4,** 224
rent, deduction by tenant from, **18,** 298, 305 n.
rentcharge for, apportionment of, **18,** 299
enforcement of, **18,** 298
power of local authority to create, **24,** 477
priority of, **18,** 297, 304, 305; **21,** 346
private company, to secure advances by, **18,** 278
redemption of, **18,** 297 n., 305; **25,** 646
registration of, **18,** 297; **24,** 477; **25,** 361

IMPROVEMENT OF LAND—*continued.*
repair of, **18,** 293, 299, 301, 305
existing building distinguished from, **18,** 276, 287 n.
repairing lease, non-liability of tenant under, **18,** 506
repayment of advances for, how secured, **18,** 296, 298, 301, 304; **24,** 477
representatives of deceased landowner, powers of, **18,** 297
reservoirs, by provision of, **18,** 281, 284 n.
river or canal, interference with, **18,** 295
roads, by works affecting, **18,** 280, 283, 284 n. *See* IMPROVEMENT OF ROADS.
salvage, expenditure under doctrine of, **18,** 277
scheme for, under Settled Land Acts, **18,** 289, 290
Scotland, in, **18,** 279 n.
settled land, insurance of, **18,** 293
Settled Land Acts, powers given by, **18,** 279, 280, 283—293. *See* SETTLED LAND ACTS IMPROVEMENTS.
sewage for agricultural purposes, by supply of, **18,** 280, 283 n.; **25,** 742 n.
sewers or drains, provision of, **18,** 284
silo, provision of, **1,** 347; **18,** 288 n.
small holding, by tenant of, **1,** 258; **26,** 680, 684
specifications of, delivery of, **18,** 295
stamp duty not affected by covenant to make, **18,** 399; **25,** 447
statutory powers to effect, **18,** 277
subscription to stock or shares of company, charge for, **18,** 300
surplus rents of allotments may be applied in, **4,** 592
tenant, by, agricultural holding, of, **1,** 258—271; **18,** 567. *See* AGRICULTURAL HOLDING.
allotment, of, **1,** 258
charity land, of, **4,** 224, 225, 276
term for repayment of charge, **18,** 296, 301
extension of, **18,** 296 n.
tillage, by conversion of waste or pasture into, **18,** 278
tithe rentcharge, rentcharge recoverable as, **18,** 304
Treasury, advances by, **18,** 304
trust of income to make, rule against perpetuities as affecting, **22,** 380
trustees, by, express power, under, **25,** 689; **28,** 149
mortgage to raise money for, **28,** 149
statutory powers of management, under, **25,** 688
unauthorised expenditure, effect of, **25,** 689
urban authority, powers of, **21,** 587, 588
vacant possession, cost of obtaining, **25,** 648
valuation of land in case of, **18,** 281
value of agricultural holding, effect on, **1,** 268
vendor of land not entitled to make, **25,** 370
vesting of sewers made and used for, **25,** 727
voluntary expenditure on another's estate, effect of, **15,** 81
walks, powers as to public, **21,** 588, 593, 600
warping, by means of, **1,** 347; **18,** 280 n., 283 n., 301
water supply, by works affecting, **1,** 347; **18,** 280—283, 284 n., 287 n.
waterworks, charge of subscription to, **18,** 300
working classes, by provision of dwellings for, **18,** 286

IMPROVEMENT OF ROADS,
defined, **16,** 106 n.
acquisition of land or easements for, **16,** 105, 106; **20,** 458
advance by Road Board for, **16,** 28, 106, 129
authorities for making, main roads, in case of, **16,** 26, 27
borough council, powers of, **16,** 26, 27, 201
borrowing of money for, **16,** 105, 106, 214
bridges, by building or enlarging of, **16,** 105, 194—196
building line, by enforcement of, **16,** 247, 248
cemetery authority, by, **3,** 508, 516
combination of local authorities, by, **16,** 124, 201
Commissioners of Works, conveyance of bridges and land by, **16,** 196
Common Council of City of London, powers of, **20,** 458
compulsory purchase of land for, **6,** 171, 172, 174; **16,** 201
corners, by cutting off, **16,** 106 n.
county council, agreement with highway authority by, **16,** 106
contract with borough or district council by, **16,** 27
contribution by, **16,** 127, 129
powers in respect of through communication, **16,** 201
dedication of land for, by local authority, **16,** 94
district council, powers of, **16,** 27
dust, for mitigating nuisance of, **16,** 106 n.
expenses of, charge of, **16,** 127
extraordinary traffic, after damage by, **16,** 180
floods, for prevention of, **6,** 174
fund for, **16,** 28, 29; **24,** 763, 764. *See* ROAD IMPROVEMENT FUND.
grant for, **16,** 28, 29; **24,** 763
highway authority, powers of, **16,** 105, 106
inclosure of common, on, **4,** 549
levelling, by, **16,** 105, 106 n.
local authorities, by, **16,** 124
London County Council, by, **20,** 396, 458
main roads, in case of, **16,** 26, 27, 127—129
metropolitan city, and borough councils, by, **6,** 171, 172; **16,** 201; **20,** 458
private improvement expenses, liability for, **16,** 57
lighting expenses as, **18,** 478
paving expenses as, **16,** 224; **18,** 478
rate for, **16,** 224, 225. *See* PRIVATE IMPROVEMENT RATE.
purchase of property for, **16,** 93, 214
repair of new highways, **16,** 94
Road Board, duties and powers of, **16,** 28, 106, 129, 201. *See* ROAD BOARD.
rural authority, by, **16,** 93 n., 106, 214
straightening, by, **16,** 105
superfluous land acquired by metropolitan authority, sale of, **20,** 460
through communication by road, of, **16,** 201
urban authority, by, **16,** 27, 93, 214
main road, in respect of, **16,** 127, 129
Wales, special provisions for South, **16,** 31
widening, by, **16,** 105, 106 n.

IMPROVEMENT SCHEME. *See also* RECONSTRUCTION SCHEME.
diversion of highways under, **16,** 82
housing of working classes, for, **23,** 518—523
purchase of land for, **6,** 165

IMPROVING LEASE,
best rent, what is, **18,** 363 n.
ecclesiastical property, of, **11,** 764
repairing lease, distinguished from, **18,** 506
Settled Land Acts, under, **25,** 655, 656
stamp duty on, **18,** 399

IMPURE FOOD ETC. *See* ADULTERATION.

IMPUTATION. *See* IMPLICATION; PRESUMPTION.
defamatory. *See* DEFAMATORY STATEMENT.
notice, of. *See* CONSTRUCTIVE NOTICE.

IN A SEPARATE FORM,
publication in, **8,** 148 n.

IN ÆQUALI JURE,
law requires equality, **13,** 69 n.

IN ALIENO SOLO,
customary rights, **10,** 238; **11,** 326 n. *See* CUSTOM.

IN ANY ONE YEAR,
defined, **27,** 435

IN BULK. *See* BULK.

IN CAMERÂ,
children or young persons, evidence in offences against, **17,** 170
confidential communications, motion to restrain disclosure of, when heard, **17,** 255
Divorce Court proceedings, hearing of, **16,** 465
evidence heard, when, **9,** 363, 619; **13,** 594; **16,** 465; **17,** 170, 255
incest, proceedings in prosecution for, **9,** 619
publication of proceedings heard in, as contempt of court, **23,** 225 n.

IN CHARGE,
Crown, to, running of time when rents of land have been, **19,** 159 n.
vessel, of, *defined,* **26,** 371 n.

IN COMMENDAM,
benefice, held in, **11,** 633 n.

IN CUSTODIA LEGIS,
bankruptcy does not place goods, **11,** 171, 172
distress on goods, exemption from, **11,** 174, 179; **14,** 53
execution on goods which are already, **14,** 21
impounded goods are, **11,** 168, 170, 193
receiver, appointment of, does not put property, **14,** 126; **24,** 386
sheriff, goods seized by, are, **11,** 174, 175; **14,** 53; **25,** 823

IN EXTREMIS,
statement made. *See* DYING DECLARATION.

IN FEE SIMPLE,
statutory effect of phrase, **24,** 166; **25,** 425

IN FORMÂ PAUPERIS,
counsel, assignment of, **2,** 372, 386
opinion of, before proceeding, **2,** 379; **11,** 68 n.; **23,** 186
county court appeal, **8,** 605, 609

IN FORMÂ PAUPERIS—*continued.*
High Court, proceedings in, **23,** 186
House of Lords, appeals to, **20,** 240, **21,** 647
infant's next friend suing, **17,** 135
leave to sue, how obtained, **23,** 186
litigant in person, **2,** 372
matrimonial causes, in, **16,** 505, 547, 562
Poor Prisoners' Defence Act, under, **9,** 352, 353 n.
Privy Council, Judicial Committee, appeals to, **9,** 34, 35, 42, 46; **10,** 580
prohibition, appeal against Crown in, **10,** 149
solicitor, assignment of, **2,** 386
trade union member may appeal, **27,** 630 n.
who may sue, **23,** 186
Workmen's Compensation Act appeal, **20,** 240

IN FUTURO. *See* FUTURE.
injunction operating, **17,** 211
interests in land, **24,** 160
alienation of, **10,** 369
lessee's covenants running with the land and relating to a thing, **18,** 584, 585
will, dispositions by, taking effect, **28,** 511

IN GOOD FAITH. *See* BONÂ FIDE; GOOD FAITH.
defined, **2,** 550 n.; **25,** 120

IN GROSS,
advowson, **11,** 564; **24,** 162
mortgage of, **21,** 129
tenement and hereditament, as, **24,** 161 n.
tenure exists in, **24,** 156
common, pasture, of, **4,** 457, 458
rights of, **24,** 162
easement, as to, **11,** 236
incorporeal hereditaments, **24,** 162
profits à prendre, **24,** 162
rentcharges, **24,** 162

IN LOCO PARENTIS,
defined, **17,** 111 n.
double portions, presumption against, **13,** 131
fact, question of, who is, **13,** 131
gift to person, infant, by, **13,** 18; **15,** 107, 108
guarantee for person standing, effect of, **15,** 450
illegitimate child, father of, may stand, **17,** 111 n.
legal consequences resulting from being, **15,** 108; **17,** 111, 119, 120
maintenance and education of child, court's recognition of duty of, **17,** 114
purchase by person, presumption of advancement in case of, **17,** 119
relative or stranger, right of, to put himself in, **17,** 111, 119
schoolmaster, status of, common law rule, **12,** 122, 123
right to punish delegated to, **17,** 107
settlement by person, interest on portion under, right of infant to, **17,** 119
undue preference presumed where persons stand, **13,** 131; **15,** 108
will of person, interest on legacy under, right of infant to, **17,** 120

IN PAIS, ESTOPPEL. *See* ESTOPPEL.

IN PARI DELICTO POTIOR EST CONDITIO POSSIDENTIS,
application of maxim, **13,** 73 n.; **28,** 50, 57, 58

IN PARI MATERIA,
statutes which are, construction of, **27,** 138—140, 142

IN PARIBUS RATIONIBUS PARIA JURA,
application of maxim, **13,** 69 n.

IN PERSONAM,
action, **1,** 48
Admiralty, in, **1,** 61, 62, 105—107. *See* ACTION IN PERSONAM IN ADMIRALTY.
counterclaim, against claim *in rem*, **25,** 514 n.
equity acts, **13,** 7 n., 65, 66; **17,** 204; **27,** 7
foreign immovables, equitable jurisdiction over, **6,** 202—207
informations, **10,** 5—7
judgments, **13,** 330, 331; **18,** 177

IN PRÆSENTI,
interest, void as perpetuity, when, **22,** 297, 298

IN REM,
action in Admiralty, **1,** 47, 61, 80 *et seq.* *See* ACTION IN REM IN ADMIRALTY.
information, classes of, **10,** 5
judgment. *See* JUDGMENT.

IN TAIL,
limitation of estate, use of words for, **24,** 246, 247. *See* ESTATE TAIL.

IN TERROREM,
conditions in wills, **28,** 588—590
not binding, **28,** 591
real estate, doctrine does not apply to, **28,** 590
robbery, effect of, in case of, **9,** 661
wife, presumption as to, in case of, **9,** 244

IN TRANSITU, STOPPAGE. *See* STOPPAGE IN TRANSITU.

INACCURACY,
boundary, in statement of dimensions, effect of, **3,** 110
description of, canons of will, construction as to, **28,** 684—691
representation, in, not amounting to falsity, **20,** 678
statement, of, when not actionable, **20,** 695

INACTION,
acquiescence inferred from, when, **13,** 395
misrepresentation amounting to, **20,** 681—684
not amounting to, **20,** 684

INADEQUACY,
consideration, of. *See* CONSIDERATION.
injunction in case of. *See* INJUNCTION.
damages, of, new trial in case of libel, **18,** 720
salvage agreements, in, **26,** 571

INADEQUATE DAMAGES,
review of, Court of Appeal, by, **10,** 350; **17,** 214

INADVERTENCE,
election expenses or payments, illegal, made through, **12,** 399, 400
return of, irregularity in, through, **12,** 405, 407
mortgage etc., omission to register through, **5,** 371
without culpability, defence of, **9,** 237

INCAPACITY (LEGAL). *See also* DISABILITY; DISQUALIFICATION.
agency, as affecting, **1,** 233, 234; **19,** 406
agent, as, **1,** 151, 152
lunatic, of, **1,** 234; **19,** 406
alderman, of. *See* ALDERMAN.
alien, of, **1,** 308; **6,** 381
action, to maintain, **1,** 20
British ship, as owner of, **1,** 306; **26,** 16
enemy, contract, to, **7,** 342
patent, to be grantee of, **22,** 130
franchise, for, **1,** 308; **12,** 140, 183, 458
juror, as, **1,** 309; **18,** 230
Parliament, as member of, **1,** 308; **21,** 656
partnership, in respect of, **22,** 19
principal, to act as, **1,** 149
bankrupt, of, **2,** 88—90
alderman, to be, **2,** 88; **19,** 307
barrister, to be, **2,** 363
borough councillor, to be, **2,** 89; **19,** 304, 307
county councillor, to be, **19,** 304, 307, 341
district councillor, to be, **2,** 89; **19,** 264
gift of property vested in trustee, to make, **15,** 403
guardian of the poor, to be, **2,** 89
justice of the peace, to be, **2,** 88; **19,** 551
mayor, to be, **2,** 307; **19,** 307
mortgage, to effect, **21,** 93
parish councillor, to be, **2,** 89; **19,** 264
parliamentary, **2,** 88; **21,** 622, 658, 789
Territorial Association, for membership of, **25,** 85
vestryman, to be, **11,** 459
barrister, of persons to become, **2,** 363
borough councillor, of, **19,** 303—308. *See* BOROUGH COUNCILLOR.
British ship, ownership of, as to, **1,** 306; **26,** 16
child, of, crime, to commit, **9,** 239, 240
evidence, to give, **9,** 315 n., 400; **13,** 569; **17,** 56, 170
clergy, of, **11,** 556, 557
House of Commons, for membership of, **11,** 556; **21,** 657
jurors, as, **18,** 231
municipal office, for, **11,** 557; **19,** 304
preferment, to hold, **11,** 537
receiver, to act as, **24,** 360
trade, to, **11,** 557, 558, 637; **22,** 19
punishment, **11,** 522, 537, 621
contract, to enter into, **7,** 341, 342. *See various particular persons, infra.*
statutory, **6,** 235
conveyance on compulsory purchase where parties under, **6,** 111, 112
convict, of, action, to bring, **1,** 30; **9,** 429; **25,** 252; **27,** 491
contract, to, **7,** 342; **9,** 429; **25,** 308, 559
franchise, for exercising, **9,** 429; **12,** 141
generally, **9,** 428—431
juror, as, **18,** 230
licence, to hold excise or justices', **18,** 56
office of profit, to hold, **9,** 428, 429
Parliament, as member of, **9,** 429; **21,** 657
principal, as, **1,** 149
property, alienation or charging of, **2,** **9,** 429; **15,** 403; **21,** 94; **25,** 559
corporation, contract without seal, to, **1,** **8,** 382
gift, to make, when, **15,** 406
patent, to be grantee of, **22,** 130

INCAPACITY (LEGAL)—*continued.*
corpse, to dispose of, by will or otherwise, **3,** 405; **15,** 409
corrupt practices, after conviction for, **12,** 141, 471, 483—486, 524
crime, to commit, **9,** 239—243, 244
criminal evidence, to give, husband and wife, **9,** 388; **13,** 570
deaf and dumb persons, of, to give evidence, **9,** 400; **13,** 569
deaf, dumb and blind person, of, to make gift, **15,** 403
district councillor, to be, **19,** 264
drunken person, of, contract, to make, **1,** 150; **7,** 342; **25,** 124; **27,** 38
crime, to commit, **9,** 243
deed, to execute, **10,** 360
family arrangement, to make, **14,** 548, 549
gift, to make, **15,** 403
murder, to commit, **9,** 581
old age pension, to receive, **22,** 619
pawning, as to, **22,** 238, 255
principal, to act as, **1,** 150
witness, to be, **9,** 400
evidence, to give, **9,** 315 n., 388, 400; **13,** 569, 570; **17,** 56, 170
excise licence, to hold, **18,** 54, 55, 118
felon, of. *See* convict, *supra.*
female, of, barrister, to be, **2,** 363 n.
House of Commons, to be member of, **21,** 655
solicitor, to be, **26,** 710
voter, as, **12,** 140
franchise, to exercise, **12,** 139—145, 182—184
husband and wife, of, criminal evidence against each other, to give, **9,** 388; **13,** 570
prosecute each other, to, **9,** 338 n., 634, 680, 772 n.; **16,** 462 n.
sue each other, to, **16,** 460
infant, of, **17,** 46—55
agent, to appoint, **1,** 149, 150; **17,** 48
annuity, to grant, **17,** 49
bailiff, to be, **11,** 163; **17,** 47; **25,** 803
bailment, upon contract of, **1,** 553 n.
bankrupt, to be made, **2,** 11, 12; **9,** 240 n.; **17,** 54, 55
bill of exchange, in respect of, **2,** 490, 491; **17,** 49
bond, in respect of, **3,** 83; **17,** 49, 63
contract, to make, **17,** 63—78. *See* INFANT.
coroner's jury, to serve on, **8,** 261, 262
crime, in respect of, **9,** 239, 240; **17,** 46
deed, to execute, **10,** 360
executor, as, **14,** 139; **17,** 50, 51
gift, to make, **15,** 402
guardian, to appoint, **17,** 48, 58, 59
House of Commons, to be member of, **17,** 47; **21,** 656
House of Lords, as member of, **17,** 47; **21,** 623
juror, to be, **17,** 48; **18,** 229
lease, to grant, **17,** 49, 99
loan of money, in respect of, **17,** 49, 66; **21,** 53
mortgage, in respect of, **21,** 91, 92
partnership, in respect of, **17,** 53; **22,** 19, 20
pawning, as to, **17,** 69; **22,** 238, 255
power, as to execution of, **17,** 53, 54
promissory note, in respect of, **2,** 490, 491
receiver, as, **17,** 47; **24,** 360
release, in respect of, **17,** 49; **28,** 200
rentcharge, to grant, **17,** 49
solicitor, as, **26,** 710

INCAPACITY (LEGAL)—*continued.*
infant—*continued.*
tort, in respect of, **27,** 478
trustee, as, **17,** 51, 52; **28,** 65
voter, to be, **12,** 139
will, to make, **17,** 49; **28,** 534
juror, to be, **18,** 230—232
justices, of, **19,** 550—556
justices' licence, to hold, **18,** 59—62
lunatic, of, **19,** 396—406
agent, to appoint, **19,** 406
agent, to be, **1,** 234
benefice, to present to, **11,** 574
bill of exchange, in respect of, **2,** 490
bond, in respect of, **3,** 83
contract, to, **19,** 396—399
deed, to execute, **10,** 360; **19,** 396, 399
domicil, to change, **6,** 192
equitable relief, as ground for, **13,** 16
executor, as, **14,** 139
gift, to make, **15,** 403
House of Commons, as member of, **21,** 656
juror, as, **18,** 230
lucid interval, acts done during, **19,** 399
market overt, **19,** 398
marriage, in relation to, **16,** 282; **19,** 401, 402
mortgage, in respect of, **21,** 92
notice of lunacy, want of, **19,** 400
parliamentary elector, as, **12,** 140, 164
partnership, in respect of, **19,** 397; **22,** 20
pawning, as to, **22,** 238, 255
promissory note, in respect of, **2,** 490
sue or be sued, to, **1,** 22; **19,** 462—466
tort, in respect of, **19,** 403; **27,** 478, 479
will, to make, **19,** 403—405; **28,** 532—534
witness, to be, **13,** 569
married woman, of, bond, in respect of, **3,** 83
borough councillor, as, **19,** 302 n.
contract, to make, **1,** 150, 151
deed, to execute, **10,** 360
equity to a settlement, to waive, **16,** 341
mortgage, in respect of, **21,** 92
partnership, in respect of, **22,** 20, 21
voter, as, municipal election, at, **12,** 183; **19,** 302 n.
parliamentary election, at, **12,** 140
outlaw, of, juror, as, **18,** 230
voter, as, **12,** 141
Parliament, to sit in, **21,** 622, 623, 655—661
partnership, in case of, **22,** 19—21
dissolution on grounds of permanent, **22,** 92
patent, persons incapable of being grantees of, **22,** 129, 130
peer, of, **22,** 270
juror, as, **18,** 230
parliamentary elector, as, **12,** 140; **22,** 270
principal, as, alien, of, **1,** 149
convict, of, **1,** 149
corporation, of, **1,** 151; **8,** 381, 382
drunkard, of, **1,** 150
infant, of, **1,** 149, 150
lunatic, of, **1,** 233; **19,** 406
married woman, of, **1,** 150, 151
rape, to commit, presumption of, **9,** 240
service, contract of, in relation to, **20,** 100
sheriff, of, causes vacancy, **25,** 796
solicitor, of, barrister, as, **2,** 363
juror, as, **18,** 231
Sovereign, of, effect of, **6,** 376
specific performance, as defence in, **27,** 61

INCAPACITY (LEGAL)—*continued.*
testamentary, **28,** 532—536
alien, of, **1,** 307 ; **28,** 535
infant, of, **17,** 49, 104 ; **28,** 534
lunatic, of, **19,** 403—405 ; **28,** 532—534
unsoundness of mind, by reason of, **28,** 532—534
trustee, appointment of new, in event of, **28,** 79
wife, of, to commit larceny from husband, at common law, **9,** 634 n., 680. *See* husband and wife, *supra.*

INCAPACITY (PHYSICAL),
canon, of, as ground for resignation, **11,** 421, 422, 433
dean, of, inquiry as to, **11,** 421, 422
marriage, in relation to, **16,** 283, 470—472
inspection of the person in case of, **16,** 527, 528
Workmen's Compensation Act, under, **20,** 176 n., 201, 207, 232, 233, 235 n.
arbitrator, duty of, where, has disappeared, **20,** 231
date of disablement, **20,** 166 n.
effect where injury not the cause of, **20,** 207
inability to get work as, **20,** 232, 236
industrial disease as, **20,** 166
medical referee on, **20,** 166 n., 221
nervous disease as, **20,** 233
partial, **20,** 200, 234
period of, **20,** 166, 176, 200, 206, 231
permanent, **20,** 229
recurring, **20,** 231
total, in case of workman not of full age, **20,** 201
unreasonable conduct, due to, **20,** 235

INCENDIARISM. *See* ARSON.

INCENSE,
use of, church, in, **11,** 682

INCEST,
defined, **9,** 617
attempt to commit, **9,** 618
brother and sister, interpretation of, **9,** 618
consent immaterial, **9,** 618
divorce on ground of, **16,** 470, 480
evidence of husband or wife for prosecution, **9,** 618
female permitting, penalty, **9,** 618
guardianship, deprivation of, for, **9,** 618
in camerâ, proceedings, **9,** 619
jury may convict under Criminal Law Amendment Act, 1885, **9,** 618
prosecution, sanction of Attorney-General for, **9,** 619
punishment for, **9,** 617
Vexatious Indictments Act, 1859, within, **9,** 618

INCESTUOUS ADULTERY,
defined, **16,** 480
ground of divorce, as, **16,** 470

INCH,
standard length of an, **28,** 468

INCHOATE,
easement, **11,** 276
instrument, negotiable, authority to fill up, **2,** 483
negotiation after completion, **2,** 484
estoppel does not arise against drawer or maker, **2,** 513 ; **13,** 401
surety liable on, **15,** 559

INCITEMENT TO CRIME,
compassing the King's death as, **9,** 454
effect of, **9,** 260
false evidence, to, **9,** 498
felony, to, **9,** 253
indecency with male person, to, **9,** 641
murder, to, **9,** 595
mutiny, to, **9,** 464
overt act of treason by, **9,** 451 n.
reformatory school, to breach of rules of, **9,** 419
sedition, to, **9,** 460 n.
sodomy, to, **9,** 540
subornation of perjury as, **9,** 497, 498

INCLOSURE,
abatement of, by commoner, **4,** 514—516
Acts, allotments under, **4,** 535—614. *See* INCLOSURE OF COMMONS.
dates and provisions of early, **4,** 536—539
exchanges under, **4,** 232, 580, 592 ; **7,** 170, 256 ; **24,** 296
powers under, extent of, **4,** 561 n.
regulated pasture under, **4,** 568—571. *See* PASTURE, COMMON OF.
regulation of commons under, **4,** 601—606. *See* COMMON.
short title of, **4,** 541 n.
statutory agreement, regarded as, **4,** 575 n.
breaking down of, in levying distress, **11,** 165
cemetery, of, under Cemeteries Clauses Act, 1847, **3,** 516
churchyard, for purpose of, **4,** 511
commissioners. *See* INCLOSURE COMMISSIONERS.
common fields, of, **4,** 535—601
commonable lands, of, **4,** 477 n., 541, 542
classes of, **4,** 477—482
reduction in extent of, **4,** 477 n.
commons, of small portions of, **4,** 510—514. *See* INCLOSURE OF WASTE.
conversion into regulated pasture, by, **4,** 569
Cornwall, of land in Duchy of, **7,** 199
county court jurisdiction as to, expenses, in relation to, **8,** 656
production of documents, for, **8,** 656, 657
Crown lands, of, **7,** 199
deer in, taking or killing of, **15,** 262—264
encroachment on common, by, **4,** 522, 530, 533—535, 556. *See* ENCROACHMENT.
Epping Forest, in, **4,** 519 n.
forest land, of. *See* royal forests, *infra.*
game licence not required for shooting in, **15,** 248
highway, of, remedies of owner of soil, **16,** 55
Lancaster, of land in Duchy of, **7,** 199
lord of manor, by. *See* APPROVEMENT OF WASTE.
lot meadows, of, **4,** 542
military purposes, for, **4,** 512, 513
naval purposes, for, **4,** 513
old, allotment of. *See* INCLOSURE OF COMMONS.
order for removal of, commoner's right to, **4,** 516, 518
pasturage, of lands subject to rights of, **4,** 542
pastures, of gated or stinted, **4,** 541
poor allotments by, **1,** 332
provisional order, under. *See* INCLOSURE OF COMMONS.
regulated pasture not subject to, **4,** 482
remedies of commoner on, **4,** 515—519
rioting by pulling down of, **9,** 472
royal forests, of, allotments for poor, provision for, **1,** 332 ; **4,** 511
copyhold formed by, **4,** 532

INCLOSURE—*continued.*
royal forests—*continued.*
protection of growing timber, for, **4,** 513, 514
workhouse, for site for, **4,** 511
scheme for, appeal to court of law in respect of, **4,** 610
shack, against common of, **4,** 479, 524 n.
special public purposes, for, **4,** 510—513. *See* INCLOSURE OF WASTE.
timber, to encourage growth of, **4,** 513
town greens, of, **4,** 542, 590 ; **6,** 19
unauthorised, effect of, **4,** 533
valuer, powers and duties of. *See* VALUER.
vicinage, against common of, **4,** 459, 460, 479
village greens, of, **4,** 511 n., 542, 590, 591 ; **6,** 19
waste land, of, **4,** 500, 503—511. *See* INCLOSURE OF WASTE.
workhouse site, for, **4,** 511

INCLOSURE COMMISSIONERS,
appointment of, **4,** 535, 536, 539
assistant commissioner, appeal from, **4,** 557, 558
approvement, inquiry as to, **6,** 509 n.
award on sale of small common, **4,** 560
barrister appointed as, **4,** 555 n.
Board of Agriculture may act as, **4,** 555 n.
boundaries to be settled by, **4,** 550—552
claims determined by, **4,** 555
examination of, by Select Committee, **4,** 547 n
extension of inquiries by, **4,** 540 n.
local inquiry by, **4,** 544, 545
president of meetings, as, **4,** 543, 548, 561, 581
rehearing of claims before, **4,** 559
Board of Agriculture, duties transferred to, **4,** 509, 536
Copyhold Commissioners, amalgamation with, **4,** 536
duties of, **4,** 540
transfer of, **4,** 536
Land Commissioners for England, duties transferred to, **4,** 536
Tithe Commissioners, amalgamation with, **4,** 536

INCLOSURE OF COMMONS,
adverse title to allotment, acquisition of, **4,** 597
advertisement, agreement for inclosure, of, **4,** 530 n.
application for inclosure, of, **4,** 543
boundaries, of settlement of, **4,** 550
discrepancy in, effect of, **4,** 552 n.
local inquiry, of, **4,** 545
meeting for appointment of valuer, of, **4,** 548
roads, of stopping or alteration of, **4,** 562
valuer's meetings, of, **4,** 553 n.
aggregate allotment, rectification of, **4,** 587
agreement, by, **4,** 530
consent of Board not required for, **4,** 530 n.
allotments, class, to trustees for benefit of, **4,** 581
commoners, to, **4,** 579—581
deceased proprietor, to representatives of, **4,** 580
fencing of, **3,** 130 ; **4,** 567, 568, 590, 592
field gardens, for, **4,** 593—597, 603. *See also* FIELD GARDEN.
inclosure of, **4,** 596
money payment in lieu of, **4,** 569, 580, 581
orchard or garden, of, **4,** 579
public purposes, for, **4,** 576 n., 595—597
recreation grounds, for, **4,** 545 n., 591—593, 596, 603. *See also* RECREATION GROUND.

INCLOSURE OF COMMONS—*continued.*
allotments—*continued.*
road repairing material, for supply of, **4,** 571 n., 595, 604 n. ; **20,** 552
setting out of, **4,** 571—581
special purposes, for, **4,** 571, 572
tenure of, **4,** 532 n.
alteration of award by valuer, **4,** 581
ancient inclosures, encroachments as, **4,** 533, 556
appeal, award of Commissioners, from, to quarter sessions, **19,** 638, 639
boundaries, as to, **4,** 551, 552
High Court, to, **4,** 551, 557—559, 610
metropolitan common, from scheme for regulation of, **4,** 610
road, as to diversion or stopping of, **4,** 562—564
valuer's decision, from, **4,** 557—559
application for, **4,** 544 ; **20,** 553
notice of, **4,** 543
who may make, **4,** 542, 543
appointment of valuer, **4,** 548—550
approvement, by, **4,** 500, 503—509. *See* APPROVEMENT OF WASTE.
arable land, fencing and cultivation of, **4,** 536, 539
arbitration in lieu of appeal, **4,** 559
assessor, power to appoint, **4,** 555 n.
assistant commissioner. *See* INCLOSURE COMMISSIONERS.
attorney, charge of expenses by, **4,** 583
power to act by, **4,** 543
award, alteration of, **4,** 581
assistant commissioners, passed by, **4,** 560
boundaries to be described in, **3,** 113 ; **4,** 586
completion by, **4,** 560
confirmation of, **3,** 113 ; **4,** 586
copies of, **4,** 586
correction of, **3,** 113
draft of, **4,** 585 n.
enrolment of, **4,** 538
evidence, as, **3,** 145 ; **4,** 587
fee on deposit of, **4,** 586
mining rights of lord to be set out in, **4,** 572
partition to be specified in, **21,** 826
preparation and engrossment of, **4,** 586
rectification of, **4,** 587
retainer of, **4,** 586 n.
sale of small common, in case of, **4,** 560
balks, slades, or meres, ploughing up of, **4,** 536, 537
Bearce Common, in case of, **4,** 542 n. ; **7,** 190 n.
Board of Agriculture and Fisheries, application to, **4,** 543, 544 ; **20,** 553
confirmation of valuer's award by, **3,** 113
consent to compulsory purchase, when required, **6,** 19
jurisdiction of, **4,** 541
origin of powers of, **4,** 536
powers of, **4,** 588, 589
borough councils, rights and powers of, **4,** 598, 599
boundaries, award not conclusive as to, **4,** 552, 553 ; **16,** 100 n.
power of Board of Agriculture to set out, **3,** 112—114
regulated common and inclosed common, between, **4,** 544
river as part of, **3,** 114
settlement of, **4,** 550—552
town green or village green, of, **4,** 590
valuer, may be settled or modified by, **3,** 112 ; **4,** 553
bridges, powers of valuer as to, **4,** 549, 559—561

INCLOSURE OF COMMONS—*continued.*
burgesses, allotment to, **4,** 581
consent to provisional order by, **4,** 547
burying ground, power to make or enlarge, **3,** 435; **4,** 511, 549, 595 n.
bye-laws for regulated pasture, **4,** 570
canals, mining rights under, **4,** 576 n.
carriage roads, provisions as to, **4,** 545, 549, 559, 560, 562
certiorari, appeal by, as to boundaries, **4,** 551
chapel, power to allot for site of, **4,** 549, 595 n.
charge of expenses on allotments, power of owners to make, **4,** 583
Charity Commissioners, fuel allotment, power to modify use of, **4,** 596, 597
modification of award by, **4,** 595
recreation allotments, power to modify use of, **4,** 591, 596
chief rents, allotment to lord in lieu of, **4,** 572
Chobham Common, inclosure of, **4,** 596 n.
Church Building Act, 1818, restriction on purchases under, **6,** 19
church or churchyard, power to grant for site of, **4,** 511, 549, 595 n.
claims by persons interested, **4,** 553—559
clergy, power to grant waste for residence of, **4,** 511, 549, 595 n.
clerk of the peace, deposit of award with, **4,** 586
commissioners for, **4,** 535, 536, 538 n., 539. *See* INCLOSURE COMMISSIONERS.
committees of estates, powers of, **4,** 543, 583
commoners, customary inclosure by, **4,** 532, 533
commons, classification of, **4,** 597, 598
compensation for surface damage, assessment and raising of, **4,** 572 n.
award, to be set out in, **4,** 572, 573
effect on exercise of mining rights, **4,** 574; **20,** 573, 574
principles of, **4,** 575
compulsory powers, restrictions on purchase under, **6,** 19
confirmation, provisional order, of, **4,** 547
valuer's award, of, **3,** 113; **4,** 586
consent, lord of manor, by, **4,** 573, 575 n., 596
provisional order, to, **4,** 546, 547
consolidation of statutes for, **4,** 537, 541 n.
co-owners and coparceners, interests of, **4,** 542, 543
Cornwall, in Duchy of, **4,** 611; **7,** 199
costs, boundaries, of appeal as to, **4,** 551, 552
claims and objections, of, **4,** 558 n.
High Court, of appeal to, **4,** 559
rehearing of claims, of, **4,** 558
road, of appeal as to diversion and stoppage of, **4,** 562, 563
county
borough council, rights and powers of, **4,** 599
council, rights and powers of, **4,** 597, 600, 601
court, jurisdiction of, **4,** 588; **8,** 644
Crown lands, application of Inclosure Act, 1845, to, **7,** 199
poor allotments in, **1,** 332
custom of the manor, by, **4,** 530—533
death of parties, no abatement of action by reason of, **4,** 559
Defence Acts, stoppage of proceedings for purpose of, **4,** 512
descent of land acquired by, **11,** 7
determination of claims under, **4,** 554, 555
disability, representation of persons under, **4,** 543
disputed ownership, in case of, **4,** 543

INCLOSURE OF COMMONS—*continued.*
disqualification of valuer to purchase land, **4,** 550
distress, power to recover expenses by, **4,** 582
district council, notice to, **4,** 543, 545 n.
rights and powers of, **4,** 598—601
ditches, powers of valuer in respect of, **4,** 561, 567
draft
award of valuer, report regarded as, **4,** 585 n.
provisional order, preparation and contents of, **4,** 545, 546
drainage, powers of, **4,** 549, 560, 561
recreation allotments, of, **4,** 592
driftways, fencing, making, and repairing of **4.** 564
Durham, mining rights in see of, **4,** 573 n.
early procedure for, by private statutes, **4,** 535—539
easements, extinguishment of, **11,** 283
election of field reeves, **4,** 536, 569, 570
embankments, powers of valuer in relation to, **4,** 561
encroachments, effect of, **4,** 522, 533—535, 556. *See* ENCROACHMENT.
enrolment of award, extension of time for, **4,** 588 n.
remedy for defects in, **4,** 538
entry for purpose of, powers of, **4,** 589
evidence, award, of, **4,** 587; **25,** 352
boundaries, as to, **4,** 553 n.
confirmation Bill, before introduction of, **4,** 547 n.
map attached to award as, **3,** 144, 154
exception of franchises and rights from, **4,** 572
exchange of allotments under, **4,** 580, 592, 596
expenses, apportionment of, **4,** 582 n.
costs of Board of Agriculture included in, **4,** 552
district or borough council, of, **4,** 598
estimate of, by valuer, **4,** 582
improvements, of making, **4,** 561
instructions for raising, **4,** 549
modes of raising, **4,** 582—584
mortgage by limited owner for, **4,** 583; **21,** 104
rate for, **4,** 567
recovery of assessment and rates for, **4,** 538
sale of land for, **4,** 571, 583, 584
supplemental rate for, **4,** 582, 583
valuer, what may be paid by, **4,** 558 n.
extinguishment of rights of commoners by, **4,** 500—533; **20,** 551
fee farm rents, allotments to owners of, **4,** 537
fees, Board of Agriculture, to, **4,** 588, 589
inspection of award, for, **4,** 587 n.
feigned issue, trial of, **4,** 558, 559
fences, allotments, of, **4,** 567, 579
ancient inclosure, of, **3,** 131
default by owner of allotment in providing, **4,** 567
greens, on allotment of town and village, **4,** 590
Inclosure Act, 1773, under, **4,** 536
power to dispense with erection of, **4,** 568, 579
protection of, **4,** 567
recreation allotments, of, **4,** 592
roads, of, **4,** 564
straightening of, by valuer, **4,** 553
valuer's power to order, **4,** 553, 567
field gardens, powers to deal with, **1,** 349; **4,** 592—595
provisions for, **1,** 335—338; **4,** 545 n., 593—595, 603
rentcharge, subject to, **4,** 593 n.

INCLOSURE OF COMMONS—*continued.*
field reeve, election of, **4,** 536, 569, 570
final award of valuer, **4,** 586, 587
Forest of Dean, exclusion of, **4,** 542; **7,** 190
forms of application for, **4,** 544
franchises and rights, exception of, from, **4,** 572
fraudulent error or omission in award, correction of, **4,** 587
free warren, effect on right of, **4,** 502, 577
freemen, allotment to, **4,** 581
consent to provisional order by, **4,** 547
fruit trees, provision for, **4,** 580
fuel allotments, exchange of, **4,** 233, 596
inclosure of, **4,** 595, 596
powers to deal with, **1,** 332—335; **4,** 233
provision for, **4,** 595—597
vesting of, **4,** 595, 596
games, statutory reservation of right to play, **4,** 545
gardens, provision for sites of, **4,** 549, 595 n.
gravel allotment, Harrow Weald Common as, **4,** 595 n.
guardian, charge of expenses by, **4,** 583
representation of infant by, **4,** 543
heriots, allotments in lieu of, **4,** 572
High Court, appeal to, **4,** 551, 552, 558, 559
highways, setting out of, **4,** 564, 565; **16,** 55, 86
historical interest, preservation of objects of, **4,** 545
House of Commons, consideration of Board's report in, **4,** 547 n.
Select Committee on Commons in, **21,** 685
illegal, jurisdiction of county court to restrain, **8,** 644
impotent poor, power to erect dwellings for, **4,** 510
improvements in connection with, **4,** 560—562
Inclosure Acts. *See* INCLOSURE.
dates and provisions of early, **4,** 536—539
extent of powers under, **4,** 561 n.
statutory agreement, regarded as, **4,** 575 n.
incumbents, charge of expenses by, **4,** 583
injunction to restrain, **4,** 557 n.
inspection of copies of award, **4,** 586, 587
instructions to valuer, **4,** 548, 549, 560—562, 595
Board of Agriculture, by, **4,** 581
interim proceedings pending award, **4,** 584, 585
joint tenants, interest of, **4,** 542, 543
jury, appeal on alteration or stopping of road to be heard by, **4,** 562
boundaries, for settlement of, **4,** 551
justices, jurisdiction of, **4,** 557, 564
Lancaster, in Duchy of, **7,** 199
Land Commissioners, transfer of powers to, **4,** 536
lands to be dealt with, **4,** 541, 542
legislation as to, history of, **4,** 535—541; **20,** 552
lessees or tenants, when regarded as persons interested, **4,** 542
life tenants, charge of expenses by, **4,** 583
limitation, effect of statutes of, **4,** 533 n., 597
limited owners, power to raise expenses of, **4,** 583; **21,** 104
local
authorities, rights and powers of, **4,** 597—601
inquiry, holding of, **4,** 513, 544
lord of manor, allotment to, **4,** 502 n., 571, 572
consent to provisional order by, **4,** 546, 547
inclosure by, **4,** 500, 503—509, 599 n.: **20,** 552. *See* APPROVEMENT OF WASTE.
rights of common of, **4,** 579 n.
vesting of public allotments in, **4,** 596

INCLOSURE OF COMMONS—*continued.*
majority, class, at meeting of, **4,** 581
dissenting co-owners, of, **4,** 543, 547
election of valuer, for, **4,** 548
sale of small common to be approved by, **4,** 559
management pending award, powers of, **4,** 584, 585
manorial jurisdiction and rights, exception of, **4,** 572
map, award of valuer, when annexed to, **3,** 113; **4,** 586 n.
deposit of, **4,** 586
evidence, admissibility as, **3,** 144, 145
power to dispense with, **4,** 585 n.
production of, order of assistant commissioner for, **4,** 551 n.
report of valuer, to, **4,** 585
meetings to ascertain rights prior to, **4,** 545, 553—555
Merton, under Statute of, **4,** 503—509, 531; **20,** 552. *See* APPROVEMENT OF WASTE.
metropolitan common, distinguished from scheme for, **4,** 609
mines and minerals, application must contain statement as to, **20,** 553
declaration in valuer's award as to, **4,** 586
encroachments, under, **4,** 556
exception of, **4,** 572
lord's right to deal with, **4,** 575; **20,** 551—553, 573
powers of working, **4,** 573—576; **20,** 551—554, 573
presumption as to ownership of, **20,** 507
provisional order relating to, **20,** 553
regulated pasture, under, **20,** 553
severance, after, **20,** 553, 554
subsidence due to working of, **4,** 573—576
mining rights, custom as affecting, **20,** 576, 577
reservation to lord of, **4,** 572—576; **20,** 553
statutory provision for, **4,** 572; **20,** 583 n.
modern tendency to restrict, **4,** 530 n., 540
modes of effecting, **4,** 530
modification, award of field garden allotment, of, **4,** 595
boundaries, of, by Board of Agriculture, **3,** 113, 146; **4,** 550—553; **8,** 47
draft provisional order, of, **4,** 546
instructions to valuer, of, **4,** 549
provisional order, of, **4,** 547 n.
money payment instead of stint or allotment, **4,** 569, 580, 581
mortgage of allotments for expenses of, **4,** 583; **21,** 104
National Trust, duties of, **21,** 598
neighbourhood, provision for interests of, **4,** 540, 544
New Forest, exclusion of, **4,** 542; **7,** 190
non-suburban common, rights and powers of local authority in respect of, **4,** 600, 601
notice, advertisement, by. *See* advertisement, *supra.*
application, of, **4,** 543
Crown lands, in case of, **4,** 554 n.
local inquiry, of, **4,** 545 n.
proof of giving, **4,** 553
rate for expenses, of, **4,** 582
reversioners and others, to, power to order, **4,** 543, 588
valuer's report, of, **4,** 586
objections to claims, delivery of, **4,** 554

INCLOSURE OF COMMONS—*continued.*
occupation roads and ways, provision for, **4,** 564, 566
old inclosures, agreement to include, **4,** 546
allotments of, **4,** 580, 585 n.
heriots payable out of, allotment in lieu of, **4,** 572
map of, power to dispense with, **4,** 585 n.
provisional order may deal with, **4,** 546
roads through, **4,** 562, 563 n.
onus of proof, surface damage, in case of, **4,** 574
parish
boundary not altered by award, **16,** 100 n.
council, notice to, **4,** 543, 551, 597
lands, poor allotments as, **1,** 332
meetings, rights and powers of, **4,** 597, 600, 601
records, deposit of copy award with, **4,** 586
Parliament, report to, **4,** 547
parliamentary return of certain awards, **4,** 538 n.
parsonage house, power to allot for site of, **4,** 549, 595 n.
part regulation and part inclosure, provisions for, **4,** 544, 569
partition of allotments under, **4,** 580; **21,** 825, 826, 831
pasture, regulation of *See* PASTURE, COMMON OF.
paths, stopping up or diversion of, **4,** 563; **16,** 82
payment into court of sale money, **4,** 584
persons interested, appeal by, **4,** 557
attendance at local inquiry, **4,** 545
tenants from year to year or at will are not, **4,** 542
who are, **4,** 542, 543
ponds, provision for common or public, **4,** 561, 595
poor
allotments, for purpose of, **1,** 332, 333
relief, allotments and grants for, **1,** 332; **4,** 510
possession under writ of execution, effect of, **4,** 542
preservation of particular trees and other objects, **4,** 545
private statutes, by, **3,** 114; **4,** 535; **20,** 552
provisional order for, **4,** 545—548; **20,** 553
application for, **4,** 544
consents necessary to, **4,** 546, 547
deposit of draft, **4,** 546
mines and minerals, as to, **20,** 553
Parliament, report to and confirmation by, **4,** 547, 548
proxy, appointment of, **4,** 548 n.
public purposes, mining rights in allotments for, **4,** 576 n.
purchase money of small common, application of, **4,** 559, 560
quarries, allotment of, **4,** 595, 597
quarter sessions, appeal to, from award, **19,** 639
roads, jurisdiction in stopping or alteration of, **4** 562, 563
quit rents, allotment to lord in lieu of, **4,** 572
rate for expenses of, **4,** 561, 567, 582, 583
powers of enforcing, **4,** 583 n.
rating officer, appointment of, **4,** 538 n., 567
receiver as person interested, **4,** 542
recognisance, appeal against settlement of boundaries, on, **4,** 552
recovery of plans etc. from valuer, **4,** 588
recreation allotments, power to sell or exchange, **4,** 592
provision for, **4,** 497, 498, 545 n., 590—593, 603
regulated pasture, conversion into, **4,** 482, 568—571, 604, 614

INCLOSURE OF COMMONS—*continued.*
regulation of commons, provisions for, **4,** 540, 544—549, 601—614. *See* COMMON.
removal of valuer, **4,** 549
remuneration of valuer, agreement for, **4,** 549, 588
removal, in case of, **4,** 588
rentcharge in lieu of allotment to lord of manor, **4,** 571, 572
repair of highways, power of valuer to order, **4,** 566 n.
public liability for, **4,** 564; **16,** 86
report of valuer, **4,** 585, 586
objections to, **4,** 586
representatives of persons under disability, power to nominate, **4,** 543
restrictions on, **4,** 530 n.; **6,** 19
regulated common, as to, **4,** 604
reversion expectant on lease, interest of owner of, **4,** 542
right of way, extinguishment of, **4,** 563 n.
river, fishing rights in, **4,** 579 n.
when included in award, **3,** 114
roads, fencing of new, **4,** 564
local authority, taking over by, **4,** 564, 565
mining rights under, **4,** 576 n.
ownership of soil of, **4,** 565; **16,** 55
powers of commissioners as to, **16,** 86
presumption as to width of, **4,** 565, 566
private, provision for setting out of, **4,** 566
provision for stopping up or diversion of, **4,** 562; **16,** 82
repair of, **4,** 564, 566; **16,** 86
scheme for, **4,** 562 n.
valuer's instructions and powers as to, **4,** 549, 560—567
sale, allotment of land in lieu of, **4,** 581 n.
award, of allotments before, **4,** 580
expenses, for payment of, **4,** 582—584
public purposes, of allotments for, **4,** 596
recreation allotments, of, **4,** 592, 596
small commons, of, **4,** 559, 560
valuer, by, **4,** 583, 584
sanitary authority, transfer of field gardens to, **4,** 594, 595
schedule of claims and objections, preparation and deposit of, **4,** 558
school, appropriation for site of, **4,** 549, 595 n.
endowment of, **4,** 559
seigniorial rights, reservation of, **4,** 572, 578
sporting rights as, **4,** 577, 578
Select Committee on Commons Inclosure, report of, **4,** 539
setting out of roads and paths, statutory provision for, **4,** 545
shaft for mining, power to sink, **4,** 575
shooting, provision for rights of, **11,** 342
short title of Inclosure Acts, **4,** 541 n.
sites of messuages or cottages, claims in respect of, **4,** 555
small allotment, money payment in lieu of, **4,** 580, 581
sporting rights, concurrent or exclusive, refusal of, **4,** 577
construction of reservation of, **15,** 215
effect on, **4,** 502, 576—578
reservation of, **4,** 546 n., 573
stamps, fees payable by, **4,** 589
power of attorney, on, **4,** 548 n.

INCLOSURE OF COMMONS—*continued.*
statutory
declaration by valuer, **4,** 549
provisions for benefit of neighbourhood, **4,** 545, 562
steward of manor, consent may be given by, **4,** 547 n.
stinted pasture, provision for, **4,** 540 n., 568—571
suburban common, notice of application in respect of, **4,** 543, 597, 598
rights and powers of local authority in respect of, **4,** 598—601
support of surface, right to, **4,** 574—576
surplus purchase money, application of, **4,** 584
survey, power to make, **4,** 549, 589
surveyor, power to appoint, **4,** 549 n.
temporary, **4,** 532, 533
tenant-in-common, interest of, **4,** 543
tillage lands, fencing and cultivation of, **4,** 536
title, determination of questions of, **4,** 556
enjoyment of common rights, by, **4,** 454
tofts, claims in respect of, **4,** 555
town green, restrictions on compulsory purchase of, **6,** 19
statutory provisions for, **4,** 590; **21,** 583, 584
trees and underwood on allotment, provision for, **4,** 580
trustees, charge of expenses by, **4,** 583
reduction in number of, **4,** 588 n.
turbary, allotments in lieu of right of, **4,** 595
unauthorised, effect of, **4,** 533
unopposed claims, power to disallow, **4,** 555 n.
usurpation, by, **4,** 530
valuer, powers and duties of, **4,** 550—597. *See* VALUER.
vicinage, as affecting common of, **4,** 460, 479
village green, in case of, **4,** 542, 590, 591; **21,** 583, 584. *See* VILLAGE GREEN.
Walmore Common, in case of, **4,** 542 n.; **7,** 190 n.
watercourses, alteration and diversion of, **20,** 588
interference with, **4,** 561
watering places, provision for, **4,** 595
way, right of extinguishment of, **4,** 563 n
Westminster II., under Statute of, **4,** 504—509, 531; **20,** 552. *See* APPROVEMENT.
workhouse, power to allot for site of, **4,** 549, 595 n.

INCLOSURE OF WASTE,
acts which constitute, **4,** 535 n.
approvement, owners of soil, by, **4,** 503—509. *See* APPROVEMENT OF WASTE.
when distinguished from, **4,** 531
assistant commissioner, local inquiry by, **4,** 509 n.
Board of Agriculture, approvement by consent of, **4,** 509
grants made with consent of, **4,** 510, 532
burying ground, for purposes of, **3,** 435; **4,** 511
church purposes, for, **4,** 511
consent required for, **4,** 510
Crown Lands Allotment Act, 1831, under, **1,** 332; **4,** 511
custom, by, **4,** 530—533
encroachment, by, **4,** 533—535. *See* ENCROACHMENT.
estoppel of tenant on, **4,** 534, 535
Framfield, special custom in manor of, **4,** 533 n.
homage, consent of, **4,** 532
jury of management, after election of, **4,** 533
limitation of actions in respect of, **4,** 533
literary and scientific institutions, power to grant land for, **4,** 512; **19,** 197, 198

INCLOSURE OF WASTE—*continued.*
lord of manor, by, **4,** 531, 532
notice to be given before, **4,** 509
presumption as to encroachment by tenant, **4,** 533, 534; **18,** 561, 562
school site, for purpose of, **4,** 512
tenants of manor, by, **4,** 532, 533
tenure under, **4,** 532
timber, to encourage growth of, **4,** 514 n.
turbary, by tenants entitled to right of, **4,** 532, 533
unrestricted, invalidity of custom of, **4,** 531
waste land, *defined*, **4,** 546 n.

INCLUSIO UNIUS EST EXCLUSIO ALTERIUS,
construction of maxim, Acts of Parliament, as to, **26,** 520 n.

INCOME,
accumulation of. *See* ACCUMULATION OF INCOME.
annuity, payment of, out of, **24,** 491, 493, 494, 505
apportionment of, **24,** 502, 503; **25,** 612, 613 *See* APPORTIONMENT.
bankrupt, of, imprisonment for non-payment of, **2,** 338
right to, after discharge, **2,** 267
bishop, of, **11,** 406 n.
canon, of, **11,** 431
compensation, Agricultural Holdings Act, under, whether payable out of, **1,** 267; **25,** 615, 616; **28,** 36 n.
county council, of, from what derived, **19,** 358, 359
dean of chapter, of, **11,** 418
deduction from, taxation purposes, for. *See* ALLOWANCE (Income Tax); DEDUCTION.
gift by will of, **28,** 776, 777
class, to, application of rule for ascertainment of, **28,** 721
intermediate income, of, effect of, **28,** 723, 724, 815, 816
life, for, with liberty to use capital, **23,** 8
power superadded, with, **23,** 8
unlimited, effect of, **28,** 697—699
gift of, cesser clause, with, **15,** 424
improvement to land, payment for, out of, **18,** 291, 292; **25,** 668 n.
income tax, in relation to. *See* INCOME TAX.
infant, of, application of, **17,** 85—92
legacy, from, **14,** 272, 273
married woman, of, savings out of, **16,** 358, 359
Settled Land Acts, under, **16,** 367; **25,** 630 *See* wife, *infra.*
partnership, of, *defined*, **22,** 64; **25,** 611
dissolution, after, **22,** 99, 101
profits, division of, **22,** 62—65
fixed by reference to, **22,** 9
receiver of. *See* RECEIVER.
equity, in, **13,** 54
restraint on anticipation, effect of, on, **16,** 364, 365, 367. *See* RESTRAINT ON ANTICIPATION, when ceasing to apply to, **16,** 369
savings out of, married woman, of, **16,** 358, 359
rule against perpetuities, as to, **22,** 381
settled property, of. *See also* tenant for life, *infra.*
adjustment of burdens in regard to, **14,** 284; **25,** 615—621
adjustment of losses in regard to, **25,** 621—623
improvements payable out of, **25,** 668 n.
outgoings payable out of, **25,** 615—617; **28,** 36, 37. *See* OUTGOINGS.

INCOME—*continued.*
tenant for life, right of, to, accumulations, in case of, **25,** 608
annuity, in case of, **28,** 34
apportionment, **24,** 502, 503; **25,** 612, 613
casual profits, in case of, **25,** 607; **28,** 34
damages for breach of covenants, in case of, **25,** 607; **28,** 34
mining royalties, in case of, **20,** 515, 532; **25,** 607
outgoings, liability for, **25,** 615—617; **28,** 36, 37. *See* OUTGOINGS.
partnership, in case of, **22,** 64; **25,** 611
residuary estate, in case of, **14,** 281, 282
reversionary interest, in case of, **28,** 31—33
stocks and shares, in case of, **5,** 279, 280; **25,** 608, 609
unauthorised investments, in case of, **25,** 611, 612
undisposed of income, in case of, **25,** 609, 610; **28,** 34
wasting property, in case of, **25,** 611; **28,** 31, 33
trust property, of, direction to apply for person in special manner or at discretion, **28,** 28
fire insurance premiums payable out of, **28,** 146
improvements payable out of, **28,** 146, 147
payment of, pending conversion, **28,** 30
payment out of court of, **28,** 179
person entitled to, position of, **25,** 629
receipt of, by one of several trustees, **28,** 143, 144
repairs payable out of, **28,** 146, 147
trustee, duty of, as to payment of, to beneficiaries, **28,** 124, 125
ward of court, of, marriage, in case of, **17,** 149
wife, of, non-separate property, from, order as to, **16,** 338. *See* married woman, *supra.*
presumption in case of gift of, **16,** 403
receipt by husband of, effect of, **16,** 397

INCOME TAX.

The title INCOME TAX *is contained in Vol. XVI., pp.* 607 *et seq.*

abatement of. *See* ALLOWANCE.
Acts relating to, **16,** 610 n., 611 n., 612 n.
construction of, **16,** 678; **27,** 164
adjustment of, in case of loss through occupation of land, **16,** 638
trade, **16,** 650
agents for payment, returns by, in certain cases, **16,** 639, 640
agents of non-residents, liability of, **16,** 646, 647, 677
returns by, **16,** 676, 677
allowance in respect of. *See* ALLOWANCE (Income Tax).
almshouse, exemption of, **4,** 208, 210; **16,** 628
lands of, exemption of, **16,** 629
annual tax, an, **16,** 610
annual value for purposes of, occupation of land, in case of, **16,** 636
ownership of land, in case of, **16,** 619—623
annuity, on, British possession, payable by, **16,** 639, 640
Crown, payable by, under Sched. E, **16,** 666
deduction by payer of, **16,** 447, 661—663, 677; **24,** 501, 502
deed, payable under, **16,** 447; **24,** 502
deferred, on, **16,** 670, 671

INCOME TAX—*continued.*
annuity—*continued.*
foreign state, payable by, **16,** 639, 640
Government, **16,** 639, 666
insurance company, paid by, **16,** 655
Sched. D, under, **16,** 657, 659—665
wife, to, in divorce or separation, **16,** 447, 664
will, given by, **24,** 501, 502
appeals as to. *See* APPEAL.
approved societies under National Health Insurance exempt from, **23,** 965
assessable value, **16,** 620, 621, 623, 637. *See* ASSESSABLE VALUE.
assessment of. *See* ASSESSMENT.
assessor of, **16,** 615—618, 635. *See* ASSESSOR.
Assize Court not owned by Crown exempt, **7,** 120; **16,** 632
Attorney-General, recovery at suit of, **16,** 683, 688
average profits, assessment on, **16,** 623, 624, 627, 656, 667
five years, mines, in case of, **16,** 625
lands, hereditaments, etc., of, when fixed by Commissioners, **16,** 624
seven years, manors and royalties, **16,** 624
three years, church dues, **16,** 624
foreign and colonial possessions, **16,** 659
perquisites of public office, **16,** 667
professions, **16,** 656
tithes in kind, **16,** 624
trades, manufactures, etc., **16,** 647
bad debts, deduction in case of, **16,** 653
bank, residence of manager of, deduction allowed in respect of, **16,** 653
Bank of England, retention by, before passing of Finance Act, **24,** 537 n.
Sched. C, under, **16,** 639
bankers, retention by, Sched. C, under, **16,** 639, 640
Sched. D, under, **16,** 661 n., 662
baths, municipal, in case of, **16,** 625
bonus payable on borrowed money not deductible, **16,** 652
bookmaker, in case of, **16,** 656
brewery, deductions in respect of, **16,** 652
bridges, on, under Sched. A, **16,** 625, 626
British Government securities, on, **16,** 639
British Museum exempt from, **4,** 208, 209; **16,** 629
building society, in case of, **3,** 372, 373
buildings, in respect of, occupation, on profits from, **16,** 636—638
occupied as part of terms of employment, **16,** 667
ownership, in respect of, **16,** 619—623, 627—636
person chargeable, **16,** 631
trade, occupied for purposes of, **16,** 648, 654
partly occupied for, **16,** 651
unoccupied, **16,** 631, 634
burial board, in case of, Sched. A, **3,** 513; **16,** 626, 644
bursar of college, in case of, Sched. E, **16,** 667
business. *See also* trade, *infra.*
defined, **16,** 676
abroad, carried on and conducted, on, **16,** 643, 645, 646, 659
loss in, adjustment in case of, **16,** 650
new, commenced within three years, **16,** 648
succession to, what constitutes, **16,** 649, 650

INCOME TAX—*continued.*
business—*continued.*
United Kingdom, carried on in, in case of, **16,** 643—656
meaning of, **16,** 646, 647
canals, in case of, **16,** 625, 626
capital, exhaustion of, in relation to, **16,** 653
capital charge, deduction in respect of, **16,** 652
case, Commissioners empowered to state a, **16,** 682
case stated, decision on, effect, **16,** 683
casual profits, on, Sched. D, **11,** 219; **16,** 657
cattle dealer, in case of, **16,** 638
cemetery company, in case of, **3,** 513; **16,** 626
certiorari in regard to repayment by Commissioners, **10,** 172
charity, exemption in case of, charitable, meaning of, **4,** 105, 208; **16,** 630
land and buildings, **4,** 208—210; **16,** 629, 630, 642, 665
profits, **4,** 210; **16,** 664
securities, **4,** 210; **16,** 642
official of, salary not exempt, **4,** 211; **16,** 667
trustees of, sale of hymn-books by, **4,** 211
children, abatement in respect of, **16,** 673
church dues, on, **16,** 624, 627
civil servants, in case of, Sched. E, **16,** 667
clergy, in case of, **11,** 775, 775 n.; **16,** 656, 668
collection at source in case of
annuities and annual payments, Sched. A, **16,** 633, 661 n.
Sched. C, **16** 639—641
Sched. D, in case of, **16,** 659—666, 677; **24,** 501, 502, 505
arrears of duty of former occupier, Sched. A, **16,** 634, 635
bankers, by, **16,** 639, 640, 661 n., 662
before passing of annual Finance Act, **24,** 537 n.
company, by, Sched. D, **16,** 649, 660; **27,** 172 n.
employer, through medium of, **16,** 668
Government annuities, etc., Sched. C, **16,** 639, 640
house let in tenements, **16,** 631, 633
metropolitan consolidated stock, **20,** 450
mortgagee in possession, interest paid by, **16,** 633, 662, 663
patent royalties, **16,** 661, 662, 663
pensions, **16,** 668
public offices, under Sched. E, **16,** 668, 669
public revenue, foreign and colonial dividends, **16,** 639—641
rent, **16,** 631—635, 686; **18,** 476, 476 n.
rentcharge, **16,** 633
salaries, **16,** 668
trustees, agents, etc., through medium of, **16,** 676, 677
collector, appointment of, **16,** 615
duties of, **16,** 616
college buildings, exemption of, **4,** 208; **12,** 93; **16,** 628
occupied by member or officer, **4,** 209
repairs of, deductible on, **4,** 208; **16,** 628
colonial
company, securities of, dividends on, **16,** 657, 658
Government securities, **16,** 639
possessions, on profits from, **16,** 659, 665
Commissioners of. *See* INCOME TAX COMMISSIONERS.

INCOME TAX—*continued.*
company, in case of, **5,** 22—24; **16,** 643, 649, 672, 673; **27,** 172 n.
compensation charges on brewers owning tied houses, deduction as to, **16,** 653
compensation fund, in case of, **16,** 676 n.
contract not to allow deduction of, void, **16,** 633, 634 n.; **24,** 502
controlling authority for, **16,** 612
corn, price of, as influencing annual value, in relation to, **16,** 621
corporate and *quasi*-corporate bodies, returns by, **16,** 676
corporation, in case of, **8,** 377; **16,** 625, 669, 672, 673
corporators not charged under Sched. E, **16,** 667
Crown, debt to, as a, **11,** 218; **16,** 683, 684
election by, as to part of schedule chargeable, **16,** 658
priority of, in claim for, **2,** 215; **5,** 516; **16,** 684, 685
property of, exempt from, **16,** 632, 632 n.
salaries and pensions under, in respect of, **16,** 615, 668
date of payment of, **16,** 676; **24,** 537 n.
debenture interest of holder abroad, no deduction as to, **16,** 652
debts, bad, deductions for, allowed under Sched. A, **16,** 651, 653
declaration, assessment, for purposes of, **16,** 617, 618
refusal to make, **16,** 687
untrue, making an, **16,** 687, 688
deduction, assessment, in relation to. *See* ALLOWANCE.
contract not to allow, void, **16,** 633, 634 n.; **24,** 502
person liable to pay, by. *See* collection at source, *supra.*
depreciation of plant, etc., allowance for, **16,** 654
directors' fees, on, **5,** 220
discounts, in respect of, **16,** 657
distress for, **11,** 218—221; **16,** 683—685
Crown, precedence of, **16,** 685
successive occupations, **16,** 634
unoccupied lands, **11,** 219; **16,** 634
warrant for committal in default of sufficient, **16,** 684
distress for rent, deduction in case of, **11,** 158 n.; **16,** 633
dividend, British possession, payable by, account of, **16,** 639, 640
English company, of, **5,** 22; **16,** 649, 660; **27,** 172 n.
foreign and colonial
company, of, **16,** 657, 658
Government, of, over 50*s.* per half-year, **16,** 639—642
under 50*s.* per half-year, **16,** 657
gas company, of, **15,** 366
Government securities, on, **16,** 639—642
investment, on, charitable purposes, for, **4,** 210; **16,** 641
public purposes, for, **16,** 641, 642
retention of tax by person paying, **16,** 639—641, 649
docks, how charged, **16,** 625
document in relation to, production of, **11,** 85 n.
domicil for purpose of, **16,** 645
company, of, **5,** 22—25
drains and levels, in respect of, **16,** 625

INCOME TAX—*continued.*
dwelling-house, in respect of. *See* buildings, *supra.*
value under £10, assessment, **16,** 631
earned income, *defined,* **16,** 674. *See* emolument; salary, *infra.*
assessment in respect of, **16,** 668, 669
deductions in respect of, **16,** 669, 670
differentiation of, where below £2,000, **16,** 673
where below £3,000, **16,** 674
relief in respect of, **16,** 673, 674
wife's profits in case of, **16,** 674, 675, 677
Easter offerings, on, **11,** 775 n.; **16,** 668
emolument, in case of, **16,** 666—670. *See* salary, *infra.*
money, not convertible into, **16,** 667, 672
office, of premises occupied as, **16,** 667
employer, collection by, **16,** 669
returns by, **16,** 657, 669
employment, computation of duty in respect of, **16,** 656
public office and employment of profit, on, **16,** 666—670
salaried, on, **16,** 656, 666
executor, in case of, **16,** 677
exemption from, **9,** 220; **16,** 628—630, 641, 642, 671, 672, 675
allowance by Commissioners of, **16,** 629, 641, 672
charities and *quasi*-charitable institutions, **4,** 208—211; **16,** 628—630. *See* charity, *supra.*
claim of, how and when made, **16,** 672
income not exceeding £160, **16,** 671
residents in United Kingdom, generally reserved for, **16,** 675
Sched. A, under, **16,** 628—630
Sched. B, under, **16,** 636
Sched. C, under, **16,** 641, 642
Sched. D, under, **16,** 664, 665
special Commissioners, jurisdiction as to, **16,** 614
expenses, whether deductible, collection of manorial income, **16,** 624
gross profits of trade, from, **16,** 651
management of foreign property, **16,** 659
office abroad, of, in case of super-tax, **16,** 689
official duties, incidental to, **16,** 669, 670
fairs, rights of, profits chargeable, **11,** 219; **16,** 625, 626
false account. *See* fraudulent, *infra.*
farmer, in relation to. *See* FARMER.
farmhouse and lands, deduction allowed on, **16,** 622
fellow of a college not within Sched. E, **16,** 667
ferries charged on profits of preceding year, **16,** 625
fiduciary capacity, persons in, chargeable, **16,** 676, 677
recoupment of persons in, **16,** 677
financial year for, **16,** 676; **27,** 434
fines incurred under the Acts, enforcement of, **16,** 678
fines received on demise of lands, assessment as to, **16,** 624
fisheries, in respect of, **11,** 219; **16,** 625
five years' average under Sched. A, meaning of, **16,** 623
flats, in case of, **16,** 631
foreign
company, in case of, **5,** 24, 25
controlled by English company, **16,** 646

INCOME TAX—*continued.*
foreign—*continued.*
company—*continued.*
securities of, dividends on, **16,** 657, 658
shares in, dividends on, **16,** 657, 659
minister, dividends of, exempt, **16,** 642
possessions, profits from, **16,** 659, 665
securities, not payable on, **16,** 641
undertaking, profits arising from, **16,** 626, 643, 644, 659
foreigner resident abroad carrying on business here, **16,** 646
forgery of certificates or receipts, **9,** 744; **16,** 688
fractions of a pound sterling, chargeable on, **16,** 677
fraudulent
claim in respect of, **16,** 686, 687
declaration, making a, **16,** 688
return, making a, **16,** 686, 687
abetting in, **16,** 687
Free Church of Scotland, assembly hall of, not exempt, **4,** 209
friendly society, dividends, stock, etc., of, exempt, **15,** 161, 162; **16,** 641, 641 n.
lands of, exempt, **15,** 162; **16,** 629
unregistered, exemption of income under £160, **16,** 673
gas company dividends, on, **15,** 366
gasworks, in respect of, **16,** 625, 626
gifts derived from office or employment, on, **16,** 668
Government securities
producing over 50*s.* per half-year, **16,** 639—641
producing under 50*s.* per half-year, **16,** 657
guardian, liability of, **16,** 676
hereditament, charitable purposes, for, exempt, **16,** 629
corporeal, in respect of, **16,** 619 *et seq.*
Crown, occupied by, not chargeable, **16,** 632
incorporeal, on, **16,** 623, 624
occupation, capable of, occupier chargeable, **16,** 631
not capable of, owner chargeable, **16,** 632
hospital, as to, **4,** 208, 209, 211; **16,** 628
buildings of, exempt from, **4,** 208; **16,** 628
fees, partly supported by, **4,** 209
house, in respect of. *See* building, *supra.*
husband and wife, income of, on, **16,** 674, 675, 677
relief where joint income below £500, **16,** 675
income, company or corporation, of, below £160, not exempt, **8,** 377; **16,** 672
person, of, below £160, exempt, **8,** 377; **16,** 671
below £700, abatement in, **16,** 671
total, exemption or abatement, for purpose of, **16,** 672
super-tax, for purpose of, **16,** 688, 689
industrial and provident society, registered, Scheds. C and D, under, **16,** 641; **17,** 19, 27
individual members of, **16,** 641 n.
inspectors for assessed tax, **16,** 616
insurance company, annuities granted by, deductions as to, **16,** 655
dividends on investments of, chargeable, **16,** 655
fire and life combined, in case of, **16,** 655
fire or accident, deductions as to, **16,** 655, 655 n.
participating policies, as to, **16,** 656
profits on realised investments, as to, **16,** 655
unexpired risks, as to, **16,** 655

INCOME TAX—*continued.*
insurance premium, lessor, not deductible by, **18,** 521 n.
life, when deductible, **16,** 670, 671
strikes, against, not deductible, **16,** 652
interest, annual, on, **16,** 619, 643, 659—665
meaning of annual, **16,** 664
not being annual, **16,** 657, 660, 662
bill of exchange not reserving, on, **16,** 664
guaranteed by a Government to a company, **16,** 663, 664
mortgage, **16,** 633, 660, 663
rates, secured upon, **16,** 662, 663
short, **16,** 657
deduction by payer of, **16,** 660, 662
short loan, on, **16,** 662, 664
interrogatories as to returns, **11,** 95
iron-works, in case of, **16,** 625, 626
jointure paid free of, when, **23,** 81, 81 n.
King, stock belonging to the, exempt, **16,** 642. *See* Crown, *supra.*
land, charitable purposes, for, exempt, **4,** 208—210; **16,** 629, 630
occupation, on profits from, **16,** 636—638
ownership of, in respect of, **16,** 619—636
allowances, **16,** 621—623, 627—630. *See* ALLOWANCE (Income Tax).
assessable value, **16,** 620—623. *See* ASSESSABLE VALUE.
assessment, **16,** 635. *See* ASSESSMENT.
persons chargeable, **16,** 631, 632
remedy over of, **16,** 632—634
unoccupied, **16,** 634
distress as to, **11,** 219
landlord, position of, in regard to, **16,** 632—634; **18,** 476, 477
lease, evidence of annual value, as, **16,** 620, 621
refusal to produce, penalty for, **16,** 686
surveyor may demand production of, **16,** 621, 635
licensed house, compensation charges deductible, when, **16,** 653
literary and scientific institutions, when exempt, **4,** 209; **16,** 629
London, City of, various profits derived by, **16,** 626
London and India Docks, assessors for, **16,** 665
London County Council, in case of, **20,** 450
loss, crops or stock, to, by flood or tempest, **16,** 636
occupation of land, arising in, **16,** 638
plant, on, **16,** 652, 654
hired, on, **16,** 654
ship destroyed by sea perils, on, **16,** 652
trade, in, claim for repayment in case of, **16,** 650
deduction in respect of, **16,** 652—654
meaning of, **16,** 650
unconnected with, not deductible, **16,** 651
maintenance, land, etc., of, when relief granted, **16,** 622
trade premises, etc., of, when deductible, **16,** 651
manors, profits of, distress for taxes, **11,** 219
seven years' average in case of, **16,** 624
manufactures. *See* trade, *infra.*
market gardens, in case of, **16,** 636
markets, on profits of, **16,** 625; **20,** 38, 38 n.
distress for, **11,** 219
municipal bodies, belonging to, **16,** 625, 626
married woman, husband, living separate from, profits of, **16,** 677

INCOME TAX—*continued.*
married woman—*continued.*
husband, living with, profits of, **16,** 674, 675, 677
relief as to, **16,** 675, 676
representatives of, chargeable, **16,** 676
Mayor's Court, fees of, chargeable, **16,** 626
milk dealer chargeable on actual profits, **16,** 638
mines, in case of, **16,** 625, 626, 653; **27,** 510 n.
mortgagor, payment of interest by, deductible, **16,** 633
municipal trading undertakings, in case of, **16,** 625
deductions, **16,** 653
mutual insurance company, in case of, **16,** 656
Nonconformist minister, in case of, **16,** 656
non-payment of, remedies for, **11,** 218, 219; **16,** 683—685
non-resident, agent of, liability and right of recoupment, **16,** 677
corporation trading here, **16,** 646
person carrying on trade or profession here, **16,** 646
person owning foreign securities, profits payable here, **16,** 641
notice, assessment, before, **16,** 617
church door, on, defacing, **16,** 685
service of, **16,** 678
nurseries, in case of, **16,** 636
oath of office for officials connected with levy of, **16,** 616
obstruction of officer, penalty for, **16,** 686
occupation of land. *See* land, *supra.*
successive, **16,** 634, 635
occupier, change of, in case of, **16,** 634
liability of, **16,** 631—634, 636
offences, Acts, against, **16,** 685—688, 691. *See* penalties, *infra.*
officers, by, **16,** 687
officer, commissioned, Sched. E, under, **16,** 667
officials for assessment and collection of, **16,** 612
origin of duty, **16,** 609, 610
parish, responsibility of, for payment of, **16,** 684
partnership, in case of, **16,** 648, 649
abatement or exemption claim by partner, **16,** 675
change of partners, in case of, **16,** 649
sleeping partner resident here with business abroad, **16,** 645, 659
patent rights, on, **16,** 662
deduction of tax from royalties, **16,** 651
payment of, evasion of, penalty for, **16,** 687
penalties in regard to, **16,** 685—688, 691
correct return, on failing to make, **16,** 618
mitigation of, power of Commissioners as to **16,** 688
recovery of, **16,** 688
limitation of time for, **16,** 678, 688
pension, corporation, payable by, **16,** 668
Crown, granted by, **16,** 666, 667, 668
perquisites in public office, on, **16,** 667
personal representative liable to, **16,** 677
philanthropic association carrying on trade, **16,** 653
police station not owned by Crown exempt, **16,** 632
precept to assessors of, **16,** 617
priority of claim for, **16,** 684, 685
bankruptcy, in, **2,** 215, 217; **16,** 684
winding-up, in, **5,** 516; **16,** 684, 685 n.
procurations and synodals, on, **16,** 627
profession, in case of, **16,** 618, 656, 657

INCOME TAX—*continued.*
profits, on, annual not specifically charged, **16,** 659
average. *See* average profits, *supra.*
casual, under Sched. D, **16,** 657
foreign and colonial
companies, of, computation of, **16,** 658
possessions, from, **16,** 659
Government securities, from, **16,** 639—642, 657
incorporeal hereditaments, of, **16,** 623, 624
lands, from, not occupied by person chargeable, **16,** 624
manor, of, **11,** 219; **16,** 624
mine or quarry, of, **16,** 625, 653; **27,** 510 n.
occupation of land, of, **16,** 636—638
office, of, **11,** 219; **16,** 656
railway companies, of. *See* railway, *infra.*
trade or profession, of, **16,** 643 *et seq.* *See* trade profits, *infra.*
undertaking or concern connected with land, **16,** 625
provident funds, part of salary, as, in case of, **16,** 668
public library, free, exempt from, **4,** 210; **16,** 629, 630
public office, in regard to, **16,** 666, 667
meaning of, **16,** 667
public school, buildings and land of, exempt from, **4,** 208, 209; **16,** 628, 629
quarries, in respect of, **16,** 625, 626
rack rent, annual value estimated from, **16,** 621
ascertainment of, for purposes of, **16,** 621
railway, duties on, date of payment, **16,** 676
ownership of land, arising out of, how charged, **16,** 625
profits on, assessed by special Commissioners, **16,** 614, 626; **23,** 638
rate of, **16,** 610
rate-book, refusing inspection of, penalty for, **16,** 686
receiver appointed by court chargeable, **16,** 676; **24,** 402
recovery of, action, by, **16,** 683
distress, by, **11,** 218—220; **16,** 683, 684
relief, grant of. *See* exemption, *supra*; ALLOWANCE.
remedy over of person paying tax under Sched. A, **16,** 632—634
removal from place of assessment to evade payment, **16,** 687
rent, deduction from, **16,** 632—635, 661 n., 662, 686; **18,** 476
lands belonging to hospitals, etc., of, exempt, **4,** 209; **16,** 629
rentcharge, on, deduction by payer, **16,** 633, 661 n.
deed, payable under, **24,** 502
will, given by, **24,** 501, 502
repair fund of charitable and educational institutions exempt, **4,** 208, 209
repairs, cost of, how far deductible, land and buildings, in case of, **16,** 622
trade premises, etc., in case of, **16,** 651
repayment, claims for, Sched. A, under, **16,** 622, 623
Sched. B, under, **16,** 638
Sched. C, under, **16,** 641
Sched. D, under, **16,** 648, 650
when to be made, **16,** 677
deferred annuity, in respect of, **16,** 670, 671
life insurance premium, in respect of, **16,** 670, 671
refusal of, mandamus in case of, **10,** 86; **16,** 628

INCOME TAX—*continued.*
residence, corporation, of, in relation to, **5,** 22—24; **16,** 639, 644, 645—647
corporation, foreign, of, **5,** 24, 25; **16,** 645—647
persons, of, for purpose of, **16,** 641, 643, 644, 645, 646
retention of. *See* collection at the source, *supra.*
return for purpose of assessment, **16,** 617, 618. *See* RETURNS.
royalties, land, in respect of, **11,** 219; **16,** 624
patent, in respect of, **16,** 662
deduction of duty, **16,** 651
salaried employment, on, **16,** 656, 657
corporation, under, on, **16,** 667
salary, college funds, out of, **16,** 667. *See* emolument, *supra.*
public office, of, how chargeable, **16,** 667
railway official, of, assessed by special Commissioners, **16,** 614, 626; **23,** 638
salt springs, in respect of, **16,** 625
savings bank, deposits in, in respect of, **16,** 657
exemption from, **16,** 642
Sched. A, abatements under, **16,** 627, 628
assessment under, **16,** 620—623. *See* ASSESSABLE VALUE; ASSESSMENT.
place of, **16,** 630
procedure, **16,** 635, 636
exemptions under, **16,** 628—630
incorporeal hereditaments, **16,** 623
lands and buildings, **16,** 619—623
mines, quarries, and certain commercial undertakings, **16,** 624—627
persons chargeable under, **16,** 631—635
property under, **16,** 619, 623, 624
several interests in, incidence of tax, **16,** 632
scope of, **16,** 618, 619
Sched. B, assessable value, ascertainment of, **16,** 637
assessment under, **16,** 637, 638
procedure in, **16,** 638
exemption under, **16,** 636
properties chargeable under, **16,** 636
scope of, **16,** 618, 636
Sched. C, allowance under, **16,** 641. *See* ALLOWANCE.
exemptions under, **16,** 641, 642
retention of tax by persons paying dividend, **16,** 639—641
scope of, **16,** 618, 639
Sched. D, assessment, place of, under, **16,** 665
procedure on, **16,** 665, 666
deductions from gross profits under, **16,** 650—654. *See* ALLOWANCE.
exemption under, **16,** 664, 665
foreign and colonial dividends, **16,** 657
foreign and colonial possessions, **16,** 659
insurance companies, assessment of, **16,** 655, 656
interest, annuities, and annual payments, **16,** 659—664
professions, salaried employments, etc., under, **16,** 656
profits, annual, not otherwise charged, **16,** 659
casual, **16,** 657
scope of, **16,** 618, 642, 643
trades, manufactures, etc., chargeable, **16,** 643—656

INCOME TAX—*continued.*
Sched. E, assessment, method of, **16,** 668, 669. *See* ASSESSMENT.
deductions under, **16,** 669, 670
scope of, **16,** 619, 666—668
schedules in general, miscellaneous provisions as to, **16,** 676—678
set-off, loss on farm, of, not allowed as against loss in trade, **16,** 653
two distinct trades, by person carrying on, **16,** 651
sewers, in respect of, **16,** 619 n., 625 n.
short interest, deduction as to, **16,** 657, 660, 662, 664
slaughter-house, municipal, on, **16,** 625; **23,** 554 n.
Special Commissioners for. *See* INCOME TAX COMMISSIONERS.
super-tax, **16,** 688—691. *See* SUPER-TAX.
surcharge in connection with, **16,** 635, 679. *See* SURCHARGE.
surveyors, appointment of, **16,** 616
duties of, **16,** 635
inspection of returns by, **16,** 635
teinds, on, distress for, **11,** 219
telegraph undertakings, in respect of, **27,** 396
tenant, covenant by, for payment is void, **18,** 476
deduction from rent by, **16,** 632—635, 661 n., 662, 686; **13,** 476
tenement, on, person chargeable, **16,** 631
Thames Conservancy Board exempt from, **16,** 612 n.
tied houses, deductions prohibited in case of, **16,** 652
tithe commutation rentcharge, on, **16,** 623
tithes, on, **16,** 623, 624
composition for, **11,** 219
distress for, **11,** 219
tolls, on, **11,** 219; **20,** 38 n.; **16,** 625, 626
trade, discontinuance of, effect on, **16,** 648
exercised within United Kingdom, meaning of, **16,** 647
meaning of, within the Acts, **27,** 509 n.
municipal corporation, of, **16,** 643, 644
two distinct trades, set-off in case of, **16,** 651
trade profits, on, **16,** 618, 642—656. *See also* business, *supra.*
computation on average, **16,** 647, 648, 656
deductions allowed from, **16,** 650—654, 656
falling short of assessment, **16,** 648
land, profits arising from, **16,** 648, 654
loss, adjustment in case of, **16,** 650
deduction in respect of, **16,** 651, 652, 653. *See* loss, *supra.*
trade union exempt from, **16,** 629, 641; **27,** 634
trading concerns under Sched. A, in case of, **16,** 625, 626
Treasury, stock in name of, exempt, **16,** 642
trustee, deduction by, **16,** 677; **24,** 501
liability of, **16,** 676
university buildings, in respect of. *See* college, *supra.*
unoccupied house and land, in case of, **16,** 631, 634
valuation, expert, by, Commissioners may order, **16,** 635
vocation, meaning of, for purpose of, **16,** 656
warehouses, in respect of, **16,** 636
waterworks of municipal corporation, **16,** 625, 626
wife, income of, in respect of. *See* married woman, *supra.*
yacht, residence on, for purpose of, **16,** 645 n.

INCOME TAX COMMISSIONERS,
Additional Commissioners, appeal from, to General Commissioners, **16,** 613
appointment of, **16,** 613
functions of, **16,** 613, 666
qualification of, **16,** 613 n.
allowances granted by. *See* ALLOWANCE (Income Tax).
Bank of England, governor and directors of, as, **16,** 615
case stated by, **16,** 681, 690
order on, **16,** 683
classes of, **9,** 219; **16,** 613—615
clerk to, appointment of, **16,** 615
duty as to returns, **16,** 618
ex-officio Commissioners, **16,** 615
exemptions allowed by. *See* INCOME TAX.
functions of, **16,** 612—615
judicial, **9,** 219, 220; **16,** 612
General Commissioners, Additional Commissioner, may appoint, **16,** 613
may be required to act as, **16,** 613
appeal to or from. *See* APPEAL, income tax.
appointment of, **9,** 219; **16,** 613
assessments signed by, **16,** 635
assessors and collectors appointed by, **16,** 615
clerk to, appointment of, **16,** 615
Commissioners acting with, in large towns, **16,** 613
disputes as to deductions settled by, **16,** 633
functions of, **16,** 613
precepts to assessors issued by, **16,** 617
qualification of, **16,** 613 n.
surcharge, power as to, **16,** 679
jury service, exempt from, **18,** 232
leases, may demand production of, **16,** 635
National Debt, Commissioners of, as *ex-officio,* **16,** 615
oath of office by, **16,** 616
quorum of, **16,** 613 n., 615
rate books, may demand production of, **16,** 635
Special Commissioners. appeal from or to. *See* APPEAL, income tax.
appointment of, **9,** 219; **16,** 614
functions of, **16,** 612, 614, 689, 690
jurisdiction, exclusive, of, **16,** 614, 642, 689
super-tax assessed by, **16,** 689, 691
valuation by expert, may order a, **16,** 635

INCOMING TENANT. *See* TENANT.

INCOMPETENCE. *See* INCAPACITY.
agency, termination of, for, **1,** 230
partnership premium, no ground for refusing return of, **22,** 95
peerage claim, proof in, **22,** 282
receiver, as a ground for discharge of, **24,** 418
servant, as good ground for dismissal of, **20,** 100

INCOMPLETE GIFT,
charitable object, for, **15,** 430
cheque, of, **15,** 428, 433
completion of, **15,** 430
declaration of trust, distinguished from, **13,** 98; **15,** 429
enforcement of, **15,** 428, 430
equitable mortgage, of, **15,** 429
equity will not assist, **13,** 97, 98; **15,** 428, 429
executor, appointment of donee as, effect of, **15,** 430

INCOMPLETE GIFT—*continued.*
revocation of, donor, by, **15,** 428, 432
uncertainty of subject of, selection by donee, **15,** 430; **28,** 531

INCOMPLETE PURCHASE,
death of husband, at, presumption when in favour of wife or child, **15,** 416
effect of death of purchaser, **14,** 239, 240

INCOMPLETE TRUST,
enforcement of completion and execution, **28,** 44
volunteers, when enforced in favour of, **28,** 45, 46

INCONSISTENCY,
bill of sale clauses, in, **3,** 35
company articles, in, **5,** 82
description, in different parts of, **10,** 465—468. *See* FALSA DEMONSTRATIO NON NOCET.
gift of same thing to two persons, **28,** 678
gifts, as to, rule as to preference between, **28,** 677
offer and acceptance, between, **7,** 350
premises and *habendum* of deed, between, **10,** 473
recitals and operative part of deed, between, **10,** 459—462
statute, in, **27,** 200
will, in, **28,** 567, 568
construction, as to, **28,** 674

INCONTINENCE,
deprivation of clergyman for, **11,** 637
imputation of, action by clergyman for, **18,** 622
how far defamatory, **18,** 620, 621

INCONVENIENCE,
compensation for personal, compulsory purchase, in relation to, **6,** 117, 118
damages for, carrier, from, **4,** 60
injunction, no ground for granting, **17,** 208
production of documents, as excuse in case of, **11,** 88 n.

INCORPORATED COUNCIL OF LAW REPORTING FOR ENGLAND AND WALES,
legal position of, **5,** 15 n.

INCORPORATION,
banking company, of, **1,** 581—583; **5,** 612—614. *See* BANK.
building society, of, **3,** 327—329
certificate of, **3,** 327, 328, 396, 397
charitable corporation, of, **4,** 285, 286
certificate of Charity Commissioners as to, **4,** 285, 314
modes of, **4,** 285, 286
stamp duty, **4,** 215; **24,** 706 n.
charity, of a, certificate of, **4,** 314, 317
Charity Commissioners, by, **4,** 285, 314; **11,** 794; **24,** 706
Companies Act, under, **4,** 285; **5,** 13, 15, 31, 77—79
modes of, **4,** 285
stamp duty on, **4,** 215
charter, by, **8,** 314—320. *See* CHARTER.
company, of. *See* COMPANIES.
corporation, of, **8,** 314—320. *See* CORPORATION, creation of.
county council, of, **19,** 340
Friendly Societies Acts, registration under, not equivalent to, **15,** 133

INCORPORATION—*continued.*
guild, grant of, incorporation of town by, **8,** 315 n.
implication, by, **5,** 13 n.; **8,** 315
Lands Clauses Acts, of, in special Acts, **6,** 12—14
letters patent, by, **5,** 13; **7,** 17
literary and scientific etc. institutions, of, **19,** 196
certificate of, **4,** 314
London, city of, **6,** 492; **20,** 422
municipal corporation, of, **19,** 293, 294
presumption of, **8,** 321
quasi-corporation, of, **5,** 14
railway company, of, **23,** 625, 626
statute, of, construction of, **27,** 140, 168

INCORPOREAL CHATTEL, 22, 389. *See* CHOSE IN ACTION.

INCORPOREAL HEREDITAMENT,
defined, **24,** 160
advowson as, **11,** 564; **21,** 128; **24,** 161
annuity as, **24,** 161
appendant, **24,** 162
appurtenant, **24,** 162
baronetcy as, **22,** 283 n.
common, right of, as, **4,** 483; **11,** 3 n.; **24,** 162
county court jurisdiction as to, **8,** 430, 431, 435
title to, action in respect of, **8,** 438
demise with land to which not appurtenant, **18,** 385
description denoting ownership of, **24,** 164
distress, not subject of, **11,** 132
division of, **24,** 162
easement as, **11,** 3 n., 238 n., 242
escheat of, **11,** 24
ferry as, **14,** 557
game, right to kill and carry away, is, **15,** 219
gift of, **15,** 407
grant of, deed necessary to, **4,** 483 n.; **10,** 361; **15,** 219; **18,** 339
in gross, **24,** 162
income tax, assessment for, **16,** 623, 624
interest coupled with licence as, **18,** 339
land, right to enter on, to enjoy, as an irrevocable licence, **18,** 339
lease of, **18,** 340, 466 n.
deed necessary, when, **18,** 384, 466 n.
invalidity of, **18,** 339, 384
not under seal, effect of, **4,** 492
limitation of, **24,** 217 n.
market toll in relation to, **20,** 38
mortgage of, **21,** 128, 129
occupation franchise, gives no qualification for, **12,** 159 n.
partition of, **21,** 822, 825, 836—838
exceptions to, **21,** 823
peerage as, **22,** 269
real estate, as, **11,** 3; **24,** 163
rentcharge
as, **11,** 3 n.; **24,** 217 n., 467, 468
cannot be reserved out of, **11,** 122; **18,** 465
settled land, as, **25,** 624 n.
warren as, **15,** 248 n.
will, creation by, **28,** 526
disposition by, **28,** 519

INCORPOREAL PROPERTY,
exempt generally from seizure under *fi. fa.*, **14,** 47
seizure of, duty of sheriff on, **14,** 48

INCORPOREAL RIGHTS,
destruction of, compulsory purchase of land, in case of, **6,** 65
notice to treat for, **6,** 66
when notice unnecessary, **6,** 65
disturbance of, not trespass, **27,** 850
easement distinguished from other, **11,** 238
land, in, meaning of, **24,** 284
new species not to be created, **11,** 248

INCORRIGIBLE CHILD,
imprisonment of, **9,** 422
industrial school, sent to, **12,** 71, 72

INCORRIGIBLE ROGUE,
defined, **22,** 614
costs in case of, **9,** 448
jurisdiction of quarter sessions in respect of, **19,** 635
punishment of, **9,** 411 ; **22,** 614, 615

INCREMENT VALUE DUTY,
defined, **24,** 557, 558
agricultural land, how far exempt from, **24,** 566
appeal from Commissioners as to, **24,** 560 n., 582—586
assessment and collection of, **24,** 559—563
books and documents, production of, to Commissioners for purpose of, **24,** 562
corporate or unincorporate bodies, land held by, in case of, **24,** 561, 562
death, on, **24,** 561, 562
deductions allowed in, **24,** 562, 563
devolution of absolute or partial interest, on, **24,** 562
lease, on grant of, **24,** 560, 562
particulars, presentation of, for purpose of, **24,** 559, 560
regulations by Commissioners as to presentation of, **24,** 560
transfer of fee simple or other interest, on, **24,** 560, 562
charity lands exempt from, **19,** 209 ; **24,** 567
corporate or unincorporate bodies, in case of, **24,** 559, 561, 562, 565
Crown, as a debt due to, **24,** 563, 565, 570
Crown lands exempt from, **24,** 565
death, when payable on, **24,** 558, 559, 561, 562
dwelling-house, site of, when exempt from, **24,** 566, 567
estate duty, allowance in estimating, **13,** 211
exemptions from charge of, **24,** 565—568
fixed charge, *defined*, **24,** 550 n.
friendly society, exemption of, from, **15,** 162 ; **24,** 568
instalments, payment by, **24,** 564
lease, chargeable on grant of, **24,** 558, 559, 560, 562, 563
limited owners' rights as to, **24,** 553 ; **25,** 649
literary and scientific institution exempted from, **19,** 209
minerals, annual charge on, as, *defined*, **24,** 569
assessment and collection of, **24,** 570
deduction from rental value in assessing, **24,** 570
exemptions, **24,** 569
mineral rights duty, deduction from, of, **24,** 581
persons liable to, **24,** 570
rate of, **24,** 570

INCREMENT VALUE DUTY—*continued.*
minerals—*continued.*
recovery of, **24,** 570
returns to Commissioners, **24,** 570
capital charge on, as, assessable increment value *defined*, **24,** 568
assessment and collection of, **24,** 569
occasion for charge of, **24,** 569
capital value, in case of, *defined*, **24,** 552
leased or worked, in respect of, **24,** 549, 552, 553, 568—571
lessor, liability of, in regard to, **24,** 571 n.
total value in case of, **24,** 552
occasions of charge, **24,** 558, 559
origin of, **24,** 549
original site value for purposes of, **24,** 549, 558 n.
original total value for purposes of, **24,** 549
partial interest, on passing of, **24,** 558, 559, 560, 562
proportionate payment in case of, powers of Commissioners as to, **24,** 563
parties liable to pay, **24,** 563, 570
partition of land, on, not payable, **21,** 824
post office, grant of land to, not exempt from payment of, **22,** 629 n.
rate of, **24,** 563 ; **25,** 450 n.
rating authority, land held by, exempt from, **24,** 566
recovery of, **24,** 563—565
recreation ground exempt from, **24,** 568
repayment of, in what cases, **24,** 564, 565
sale of land, on, **24,** 558, 559, 560, 562 ; **25,** 450
security for payment of, power to require, **24,** 563 n.
settled land, in connection with, **24,** 562 n. ; **25,** 649
site value, *defined*, **24,** 550—552
deductions from total value in ascertaining, **24,** 551, 552
original, **24,** 549, 558 n.
small farm exempt from, **24,** 566
stamp duty, as a, **24,** 558 n., 563, 564, 706 ; **25,** 450
statutory company, land held by, exempt from, **24,** 567
taxable increment for purposes of, **24,** 549
tenant for life and remainderman, as between, **24,** 553, 557 n. ; **25,** 649
total value, *defined*, **24,** 550, 552
deductions made in ascertaining, **24,** 550
original, **24,** 549
transfer of land, payable on, **24,** 558—562 ; **25,** 450

INCRIMINATION,
interrogatories tending towards, **11,** 96, 100, 110 ; **13,** 574, 575 ; **16,** 526, 527
risk of, where, privilege from production of documents, **13,** 570—576. *See* PRODUCTION OF DOCUMENTS FOR INSPECTION.
witness, by, privilege against, **11,** 82—84. *See* PRIVILEGE OF WITNESS.

INCROACHMENT. *See* ENCROACHMENT.

INCUMBENT. *See also* CLERGY ; PARSON ; RECTOR ; VICAR.
defined, **11,** 451
Burial Acts, under, **3,** 449
annual returns to bishop by, **11,** 612
augmentation to, **11,** 727. *See* AUGMENTATION.

INCUMBENT—*continued.*
bankruptcy of, sequestration on, **2,** 153, 189, 190; **11,** 616—620. *See* SEQUESTRATION OF BENEFICE.
beadle employed by, **11,** 479
bells, joint control over, with churchwarden, **11,** 468 n.
benefice. *See also* BENEFICE.
admission to, **11,** 473, 601—603
cession of, **11,** 405, 633—635
charges on, how far allowable, **11,** 615, 616, 622, 755—760
deprivation of. *See* DEPRIVATION.
exchange of, **11,** 627, 632, 633
sequestration of, **11,** 616—627. *See* SEQUESTRATION OF BENEFICE.
bishop's control over. *See* BISHOP.
building lease by, **11,** 762—764
Burial Acts, within meaning of, **3,** 449, 480, 481
burial service, fees in respect of, **3,** 429, 469 n., 472 n., 474, 479—483, 510, 522, 570
performance of, rights and obligations as to, **3,** 420, 421, 427, 469, 472, 510, 518, 569
chapel, endowment of, by, **11,** 616, 727
erection of, consent to, **11,** 609
provision for, **11,** 616, 646, 727
chapel of ease, endowment of, by, **11,** 616
erection of, consent to, by, **11,** 609
minister of, nomination of, by, **4,** 252
provision for, by, **11,** 616, 646, 727
charitable uses, power to hold for, extent of, **4,** 256
charity trustee, as, **4,** 258, 259
church, freehold and fixtures of, possession of, jointly with churchwardens, **11,** 468
churchyard, duties as to, **3,** 411
freehold vested in, **3,** 408—409; **11,** 468
herbage and timber in, rights as to, **3,** 409
occupier of, as, **3,** 410
possession of, jointly with churchwardens, **11,** 468
unauthorised interference with, remedies for, **3,** 409, 410
commission of inquiry, conduct of incumbent, into, **11,** 526, 527, 613, 614
health of incumbent, into, **11,** 629, 630
corporation sole, is a, **4,** 256; **11,** 563, 754
cremation, service at, performance of, extent of obligation as to, **3,** 569; **11,** 711
curate appointed where duties inadequately performed, **11,** 614, 626, 640—643. *See* CURATE.
death of, effect of, as to benefice, **11,** 627
deprivation of, **11,** 627, 635. *See* DEPRIVATION.
dilapidation, liability for, of, **1,** 243; **3,** 409; **11,** 754, 768—771. *See* ECCLESIASTICAL DILAPIDATIONS.
duties of, **11,** 451, 609—616, 626, 657—663
commission of inquiry in case of inadequate performance of, **11,** 613, 614
deputy, exercise by, of, **11,** 609, 613, 662
enforcement of, power of bishop as to, **11,** 613
negligence in performance of, degree necessary to constitute offence, **11,** 662
election of, inhabitants and parishioners, by, **4,** 250—252; **11,** 456 n., 472
ratepayers, by, **4,** 251
trustees, by, **4,** 250—252
vestry, by, **11,** 457
emblements, right to, **11,** 627, 632
estoppel in case of successive incumbents of same benefice, **13,** 344

INCUMBENT—*continued.*
exchange, benefice, of, by, **11,** 627, 632, 633
ecclesiastical property, of, by, **11,** 764
farming, trading etc. by, **11,** 557, 558, 621
fees and emoluments of, **11,** 609, 627, 776—779. *See also* CLERGY.
assignment of, **4,** 400 n., 402
burials, in respect of, **3,** 410, 429, 449, 469 n.—472 n., 480—482, 510, 522; **11,** 712, 777, 778
Cemeteries Clauses Act, 1847, under, **3,** 522
commutation of, **3,** 482
custom, by, **3,** 429; **11,** 712
new districts, in, **11,** 778
Public Health (Interments) Act, under, **3,** 510
cremation, in respect of, **3,** 569, 570
Easter offerings, by way of, **11,** 775
extortionate, demanding, **11,** 656
pew rents, out of, **11,** 787, 788
searches in registers, for, **11,** 778
franchise qualification of, **3,** 410; **11,** 563; **12,** 149
freehold interest of, **3,** 408; **11,** 468, 563, 739, 754 n.; **12,** 149
gifts for maintenance of, **15,** 406
glebe lands, cultivation of, by, **11,** 754
cutting down trees for repairs, **11,** 754
leasing of, powers of, **26,** 679
mortgage of, by, **11,** 755—760
neglect to cultivate, liability in respect of, **1,** 243
owner of, as, **11,** 754
rights over, **11,** 753—758, 761; **26,** 679
sale of, by, **11,** 764, 765
investment of proceeds, **11,** 766
improvements by, **11,** 764
indictment of, **3,** 409
induction of, **4,** 252; **11,** 602, 603
inhabitants, election by, of, **4,** 250—252
inhibition against, **11,** 614, 621
injunction at instance of patron against, **3,** 409
insurable interest of, in respect of church etc., **11,** 772; **17,** 525
judgment against, effect of, **11,** 615
land for educational purposes, power to hold, **12,** 119, 120
land tax, redemption of, by **18,** 322
lease by, how far lawful, **11,** 611 n., 615, 761—764
lunatic, becoming, **11,** 617, 630
manse, right in respect of, **11,** 754
mining lease by, **11,** 764; **20,** 533 n.
mining rights of, **11,** 754; **20,** 519, 520
money collected in church, control of, **11,** 661 n.
monition to, **11,** 612, 621, 623. *See* MONITION (Ecclesiastical).
mortgage of profits of benefice by, **11,** 615, 616, 622, 755
new parish, position in case of, **11,** 452, 778
non-residence, licence for, **11,** 611, 612
penalties incurred by reason of, **11,** 610
persons exempt from penalties for, **11,** 610 n.
sequestration for, **11,** 613, 622, 623. *See* SEQUESTRATION OF BENEFICE.
offences by. *See* ECCLESIASTICAL OFFENCES.
officiating outside his parish, **11,** 609
parish clerk appointed by, **11,** 475
parsonage house and glebe, rights in respect to, **11,** 611, 753—759. *See* HOUSE OF RESIDENCE.
partition of land by, **21,** 818
patronage of, **11,** 579

INCUMBENT—*continued.*
pension to retiring, **11,** 616, 629—632, 783 n.
whether assignable, **4,** 402
pew rents, right to, of, **11,** 563, 615, 739, 787, 788
plurality of benefices, holding of, by, **11,** 604—609. *See* PLURALITIES.
presentation to benefice of, **11,** 595—603, 621, 632. *See* PRESENTATION (Ecclesiastical).
injunction to restrain in certain cases, **4,** 252; **17,** 226
qualifications of, **11,** 597—600
rating of, **3,** 410
repairs, execution of, by, **11,** 769—771
right to get stone for, **20,** 520
residence on benefice of, **11,** 610—613
enforcement of, **11,** 612, 613
resignation of, bond or contract for, effect of, **11,** 628, 629
corrupt, **11,** 628
Incumbents Resignation Act, 1871, application of, **4,** 402; **11,** 441, 616, 629—632
mode of, **11,** 627
pension on, **4,** 402; **11,** 616, 629—632, 783 n.
secular pursuits of, restrictions on, **11,** 557, 558, 621
sequestration of benefice in case of bankruptcy or default of, **2,** 153, 189, 190; **11,** 616—627. *See* SEQUESTRATION OF BENEFICE.
services, rights as to performance of, in benefice, **3,** 472; **11,** 656, 661
severance of parish, position on, of, **11,** 452
sexton appointed by, **11,** 478
small holdings, leasing of glebe land for, **26,** 679
spoliation, in respect of, **11,** 621
suspension of, **11,** 475, 535, 614, 621, 637
tenant for life, whether a, **11,** 766 n.; **25,** 624 n.
Thirty-Nine Articles of Religion, assent to, by, **11,** 603, 635
timber, cutting of, by, **3,** 409; **11,** 754
tithe rentcharge, right to, of, **11,** 563, 742
tolls, exemption from, of, **11,** 556
trading by, **11,** 522, 557, 558, 621, 637; **22,** 19
transfer of rights and duties of, **11,** 452
trespass, action for, by, **3,** 409, 410
unconsecrated place, service in, holding of, by, **11,** 662
vestry meeting, *ex-officio* chairman of, **11,** 455
warrant of attorney given by, effect of, **11,** 615
waste committed by, **1,** 243; **3,** 409; **11,** 754, 768
Welsh, ministrations in, by, **11,** 613
widow of, residence in house belonging to benefice of, **11,** 611 n., 627

INCUMBRANCE. *See also* CHARGE; LIEN; MORTGAGE.
defined, for purpose of duties on land values, **24,** 550 n.
accumulation of income for payment of, **22,** 327, 370, 376
appurtenance, not an, **24,** 311 n.
bankruptcy, in. *See* BANKRUPTCY, mortgage; SECURED CREDITOR.
chattel, on, **21,** 129, 130. *See also* BILL OF SALE.
discharge out of personal estate, legatee's rights as to, **14,** 288
trust for discharge of, in case of bill of sale, **3,** 71 n.
compulsory purchase of land, apportionment on, **6,** 58
discharge on, **6,** 58, 119, 120, 130
copyhold, in case of, **8,** 69; **21,** 124—126

INCUMBRANCE—*continued.*
covenant against, **25,** 463, 466
deed necessary to imply, **10,** 370
not an independent covenant, **25,** 463 n.
discharge of. *See* DISCHARGE, mortgage.
elegit, tenant by, is subject to, **14,** 70
equitable. *See* EQUITABLE CHARGE; EQUITABLE MORTGAGE.
equitable assignment, by way of, effect of notice on, **4,** 379—386. *See also* EQUITABLE ASSIGNMENT.
estate tail, on, effect of recovery on, **24,** 248. *See also* tenant in tail, *infra.*
estoppel by representation as to existence of, **13,** 379
husband paying off, on wife's property, **16,** 396, 403
infant, acquisition by, of land subject to, **17,** 77
guardian, duty of, with respect to, **17,** 131
power of, to create, **17,** 80; **21,** 91
trustees, duty of, with respect to, **17,** 87
jointure rentcharge, arrears of, as, **25,** 645 n.
leasehold, on, **21,** 126—128; **25,** 645
lien as. *See* LIEN.
attaching on payment in connection with, **16,** 403; **19,** 20, 21, 22
light railway, on land required for, **27,** 833
limited owner, created by, **21,** 97—105
lunatic's property, on, charging order in respect of, **19,** 440, 441
court's power to authorise, **21,** 92
merger of, **21,** 318—326. *See* MERGER.
partition, in case of, **21,** 840, 848, 861, 865
consent of incumbrancer, **21,** 840
discharge on, **21,** 865
partner's power to create, **21,** 94—97
personal representatives, powers of, as to creating, **21,** 105, 106
protector of the settlement, by, office not affected by, **24,** 254
real estate, on, creation of, **21,** 112—124
discharge of, in case of deceased person, **14,** 288
receiver in respect of. *See* RECEIVER OF MORTGAGED PROPERTY.
appointment of, against wish of prior incumbrancer, **24,** 358
debentures, in case of, **5,** 376—380
default in payment of principal entitles to, **24,** 356
nominee of incumbrancer, appointment of, **24,** 364, 418
prior incumbrancer, effect on rights of, **21,** 262, 263; **24,** 358, 387, 390
puisne incumbrancer, appointment at instance of, **21,** 262; **24,** 358, 386
rents, in regard to, **24,** 386
rectification of instrument, how far allowed when affecting, **21,** 17, 26, 27
redemption of. *See* REDEMPTION OF MORTGAGE.
registered land, in case of, discharge of, **21,** 314; **24,** 318 n.
entry in registry of, **24,** 310, 311, 317
estates or interests not deemed to be, **24,** 311, 320
registered title is subject to registered incumbrance, **24,** 313, 314
transfer is subject to, **24,** 318, 319
unregistered, **24,** 311, 317 n.
sale of goods free from, implied warranty as to, **25,** 154

INCUMBRANCE—*continued.*
sale of land, in case of, charge by limited owner, **21,** 100
discharge of, **25,** 413, 414, 422, 434, 439
freedom from incumbrance presumed, **25,** 301, 417 n.
purchaser's rights as regards, **25,** 413
recitals in conveyance when incumbrancers parties, **25,** 422
requisitions as to, **25,** 356
searches for, **25,** 357—363. *See* SEARCH.
settled land, on, **21,** 99—102; **25,** 661, 662. *See also* tenant for life, *infra*; SETTLED LAND ACTS.
capital money applied to discharge etc. of, **25,** 645
shifting of, power of limited owner in regard to, **21,** 100
under Settled Land Acts, **25,** 662
specific performance, how affected by absence of notice of, **27,** 55 n., 101
succession duty, allowance against, in respect of, **13,** 290, 291
successive incumbrancers, order for redemption in case of, **21,** 154, 155
right to add costs to security, **21,** 232, 233
tenant for life, discharge by, **21,** 320 *et seq.*; **25,** 617, 619—621, 661. *See* DISCHARGE.
interest, duty to keep down, **25,** 617, 618
power to shift, **25,** 662
purchaser of, rights as, **21,** 177 n.
tenant in tail, by, **21,** 97—99; **24,** 259, 260
trustee, duty of, to disclose, extent of, **4,** 385; **28,** 127, 128
fiduciary relation of, towards incumbrancers, **28,** 124
power of, to create, **21,** 107—110
wife, on estate of, rights of husband on paying off, **16,** 396, 403

INDEBITATUS ASSUMPSIT,
defined, **1,** 36
set-off in case of debts within, **25,** 486 n.

INDECENCY,
male person, with, offence of, **9,** 541, 619 n.
offence of, **9,** 537; **22,** 611
young person, consent of, when a defence, **9,** 619

INDECENT,
advertisement, misdemeanour, as a, **9,** 537
offence in regard to, **9,** 303 n., 593 n.; **22,** 611 n.
assault, child, on a, **9,** 541 n.
female, upon a, **9,** 619; **19,** 584
punishment for, **9,** 619; **19,** 584, 585, 603
sixteen, upon person under, **19,** 584
summarily, when triable, **19,** 583, 584
young person, consent of, when a defence, **9,** 619
behaviour, churchyards or burial grounds, in, **3,** 422
streets or tramcars, in, bye-laws as to, **27,** 279, 280
exhibition, person guilty of, as a rogue and vagabond, **22,** 611
exposure, bathing nude in public place as, **9,** 537
offence of, **9,** 537; **22,** 611; **27,** 284
language, streets or tramcars, in, bye-laws as to, **27,** 279, 280

INDECENT—*continued.*
matter, advertising, punishment for, **9,** 539 n. *See* advertisement, *supra.*
evidence involving disclosure of, privileged, **13,** 427
pleadings, power to strike out of, **22,** 434, 435
posting of, punishment of offence of, **9,** 539
regulations for prevention of, **22,** 644
publication of, **9,** 538
print, procuring of, with intent to publish, **9,** 538
publication, medical or surgical work, in regard to, **9,** 538
motive of publisher in regard to, **9,** 538
obscene libel in newspaper, in case of, **9,** 538, 539
offence in regard to, as misdemeanour, **9,** 538, 539
post, through the, punishment in case of, **9,** 539

INDEMNITY. *See also* CONTRIBUTION; GUARANTEE.
defined, **15,** 444
abandonment by surety of right of, against debtor, **15,** 519
accident insurance, whether a contract of, **17,** 566, 571
accommodation, acceptor's right to, **2,** 522, 554
act of, nature of, and procedure relating to, **21,** 726; **27,** 159 n., 863
act not manifestly illegal but in breach of duty at another's request, for, **15,** 447; **20,** 125; **27,** 489 n.
action, against, **15,** 446
action by surety to enforce, **15,** 525, 526
administrator's right to, costs of creditor's action, for, **14,** 349
advertiser, by, to publisher, effect of, **23,** 222
agent, in favour of, **1,** 193, 196, 197
assignee of lease, bankruptcy of intermediate, effect of, on covenants, **18,** 594
covenant by, for, **18,** 593
costs of action on, recoverable, **18,** 594
covenant in favour of, on re-assignment, **18,** 593
extent of lessee's right against, **18,** 593
assignment of shares, on. *See* transferee, *infra.*
association, marine insurance, by, **17,** 507, 508
auctioneer, in favour of, by vendor, **1,** 517
bail, against, by defendant, illegality of, **5,** 564; **7,** 398; **9,** 323 n.; **15,** 446, 453 n., 461 n., 462, 518
bailiff levying distress for rent, to, **11,** 161
bankruptcy, proof in, for, **2,** 209, 211
property for purposes of, as, **2,** 137; **15,** 445 n.
trustee, in favour of, **2,** 134, 135, 308
bill of exchange, duplicate for lost, on giving, **2,** 514; **7,** 449
bill of sale, by way of, effect of, **3,** 38; **15,** 517 n.
grantee, to, for goods distrained, **3,** 70
birth of issue, insurance against, is not, **17,** 512 n.
bond, for loss of, **13,** 25, 26
bond to Treasury, in respect of, **15,** 549
broker, by, **15,** 558; **27,** 223
in favour of, **1,** 196, 197; **15,** 447 n.
Stock Exchange, on. *See* Stock Exchange, *infra.*
void, when, **27,** 259, 260
building society's director, to, **3,** 341

INDEMNITY—*continued.*
burglary, insurance against, as, contract of, **17,** 512 n.
certificate of, municipal election petition, in, **12,** 514
parliamentary election, in, **12,** 450, 467
cestui que trust, from, trustee's right to, **13,** 96; **28,** 157, 205, 206
change of *cestui que trust* does not affect, **15,** 447 n.
third party, enforced by, **13,** 97
chose in action, as, **4,** 365; **22,** 390 n.
club committee or trustees, in favour of, **4,** 420
co-defendant, claim against, for, **23,** 165
collision at sea, in case of, **26,** 525, 537
common law courts' statutory right to require, **13,** 26 n.
consideration, valuable, as, **15,** 445
consignee of goods, in favour of, where goods lost, **26,** 291
contempt of court, against consequences of committing, **7,** 292
contracts of, what are, **2,** 522; **15,** 444, 445, 461; **17,** 335, 512 n., 518, 544
contribution, by way of. *See* CONTRIBUTION.
conveyance of land by way of, **15,** 445 n.
costs of litigation, for, effect of, **15,** 486
county court practice on claim by defendant for, **8,** 491—493
covenant of, assignee of lease, by, **18,** 543
joint, **15,** 525
surety, in favour of, **15,** 525
creditor, by, to estate of deceased debtor, **14,** 349
damages, distinguished from, in relation to costs, **15,** 486 n.
recoverable under, **10,** 328; **15,** 485, 486
defendant claiming, co-defendant, against, **23,** 165
third party, against, **23,** 162—164. *See* THIRD PARTY PROCEDURE.
director of company, to, **5,** 139, 233
election court, in, right of witness to, **12,** 450, 467, 514
equity, power of court of, to require, **13,** 26
executor, in favour of, against estate, **5,** 197; **14,** 294—296; **20,** 263
costs of creditor's action, for, **14,** 349
express, nature of, **15,** 445, 446; **28,** 185 n.
fire insurance as, **15,** 445; **17,** 518
forged transfer of stock or shares, in respect of, **5,** 195; **27,** 245, 246
future proceedings, against, extent of, **15,** 485 n.
game, damage by, in respect of, **15,** 225
guarantee, distinguished from, **15,** 444, 460 n., 461; **27,** 225
illegal
claim, in respect of, **15,** 524; **23,** 222; **27,** 487
contract, for debt arising out of, void, **7,** 390
implied
agent, in case of, **1,** 196, 197
executor, in case of, **14,** 326
money paid on behalf of another, in case of, **7,** 465 *et seq.*
partner, in case of, **22,** 60, 61
servant, in case of, **20,** 124, 125
surety, in case of, **15,** 446, 447, 517
trustee, in case of, **28,** 157—159
wife's property charged for benefit of husband, when, **16,** 405—407
infant, by, **15,** 459 n.; **17,** 139
insurable interest of holder of, **17,** 369, 374
interest, right to, under, **15,** 523, 524

INDEMNITY—*continued.*
introduction of customer, on, whether implied **15,** 447 n.; **27,** 246
invalid, examples of, **15,** 446
joint tortfeasors not entitled to, **27,** 489
laches, lost by, **22,** 61; **24,** 324
Land Transfer Act, 1897, under, limitation of actions with reference to, **19,** 40, 41, 46
rectification of register, indemnity on, **24,** 322—324
landlord, by, where tenant has paid landlord's taxes, **7,** 466
in favour of, against claims for damage to crops, **15,** 225
lease, on assignment of. *See* assignee, *supra*; lessee, *infra.*
legal proceedings, against, effect of, **15,** 485 n.
lessee's right to, as against assignee, **2,** 209; **4,** 365; **7,** 466; **18,** 592—594; **20,** 562; **25,** 431
libel, against publication of, **15,** 446, 453 n.
life insurance is not, **15,** 445; **17,** 513 n., 544
limitation of actions with reference to, **1,** 637; **19,** 40, 45, 46
loss of
cheque etc. in case of, **2,** 514; **7,** 449; **13,** 26
property, insurance against, as, **17,** 512 n.
Lunacy Act, 1890, and order thereunder as, **19,** 462
marine insurance, in, **15,** 445; **17,** 439 n., 462—467, 482
general average contributions, in case of, **17,** 471
insurance for less than insurable value, in case of, **17,** 462, 463
partial loss, for, freight, of, **17,** 470
goods, of, **17,** 464
ship, of, **17,** 466—470
salvage charges, in case of, **17,** 471
third party liability, against, **17,** 470
total loss, in case of, **17,** 463
valued and unvalued policies, under, **17,** 463
married woman, of, when property charged for husband's benefit, **15,** 519 n.; **16,** 405—407
mining leases, by assignee of, **20,** 562
mistake, given up by, effect of, **15,** 560
mortgagee's right to, **21,** 231
mortgagor's right to, **15,** 445 n., 518
newspaper publishers etc., in favour of, in respect of libels appearing, **15,** 446
parol evidence of, **15,** 529 n.
partner's right to, as agent of firm, **7,** 466; **22,** 60, 61
on retiring from firm, extent of, **2,** 220
perpetuities, rule against, as applied to trust for purpose of, **22,** 328 n., 380
personal representative's right to. *See* executor, *supra.*
for costs in creditor's action, **14,** 349
Postmaster-General, to, in respect of establishment of post office, **22,** 650
privity of estate between parties to, **13,** 347
proof in bankruptcy in respect of, **2,** 209, 211
quasi, nature of, **15,** 447
quia timet by surety in respect of, **13,** 52
receiver, refusal to, where sanction of court not obtained, **24,** 407
right of, to, **24,** 400, 403, 405, 406
costs, for, **24,** 408
enures in favour of surety, **24,** 421
surety's right to, against, **24,** 422, 423

INDEMNITY—*continued.*
receiver or manager of company, to, **5,** 374, 381; **24,** 431, 432
recitals in, operation of, **10,** 462; **15,** 475
re-insurance is not, **15,** 445; **17,** 375 n.
repayment, distinguished from, **15,** 445
rescission of contract on ground of misrepresentation, order on, for, **20,** 744
Rules of Supreme Court, in violation of, **17,** 566 n.
sale of land, on, breach of restrictive covenant against, **25,** 428; **27,** 41
defect of title etc., against, **25,** 331; **27,** 101, 103
servant's right to, act not manifestly illegal, in case of, **20,** 125
expenses, for, **20,** 124
forfeiture of, **20,** 124, 125
tort, in case of, *in pari delicto*, where not, **20,** 125, 277 n.
set-off in case of claim for, **25,** 490, 497; **26,** 291
shares, on transfer of, **5,** 193; **27,** 73, 240, 241 n., 242, 253
sheriff, in favour of, execution creditor, against, **25,** 812 n.
right to interpleader notwithstanding, **17,** 593 n.
solicitor's right to, on giving undertaking, **26,** 832
specific performance, agreement for indemnity, of, **27,** 7 n.
condition to, as a, **27,** 41, 73, 101, 103
lieu of, in, on Stock Exchange, **27,** 253, 254
statute, created by, **15,** 445
Statute of Frauds, not within the, **7,** 363; **15,** 444, 461—464
statutory duty performed at another's direction, in respect of, **15,** 447
stay of proceedings in consideration of, **15,** 490
Stock Exchange, admission to, on, **15,** 446 n.
breach of contract, on, **27,** 253, 254
broker, to, **27,** 223—225, 241
agreement with person introducing client, by, **15,** 464 n.
forfeiture of, **27,** 224
Gaming Act, exclusion under, of, **27,** 260
jobber, by, **27,** 225
to, **27,** 240
stoppage *in transitu*, in respect of wrongful, **25,** 248
stranger's rights in regard to, **15,** 503
sub-contractor, as against, **20,** 194 n., 195 n., 220
surety, liability of, under, **15,** 485, 486
right of, to, **7,** 465; **15,** 516—526; **24,** 422, 423
abandonment of, **15,** 519
accommodation acceptor, where, **2,** 522
enforcement of, **15,** 525, 526; **24,** 423
express, nature of, **15,** 445, 446, 516
implied, nature of, **15,** 446, 447, 517
payment giving rise to, **15,** 521, 522
tenant for life, by, to trustees, **25,** 597
third party notice, enforcement by, **15,** 525; **23,** 162—165; **25,** 508
time bargains, for, **27,** 259, 260
title deeds, by deposit of, effect of, **15,** 516
missing, in respect of, **15,** 445 n.
tort, in respect of, **20,** 277 n., 714; **27,** 487, 489 n.
towage, in respect of damage done in course of, **26,** 359, 527—529
trade mark, in respect of innocent infringement of, **27,** 774 n.

INDEMNITY—*continued.*
transferee of shares, by, **5,** 192, 193; **27,** 73, 240, 242, 253
in favour of, **27,** 241 n.
Treasury, bond to, in respect of, **15,** 549
trustee, bankruptcy, in, right to, **2,** 134, 135, 308
breach of trust, in case of, **13,** 347; **15,** 486 n.; **28,** 185, 202—204
cestui que trust, from, **5,** 150, 162; **13,** 96, 97; **15,** 447 n.; **28,** 157, 202, 203
club, of, in favour of, **4,** 420
co-trustee, from, **15,** 486 n.; **28,** 203, 204
damage caused by working mines, for, **20,** 582
servants, acts of, for, **20,** 263
tenant for life, by, **25,** 597
trust estate, out of, **5,** 162; **17,** 563; **20,** 263, 582; **28,** 144, 157, 158
underlessor, by, in respect of headrent, **18,** 409
West Indian estates, in favour of consignee on, **19,** 22; **24,** 406
witness, to, municipal election petition, in case of, **12,** 514
parliamentary election petition, in case of, **12,** 450, 466, 467
workmen's compensation, in respect of, **20,** 194, 195, 197, 220
detention of ship in case of, **20,** 224
wrongful act, for, done at another's request, **15,** 447; **20,** 125; **27,** 489 n.

INDENTURE. *See also* DEED.
defined, **10,** 379
action of covenant on, **1,** 37
action upon, by person not named party, **10,** 380
apprenticeship, bankruptcy, transfer on, of, **2,** 125
dissolution of, **17,** 71; **20,** 103, 104
conduct effecting, **20,** 103, 104, 105
marine, rescission of, **26,** 41, 43
who should execute, **20,** 79 n.
assurance of real estate by, form of, **24,** 301
bargain and sale of freeholds, essential to, **10,** 364; **24,** 293
conveyances under Glebe Exchange Act, essential to, **10,** 365
covenants, benefit of, not enforceable before execution by covenantee, **10,** 402
deed poll, as distinguished from, **10,** 379
disclaimer by grantee, effect of, **10,** 400, 401
duplicate, executed in, **10,** 381
exchange, of, **24,** 295
formal parts of, **10,** 381
grantee need not be named party to, **10,** 379, 380
lease, of, **18,** 394—396
estoppel of tenant under, **18,** 373
Leasing Powers Act (Ireland), under, **10,** 369, 400
lessor cannot sue on, before execution by him, **10,** 402
limitation of actions on covenant for rent in, **19,** 97
lease and release, of, **24,** 293, 294
mortgage, of, **10,** 370; **21,** 118
non-execution by a party, effect, **10,** 400
power of attorney given by, to person not party, **10,** 380
release, of, **10,** 363; **18,** 394; **24,** 292 n.
sealing of, **10,** 382—384
settlement created by, **10,** 380; **25,** 528
surrender executed by, **24,** 293

INDEPENDENCE,
architect's certificate must be granted under conditions of, **3,** 215, 217
volition, of, what constitutes, **10,** 320
wife's action, of, presumption against committing crime in husband's presence, **9,** 244
receiving stolen property from husband, **9,** 679

INDEPENDENT,
advice, confidential relationship, in cases of. *See* ADVICE.
contractor. *See* CONTRACTOR.
covenant, performance of, and rights on breach, **7,** 434—436 ; **10,** 490
executive, board of directors as, **5,** 53, 54
salvor, mode of valuing services of, **26,** 584

INDEX,
Land Registry, at, search of, **24,** 303
Registrar-General's records etc., of, **24,** 438

INDEX ANIMI SERMO; A VERBIS LEGIS NON RECEDENDUM,
application to construction of statute, **27,** 133 n., 147 n.

INDEX MARK
of county or borough for registration of motor-cars, **27,** 316, 318

INDIA,
defined, **10,** 585
Aden included in, **10,** 585
administered areas of, **10,** 587, 588
administration of, areas for, **10,** 597, 598
backward districts, **10,** 611
Crown control over, **10,** 584, 586, 589, 594
native States, **10,** 598, 599
Admiralty appeals from, Privy Council, to, **9,** 50
Admiralty jurisdiction of High Court at Calcutta, **10,** 606
affidavit, how sworn in, **13,** 629
Andaman Islands included in, **10,** 585
appeal, right of, in, civil, **10,** 604, 606, 607, 610
criminal, **10,** 605, 606, 609
army in, chaplain for, **11,** 483 n., 496
constitution of, **10,** 596 ; **25,** 37
native states, troops of, **10,** 599
reserve of officers of, **25,** 59
assets in, executor's claim to commission on, formerly allowed, **14,** 321
Baluchistan included in, **10,** 585
bankrupt's property in, **2,** 6
Bengal, government of, **10,** 597
Eastern, **10,** 597
Legislative Council of, **10,** 602
Eastern, **10,** 602
births in, registration of, **24,** 458
bishop for, **11,** 495, 496
Bombay, Admiralty appeals from High Court of, **9,** 50 n.
government of, **10,** 597
High Court of, **10,** 605
Legislative Council of, **10,** 602
British, *defined,* **10,** 585
Burma included in, **10,** 585
Calcutta, bishop of, **11,** 495, 496
Chamber of Commerce of, right to nominate members of Council, **10,** 600
High Court of, **10,** 606, 607
Legislative Council meets at, **10,** 600

INDIA—*continued.*
Chief Commissionerships of, constitution of, **10,** 598
Church of England in, **11,** 495, 496
Church of Scotland in, **11,** 497 n.
Civil Service of, eligibility of natives for, **10,** 588, 591
regulations for admission to, **10,** 591, 598
Code, Civil Procedure, of, in, **10,** 616, 617
Criminal Procedure, of, in, **10,** 616, 620
Penal, in, **10,** 615
codes, local, of provinces, **10,** 601 n.
codifying Acts in force in, **10,** 615—618
Commander-in-Chief in, **10,** 596
constitution of, power of Parliament to amend, **10,** 590
Council of, committees of, **10,** 593
constitution of, **7,** 87 ; **10,** 592
duties of, **7,** 87 ; **10,** 592
executive. *See* executive council, *infra.*
jurisdiction of, **10,** 592, 593
meetings of, procedure at, **10,** 592
councils in, local legislative, **10,** 602
Courts in, Chief, **10,** 605, 607
civil, inferior, **10,** 608—610
criminal, inferior, **10,** 608, 609
High, **10,** 605—607
local, **10,** 605, 608—611
native or feudatory states of, **10,** 613
outside British India, **10,** 612, 621, 622
Punjab and Lower Burma, **10,** 607
sessions, of, **10,** 608
crime, special measures for repression of, in, **10,** 620, 621
Crown, transfer of government to, from East India Company, **10,** 589
death, registration of, in, **24,** 458
sentences in, confirmation of, **10,** 609 ; **25,** 25
deportation of undesirable persons from, **10,** 620
divorce in, of Christian resident, **6,** 267, 268
domicil acquired by residence in, **6,** 190
East India Company, government by, **10,** 589, 614
East Indies, meaning of, **10,** 585 n.
Education Department in, appointment to, **10,** 598
emergency ordinances in, **10,** 601
Emperor of, addition to royal title of, style of, **10,** 590
English law, application of, in, **10,** 614
estate duty in respect of securities connected with, **13,** 310
evidence, taking of, in, **13,** 615
Evidence Act, Indian, 1872, **10,** 617
executive council of, constitution of, **10,** 594, 595
meetings and proceedings of, **10,** 595
extradition, jurisdiction as to, in, **10,** 603, 621 ; **14,** 418
forest service in, qualification for, **10,** 589, 598
Government chaplains in, **11,** 496
government of, England, in, **10,** 589—593
India, in, **10,** 594—613
departments of, **10,** 595, 596
local, **10,** 597, 598
responsibility for, **10,** 590
Governor-General, appointment of, **7,** 21 ; **10,** 594
executive emergency legislation by, **10,** 601, 602
legislative authority of, **10,** 603
Legislative Council of. *See* Legislative Council, *infra.*
term of office of, **10,** 594

INDIA—*continued.*
Governor-General—*continued.*
trial of, for extortion etc., **9,** 90
veto of, **10,** 595
Governor-General in Council, functions of, civil, **10,** 594
legislative, **10,** 597, 599, 603
military, **10,** 594, 596
jurisdiction of, outside British India, **10,** 621
Orders in Council by, **10,** 595
regulations for scheduled districts by, **10,** 602
Hindu
law in, **10,** 618, 622
member of Council of, **10,** 592
jirgas in Baluchistan, jurisdiction of, **10,** 622
judge, High Court of Judicature, in, eligibility for office of, **2,** 382; **10,** 605, 606
powers of, **10,** 607
inferior civil court, in, appointment etc. of, **10,** 610
judicial committee, appeals, hearing of, by, **9,** 30 n., 36 n.; **10,** 604, 605
Admiralty appeals, rules as to, **9,** 50
copy of record, scale of costs for, **9,** 36 n.
jury, trial by, civil courts, in, **10,** 610
criminal courts, in, **10,** 608
High Court, in, **10,** 607
right of European British subject to, **10,** 611
Knight of the Order of the Indian Empire, foundation of, **22,** 287
Koran, legal authority of, **10,** 614, 619
Laccadives included in, **10,** 585
law of, **10,** 599—604
codification of, **10,** 615—618
native states, in, **10,** 622
outside British India, **10,** 621, 622
personal principle and application of, **10,** 618, 619
repressive, special, **10,** 620, 621
sources of, **10,** 613, 614
statute, **10,** 614, 615
legal profession in, admission to, **10,** 606
right of audience of, **10,** 607
legislation for, power of Parliament of, **10,** 590
Legislative Council of Governor-General, authority of, extent of, **10,** 601
outside British India, **10,** 603
composition of, **10,** 599
functions of, **10,** 600
procedure in, **10,** 601 n.
legislative councils in, subordinate, **10,** 602
lieutenant-governorships of, constitution of, **10,** 597
Madras, government of, **10,** 597
High Court of, **10,** 605
legislative council of, **10,** 602
magistrates, appointment and powers of, in, **10,** 608
ex parte inquiry by, into special offences, **10,** 620
Mahomedan law in, **10,** 618, 622
Mahomedan member of Council of, **10,** 592
Marine, Royal Indian, code of discipline applying to, **10,** 596
Service of, regulations for, how made, **25,** 25
marriage in, evidence as to, **13,** 535; **16,** 314; **24,** 437
forms and ceremonies for, **16,** 307
lex loci, **16,** 308
registration of, **24,** 437 n.
medical board for, **10,** 593
INDIA—*continued.*
medical service in, qualification for, **10,** 589
Mortmain and Charitable Uses Acts, application of, in, **4,** 141; **10,** 614 n.
native of, *defined*, **10,** 589
Civil Service, eligibility for, of, **10,** 588, 591
commission in British Army, ineligible for, **10,** 588
High Court usually includes, **10,** 606
military law, subject to, **25,** 37 n.
naval cadetship, ineligible for, **10,** 588
status of, **10,** 588, 589
Native or feudatory States of, *defined*, **10,** 585
administration in, **10,** 598, 599
British territory in, what is treated as, **10,** 587
Christian subjects in, jurisdiction over, **10,** 589
courts in, **10,** 613
judicial powers of rulers of, **10,** 586, 587, 613
law in, **10,** 622
legislation in, **10,** 603, 604
by Governor-General in Council, **10,** 603
status etc. of, **10,** 585—587
styles of rulers of, **10,** 586 n.
subjects of, Orders in Council as applying to, **6,** 451
whether British subjects, **10,** 588
troops of, **10,** 599
Nicobar Islands included in, **10,** 585
North-West Province of, **10,** 597
Office. *See* INDIA OFFICE.
Orders in Council, application of, to, **6,** 451
how made by Governor-General, **10,** 595
ordinances, emergency, **10,** 601
panchayat, verdict of, among Hindus, **10,** 622
Parliament, authority of, over, **10,** 590, 591
consent of, to borrowing for purposes of, **10,** 590
Penal Code of, **10,** 615
pensions payable out of revenues of, **7,** 30
Perim included in, **10,** 585
personal law in, **10,** 618, 619
police service in, qualification for, **10,** 589, 598
political agent resident in, jurisdiction of, **10,** 586 n.
presidencies, constitution of, **10,** 597
prevention of offences in, **10,** 620
Privy Council, appeal to Judicial Committee of, **9,** 30 n., 36 n., 50; **10,** 604, 605
probate or administration granted in, effect of revocation of, **14,** 216
provinces of, **10,** 597
administration of, **10,** 597, 598
legislation in, **10,** 602
Public Works Department, qualification for, **10,** 589, 598
Punjab, chief court of, **10,** 607
government of, **10,** 597
legislative council of, **10,** 602
railway company in, locality of stock, shares etc. of, **13,** 310
payment of interest out of capital by, **5,** 118
statutory definition of, **5,** 118 n.
railway lines in native states of, position of, **10,** 587
register of marriages in, as evidence, **13,** 535; **16,** 314; **24,** 437
registration of births and deaths in, **24,** 458
regulations with force of laws, making of, **10,** 602, 614, 615
repression of crime in, special measures for, **10,** 620, 621

INDIA—*continued.*
revenue, collection of, in native states, **10,** 587, 599 n.
control of, by Parliament, **10,** 590, 591
courts in, jurisdiction of, **10,** 612
sanads to chiefs of Native States, status defined by, **10,** 586
Secretary of State for, appointment of, **7,** 87; **10,** 589—591
powers and duties of, **10,** 591
salary of, **7,** 87; **10,** 590
staff of, **7,** 87; **10,** 593
securities connected with, personal estate in England, when, **13,** 310
Shastras of the Hindus, legal authority of, **10,** 613, 619
trial in, civil, mode of, **10,** 610
criminal, European or American, of, **10,** 587, 589, 611
mode of, **10,** 608
High Court of, **10,** 607
public officers, of, **9,** 90
tribal territories of, position of, **10,** 588
unlawful associations, penalties on members of, **10,** 621
vakils, audience in courts, of, **10,** 607
Viceroy of. *See* Governor-General of, *supra.*
volunteers in, legislation applying to, **10,** 597
waters of, punishment of offences committed on, **25,** 25

INDIA OFFICE,
jurisdiction of, **7,** 87, 88
sealing of documents issued by, **7,** 68
staff of, **7,** 87, 88; **10,** 593

INDIA WARRANT,
bill of sale, not a, **3,** 6, 18

INDICTABLE OFFENCE,
defined, **9,** 333, 334; **19,** 579, 580
adult, by, **19,** 582—587
child, by, **17,** 176—178; **19,** 580, 581, 589
jury, right to trial by, **19,** 588, 589
justices of the peace, jurisdiction in regard to, **9,** 81. *See* summary jurisdiction, *infra.*
preliminary examination before, **9,** 81, 311 *et seq.*; **19,** 571, 572, 574
summary jurisdiction in respect of, **19,** 574, 580—587
adults, offences by, **19,** 582—587
accused, at option of, **19,** 582—584
procedure, **19,** 584—586. *See* SUMMARY JURISDICTION PROCEDURE.
prosecution, at option of, **19,** 586
children, offences by, **17,** 176—178; **19,** 580, 581
young persons, offences by, **17,** 176—178; **19,** 581, 582
summary offences triable upon indictment, **19,** 587, 588
young person, by, **17,** 176—178; **19,** 581, 582

INDICTMENT,
defined, **9,** 333
accessory before or after the fact, charge against, in, **9,** 343 n.
advertisment of, as evidence of malice, **19,** 684
age of person accused or injured in, **9,** 336
allegations must be positive in, **9,** 340, 341
amendment of, **9,** 335 n., 336, 344, 345

INDICTMENT—*continued.*
arabic figures in, **9,** 340 n.
architect, against, manslaughter, for, **3,** 304
arraignment of defendant on, **9,** 353
arson, for, cock of hay, use of expression in, **9,** 774 n.
dwelling-house, of, gaol described as, **9,** 771 n.
ownership, as to, **9,** 336 n., 769 n., 770 n.
person therein, as to, **9,** 771 n.
intent to defraud, necessary allegation as to, **9,** 339 n., 769 n.
Malicious Damage Act, 1861, under, **9,** 769 n., 770 n., 774 n.
misdescription of property in, **9,** 339 n.
owner of property injured, as to, **9,** 336 n., 769 n., 772 n.
assault, for, conviction on, **9,** 610, 617, 663
attachment instead of, why resorted to, **7,** 281
Attorney-General, by direction of, **9,** 332, 333 n.
averments necessary in, **9,** 334—342
bank note, description of, in, **9,** 340 n.
banking co-partnership, property of, description of, in, **9,** 647 n.
bankrupt's property, description of, in, **9,** 646 n.
Bankruptcy Acts, for offences under, **2,** 353, 354; **9,** 281 n.
barratry, in respect of, **9,** 338 n., 499 n.
bawdy-house, for keeping, **9,** 338 n.
bill of, consideration by grand jury of, **9,** 330, 346, 347; **18,** 242, 243
drafting of, **9,** 345
indictment, when it becomes an, **9,** 346, 347
names of witnesses indorsed on back of, **8,** 289; **9,** 346
Vexatious Indictments Act, 1859, for offence within, **9,** 331, 332
binding over of accused to answer to, **9,** 332
bridge, for non-repair of, **16,** 140, 192
building societies, proceedings in regard to, by way of, **3,** 339, 346
burglary, for, conviction for lesser offence on, **9,** 671, 672
necessary allegations in, **9,** 337 n., 339 n., 669, 671, 672
several offences in respect of one transaction, **9,** 340 n.
caption prefixed to, **9,** 348, 349
Central Criminal Court, removal into, **9,** 349; **10,** 155, 156
certainty of facts etc. in, **9,** 337, 338
certificate of, uttering false, **9,** 736
certiorari, removal by. *See* CERTIORARI (WRIT OF).
chancellor of diocese, of, **11,** 415
Chelsea Hospital property, description of, in, **9,** 648 n.
child's property, description of, in, **9,** 646 n.
church property, description of, in, **9,** 647 n.
clerk of indictments, duties of, **8,** 289; **9,** 345
commencement of, **9,** 334 n., 341 n.
Commissioners of Sewers, by or against, **25,** 787 n., 788
committal instead of, for criminal contempt of court, **7,** 281
company, against, breach of public duty, for, **5,** 311
criminal libel, for, **5,** 311, 312; **18,** 617
liquidation, in, in case of, **9,** 646 n.
public nuisance, for, **5,** 311; **23,** 665
concealment of birth, for, **9,** 599
conclusion of, **9,** 341 n.

INDICTMENT—*continued.*
conspiracy, for, defraud, to, **9,** 709
joinder of misdemeanours in, **9,** 343
particulars of matters alleged in, **9,** 338 n.
two defendants only, in case of, **9,** 348 n.
Conspiracy and Protection of Property Act, 1875, under, **27,** 645 n.
contempt of court, for, **7,** 281 ; **9,** 501, 502
conviction for offence different from that charged in, **9,** 371
coroner's inquisition followed by, **9,** 330
corporation, against, **8,** 391 ; **9,** 335 ; **18,** 617
property, description in, **9,** 646 n.
corrupt practice at election, for, **12,** 528, 529
count in an, **9,** 334, 342—344.
counterfeit gold or silver coin, for buying etc., **9,** 515, 516
county asylum property, description of, in, **9,** 648 n.
county property, description of, in, **9,** 647 n., 648 n.
court, by direction of, **9,** 332
Customs Acts, under, limitation of time for, **9,** 523
customs property, description of, in, **9,** 648 n.
date of offence, when required to be stated, **9,** 336
Debtors' Act, 1869, under, **2,** 353, 354 ; **9,** 338 n.
deceased owner, property of, description of, in, **9,** 645 n.
deer, for wrongful hunting of, **9,** 337 n. ; **15,** 263 n.
defective averments in, when cured by verdict, **9,** 343, 344
defences on, **9,** 355—358, 367—369
demurrer to, **9,** 355
dissenting chapel property, description of, in, **9,** 647 n.
drafting of, **9,** 345
duplicity in allegations in, **9,** 340 ; **27,** 645
election, corrupt practices at, **12,** 528, 529
embezzlement, for, conviction for larceny on, **9,** 650
joinder of distinct acts in, **9,** 337 n., 341 n., 650
necessary allegations in, **9,** 338 n.
engineer, against, manslaughter, for, **3,** 304
English, must be in, **9,** 346 n.
execution debtor, property of, description of, in, **9,** 646 n.
explosives, of owner of, for purpose of enforcing forfeiture, **14,** 396
failure of defendant to surrender, on, **9,** 351
false pretences, for, **9,** 694—701
attempted, **9,** 703 n.
conviction for, when evidence amounts to larceny, **9,** 692
existing or past facts, instances held to be pretences of, **9,** 693 n., 694 n., 695 n.
form of, **9,** 695 n.
joinder of different counts in, **9,** 701
necessary allegations in, **9,** 339 n., 692 n., 693—700
negativing false pretence in, **9,** 700
pretence must be proved as laid in, **9,** 696, 698
fee for drawing, **9,** 345 n.
feloniously, use of word, in, **9,** 341
finding or ignoring bills of. *See* bill of, *supra.*
Food and Drugs Acts do not affect proceedings by, **15,** 33, 35
forgery, for, form of, **9,** 763
necessary allegations in, **9,** 339 n., 722 n., 763, 764
uttering, count for, **9,** 714 n., 763
form of, **9,** 334—345

INDICTMENT—*continued.*
fraudulent and voidable conveyance, in respect of, **15,** 92
friendly society, officer, of, misappropriation, for, **15,** 189
property of, description of, in, **9,** 647 n.
unregistered, property must be laid in individuals, **15,** 190
game birds' eggs, for larceny of, **15,** 214 n.
gaming house, for keeping, **9,** 338 n.
general terms, in, particulars ordered in case of, **9,** 338
grand jury, finding of bill by, **9,** 330, 345—348 ; **18,** 242, 243
guardians of the poor, property of, description of, in, **9,** 647 n.
habitual drunkard, in case of, **9,** 554
highway, for non-repair of, **16,** 139—150
company, of, **5,** 311
corporation, of, **16,** 142
county council, of, **16,** 140
examination before justices unusual, **9,** 331 n.
highway authority, of, **16,** 140, 150
inhabitants of parish, of, **9,** 335 ; **16,** 139, 140, 142, 148
necessary allegations in, **16,** 140—142
second indictment, preferring, **16,** 158
highway, nuisance to, local description in, **9,** 337 n.
property, description of, in, **9,** 648 n.
housebreaking, for, **9,** 337 n., 339 n., 673 n., 674 n., 675 n.
husband's property, description of, in, **9,** 646 n.
illness of defendant, effect of, **9,** 352, 354
impeachment as alternative to, **9,** 329
incorporated company in liquidation, property of, description of, in, **9,** 646 n.
information as alternative to, **9,** 329
infringement of public right, for, **1,** 9 ; **27,** 190
inhabitants of a parish, description of, in, **9,** 335
innkeeper, of, excessive prices, for taking, **17,** 313
refusing to receive traveller, for, **17,** 312
insanity of defendant, Grand Jury cannot ignore bill on account of, **9,** 348
intent constituting offence in, setting out of, **9,** 337—339, 601, 671, 672
intoxicating liquors, will not lie for sale of, **18,** 109
joinder in, offences, of, **9,** 342, 343, 648, 701
several defendants, of, **9,** 342
joint owner, property of, description of, in, **9,** 647 n.
joint stock, banking company, property of, description of, in, **9,** 647 n.
joint tenants, property of, description of, in, **9,** 646 n.
judgment entered on, **9,** 377
jury, trial by, on, **9,** 359—362 ; **18,** 244, 245, 256, 258, 260
justices' refusal to commit for trial, preferring indictment in spite of, **9,** 332, 333
King, for shooting at, **9,** 459
King's Bench Division, removal to, **9,** 349. *See* CERTIORARI (WRIT OF).
larceny, for, joinder of counts in, distinct acts of stealing, for, **9,** 337 n., 341 n.
stealing and receiving, for, **9,** 343 n., 677
necessary allegations in, **9,** 341, 645—648
property in, how laid, **9,** 645 n., 646 n., 647 n.
letters, property in, description of, **9,** 648 n. ; **22,** 669

INDICTMENT—*continued.*
libel, for, joinder of offences in, **9,** 340 n., 341 n.
necessary allegations in, **18,** 643, 741
obscene words, as to, **9,** 339, 539; **18,** 741
licensing offences, will not lie for, **18,** 109
loan society, property of, description of, in, **9,** 647 n.
local description, when required in, **9,** 337
lodger's property, description of, in, **9,** 646 n.
malicious damage to property, for, **9,** 769
mandamus in lieu of, **10,** 103
manslaughter, for, **3,** 304
coroner's inquisition, in case of, **9,** 330, 331
necessary allegations in, **9,** 587, 588
married woman's property, description of, in, **9,** 646 n.
misdemeanour
joinder of felony with, **9,** 343
several misdemeanours in one, **9,** 343
use of word feloniously, in, **9,** 341
misprision of treason, for, time for proceeding by, **6,** 410, 411
money, how described in, **9,** 340 n.
motion to quash, **9,** 354; **10,** 186
murder, for, coroner's inquisition in case of, **9,** 330, 331
necessary allegations in, **9,** 587, 588
names of persons accused and injured, statement of, in, **9,** 335, 336
negativing statutory exemptions in, **9,** 338
night poaching, for, necessary allegations in, **9,** 337
Night Poaching Act, 1828, previous convictions under, **15,** 234 n.
nolle prosequi, entry of, to stay proceedings on, **9,** 350, 351
numbers, how to be stated in, **9,** 340 n.
offences triable on, **9,** 329, 333, 334, 450—793
summary offences, **19,** 587, 588
official secrets, for offences relating to, **7,** 32
omission of immaterial matter from, effect of, **9,** 340, 341
parceners, property of, description of, in, **9,** 646 n.
parchment, use of, for, **9,** 346
parent, property of, description of, in, **9,** 646 n.
parish property, description of, in, **9,** 647 n.
particulars of matters alleged in, when ordered, **9,** 338
partners, property of, description of, in, **9,** 646 n., 647 n.
peer, of, practice on, **21,** 653
perjury, for, joinder of persons as to, **9,** 342 n., 493
necessary allegations in, **9,** 493
separate for each person, **9,** 493
Vexatious Indictments Act, 1859, under, **9,** 332
person
accused, description of, **9,** 335
injured, description of, **9,** 335, 336
personation case, in, **9,** 708 n.; **12,** 528
place of offence required to be stated in, when, **9,** 337
pleading to, **9,** 334, 358; **10,** 205; **16,** 142, 143
Crown practice as to, **10,** 205
parish inhabitants, by, **16,** 142, 143
possessor of property, description of, in, **9,** 646 n.
poundbreach, for, **9,** 512 n.; **11,** 195
preferring an, as a formal accusation of crime, **9,** 329—334
presentment of, **9,** 331, 334, 347
previous convictions charged in, **9,** 374; **15,** 263 n.
principal and accessory, counts as to, **9,** 343 n.

INDICTMENT—*continued.*
prison property, description of, in, **9,** 647 n.
private person's right to prefer bill of, **9,** 331, 333 n.; **16,** 139
proceedings preliminary to, **9,** 290—328. *See* CRIMINAL PROCEEDINGS, justices, before; PRELIMINARY CRIMINAL PROCEEDINGS.
proceedings subsequent to, **9,** 351—377. *See* TRIAL IN CRIMINAL PROCEEDINGS.
property, in case of offence against, **9,** 336, 339
property in, how described, **9,** 339, 645 n.—648 n.
public service property, description of, in, **9,** 648 n.
quarter sessions, offences not triable at, **19,** 632, 633
quashing of, *certiorari* with a view to, **10,** 160, 184
motion with a view to, **9,** 354; **10,** 186
repugnancy, for, **2,** 353 n.; **9,** 341 n.
ratepayers, property collected from, description of, in, **9,** 647 n.
receiving stolen goods, for, joinder of counts for stealing in, **9,** 677
necessary allegations in, **9,** 677, 681
removal of, *certiorari*, by. *See* CERTIORARI (WRIT OF).
repugnancy in, effect of, **2,** 345 n., 353 n.; **9,** 340, 341 n.
rescue of goods distrained, for, **9,** 513; **11,** 195
riot, for, **9,** 337 n.
refusal to assist in suppression of, for, **25,** 811
robbery, for, conviction for minor offence on, **9,** 663
joinder of counts in, **9,** 663 n.
necessary allegations in, **9,** 662
sacrilege, for, **9,** 337 n.
second, continuing offence, in case of, **16,** 146, 158
second or subsequent offence, for, after summary conviction, **15,** 263, 293 n.; **19,** 587
seditious libel, for, **9,** 462
servant, property of, description of, in, **9,** 646 n.
sewer, property in, description of, in, **9,** 648 n.; **25,** 787
sheriff, against, for refusing to serve, **25,** 792, 793
property seized by, description of, in, **9,** 646 n.
special jury, when triable before, **18,** 260
stabbing, for, **9,** 601
statutory duty, for breach of, **5,** 312; **12,** 531; **27,** 190
statutory offence, for, averment negativing exemption in, **9,** 338
necessary allegations in, **9,** 338
stay of proceedings on, **9,** 350, 351
subornation of perjury, for, **9,** 498
summary offences triable on, **15,** 263, 293 n.; **19,** 587, 588
surrender, failure of defendant to, on, **9,** 351
tenants in common, property of, description of, in, **9,** 646 n., 647 n.
thief, property stolen by, description of, in, **9,** 646 n.
time of offence, when required to be stated in, **2,** 354; **9,** 336, 337
trade union, registered, property of, description of, in, **9,** 647 n.
treason, for, accused entitled to copy of, **9,** 456
joinder of counts in, **9,** 342, 456
overt acts must be expressly alleged in, **9,** 456
time for proceeding by, **6,** 410, 411; **9,** 456
traitorously an essential word in, **9,** 341
treason felony, for, conviction for, **9,** 458
joinder of counts in, **9,** 342
overt acts, charge of, in, **6,** 356

INDICTMENT—*continued.*
treasure trove, for concealing, **9,** 521, 522
trial on, **9,** 351—377. *See* TRIAL IN CRIMINAL PROCEEDINGS.
trustee savings banks, property of, description of, in, **9,** 647 n.
unknown person, property of, description of, in, **9,** 335, 336, 645 n.
unlawful wounding, conviction for, when charge of felony in, **9,** 601
unnecessary matter in, effect of, **9,** 341 n.
value of subject-matter of, when required to be stated in, **9,** 339
venue, change of, **9,** 350, 701
description of, **9,** 334
verdict on separate counts of, **9,** 343
Vexatious Indictments Act, 1859. *See* VEXATIOUS INDICTMENTS ACT, 1859.
view by jury on, **9,** 369; **10,** 183; **18,** 245, 246
weights and scales for sale of bread, for non-provision of, **15,** 50
will, larceny of, for, **9,** 336 n.
witnesses, names of, initialled by foreman of grand jury on, **9,** 346
required to be put on back of, **8,** 289; **9,** 346
words essential in, **9,** 339, 341
wounding with intent, for, conviction for unlawful wounding on, **9,** 601
written instrument, description of, in, **9,** 340 n.

INDIGENCE. *See* POVERTY.

INDIGENT. *See* POOR.

INDISPUTABLE,
life insurance policy declared to be, rights in respect of, **17,** 548

INDIVIDUAL,
criminal negligence as creating rights in, **21,** 420, 421. *See* NEGLIGENCE.
gift to, charitable, cannot be, **4,** 107, 117, 118, 297
class, to, distinguished from, **28,** 724
donee, description of, as affecting vesting of, **28,** 681, 714
maintenance provision as affecting vesting of, **28,** 816
substitutional, when takes effect, **28,** 730
youngest attaining certain age, on, **28,** 814
trading name of, protection of, **27,** 749—751

INDIVISIBLE,
partition where property is, **21,** 811

INDOOR PAUPER,
defined, **22,** 529 n.

INDORSEE,
bill of exchange, of, *defined,* **2,** 463
incorrect description of, effect of, **2,** 504, 505
restrictively indorsed, effect of, **2,** 506
rights of, **2,** 479, 480
bill of lading, of, indorsement by, to third person, **26,** 158, 166
insurable interest of, **17,** 372
liabilities of, **26,** 164, 166, 296
rights of, **26,** 164, 165

INDORSEMENT,
banker's
deposit receipt, of, in blank, equitable assignment by, **4,** 377
draft, of, forged, banker's liability in case of, **1,** 602; **2,** 550, 551; **27,** 893 n., 894 n.
unauthorised, effect of, **1,** 612
liability, cheque, in case of forged or irregular indorsement of, **1,** 593, 595, 597, 600, 618; **27,** 893 n., 894 n.
dividend warrant, in case of forged indorsement of, **1,** 601
promissory note, in case of forged indorsement of, **27,** 894 n.
bill of exchange, of, *defined,* **1,** 610 n.; **2,** 463
accommodation party, by, effect of, **2,** 502
agent, by, **1,** 208, 221; **2,** 494
allonge, on, effect of, **2,** 504
alternative payees, to, **2,** 504 n.
banker, to, effect of, **1,** 598, 629
bankrupt, by, creditor's remedy in absence of, **2,** 208
to, effect of, **2,** 511
blank, conversion of, into special, **2,** 505, 557
transfer by, **2,** 479, 480, 505, 515 n.
company or corporation, by, **2,** 491, 492
conditional, effect of, **2,** 505
conflict of laws as to, **2,** 562
consideration presumed for, **2,** 496
contract for, discharge of, if no demand, **15,** 558, 559
copy of bill, on, effect of, **2,** 504
corporation, by, **2,** 491, 492
customer of bank, by, necessity of, **1,** 629
date stated in, deemed to be true date, **2,** 466
drawn to order, effect of, **2,** 473
executor, by, **28,** 523 n.
fictitious, meaning of, **2,** 474
forged, abroad, effect of, **2,** 512
banker's liability in case of, **1,** 614, 618; **2,** 550, 551
title, how determined, **2,** 512, 550
forgery of, punishment for, **9,** 719, 727
incorrect, effect of, **2,** 504, 505
infant, by, effect of, **2,** 490
not transferable, effect of, **2,** 502 n.
overdue, effect of, **2,** 475, 507
partial, effect of, **2,** 504
partnership, by, **2,** 493, 504
passing by delivery, effect of, **2,** 522
payment, of, how far evidence, **19,** 71
presentation after, time for, **2,** 475
qualified, **2,** 506
representative capacity, in, excluding personal liability, **2,** 506; **14,** 315
restrictive, *defined,* **2,** 506
effect of, **2,** 506, 507 n.
set, in a, **2,** 560
several payees, where, **2,** 504, 505
special, conversion of blank indorsement into, **2,** 505, 557
effect of, **2,** 505
striking out of, effect of, **2,** 509, 555
time runs in favour of, last day of grace, after, **19,** 45
transfer by, **2,** 461, 472 n., 479, 480, 503—509
delivery necessary to complete, **2,** 481
delivery without, **2,** 503
married woman, by, **2,** 490
words sufficient for, **2,** 504

INDORSEMENT—*continued.*
bill of lading, of, blank, **26,** 158, 162, 168
conditional, **26,** 161, 163 n.
pledge, by way of, **26,** 162, 165
restrictive, **26,** 157
seller of goods, by, to banker, effect of, **26,** 162
special, effect of, **26,** 158
transfer by delivery without, **26,** 158
effect of, **26,** 158, 162—168
bond, of, foreign, **2,** 567
payee, by, how far evidence of payment, **19,** 80
restraint of condition, in, **3,** 88
brief, on, production as evidence of, **11,** 75
cheque, crossed, of, **2,** 508 n.
forged, banker's liability in case of, **1,** 593, 597, 609, 610, 618; **27,** 893 n., 894 n.
forgery of, punishment for, **9,** 719, 727
irregular, banker's liability, in case of, **1,** 595
open order, at banker's request, effect of, **1,** 610
per pro, effect of, **1,** 594, 610
presentation after, time for, **2,** 531
transfer by, **2,** 461
citation, of, in matrimonial proceedings, **16,** 508
date of, stated on instrument, deemed to be true date, **2,** 466
debenture, of, in blank, equitable assignment by, **4,** 377
discovery, upon order for, **11,** 57
distress warrant, of, for use out of jurisdiction of justices granting it, **11,** 221
dividend warrant, of, forged, banker's liability in case of, **1,** 601
several payees, where, **2,** 504 n.
draft on banker, of, *per pro*, unauthorised, effect of, **1,** 612
excise licence, of, on death or removal of licensee, **18,** 19, 20
guarantee, of, principal agreement on, sufficient, **15,** 467
on, to correct mistake, **15,** 472
hackney carriage licence, of, **27,** 302
judgment or order, of, where act ordered to be done, **18,** 207, 208
motor-car licence, of, **27,** 329, 330
pleading, on, amendment, in case of, **22,** 420, 421
name and address of solicitor, of, **22,** 421
promissory note, of, agent, by, **2,** 494
company, by, how effected, **2,** 492
consideration presumed for, **2,** 496
forged, banker's liability in case of, **27,** 894 n.
illegal transaction, for, **2,** 501 n.
infant, by, effect of, **2,** 490
not transferable, effect of, **2,** 502 n.
payable to maker's order, necessary, **2,** 463
payment, of, how far evidence, **19,** 71
surety, by, stamp on, **15,** 473
time for presentation after, **2,** 475, 531
transfer by, **2,** 461, 463, 479—481
royal assent to Act of Parliament, of, **27,** 118 n.
settled land, on lease of, evidence from, **25,** 655
ship's certificate of registry, on, of changes in ownership etc., **26,** 21
summons, on, bailiff, by, **8,** 426, 475
served otherwise than by bailiff, **8,** 473, 474
warrant, distress beyond the jurisdiction, in case of, **11,** 221
extradition, for, does not require, **14,** 409
warrant of arrest, of, **9,** 308; **19,** 564, 565
offender beyond the jurisdiction, in case of, **9,** 308; **14,** 428, 429

INDORSEMENT—*continued.*
writ, on, account, claim for, must appear in, **23,** 110
Admiralty action, in, **1,** 80
amendment of, **22,** 420, 437; **23,** 139
capacity of parties, of, **11,** 110
costs, when claim for, must appear in, **23,** 112
damages for improper distress, in case of claim for, **11,** 205
execution, of, **14,** 20
injunction, of claim for, **17,** 272
memorandum of service, of, **23,** 123
names and addresses to be contained in, **22,** 421; **23,** 112, 113
ordinary, **23,** 110
patent, in action for infringement of, **22,** 216
pleadings, for trial without, **23,** 111
representative capacity must be shown by, **23,** 110
special, **22,** 419 n.; **23,** 110—112
striking unnecessary etc. matter from, **22,** 434

INDORSER,
bill of exchange, of, *defined*, **2,** 463
accommodation party, as, **2,** 502, 520
damages recoverable by, **2,** 523—525
delay in presentation as affecting liability of, **2,** 475, 531
discharge of, effect on subsequent indorsers of, **15,** 565
dishonoured abroad, position of, **2,** 525
estoppel against, **2,** 495, 512 n., 520; **13,** 324
infant's position as, **2,** 490
liability of, **2,** 495, 519, 520; **15,** 443
lost, rights against, **2,** 515
notice of dishonour to, **2,** 544, 545, 548
overdue bill, of, position of, **2,** 475, 507 n.
payment by, effect of, **2,** 509, 554, 555
representative capacity, in, rights of, **2,** 506
rights of, **2,** 520, 523—525; **15,** 511 n.
set, in a, **2,** 560
signatures, previous, cannot deny authenticity of, **2,** 495
time begins to run against, when, **2,** 559
who liable as, **2,** 463, 520
cheque, of, banker's failure to present as affecting, **1,** 591

INDUCEMENT. *See* INCITEMENT.
confess a crime, to, effect of, **9,** 394
intention, when presumed, **20,** 695, 701, 702
materiality, as distinguished from, **5,** 129, 130; **20,** 694, 695, 701
misrepresentation, by, **20,** 694—698, 701—703, 724, 737
proof required of, **20,** 695—698, 701—703
shares in company, to take, **5,** 127—130; **9,** 660, 661; **20,** 695 n.
trade relationship, to break, when an actionable wrong, **27,** 648—654

INDUCTION,
archdeacon, of, **11,** 437
clergyman, of, **11,** 602, 603
benefice, to, **11,** 602
fees for, **11,** 603
proceedings for, **11,** 522
simoniacal, **11,** 593
void, **11,** 593
honorary canon, of, fees payable on, **11,** 434
injunction in relation to, **11,** 603 n

INDUSTRIAL,
assurance company. *See* INDUSTRIAL ASSURANCE COMPANY.
disease. *See* INDUSTRIAL DISEASE.
industrial and provident societies. *See* INDUSTRIAL AND PROVIDENT SOCIETIES.
school. *See* INDUSTRIAL SCHOOL.
ship, regulation of, **12,** 71 n.

INDUSTRIAL AND PROVIDENT SOCIETIES.
The title INDUSTRIAL, PROVIDENT, AND SIMILAR SOCIETIES *is contained in Vol. XVII., pp.* 1 *et seq.*
defined, **17,** 3
accounts, audit of, **17,** 11, 27
inspection in case of, **17,** 15, 16, 301
officers, of, **17,** 25
acknowledgment of registration of, **17,** 9, 10, 13
where company converted into registered society, **17,** 8
action
by or against, **17,** 32
county court, in, **8,** 659
officers, against, **17,** 25
registration or change of name, effect of, on, **17,** 10, 14
Acts governing, **17,** 3, 4
actuary to report on affairs of, **17,** 16
administration of, **17,** 24—27
allotments, taking of, by, **17,** 7, 12
amalgamation of, **17,** 33
annual return of, **17,** 16
falsification of, penalty for, **17,** 16
appeal, cancellation or suspension of registration, against, **17,** 38
conviction for offence, against, **17,** 32
county court action, in case of, **8,** 659
refusal of registration, against, **17,** 10
apprentice, power to take, **17,** 14
arbitration, settlement of dispute by, **1,** 492; **17,** 28
enforcement of award, **17,** 29 n.
auditors, appointment and duties of, **17,** 11, 27
balance sheet of, exhibition of, **17,** 27
falsification of, **17,** 32
ballot, distribution of land by, **17,** 6
banking business, carrying on, **17,** 4, 5, 22, 31
bankruptcy of member of, **17,** 11, 17, 21
bill of exchange in name of, presumption, **17,** 26
books of, inspection of, **17,** 15, 16
building society, member of, as, **3,** 350, 351
registration of, as, **17,** 5
cancellation of registry of, **17,** 34, 37, 38
capital, investment of, **17,** 21
payment of interest on, **17,** 12
share, suspension of right to withdraw, **17,** 35
statement of, **17,** 5
case stated by request, **17,** 29
central office, constitution of, **17,** 8
Channel Islands, in, **17,** 3 n.
Chief Registrar, acknowledgment of registration by, **17,** 9, 10
annual return to be sent to, **17,** 27
appeal from refusal of registration by, **17,** 10
appointment of accountant by, inspection of books, for, **17,** 16
functions of, generally, **17,** 8—10, 13, 24
institution of proceedings by, **17,** 32
mandamus against, **17,** 13

INDUSTRIAL AND PROVIDENT SOCIETIES—*continued.*
Chief Registrar—*continued.*
powers of, in case of incapacity of trustee, **17,** 21, 22
refusal of attendance before, penalty for, **71,** 29
report of special meeting to be sent to, **17,** 24
return, annual, to be sent to, **17,** 27
rules to be sent to, **17,** 9
settlement of dispute by, **17,** 9, 29
special meeting called by, **17,** 24
state control, as medium of, **17,** 8, 9
claims, provision in rules as to, **17,** 11, 19
club, working-men's, registration of, **17,** 10
committee of, management by, **17,** 14, 15, 19, 24, 25, 31
common seal of, **17,** 10
company, conversion into, of, **17,** 7, 8, 33, 34
distinguished from, **17,** 7
shareholder, as, **17,** 21
constitution of, **17,** 13—19
contract of, how made, varied, or discharged, **17,** 26
conversion
into company of, **17,** 7, 8, 33, 34
of company into, **17,** 7, 8
co-operative societies. *See* CO-OPERATIVE SOCIETY.
copyhold, admission to, in case of, **17,** 20
corporate bodies, are, **17,** 3, 32
county council, assistance by, in matter of workmen's dwellings, **17,** 6
county court, jurisdiction of, in case of, **8,** 643, 657—659; **17,** 25, 28, 29
creditor of, right or remedy of, **17,** 12, 19, 33
debenture of, as bill of sale, **17,** 20
debt, recovery of, from member, **17,** 30
deposit with, payment of withdrawable capital pending, **17,** 5
rules as to receipt of, **17,** 5, 11, 20
discovery in proceedings affecting, **17,** 29
dispute in case of, **17,** 28, 29
defined, **8,** 658 n.; **17,** 25
county court jurisdiction in respect of, **8,** 658, 659; **17,** 28, 29
High Court jurisdiction in respect of, **17,** 29
justices' jurisdiction in respect of, **17,** 28, 29
Registrar's jurisdiction in respect of, **17,** 29
rules, provision in, as to, **17,** 28
dissolution of, **17,** 34—38
instrument, by, **17,** 36, 37
London Gazette, notice in, of, **8,** 658; **17,** 36
property, as affecting, **17,** 37
setting aside of, **17,** 37
winding up, by, **17,** 34, 35
distributive and productive distinguished, **17,** 4
evidence, rules as, **17,** 11
execution of deed by, **10,** 392
fidelity guarantee in case of officer of, **17,** 25
fines, recovery of, **17,** 32
High Court of Justice, action for account etc. against officer in, **17,** 25
illegal purpose, for, cancellation or suspension of, **17,** 37
income tax, when chargeable with, **16,** 641; **17,** 19, 27
infant, contracts of, in connection with, **17,** 15, 64
member of, **17,** 15, 59
officer, as, **17,** 15
inspection, affairs, of, **17,** 15, 16, 30

INDUSTRIAL AND PROVIDENT SOCIETIES—*continued.*
inspection—*continued.*
books, of, accountant, appointment of, for purpose of, **17,** 16
right of member or person interested as to, **17,** 15, 16, 31
costs of, power of registrar to order security, **17,** 30, 31
inspector of affairs of, appointment of, **17,** 30, 31
interest on capital expenditure of, provision of, **17,** 12
interpleader in case of rival claims to deceased member's share, **17,** 18
investment by, rules as to, **17,** 21
invoices, receipts etc. of, form of, **17,** 13
joining, no statutory formalities for, **17,** 15
land, allotment of, by, **17,** 6
allotments or small holdings, taken for, by, **17,** 6, 7, 12
Industrial and Provident Societies Act, 1893, within the meaning of, **17,** 4 n., 20
management, payment of expenses of, **17,** 12
power to hold, **17,** 4 n., 6, 20
sale of, **17,** 20
land registry, procedure in case of mortgage registered in, **17,** 22, 23
land society co-operating with building society, **17,** 5, 6
registration of, **17,** 5
lease, grant of, to and by, **17,** 20; **18,** 348
legal proceedings by and against, **17,** 14, 31, 32
change of name, effect on pending, **17,** 14
how society sues and is sued, **17,** 32
registration, effect of, on pending, **17,** 10
legislation with reference to, **17,** 3, 4 n.
library maintained by, offence in, **17,** 32
lien of, in respect of debt due by member, **17,** 30
limited designation, as part of, **17,** 9
liability acquired by registration of, **17,** 10
loan to or by, rules as to, **17,** 11, 20, 22
London Gazette, notice as to cancellation etc. of registry in, **17,** 38
dissolution, notice as to, in, **8,** 658; **17,** 36
management, committee of, **17,** 14, 15, 19, 24, 25, 31
mandamus against Chief Registrar, **17,** 13
meeting of, provisions as to, **17,** 23, 24
special, **17,** 24
member of, admission of, **17,** 15
advance to, **17,** 22
annual return for, **17,** 28
bankruptcy of, transfer on, **17,** 11, 17
body corporate as, **17,** 15
consent to dissolution by, **17,** 36
death of, distribution on, **14,** 192; **17,** 11, 19, 35
representation in case of, **14,** 192; **17,** 19
rival claims to money in case of, **17,** 18
settlement of claims on, **17,** 19, 35
income tax, not exempted from, **17,** 19
inspection at instance of, **17,** 16
interest of, **17,** 11
liability of, in case of winding up, **17,** 35
society's creditors, to, **17,** 19
limitation in regard to interest of, **17,** 11, 15
lunacy of, payments in case of, **17,** 16, 17, 21
nomination by, **14,** 192; **15,** 151, 154; **17,** 17, 18
number of, **17,** 9, 15
proxy in respect of investments, as, **17,** 21
recovery of sums due from, **8,** 657; **17,** 30
rules of society bind, **17,** 10

INDUSTRIAL AND PROVIDENT SOCIETIES—*continued.*
membership in, cesser of, **17,** 15, 16
proof of, **17,** 15
registration of, requisites for, **17,** 9
rules as to, **17,** 10, 15
misappropriation, prosecution for, by, **17,** 22, 31, 32
Money-lenders Act, 1900, registration under, **17,** 5
mortgage in favour of, discharge of, by instrument of discharge, **17,** 23
receipt indorsed, **17,** 22
loan secured by, **17,** 22
registered land, of, Land Transfer Rules as to, **17,** 22, 23
satisfaction of, **17,** 22
name of, provisions as to, **17,** 9, 13, 14, 32
registration of, **17,** 9
nature and origin of, **17,** 3
nomination, **14,** 192; **15,** 151, 154; **17,** 17, 18, 19
nominator, death of, settlement of claims on, **17,** 18
notice, cancellation or suspension of registry, of, **17,** 38
change of registered office, of, **17,** 14
dissolution, of, **8,** 658; **17,** 36
proceedings to set aside, **17,** 37
failure of society to give, **17,** 31
inspection of affairs, of, **17,** 30
objects of, rules as to, **17,** 14
offences and penalties in relation to, **17,** 31, 32
office of, change of, **17,** 14
registered, **17,** 14
officer of, appointment and removal of, **17,** 11, 14, 15
fidelity guarantee for, **17,** 25
infant, ineligibility of, to be an, **17,** 15
inspection of books by, **17,** 16
liability, account, to, **8,** 657; **17,** 25
non-compliance with rules, for, **17,** 31
statutory offences, for, **17,** 31
nomination in favour of, effect of, **15,** 405; **17,** 18
powers and duties of, **17,** 24, 25
remuneration of, **17,** 15
rules relating to, **17,** 15
security to be given by, **17,** 25
signature of, **17,** 26
orders, money or goods, for, name to appear in case of, **17,** 13
penalties, recovery of, provisions for, **17,** 32
prizes to encourage cultivation of land, provision of, **17,** 12
proceedings, legal, by and against, **17,** 14, 31, 32. *See* legal proceedings, *supra.*
productive and distributive distinguished, **17,** 4
profits of, appropriation of, **17,** 11, 12, 14, 26
promissory note in name of, presumption as to, **17,** 26
property of, division of, on dissolution, **17,** 37
misappropriation etc. of, **17,** 31, 32
vesting of, by registration, **17,** 10
purchaser of land from land society, position of, **17,** 6
register of, as evidence, **17,** 15
registered office of, **17,** 14
registered society, *defined*, **17,** 3 n.
Registrar of. *See* Chief Registrar, *supra.*
registration of, **17,** 3, 4, 8—10
acknowledgment of, **17,** 8—10, 13

INDUSTRIAL AND PROVIDENT SOCIETIES—*continued.*
registration of—*continued.*
amendments of, **17,** 9, 12, 13
application for, **17,** 10
forms of, **17,** 13 n.
cancellation of, **17,** 34, 37
appeal from, **17,** 38
notice of proposed, **17,** 38
company, as, effect of, **17,** 7, 8, 34
debentures charging personal chattels, of, **17,** 20
effect of, **17,** 10
evidence of, **17,** 10
land society co-operating with building society, **17,** 5, 6
Money-lenders Act, under, **17,** 5
where to be effected, **17,** 9
working men's club, of, **17,** 10
rent, payment of, by tenant of, **17,** 20
report, annual, duty of registrar as to, **17,** 9
special meeting, of, to registrar, **17,** 24
representation, when not required in case of deceased member of, **14,** 192; **17,** 19
reserve fund, formation of, by, **17,** 12
resolution, extraordinary, with a view to winding up, **17,** 34
special, *defined,* **17,** 23
conversion into company by, **17,** 7, 8, 34
evidence of, **17,** 24
majority to pass, **17,** 23
name, change of, by, **17,** 13
registration of, **17,** 24, 33, 34
return, annual, copy for member of, **17,** 16, 28
falsification of, **17,** 16 n.
particulars in, **17,** 27, 28
rules, *defined,* **17,** 11 n.
alteration or amendment of, **17,** 7, 9, 12, 13
binding nature of, **17,** 10
contents of, **17,** 11, 13—38
contract of membership formed by, **17,** 10
copies of, members, for, **17,** 16
registrar, **17,** 10
evidence, as, **17,** 11
invalid, effect of, **17,** 5
recording of, when society trading in more than one part of the United Kingdom, **17,** 9
registration of, **17,** 8—10, 12
rescission of, **17,** 12
society registered prior to the Act of 1893, of, **17,** 11
untrue, penalty for delivery of, **17,** 16
savings bank, investment in, by, **17,** 21
Scotland, in, stamp duty on statutory receipts of, **17,** 23
seal of, custody and use of, **17,** 11, 14
name to appear on, **17,** 13
set-off by, in respect of member's debt, **17,** 30
shares, building society's, are an authorised investment for, **17,** 21
corporate body's right to hold, in, **17,** 15
liability of member in respect of, paid for by monthly subscription, **17,** 35
lien and set-off in respect of, **17,** 30
limitation of holding to £200, **17,** 15, 18
nomination of, **17,** 18
other industrial or provident society's, are an authorised investment, **17,** 21
register of, **17,** 15
transfer or withdrawal of, **17,** 11, 16, 35

INDUSTRIAL AND PROVIDENT SOCIETIES—*continued.*
small holdings, promotion of, by, **17,** 7, 12
stamp duty, whether exempt from, **17,** 3, 4, 23
statutes relating to, **17,** 3
statutory declaration on dissolution of, **17,** 36
statutory powers of, exercise of, **17,** 11
stock, registrar's power to direct transfer of, **17,** 21, 22
strike fund, subscription to, when *ultra vires,* **17,** 14
summary jurisdiction, court of, **17,** 25, 28, 29
suspension of registry of, **17,** 37, 38
tenant of, fair and usual rent payable by, **17,** 20
transfer of engagements from one society to another, **17,** 33
Treasury, powers of, in regard to, **17,** 8, 27, 29, 30
trustee, stock in name of, registrar's powers as to, **17,** 21, 22
unregistered, liability of members of, **17,** 19
vesting of property of, on registration, **17,** 10
voting, rules as to, **17,** 23
will, nomination effected by, **17,** 17
winding up of, **5,** 394, 569, 570; **17,** 34, 35
working-men's club, registration under Licensing (Consolidation) Act, 1910, of, **17,** 10
working-men's dwellings, county council's assistance in promoting, **17,** 6
wrongful possession of property of, liability in case of, **17,** 22, 31, 32

INDUSTRIAL ASSURANCE COMPANY,
defined, **5,** 625
child insurance with, restriction of, **15,** 155 n.
county court jurisdiction to settle dispute with, **8,** 643
funeral expenses, insurance of, **5,** 626; **17,** 546 n.
insurance by, **5,** 625, 626
prosecution of offence in connection with, **15,** 188
ultra vires policies of, **5,** 626

INDUSTRIAL DISEASE,
accident, sometimes deemed to be an, **20,** 162, 164
certificate, certifying surgeon, of, as to, **20,** 165—168
claim in respect of, **20,** 224
compensation in respect of, **20,** 165—168, 224
contribution among several employers to compensation in respect of, **20,** 167
examples of, **20,** 164 n.
seaman, contracted by, **20,** 160
Workmen's Compensation Act, 1906, within, **20,** 162, 164—168

INDUSTRIAL SCHOOL,
defined, **12,** 70
breach of rules of, **12,** 75
central authority for, **12,** 15, 72, 73
committal of child to, **9,** 422; **12,** 54 n., 71, 72
conveyance and clothing of inmate, payment for, **12,** 79
county council, in relation to, **12,** 73 n.
day industrial schools, **12,** 79—81
certification of, **12,** 79
court's power to send child to, **12,** 58
establishment of, **12,** 79
expenses of, how defrayed, **12,** 80, 81
inspection of, **12,** 79
local powers relating to, **12,** 80
maintenance of child in, **12,** 80, 81

INDUSTRIAL SCHOOL—*continued.*
detention, in, period of, **9,** 422 n.; **12,** 72
order, committal under, **12,** 57, 58, 72
discharge of inmate of, **12,** 73
education of children in, **12,** 25
employment of children in, **17,** 151
escape from, **12,** 75 n., 76
expenses of local education authority in connection with, **12,** 79
fitness of, Home Secretary's certificate of, **12,** 72, 74
governing body of, powers of, **12,** 121
Government supervision of, **7,** 85; **12,** 15
grant by Home Secretary in aid of, **12,** 49
guardians' contribution towards maintenance of poor law child in, **12,** 83
inspection of, **12,** 72
land, acquisition of, for, **12,** 79, 121
licensing out of children, **12,** 74 n.
local education authority in relation to, **12,** 17, 18 n., 25, 71 n., 73, 74, 79
maintenance of child in, **12,** 52, 79, 83
parents' contribution towards, **12,** 51, 54
management and superintendence of, **12,** 71 n., 72—76, 121
manual labour in, Employment of Children Act, exemption from, **17,** 151
order to send child to, **12,** 57, 72
parents' contribution to cost of children in, **12,** 51, 78
parliamentary grant in aid of, **12,** 73
rating of, **4,** 212 n.; **24,** 16
refusal of managers to take child as inmate of, **12,** 74
religious instruction in, **12,** 43
school board, former functions of, with respect to, **12,** 17 n.
short term children, differentiation of, **12,** 74 n.
supervision of, **7,** 85; **12,** 15
technical instruction, for, **12,** 121.
truant industrial school, establishment of, **12,** 74 n.

INDUSTRIAL SHIP,
regulation of, **12,** 71 n.

INEBRIATE, 9, 417; **18,** 159—170. *See* HABITUAL DRUNKARD.

INEQUALITY,
contracting parties, of, as ground for equitable relief, **13,** 21

INEVITABLE ACCIDENT,
defined, **20,** 137; **21,** 367, 467; **26,** 535; **27,** 498 n.
act of God, in relation to, **20,** 137; **21,** 469—470; **27,** 493 n.
Admiralty action, defence in, of, **1,** 104
collision between vessels, causing, **26,** 411 n., 500, 535, 536
defence of, bailment, in cases of, **1,** 545, 560
burden of proof of, **21,** 469; **26,** 535, 536
costs in case of success of, **1,** 104
pleading in regard to, **22,** 448 n., 456 n.
statutes, where duty imposed by, **21,** 471
effective cause of injury, must be, **21,** 469
Employers' Liability Act, under, **20,** 137
examples of, **21,** 470; **26,** 411 n.
lessee not liable for waste caused by, **18,** 498
marine insurance, effect on, of, **17,** 423

INEVITABLE ACCIDENT—*continued.*
master's liability for servant's acts, in respect of, **20,** 251, 252
negligence, in action for, **21,** 367, 467—470
nuisance, in action for, **21,** 564
particulars unnecessary in case of, **22,** 456 n.
personal injury, in action for, **27,** 498 n.
pleading of, **22,** 448 n., 456 n.
trespass, in action for, **27,** 845, 862

INFAMOUS,
conduct, dentist, of, punishment for, **20,** 362
medical practitioner, of, punishment for, **20,** 320—324
crime, accusation of, **9,** 666

INFANT. *See also* BOY; CHILD; GIRL; YOUNG PERSON.
The title INFANTS AND CHILDREN *is contained in Vol. XVII., pp.* 39 *et seq.*
defined, **14,** 197; **17,** 43, 44
abandonment of, custody refused to parent in case of, **17,** 109
abduction of, **9,** 619—623. *See* ABDUCTION.
absolute disabilities of, **17,** 47—49. *See* INCAPACITY (Legal).
acceptance of bill of exchange by, **2,** 41, 490
account stated by, void, **7,** 492; **17,** 63
accumulation of income in case of settlement, **25,** 683
acknowledgment of debt by, **19,** 62
acquiescence, not barred by, **13,** 170; **17,** 62
acquisition of property by, **17,** 46, 75—78
action
against, **1,** 17, 21, 22; **17,** 46, 68, 140. *See* GUARDIAN AD LITEM.
attainment of full age during, **17,** 143
county court; in, **8,** 455
how brought, **17,** 140
Mayor's Court, London, in, **20,** 291 n., 292 n.
necessaries, for, **13,** 431
by, **1,** 17, 21; **17,** 46, 62, 68, 133. *See* NEXT FRIEND.
attainment of full age during, **17,** 137, 138, 140
concurrent, consolidation of, **14,** 343
co-plaintiff, as, **17,** 136 n., 138
county court, in, **8,** 455
Mayor's Court, London, in, **20,** 291 n.
own name, in, writ set aside in case of, **1,** 21
wages, for, **8,** 455
compromise of, where infant a party, **2,** 401; **14,** 177; **17,** 64, 145; **21,** 11 n.; **23,** 167
administration, court, by, of estate of, **23,** 190
durante minore ætate, grant of, **14,** 197, 198; **17,** 50, 51
grant of, to, **6,** 235; **17,** 51
administrator, as, **17,** 50, 51
administrator holding property of, effect of, **14,** 273
admittance of, to copyhold, **8,** 81; **17,** 96, 97
adoption of, **17,** 111
adult
co-contractor with, liability of, **17,** 73, 74
contracting with, liability of, **17,** 67
advancement of, **17,** 92—94. *See* ADVANCEMENT.
advowson, right to hold and present to, **11,** 573; **17,** 57, 101
affidavit by, **13,** 629 n.; **21,** 58
affidavit of documents on behalf of, **11,** 48

INFANT—*continued.*
after-acquired property, covenant to settle, in case of, **25,** 548 n., 562
age of, **9,** 239, 616; **14,** 197; **17,** 43. *See* AGE.
full. *See* FULL AGE.
maintenance, as element in fixing amount of, **17,** 91
misrepresentation as to, by, **17,** 66, 73; **22,** 20
agent, as, **1,** 151; **17,** 59, 64
power to appoint, **1,** 149; **17,** 48
agent of, contract of, **1,** 150, 176; **17,** 64
father as, **17,** 118
friendly society, for purpose of dissolution of, **15,** 199
lease, for purpose of, **18,** 349
agricultural holding, landlord or tenant of, **1,** 268
alderman, disqualified to be, **17,** 47
alien, when an, **1,** 315, 318, 319
alienation of property by, powers as to, **17,** 78—84, 132, 133
allotment, purchase from land society of, by, **17,** 15
annuity, grant of, by, **17,** 49
in post office savings bank, purchase of, by, **17,** 61
appeal as to custody of, **23,** 193 n.
appearance on behalf of, **17,** 140, 141; **23,** 125 n.
Mayor's Court, London, in, **20,** 292 n.
apprentice, as, **17,** 69—72. *See* APPRENTICE.
approved society, as member of, **28,** 940
arbitration, submission to, by, **1,** 442; **17,** 63
army agent, advancement of money by, to, **17,** 69
assent to transfer by gift, incapacity to give, **15,** 402; **17,** 78—80
association with adult prisoners, prevention of, **17,** 176, 178
attorney, appointment of, by, **17,** 48
avoidance of legal act of, **10,** 360; **17,** 46 n., 48, 63, 76, 78, 138 n.; **18,** 348; **25,** 559
bailee, as, **1,** 553 n.; **17,** 75
larceny as, by, **9,** 631
bailiff, disqualified to act as, **11,** 163, 169; **17,** 47; **25,** 803
bailment, liability on contract of, **1,** 553 n.; **9,** 240, 631; **17,** 75
banking account of, position with regard to, **1,** 587, 590, 631; **17,** 61
bankruptcy, in relation to, incapacity in respect of, **2,** 11, 12, 28, 41; **17,** 54, 55, 65 n., 66
notice against infant, **2,** 28
petition by infant creditor, **2,** 37; **17,** 55
debtor, against, **2,** 11, 12, 41; **6,** 234; **17,** 44 n., 54, 55
proof by, **2,** 12, 231, 232; **17,** 55, 66
service of notice of motion on, **2,** 314
baptism of. *See* BAPTISM.
death of unbaptised infant through default of minister, **11,** 686 n.
begging, exposing child for purpose of, penalty for, **17,** 163
benefice, presentation to, by, **11,** 573; **17,** 57, 101
beneficial contract of, what is, **17,** 61, 63, 64, 75; **20,** 73; **21,** 862
beneficial owner, presumption in favour of infant as, **17,** 52
betting transactions with, **9,** 552; **15,** 293; **17,** 65, 172
action in regard to, **15,** 82
Betting and Loans (Infants) Act, 1892, effect of, on ratification of loans of, **17,** 65

INFANT—*continued.*
betting transactions with—*continued.*
sending circulars to, **9,** 552; **15,** 293; **17,** 65, 172
under sixteen, in street, **15,** 293
bill of exchange, agent in respect of, as, **2,** 494
non-liability on, **2,** 489—491; **17,** 49, 65 n.
birth, evidence as to date of, **13,** 470 n.
bond by or to, limitation of actions in respect of, **3,** 100
validity of, **3,** 83; **17,** 49, 63
born after commencement of proceedings to which he is necessary party, **17,** 140
borrowing by, **17,** 65, 69, 172; **21,** 53
Borstal institution, detention in, of, **9,** 418—420; **23,** 261
breach of
promise of marriage, action for, by, **16,** 273; **17,** 57, 58, 65
by, **16,** 273; **17,** 57, 65
trust, liability in respect of, **17,** 51, 52
trustee of settlement by, rights of infant in case of, **25,** 562
warranty of horse, non-liability for, **1,** 394; **17,** 75
British nationality, acquisition of, by, **1,** 315, 319
loss of, by, **1,** 318, 319
brothel, permitting to reside in, penalty for, **17,** 163
building society, member of, as, **3,** 337, 350, 392; **17,** 59, 64
advances to, **3,** 363
mortgage by, **3,** 363
officer of, as, **3,** 337
burial ground, acquisition of infant's lands for, **17,** 83
capacity of, principle regulating, **17,** 46—62
capital, advancement out of, to, when permissible, **17,** 90, 91, 130
care, degree of, required, in relation to acts of, **21,** 373, 453
catching bargain with, relief against, **13,** 20—22; **27,** 42 n.
Chancery, Court of, special protection by, of, **17,** 47, 48
Chancery Division in relation to. *See* CHANCERY DIVISION.
charging order against property of, **14,** 104
charity trustee, as, land vested in Official Trustee in case of, **4,** 279
chastisement of, **9,** 608; **12,** 124; **17,** 107. *See* CHASTISEMENT; CORPORAL PUNISHMENT.
cheque
drawn by, holder's rights as to, **1,** 587
payable to, validity of, **1,** 603
child, when used instead of term, **17,** 44. *See* CHILD.
Children Act, 1908, notice under, on death of infant, to coroner, **8,** 242
offences under, penalties for, **17,** 162
chimney-sweeping, employment in, of, **17,** 157; **20,** 73 n.
chose in action, vesting order as to, when in hands of, **17,** 52, 84; **28,** 109
cigarettes, sale of, to, **17,** 175
circular to, inviting betting transactions, **9,** 552; **15,** 293; **17,** 65, 172
loans of money, offering, **9,** 552; **17,** 172; **21,** 57, 58
persons deemed to send, **21,** 58
citation, divorce proceedings, in, service of, on, **16,** 509
probate proceedings, in, service of, on, **14,** 156

INFANT—*continued.*
citizenship, rights of, capacity to exercise, **17,** 46
civil duties, capacity to perform, **17,** 46
clerk of court, how far qualified for position of, **17,** 47
co-contractor with adult, liability of, **17,** 73, 74
co-executor with adult, rights and liabilities of, **17,** 50
co-operative land society, contract as member of, validity of, **17,** 15
Commissioner of Sewers, as, **25,** 776
common employment, doctrine of, applies in case of, **17,** 152
company, contributory to, as, **17,** 60, 61
shareholder in, as, **5,** 147, 693, 694; **17,** 60
compromise of action in case of, **2,** 401; **14,** 177; **17,** 64, 145; **21,** 11 n.; **23,** 167
compulsory purchase of land of, **6,** 57, 58; **17,** 82, 83
concurrent actions on behalf of, procedure with reference to, **17,** 136
condition, bound by, on acquiring property, **15,** 422; **17,** 77; **28,** 593
confirmation of settlement by, **17,** 102; **25,** 560
conflict of laws as to capacity of, **6,** 234, 235, 279
consent in case of legal proceedings, **8,** 455; **17,** 137, 146, 153
contingency, entitled to estate on happening of, **17,** 83; **25,** 629 n., 630 n., 675 n.
continuing in employment after coming of age, inference from, **27,** 568 n.
contract of, adult, with, **17,** 67, 73
beneficial, **12,** 127; **7,** 61—64
fraudulent misrepresentation as to age, **17,** 66, 73; **22,** 20
Infants Relief Act, 1874, in relation to, **17,** 63
master, as, **20,** 260
necessaries, for, **17,** 61, 64, 67—69; **25,** 124; **28,** 863. *See* NECESSARIES.
ratification of, **17,** 65
repudiation of, **17,** 60 n., 64, 65
restraint of trade, involving, **27,** 567—569, 583 n., 585 n., 587 n., 589 n.
tort arising out of, liability for, **17,** 75; **27,** 478
trading, **17,** 73; **20,** 675; **28,** 863 n.
void or voidable, **17,** 15, 46, 48, 49, 63; **25,** 311, 312
contributory, as, **17,** 60, 61
contributory negligence of, **21,** 453
conversion, equity, in, in case of, **13,** 111 n., 112, 114; **17,** 84, 85
goods, of, by, **9,** 240; **17,** 75; **27,** 891
conveyance of land by, when effectual, **17,** 81—83
co-plaintiff, as, rights on attaining full age, **17,** 138
copyhold, in relation to. *See* COPYHOLD.
corporation, as member of, **17,** 59
disqualification for corporate office, **8,** 327
costs of action
against, liability for, **17,** 144
on behalf of, liability for, **17,** 133, 138—140. *See* NEXT FRIEND.
councillor, disqualified to be, **17,** 47
county court action in case of. *See* COUNTY COURT ACTION.
county court jurisdiction, guardianship, as to, **8,** 654
maintenance or advancement, as to, **8,** 445, 481
vesting order, as to, **17,** 83
covenant in lease, cannot be sued on, **17,** 98
covenant binding on, when, **17,** 49, 70, 71; **18,** 352

INFANT—*continued.*
criminal liability of, **2,** 349; **9,** 239, 240, 611; **17,** 44 n., 46, 110
cruelty to, **9,** 418, 623—626; **17,** 162—164, 168—171
custody of, **17,** 105—111. *See* CUSTODY.
damages recovered by, **17,** 138 n.
debt of, bankruptcy proceedings in respect of, **2,** 12; **17,** 54
bill of exchange in satisfaction of, **17,** 65 n.
parents' liability for, **16,** 427; **17,** 115, 116
ratification after full age of, **17,** 65
sale or mortgage of land to pay, **17,** 81, 82
trading, liability for, **17,** 73; **20,** 675; **28,** 863 n.
deed of, escrow, as, **10,** 390
execution of, **17,** 70
voidable nature of, **10,** 360; **15,** 402; **17,** 78, 79; **25,** 560
defamation, liability for, **17,** 74
defendant, joinder as, in action against partners, **17,** 53
non-delivery of defence by, effect of, **17,** 142
plea of infancy by, **17,** 143
deposit account by, **1,** 590; **17,** 61
derivation of term, **17,** 43, 44
description of, for purpose of legal proceedings, **17,** 140
detinue by, liability for, **17,** 74
disabilities of, **17,** 46—55. *See* INCAPACITY.
disclaimer of gift on behalf of, **17,** 75, 76; **28,** 599 n.
discovery of documents by or against, **11,** 48, 49; **16,** 526; **17,** 137
disentailing assurance by, **17,** 104; **24,** 250, 256
dissolution of partnership, in relation to, **17,** 53; **22,** 19, 20, 51
distress for rent in case of, **17,** 98
district council, cannot be chairman or member of, **17,** 47
domicil of, **6,** 191
law of, as to time of attaining full age, **6,** 235; **14,** 272
letters of administration granted by court of, effect of, **6,** 235
dower, assignment of, by, **24,** 196
drunk in charge of, **17,** 169, 170
earnings of, father's right to, **17,** 118
education of. *See* EDUCATION.
election, doctrine of, applicable to, **13,** 114, 128; **17,** 80
workmen's compensation, as to claiming, by, **20,** 198
embezzlement by, **9,** 650; **17,** 74
employee, as, **17,** 69—73; **20,** 72—74; **28,** 863
employer, as, **1,** 149, 150; **17,** 56; **28,** 863
Employers' Liability Act, 1880, may contract out of, **20,** 150
employment of, education, in relation to, **12,** 7; **14,** 489; **17,** 150. *See also* CHILD.
place of public amusement, in, **17,** 152
en ventre sa mère. *See* CHILD EN VENTRE SA MÈRE.
enfranchisement of copyhold by, **8,** 116; **17,** 96, 97
equitable jurisdiction over, **17,** 46, 47, 86, 103 n., 105 n.
education, in respect of, **12,** 4
estate tail, barring of, by, **24,** 250, 256
estoppel, whether bound by **13,** 370; **17,** 62 n., 104

INFANT—*continued.*
exchange of land, as party to, **17,** 77
executor, appointment as, of, **14,** 139; **17,** 50, 51
de son tort, accounting as, by, **17,** 50
discharge in favour of, on behalf of, **17,** 76; **28,** 541
holding property of, trusteeship of, **14,** 273
legacy to, **14,** 273
sole, when, **14,** 197; **17,** 50
expenses of, allowance for reasonable, **17,** 116 n.
factories, employment in, of, **14,** 487—497. *See* CHILD.
false representation as to business by, **17,** 75, 144; **22,** 20
family arrangement affecting, jurisdiction of court as to, **14,** 545, 546; **17,** 145
father, duties and liabilities of, towards. *See* FATHER.
who is an, power to appoint guardian of children, **17,** 59
felony, arrest for, where under seven years of age, **27,** 880 n.
found guilty of, order as to custody of, **17,** 110
female, marriage settlement by, **17,** 103; **25,** 559, 560. *See* MARRIAGE SETTLEMENT.
conflict of laws as to, **6,** 234, 279
fines, imposition of, for offences of, **9,** 424, 437; **17,** 177
fire, protection from, **17,** 163
forcible entry, whether indictment lies for, against, **9,** 240 n., 474
foreclosure against, enforcement of, **17,** 82, 143; **21,** 294
franchise, incapacity to exercise, **12,** 139, 191, 192; **17,** 47, 48
fraud of, **2,** 12; **17,** 46, 74, 75
fraudulent misrepresentation as to age by, **17,** 66, 73; **22,** 20; **27,** 891
friendly society, member of, as, **15,** 147; **17,** 59
contracts, in regard to, **17,** 64
dissolution of society, in case of, **15,** 198, 199
life insurance with, **17,** 548
transfer of, **15,** 157
full age, attainment of. *See* AGE; FULL AGE.
funeral expenses of relative of, as to, **3,** 407; **16,** 320; **17,** 68
gaoler, capacity to act as, **17,** 56
Gasworks Clauses Act, 1871, provisions of, as to infant shareholder, **17,** 61
gavelkind, alienation of, by, **15,** 410 n.; **17,** 78, 80, 81; **24,** 152
gift
by, **15,** 402; **17,** 78, 80
recovery back of, **17,** 80
to, **15,** 405; **17,** 75—78
conditional, effect of, **15,** 422; **17,** 77
imperfect, not a declaration of trust, **13,** 98 n.
maintenance and education, for, period of, **17,** 86
parent or grandparent, by, **15,** 108; **17,** 78
repudiation of, **15,** 405; **17,** 76
revocation of, **17,** 77
girl, offences against, **9,** 611—623; **17,** 110
glebe land, sale of, when vested in trustees for, **17,** 101
goods supplied to, appropriation of payment after full age to, **17,** 64 n.
contract relating to, **17,** 63; **25,** 124
guarantee
for, **15,** 459
of, **15,** 450

INFANT—*continued.*
guardian of. *See* GUARDIAN AD LITEM; GUARDIAN OF INFANT.
guardian of the poor, disqualification for being, **17,** 47
habeas corpus, parent's power to obtain custody by writ of, **10,** 52, 53; **17,** 105, 107 n., 109
heir who is, liability for deceased's debts of, **17,** 81, 82
High Court of Justice, general jurisdiction of, over, **7,** 64; **13,** 61; **17,** 47, 146 n.; **23,** 190
highway, non-repair of, by, **9,** 240 n.; **16,** 89; **17,** 77
hirer, cannot be sued, except for a necessary, **1,** 553 n.; **9,** 240, 631; **17,** 75
homage, capacity to do, **17,** 56
horse, breach of warranty of, by, **1,** 394; **17,** 75
House of Commons, not eligible for, **17,** 47; **21,** 656
House of Lords, cannot sit or vote in, **17,** 47; **21,** 623
ill treatment of, court's power on conviction of custodian of, **17,** 110
illegitimate. *See* ILLEGITIMATE CHILD.
in camerâ, hearing evidence of, **17,** 170. *See* IN CAMERÂ.
in formâ pauperis, suing by next friend, **17,** 135
in loco parentis, effects of assuming position towards, **17,** 111, 118—120
incapacity of. *See* INCAPACITY.
income of, arising from land, application of, **17,** 87, 88
maintenance out of, **17,** 85—92, 129, 130
income tax return on behalf of, **16,** 617
incumbrance of property, acquisition by infant in case of, **17,** 77
guardian, duty of, with respect to, **17,** 131
power of infant to create, **17,** 80; **21,** 91
indecent assault
by, **9,** 240, 616
upon, **9,** 608, 619
indemnity by, **15,** 459 n.
industrial and provident society, as member of, **17,** 15, 59, 64
officer of, **17,** 15
infancy, defence of, barred where no statement of claim applied for, **23,** 162
period of, **17,** 43
Infant Felons Act, 1840, power of court as to custody under, **17,** 110
Infants Relief Act, 1874, provisions of, **17,** 63, 64, 80; **18,** 349
injunction against, **1,** 21; **17,** 143, 267 n.; **22,** 20. *See* INJUNCTION.
inquiry as to whether proceedings for benefit of, **17,** 135, 136
inspector of institution or home, obstruction of, penalty for, **17,** 167
insurable interest in life of, **17,** 162, 546
insurance, savings bank, may be effected by, **17,** 49, 61
interlocutory proceedings, as a party to, **17,** 137
interpleader claim by, **17,** 595
intoxicating liquor, sale of, to, **17,** 45; **18,** 121—123
jewellery and plate, right to purchase, **17,** 75 n.
judgment against, binding nature of, **17,** 138, 143
judicial separation, court's power to provide on, for, **6,** 265; **16,** 521; **17,** 111, 116, 147
jurisdiction of court, not dependent on property, **17,** 47
ward of court, over, **17,** 146—149

INFANT—*continued.*
jurisdiction of London County Council as to, **20,** 396
juryman, not qualified to act as, **17,** 48
juvenile court for charges against, **17,** 178
juvenile offenders. *See* JUVENILE OFFENDERS.
King as *parens patriæ* protects, **17,** 46
labour of, when father is entitled to earnings from, **17,** 118
laches not imputable to, **13,** 170; **17,** 62
land, acquisition of, by, **17,** 75—78
contract in regard to, **17,** 65 n., 76, 79
powers affecting, exercise of, **17,** 54
servant's contract for purchase binding on infant, **20,** 260
land of, advancement cannot be charged on, **17,** 93
alienation of, **17,** 79, 80—83, 95, 132; **25,** 311, 312. *See* land, sale of, *infra.*
contract in regard to, **17,** 65 n., 76, 79
conversion of, **17,** 84
entitled in possession, deemed to be settled, **17,** 94; **25.** 629
exchange, **17,** 77, 94
father's rights over, **17,** 117
guardian's power over, **17,** 131—133
lease of, **17,** 99—101. *See* LEASE.
management of. *See* management, *infra.*
partition of, **17,** 77, 82, 133; **21,** 816, 827, 840, 850
registration of title to, **17,** 95, 96
sale of, debts, to pay, **17,** 81
Lands Clauses Act, under, **6,** 57, 58; **17,** 82
literary and scientific institution, for, **17,** 83; **19,** 198, 200
partition action, in, **17,** 82, 133; **21,** 850, 862
redemption or foreclosure action, in, **17,** 82
repairs, to pay cost of, **17,** 82
Settled Land Acts, under, **17,** 94, 95; **25,** 629
various public purposes, for, **17,** 83
settled, **17,** 94—96, 99, 100; **18,** 350; **25,** 629, 630
land tax in respect of property of, redemption of, **17,** 132; **18,** 327
Land Transfer Act, 1897, vesting of deceased person's estate according to, **17,** 50, 51
larceny as bailee by, **9,** 631
lease by or to. *See* LEASE.
legacy to. *See* LEGACY.
legitimacy, petition for declaration of, by, **2,** 434
lessee, as, liability of, for rent, **17,** 98; **18,** 352
licensed premises, allowing child on, penalty for, **18,** 123
life insurance by, friendly society, with, **17,** 548
Post Office Savings Bank, with, **17,** 61
limitation of actions as affecting, **3,** 100; **17,** 62; **19,** 56, 78, 91, 133, 135
livery of seisin, appointment of attorney to accept, by, **17,** 48 n.
loan to, contract for, **17,** 49, 63; **21,** 53
fraudulent misrepresentation as to age, contracted under, **17,** 66
necessaries, for, **17,** 69
ratification after attaining full age of, **17,** 65
Lord Chancellor as protector of, **7,** 64; **17,** 47
lord of the manor, as, **8,** 83; **17,** 56
maintenance of. *See* MAINTENANCE OF PERSONS.
malice, capacity for, **9,** 239, 768 n.; **27,** 478
management of property of, **17,** 85—88, 118; **25,** 688, 694 n.

INFANT—*continued.*
management of property of—*continued.*
guardian, by, **17,** 117, 131—133
joint interest in land, in case of, **17,** 87 n.
leasing of. *See* LEASE.
mining property, of. *See* mining property, *infra.*
trustee, by, **17,** 87, 94, 99—101; **20,** 517; **25,** 694 n., 711
trustees appointed for purpose of, **17,** 87; **25,** 711
manor, lord of the, as, **8,** 83; **17,** 56
marriage of. *See* MARRIAGE.
marriage settlement of, **17,** 101—104; **25,** 559—562. *See* MARRIAGE SETTLEMENT.
married woman. *See* MARRIED WOMAN.
master, as, **17,** 56; **20,** 260
mayor, disqualification for, **17,** 47
memorandum of association, as signatory to, **17,** 60
mine, employment in, **17,** 154—157
mining property of, power to deal with, **17,** 87; **20,** 517, 523, 528
minor, distinguished from, **14,** 197; **17,** 44
misprision, doubt if indictment lies for, **9,** 240 n., 474
misrepresentation as to age by, effect of, **17,** 66, 73; **22,** 20; **27,** 891
money-lenders' circulars to, **9,** 552; **17,** 172; **21,** 57, 58
mortgage by, **17,** 80; **21,** 91, 92
building society, to, **3,** 363
foreclosure in case of, **17,** 143; **21,** 294
mortgage of land of, **17,** 80, 82
registered land, in case of, **17,** 95
mortgagee, as, personal estate, in case of, **21,** 92 n., 316 n.
powers of court in case of, **17,** 84, 95; **21,** 92, 316
vesting order where mortgage vested in, **17,** 83, 84; **21,** 92 n., 316
mother of. *See* MOTHER.
municipal or metropolitan borough, disqualified to hold office in, **17,** 47
name and arms clause in case of, **25,** 697; **28,** 593 n.
nationality of, how determined, **1,** 315 318, 319
naturalization in case of, **1,** 315
necessaries, contract for, of, **17,** 61, 64, 67—69; **25,** 124; **28,** 863. *See* NECESSARIES.
loan for, to, **17,** 69
what articles are, **17,** 68, 69
neglect of, **9,** 623—626; **17,** 110, 174
negligence of, **21,** 434 n.
contributory, of, **21,** 453
how far a defence, **21,** 463
next friend of. *See* NEXT FRIEND.
next of kin, administration not granted to, **17,** 51
night work by, **14,** 501—503
nomination by, friendly society, in case of, **15,** 152
savings bank, in case of, **17,** 49
nursing for reward of, **17,** 158—162. *See* NURSE.
oath of allegiance, taking of, by, **17,** 56
obtaining goods by fraudulent misrepresentation of age, **27,** 891
office of public or pecuniary trust, power to hold, **17,** 47, 56
old metal, purchase of, from, **17,** 172; **27,** 543
overdraft at bank, recovery by banker of, **1,** 631
parent. *See* PARENT.

INFANT—*continued.*
partition in case of, **17,** 77, 82, 133; **21,** 816, 827, 840, 850
sale more beneficial, inquiry in regard to, **21,** 850
partner, as. *See* PARTNER.
partnership, contract of, by, **17,** 53; **22,** 19, 20. *See* PARTNERSHIP.
passenger by railway, company's liability, **4,** 55
passing off spurious goods by, **17,** 74, 75
patent, application for, by, **22,** 129
pawn by, validity of, **17,** 172; **22,** 238
payment
by, on delivery of chattel to, **17,** 80
into court in case of, **8,** 497; **17,** 76, 95
out of court in case of, **17,** 50 n.
to, of cheque, **1,** 603
peer, position of, **17,** 56; **22,** 270
personal estate of, court's power of dealing with interests in, **17,** 79
management of, **17,** 85—89
petition by, bankruptcy, in, **2,** 11, 37; **17,** 44 n., 55
Commission of Sewers, for appointment of, **25,** 774 n.
legitimacy, for declaration of, **2,** 434
winding up of company, for, **17,** 60
pleading, allegations in, not traversed by, **22,** 429
non-delivery of, by, **17,** 142, 143
possession of parent on behalf of, effect of, **17,** 117, 118; **19,** 135
Post Office Savings Bank depositor etc., as, **1,** 580; **17,** 49 n., 61, 89
power of appointment, exercise of, by, **17,** 53, 54; **25,** 560
in favour of, **17,** 78
power of attorney
by, **1,** 150
in favour of, **17,** 59
prejudice of, act or disposition void when in, **17,** 48, 64
prescription, effect of infancy on acquisition of rights by, **11,** 270; **17,** 62
presentation to benefice by, **11,** 573; **17,** 57, 101
preventing infant from obeying order of court as contempt of court, **7,** 291, 292
promise of marriage by, enforceability of, **16,** 273; **17,** 57, 58, 65
proof in bankruptcy
against, after attaining full age, for debt fraudulently contracted, **2,** 12
by infant, **2,** 231, 232
property, capacity to acquire and dispose of, **17,** 46, 62, 75, 78
conversion of, **13,** 112; **17,** 84, 85
disclaimer of, by, **17,** 75, 76
impounding of, on repudiation of settlement by infant wife, **17,** 102, 103
management of, on behalf of, **17,** 85—89, 118; **25,** 694 n. *See* management, *supra.*
presumption in favour of beneficial ownership of, **17,** 52
subject to burdens and conditions, acquisition of, **17,** 77
protection of, **17,** 158—175
nursing for reward, in case of, **17,** 158—162. *See* NURSE.
protector of settlement, as, court's power to act for, **17,** 52

INFANT—*continued.*
proxy to vote at meeting of creditors, as, **17,** 55
public office, incapacity to hold, **17,** 47
purchase of land by, validity of, **17,** 15, 63 n., 65 n., 76, 84; **25,** 311
purchaser from, payment of purchase-money by, **17,** 81
rape, presumptions in case of, **9,** 240
principal in second degree, may be, **9,** 250
ratification by, **1,** 176; **17,** 65
real estate of. *See* land, *supra.*
receipt, capacity to give a valid, **15,** 405; **17,** 49, 76; **28,** 541
receiver, appointment as, **17,** 47; **24,** 360
discharge of, on appointment of next friend of infant, **24,** 417, 418
guardian of infant as, **24,** 343
mode of appointment of, **24,** 343
on behalf of, **24,** 343, 351
guardian, by, **24,** 340
possession of infant affected by appointment of, **24,** 384 n.
security, when dispensed with, **24,** 374
redemption
action, sale in, affecting interest of, **17,** 82
guardian, by, **21,** 141
refusal or neglect of, to perform condition in will, **28,** 592 n.
registered land, in relation to, **17,** 95, 96.
release by, **7,** 457; **17,** 49, 66 n.
religion of, how determined, **17,** 112, 113. *See also* RELIGION.
provisions in settlement as to, **17,** 113; **25,** 697 n.
rentcharge, cannot grant, **17,** 49
lands subject to, guardians' duty in case of, **17,** 83
repairs to estate of, management, under powers of, **17,** 87
sale to raise money for, **17,** 82
repudiation by, action of, effect of, **17,** 138 n.
gift, of, **15,** 405; **17,** 76
lease granted by guardian, of, **17,** 58; **18,** 348, 349
partnership, of, **17,** 53; **22,** 19
sale of land, of contract for, **17,** 79; **25,** 312
settlement made on marriage, of, **17,** 101—103; **25,** 558 n.
residence, condition as to, in case of, **25,** 697 n.
domicil, as affecting, **6,** 191
restraint of trade, burden of proving reasonableness of, **27,** 572
how far binding on, **20,** 74; **27,** 567—569, 583 n., 585 n., 587 n., 589 n.
sailor, testamentary capacity of, **17,** 49, 104
sale of
goods to, **17,** 63; **25,** 124
land of, **17,** 79, 81—83, 95; **25,** 311. *See* land, *supra.*
savings bank depositor, as, **1,** 577, 580; **17,** 49, 61
servant, action for wages by, **8,** 455, 463
engaging as, **17,** 61, 69, 72, 73; **20,** 72—74; **28,** 863
servant of, power to contract for master, **20,** 260
service of, parent's right to, **17,** 107
service on, writ or petition, of, **17,** 140
Settled Estates Act, lease of land under, **17,** 100; **18,** 351; **25,** 675 n., 681

INFANT—*continued.*
Settled Land Acts, application of, to land of, **17,** 94, 100; **18,** 350; **21,** 816; **25,** 629. *See also* SETTLED LAND ACTS.
tenant for life under, **17,** 94, 99, 100; **21,** 816; **25,** 629, 630
settlement of property of, **17,** 78, 79. *See* SETTLEMENT OF PROPERTY.
breach of trust prior to settlement, rights of infant in regard to, **25,** 562
marriage, on, **17,** 101—104; **25,** 559, 562. *See* MARRIAGE SETTLEMENT.
shareholder in company, as, **5,** 147, 693, 694; **17,** 60
shares, transfer of, by, **5,** 190
to, **5,** 192; **15,** 405; **17,** 60, 63
sheriff, appointment as, **17,** 56
sheriff's officer, appointment as, **25,** 803
ship registered in name of, transfer of, **26,** 23
shop, employment in, **14,** 509—511, 528, 534
slander, liability for, **17,** 74
smoking, found, search of, **17,** 175
soldier, testamentary capacity of, **17,** 49, 104
soliciting, with a view to a bet or a loan, **9,** 552; **15,** 293; **17,** 172; **21,** 57, 58
solicitor, cannot be admitted as, **26,** 710
lien of, on property recovered for, **17,** 139 n., 140; **26,** 821 n.
retainer of, by or on behalf of, **17,** 134, 139, 140; **26,** 731
Sovereign, the, eighteen years, at age of, ceases to be an, **17,** 44
no incapacity from infancy in case of, **6,** 375; **17,** 44, 55
protector of, as, **6,** 475; **17,** 46, 47
specific performance
against, **1,** 21; **27,** 10
claim for, by, **1,** 21; **17,** 67, 74; **27,** 10
status of, alteration of, how effected, **17,** 44
steward of a manor, as, **8,** 62; **17,** 56
stock jobber's liability where name passed of, **27,** 74 n., 240 n.
summary jurisdiction with regard to. *See* SUMMARY JURISDICTION.
surrender, copyhold, of, **8,** 96; **17,** 97
lease, of, **17,** 49, 98; **18,** 352
teaching profession, as candidate for, **12,** 127
tenant, copyhold, of, **8,** 80, 81; **17,** 48 n., 96, 97
manor, of, **8,** 65, 66; **17,** 96
tenant for life. *See* TENANT FOR LIFE.
tenant in tail. *See* TENANT IN TAIL.
testamentary incapacity of, **17,** 49, 104; **23,** 534. *See* will, *infra.*
tobacco, sale of, to, **17,** 175
tort, general liability for, **1,** 150; **17,** 74; **27,** 478. *See* TORT.
trade union, as member of, **17,** 59, 64; **27,** 627
trading by, **17,** 73; **20,** 675; **28,** 863 n.
trespass, liability for, **17,** 74; **27,** 847 n.
trust, breach of, by, **17,** 51, 52
maintenance and education, for, **17,** 86, 161
trustee, capacity to be, **17,** 51, 83; **28,** 65
character of, presumption against, **17,** 52
foreclosure judgment against, **17,** 143
land, in possession of, **17,** 52, 83, 84
vesting order in case of, **17,** 83
removal by court of, **17,** 52; **28,** 79
stock etc., in possession of, **17,** 52, 83, 84
trustee for, management by, **17,** 87, 94, 99—101; **20,** 517; **25,** 694 n., 711. *See also* TRUSTEE.

INFANT—*continued.*
underground employment of, **17,** 154—157
undue influence over. *See* UNDUE INFLUENCE.
unnatural offences, **9,** 539—541
vesting order as to stock etc. in name of trustee who is, **17,** 52, 83, 84; **28,** 109
visitor to, in nursing home, appointment of, by local authority, **17,** 159
refusal of admittance of, **17,** 160
warrant for entry by, **17,** 160
voluntary act, capacity to do, **17,** 57
voter, incapacity as, **17,** 47, 48; **12,** 139. *See* INCAPACITY (Legal).
wages of, deduction from, **20,** 91
father entitled to, when, **17,** 118
quantum of, **20,** 72, 74
right to sue for, **8,** 455, 463
waiver of rights by, in case of *feme covert,* **16,** 341; **17,** 80
ward, as. *See* WARD (Infant); WARD OF COURT.
warranty of horse by, breach of, **1,** 394; **17,** 75
waste, liability for, **17,** 87 n.
power to restrain father from committing, **17,** 118
wife, property of, comprised in marriage settlement of husband, **17,** 102; **25,** 558
waiver of rights by, **16,** 341; **17,** 80
will, appointment of guardian by, **28,** 506
capacity to take under, **28,** 541
condition in, when performance of excused on account of, **28,** 592, 593
incapacity to make, **17,** 49, 104; **28,** 534
exceptions to general rule as to, **14,** 161, 162; **17,** 49, 104; **25,** 94 n.
witness, as, **9,** 408; **13,** 569; **17,** 56, 170
work and labour, action in respect of, **8,** 455, 463
contract relating to, by, **17,** 61, 69, 72, 73; **28,** 863
Workmen's Compensation Act, 1906, agreement under, by, **17,** 72; **20,** 184, 218 n., 226
award by committee under, **20,** 198, 199
entitled to compensation under, **17,** 45, 158; **20,** 184, 198, 201
payment into court of compensation payable to, **20,** 184, 208, 225
redemption of weekly payments under, **20,** 208, 230
review of weekly payments under, **20,** 236, 237
workman within, **17,** 72
young person, as distinguished from, **17,** 44

INFANTICIDE. *See also* ABORTION; CONCEALMENT, birth, of.
child subject of murder or manslaughter, when, **9,** 570, 571
mother's duty to obtain assistance during confinement, **9,** 584 n.

INFECTED AREA,
defined, **1,** 425
animals in, provision as to, **1,** 425—427; **4,** 39
circle, *defined,* **1,** 425
place, *defined,* **1,** 425

INFECTED HOUSE,
defined, Public Health Act, 1907, under, **23,** 455 n.
accommodation for person compelled to leave, **23,** 459
disinfection of, local authority, powers of, as to, **23,** 457—459
innkeeper letting, in case of, **17,** 311

INFECTED HOUSE—*continued.*
letting, disinfection, without, penalty for, **23,** 457
false statement by person letting, **23,** 457
part of house, in case of, **17,** 311 ; **23,** 457
library books in, prohibition as to, **23,** 451
lodgings, house let in, in case of, **23,** 508
occupier leaving, duty of, **23,** 457
penalty for false answer as to, **23,** 457
outwork in, provision as to, **23,** 462
removal of persons from, **23,** 455, 456

INFECTED PERSON,
ambulance, provision of, for conveyance of, **23,** 435
canal boat, removal from, **23,** 504, 505
exposure of, nuisance, as a, **16,** 158 ; **21,** 536 n.
penalty for, **23,** 449
hospital, in, detention of, **23,** 454, 455
removal to, **23,** 454
inn, right to accommodation at, in what cases, **17,** 311
library books, use of, by, **23,** 451
nursing attendance, provision of, **23,** 456
occupation, carrying on, penalty for, **23,** 448, 449
school, child's attendance at, penalty for permitting, **23,** 453
ship, removal from, **23,** 455
vehicle, public, conveyance in, **23,** 453
entering a, **23,** 449 n., 453

INFECTED SHIP,
examination of, home-coming, **23,** 466
medical practitioner, charges of, for service in, **23,** 467, 468
regulations as to, Local Government Board, by, **23,** 464—467
signals, hoisting of, in case of, **23,** 465

INFECTION,
animals, in case of. *See* DISEASES OF ANIMALS.
bedding, destruction of, **23,** 451, 452
clothing, infected, destruction of, **23,** 451
communication, of, assault, as an, **27,** 874 n.
destruction, local authority, by, infected articles, of, **23,** 451, 452
disinfection, **23,** 456—459. *See* DISINFECTION.
exposure, infected things, of, penalty for, **23,** 449
hospital, from, evidence as to, **13,** 452
ice cream, in case of, **15,** 71. *See* ICE CREAM.
innkeeper letting infected room, penalty for, **17,** 311
laundry, sending clothes to, penalty for, **23,** 451
library books, notice as to, local authority, to, **23,** 451
milk, as to. *See* COWS ; COWSHED ; DAIRY ; DAIRYMAN.
National Health Insurance, benefits of, to persons suffering from, **28,** 925
public elementary school, closing of, to prevent, **23,** 453
rubbish deposited in ashpits etc., **23,** 450, 451
vehicle, public, notice as to, **23,** 452, 453

INFECTIOUS DISEASE,
defined, Infectious Diseases Act, 1890, under, **3,** 552 ; **23,** 435 n., 445
Public Health (London) Act, 1891, under, **3,** 550
burial of person dying of, **3,** 549—553
body dangerous to health, where, **3,** 552
justice's order as to, **3,** 550, 551

INFECTIOUS DISEASE—*continued.*
burial of person dying of—*continued.*
London, in, **3,** 549, 550
expenses of, **3,** 549
justice's order as to, **3,** 549
relieving officer, duty of, as to, **3,** 551
ships in quarantine, on, **3,** 553
canal boat, on, provisions as to, **23,** 504, 505
common lodging-house, report as to, **23,** 512
dairy, in, **23,** 459—464. *See* DAIRY ; DAIRYMAN.
dangerous, *defined,* **3,** 550 ; **23,** 449 n., 458 n.
death from, removal of body in case of, **3,** 550—552
retention of body unburied in case of, **3,** 550, 551
wake, prohibition of, in case of, **3,** 553
defamation by imputation of, **18,** 625 n.
disinfection as to. *See* DISINFECTION.
dwelling-house, cleansing or whitewashing of, to prevent, **23,** 608
exposure of person suffering from, penalty for, **17,** 311 ; **23,** 449
false statement as to, in letting house, **23,** 457
formidable, regulations by Local Government Board in case of, **23,** 466, 467
franchise, effect of treatment at expense of poor rate on, **12,** 142, 142 n.
effect of treatment in isolation hospital on, **23,** 435
hospital for, contributions by county council to, **23,** 434. *See* HOSPITAL.
house, in regard to. *See* INFECTED HOUSE.
house let in lodgings, precautions as to, **23,** 508
ice cream, provisions as to, **15,** 71. *See* ICE CREAM.
isolation hospital for, establishment by county council of, **23,** 435, 436. *See* ISOLATION HOSPITAL.
medical practitioner, certificate of, **20,** 338
Metropolitan Asylums Managers, powers of, as to, **20,** 412
milk, due to. *See* COWS ; DAIRY ; DAIRYMAN.
notification of, **20,** 338, 339 ; **23,** 445—448
common lodging-house keeper, by, **23,** 512
dairyman, by, **1,** 434 ; **23,** 459, 460
form of, **23,** 447 n.
list of diseases notifiable, **20,** 338 n. ; **23,** 445, 446 n., 464 n.
local authority, powers of, as to, **23,** 446, 446 n., 447 n.
London, in, **23,** 446 n.
medical practitioner, by, **20,** 338 ; **23,** 448
occupier, by, **23,** 447, 447 n.
payment for, **20,** 338
penalty for failure to give, **23,** 448 n.
persons in attendance, by, **23,** 447
relatives, by, **23,** 447
when required, **7,** 200 ; **23,** 446, 447
pauper, absconding, suffering from, **22,** 610
persons suffering from, treatment of, **23,** 454—456. *See* INFECTED PERSON.
prevention of, Local Government Board, powers of, as to, **23,** 464—466
school, in, provisions in case of, **23,** 453, 454
sheds, provisions as to cleanliness of, **23,** 516
ship, on, **23,** 464—467. *See* INFECTED SHIP.
tents, provisions as to cleanliness of, **23,** 516
vans, provisions as to cleanliness of, **23,** 516

INFERENCE. *See also* IMPLICATION ; PRESUMPTION.
drawing of, is province of judge or jury, not witness, **13,** 429, 437

INFERENCE—*continued.*
fact, of, evidence of existence at proximate date, from, **13,** 440
presumption, as, **13,** 507. *See* PRESUMPTION.
judge must decide whether it is open to jury to draw, **13,** 429
judge sitting without jury may draw, **13,** 433, 437
jury, function of, to draw, **13,** 429
knowledge, of, **13,** 448
witness must state facts not inferences, **13,** 437

INFERIOR COURTS,
See also COURTS *and the main word denoting each particular court.*
defined, **9,** 11
appeals from, **9,** 59, 133, 134
audience, right of, **2,** 373, 374; **26,** 724, 725
certiorari, removal of causes by, **9,** 136; **10,** 157, 168, 178
contempt of court in case of, **7,** 296, 297; **8,** 577, 615—617; **13,** 590; **26,** 828 n.
counterclaim, mode of raising, in, **25,** 509
county court. *See* COUNTY COURT.
execution in, **14,** 128, 129. *See* EXECUTION OF JUDGMENT OR ORDER.
history of, **9,** 11
injunction to restrain parties proceeding in, **10,** 154
judge of, appointment and removal, **9,** 134, 135
deputy, appointment of, **9,** 135
interested in suit, prohibition against, **10,** 143
judgment, alteration of, by, **10,** 143
liability, exemption from, **23,** 323—331
qualifications, **9,** 134; **26,** 728
judgment of, execution of, **8,** 550—570; **14,** 128, 129. *See* EXECUTION OF JUDGMENT OR ORDER.
Judicature Acts, application of, to, **9,** 132
juries in, **8,** 520—523; **9,** 135; **18,** 263, 264. *See* JURY.
jurisdiction, **9,** 11—17, 129—132. *See* COUNTY COURT JURISDICTION; JURISDICTION OF ENGLISH COURTS; LOCAL COURTS OF RECORD.
liability, exemption of persons other than judge from, **23,** 327 n.
local courts. *See* LOCAL COURTS OF RECORD.
mandamus against, **10,** 89. *See* MANDAMUS.
Mayor's Court. *See* MAYOR'S COURT, LONDON.
officers and fees in, **9,** 135—136
origin of, **9,** 11
particular classes of. *See* COURTS *and main word denoting the particular court concerned.*
pleadings in, **22,** 419
procedure of, **2,** 417, 418; **9,** 132, 133
prohibition against, **10,** 149—151
removal of causes from, **9,** 136; **10,** 157, 168, 178
rules of, when judicially noticed, **13,** 487
set-off, mode of raising, in, **25,** 509
superior court, distinguished from, **9,** 11
title to land, decision as to, effect of, **27,** 54
transfer into High Court of causes from, **9,** 136
trial in, procedure at, **2,** 417, 418; **9,** 132, 133

INFIRMARY. *See* HOSPITAL.

INFIRMITY,
incumbent, retirement of, on account of, **11,** 629
legitimacy, presumption of, rebutted by evidence of husband's, **2,** 430
marriage, when a defence to action for breach of promise of, **16,** 276

INFLAMMABLE,
films, cinematograph exhibition using, **27,** 419
goods, vehicles carrying, **27,** 292
liquids, storage in the Metropolis of, **20,** 490
substances, nuisance created by, **16,** 153; **21,** 530 n.
petroleum and certain other, **23,** 570—580

INFLUENCE,
elections, at, **12,** 279
family arrangements, in, **14,** 549; **20,** 761
fiduciary relationships, in, **20,** 760, 761
undue. *See* UNDUE INFLUENCE.

INFORMAL,
assignment, **6,** 208, 209
contracts
generally, **7,** 367—379
lease, for, **18,** 369—378
settlement, for, **25,** 535—537
statement, power exercised by, examples of, **23,** 28 n.

INFORMALITY. *See* IRREGULARITY.

INFORMANT. *See* INFORMER.
magistrates, before, appearance by counsel, **19,** 596
non-appearance of, effect of, **19,** 596

INFORMATION (KNOWLEDGE),
agency, acquired through, use of, to principal's detriment, **1,** 184; **27,** 757
belief, and, affidavit founded on, **13,** 626
carrier, to, as to contents of parcel, **4,** 9
company, as to, official receiver's duty to liquidator concerning, **5,** 429
confidential, barrister, duty of, as to, **2,** 394—396; **11,** 73
injunction to restrain disclosure of, agent, by, **1,** 184
artistic work, in respect of, **8,** 190
employee, by, **17,** 254, 255; **20,** 126; **27,** 757
private hearing of motion for, **17,** 255
coroner, to, when inquest necessary, duty to give, **8,** 240
interrogatories, answering, to the best of one's, **11,** 108
source of, as to, **11,** 101
nuisance summarily abatable, in case of, **21,** 566
Parliament, supplied with, how, **21,** 618, 619
patent, showing anticipation of, combination of sources of, **22,** 150
police, to, arrest, followed by, effect of giving, **27,** 879 n.
poor law guardians, expenses incurred by, in collecting necessary, **22,** 537
representation, amounting to, principles applicable to, **20,** 665—667
reward for, acceptance of offer of, **7,** 349 n.
salvage service may be rendered by giving, **26,** 557, 558
withholding, when fraudulent, **13,** 14, 15

INFORMATION (PROCEEDINGS),
action in the nature of, action includes, **1,** 3
Attorney-General, by, charities, in relation to, **4,** 313 n., 318 n., 320
Game Licences Act, 1860, under, **15,** 247
Income Tax Acts, under, **16,** 683, 688
nature of, **1,** 3; **4,** 318 n.; **9,** 329 n.; **27,** 190
nuisance, for, **21,** 553

INFORMATION (PROCEEDINGS)—*continued.*
bona vacantia, in respect of, **11,** 31
charity, actions relating to, in the nature of, **4,** 318 n., 319, 320
civil proceeding, as, **11,** 36 n.
complaint, distinction between, and, **19,** 589, 590
corporation, against, for act *ultra vires*, **8,** 364
counsel alone can apply for in open court, **2,** 372
criminal. *See* CRIMINAL INFORMATION.
Crown, by, **6,** 411
Crown Practice in, **10,** 4—14, 20—26. *See* ENGLISH INFORMATION; LATIN INFORMATION; QUO WARRANTO.
English, **10,** 20—26. *See* ENGLISH INFORMATION.
equity, in, **10,** 20. *See* ENGLISH INFORMATION.
Game Licences Act, 1860, under, **15,** 247
intrusion, of, **10,** 5—7. *See* INTRUSION.
Latin, **10,** 4—14. *See* LATIN INFORMATION.
quo warranto, in the nature of, **10,** 128—140. *See* QUO WARRANTO.
summary jurisdiction procedure, under
alternative offences charged in, **19,** 592 n.
amendment of, **19,** 592, 593
complaint distinguished from, **19,** 589, 590, 592 n.
customs offences, in case of, **24,** 471
defective, result of, **19,** 592
defences to, **19,** 597
limitation of offences in, **19,** 592
offence, description of, **19,** 593
parties, description of, **19,** 59 2n., 593 n.
previous conviction to be stated in, **19,** 593
proceedings begun by, **19,** 589, 590
receipt of, by justices, **19,** 572
separate offences charged in, **19,** 592
several persons charged in, **19,** 592
summons may be issued on oral and unsworn, **9,** 292
time for laying, **19,** 591
variation between evidence and terms, of, **19,** 592, 593
who may lay, **9,** 291; **19,** 590, 591

INFORMER,
betting-house, in case of, reward to, **15,** 295 n.
common. *See* COMMON INFORMER.
gaming-house, search warrant granted on testimony of, **15,** 291
limitation of penal action brought by an, **19,** 175
Metropolitan police magistrate, discretion of, as to reward to, **19,** 576
salvage payable in respect of recovery of secreted wreck to, **26,** 556
spirits, retailing, without excise licence, as to, provision for reward of, **18,** 113
Spirits Act, 1880, under, provision for acquittal of offender turning, **18,** 159

INFRA CORPUS COMITATUS,
coroner's jurisdiction, **8,** 233

INFRA MANERIUM,
wreck or royal fish, grant of, **28,** 368

INFRACTION. *See* BREACH.

INFRINGEMENT,
copyright, of. *See* INFRINGEMENT OF COPYRIGHT.
design, of. *See* DESIGN.
patent, of. *See* INFRINGEMENT OF PATENT.

INFRINGEMENT—*continued.*
performing right, of. *See* INFRINGEMENT OF PERFORMING RIGHT.
trade mark, of. *See* INFRINGEMENT OF TRADE MARK.
trade name, of. *See* INFRINGEMENT OF TRADE NAME.

INFRINGEMENT OF COPYRIGHT,
The general references below relate to literary copyright.
account of
profits, **8,** 165, 167
condonation by acceptance of, **13,** 68
option of plaintiff as to, **13,** 68
sales, on, **17,** 256
action for, **8,** 165—167
artistic works, in, **8,** 196—200, 203—206. *See* ARTISTIC WORKS.
assignee cannot sue licensee for, **8,** 163
book, in, **8,** 163—170
casts, in, **8,** 208. *See* CAST.
cinematograph exhibition, dramatic piece, representation of, **8,** 185
colourable imitation of another's work distinguished from, **8,** 165
common sources of information, effect in case of, **8,** 145, 146, 164
copying, by, **8,** 163, 164
practice among journalists etc., as to, effect of, **8,** 165
costs of proceedings for, **8,** 205, 208
county court action in respect of, **8,** 167 n., 168
damages for, **8,** 165—167
detention or conversion of copies, **8,** 167
delivery up of copies, **8,** 163, 165, 167
design, in, **8,** 197. *See* DESIGN.
drawings, in, **8,** 196—200. *See* DRAWING.
engravings, in, **8,** 203—206. *See* ENGRAVING; PRINT.
gratuitous distribution of copies, by, **8,** 164
importation, by, **8,** 165—167, 169
indictment for conspiracy in respect of, **8,** 166
injunction to restrain, **8,** 165—167; **13,** 49; **17,** 240, 255—257
agent for sale cannot obtain, **17,** 256 n.
animus furandi, consideration of, in granting, **17,** 256
before publication, evidence required, **17,** 257
early application required for, **8,** 166; **17,** 257
sale not allowed after grant of, **17,** 256
scope of, **17,** 256, 257
unauthorised publication, **8,** 164 n.
unpublished matter, in case of, **17,** 257
when not granted, **17,** 256
international, where proceedings are to be brought, **8,** 142
interrogatories in action for, **8,** 168
lecture, in, **8,** 151, 152
licence to print, effect of, on proceedings for, **8,** 161
limitation of time for proceedings, **8,** 169
literary composition, in, **8,** 163—171
lithographs, in, **8,** 203—206. *See* LITHOGRAPHS.
maps, accidental resemblances in case of, effect of, **8,** 145
model, in, **8,** 207, 208. *See* MODELS.
musical compositions, in, **8,** 170, 171. *See* MUSICAL COMPOSITION.
notice of objections in action for, **8,** 167, 168
contents of, in case of certain defences, **8,** 168

INFRINGEMENT OF COPYRIGHT—*continued.*
novel, by dramatisation of, extent of, **8,** 183
painting, in, **8,** 196—200. *See* PAINTINGS.
passing off, as distinguished from, **8,** 165
penalties for, **8,** 169
photographs, in, **8,** 196—200. *See* PHOTOGRAPH.
picture, in, **8,** 197. *See* PICTURES.
piracy of books and literary compositions, **8,** 163, 164
print, in, **8,** 203—206. *See* PRINT.
quotation, whether an, **8,** 147, 164
recitation in public, right of, **8,** 164
registration as affecting right to sue for, **8,** 152
remedies for, **8,** 165—170
report of lecture, sermon, or speech, in, **8,** 151
sale or publication, by, **8,** 167
sculpture, in, **8,** 207, 208. *See* SCULPTURE.
seizure of copies, **8,** 170
sermon, in, **8,** 151
speech, in, **8,** 151
summary proceedings for, **8,** 169, 170
Universities of Oxford and Cambridge, exclusive rights of, **8,** 174
unpublished work, in, **8,** 163, 164 n.
what amounts to, **8,** 163—165
wilful intent unnecessary, **8,** 164

INFRINGEMENT OF DESIGN. *See* DESIGN.

INFRINGEMENT OF PATENT,
defined, **22,** 210, 211
account of profits, **13,** 68; **22,** 223. *See* ACCOUNT.
action for, **22,** 215, 216. *See* PATENT ACTION.
additions to or subtractions from, effect of, **22,** 213
administrator of deceased person, right of, to sue on, **22,** 214
agent, by, action for, **22,** 215
assignee, right of, to maintain action for, **22,** 187, 214
assignor estopped from attacking validity of patent, **13,** 413; **22,** 219
carriers of infringing article, position of, **22,** 215
certificate of validity in action for, **22,** 224, 225
chemical equivalents, substitution of, **22,** 214
colonial inventions, in case of, **22,** 229. *See* international and colonial arrangements, *infra.*
combination, by user of material part of, **22,** 214
company directors personally liable when servants guilty of, **22,** 215, 226
component articles, none by sale of, **22,** 212
condonation of, by accepting account of profits, **13,** 68
corporation liable to be sued for, **8,** 387; **22,** 215
costs in action for, **22,** 225, 226. *See* PATENT ACTION.
county court, no jurisdiction in, to try action for, where validity in question, **8,** 431; **22,** 215 n.; **27,** 473 n.
courts having jurisdiction in cases of, **22,** 215
damages for, **22,** 223
inquiry as to, **11,** 71; **22,** 223, 224
delivery up or destruction of infringing articles, **22,** 224
estoppel from denying validity of patent, **13,** 413; **22,** 194, 219

INFRINGEMENT OF PATENT—*contd.*
executor of deceased person, right of, to sue for, **22,** 214
expert witnesses in actions for, fees allowed for, **22,** 226
functions of, **13,** 437 n.; **22,** 222
experts who are not witnesses, no fees allowed for, **22,** 226
expiration of letters patent, after, **17,** 258
foreign patentee, agent of, no right to sue for, **22,** 215
identity, necessity of, for, **22,** 213, 214
importation from abroad, by, **22,** 211
indorsement of writ in proceedings for, **22,** 216
injunction to restrain, **13,** 49; **17,** 258, 259; **22,** 224
interlocutory, evidence necessary in application for, **22,** 220
procedure to obtain, **17,** 258; **22,** 219
innocent infringers, right to obtain relief from damages, **22,** 223
inspection, order for, in proceedings for, **22,** 221
intention of infringer immaterial, **13,** 449; **22,** 211
interlocutory proceedings in respect of, **22,** 219—221
international and colonial arrangements as to, effect of, **22,** 229, 230
invalid patent, none in case of, **22,** 211
Lancaster Chancery Court, jurisdiction of, **9,** 122; **22,** 215
licensee, competent witness, as a, **22,** 222
estopped from denying validity of patent, **13,** 413; **22,** 194, 219
joinder of licensor by, in action for, **22,** 194
no right to sue in own name for, **22,** 214
mortgagee has no right to sue for, **22,** 214
novelty, feature of invention, effect where a, **22,** 212, 213
plea of want of, in action for, **22,** 218, 222
part of invention, by taking, **22,** 213
particulars, breaches, of, **22,** 216
objections to validity, of, **22,** 216, 217
Petition of Right does not lie for, **10,** 29
plaintiff's proof in action for, **22,** 222
pleadings in action for, **22,** 215—219
proceedings for, **22,** 210—227. *See* PATENT ACTION.
purchaser of patented article, position of, as to **22,** 212
relief in proceedings for, **22,** 223—227
renewal of parts of patented combination, by, **22,** 212
revocation of patent, counterclaim for, **22,** 225
sale of patented article without patentee's consent, by, **22,** 212
servant, defendant in action for, as, **22,** 215
liability of master, **20,** 256, 257
service of writ in proceedings for, **22,** 215
statement of claim in proceedings for, **22,** 216
threats of legal proceedings in respect of, injunction against, **17,** 258, 259; **22,** 227, 228
trustee, right of, to sue for, **22,** 214
user of infringing article, by, **22,** 211, 212
validity of patent, estoppel as to attacks on, **13,** 413; **22,** 194, 219
grounds of attack on, **22,** 218
vendor of patented article, liability of, for, **22,** 212
what constitutes, **22,** 210, 211

INFRINGEMENT OF PERFORMING RIGHT,
assignee's right to sue for, **8,** 182
dramatic piece, in, **8,** 182—186
cinematograph, by, **8,** 185
dialogue taken from novel, in case of, **8,** 183, 184
dramatisation of novel, in case of, **8,** 183
foreign, in, **8,** 142, 184, 187 n.
innocent, **8,** 185, 187
musical composition, in, **8,** 186—188
adaptation or arrangement of, in case of, **8,** 187
gramophones or mechanical instruments, by means of, **8,** 186
limitation of action, **8,** 186, 188
persons liable for, **8,** 185, 187
registration and, **8,** 179
remedies for, **8,** 185, 187
costs in action, **8,** 186, 188
damages, **8,** 186, 187
foreign author, of, **8,** 142, 187 n.
what amounts to, **18,** 182, 186

INFRINGEMENT OF TRADE MARK.
See also INFRINGEMENT OF TRADE NAME.
defined, **27,** 709
account of profits, **27,** 720
action for, **27,** 719
addition to another mark, effect of, **27,** 711 n
advertisement, by user as, **27,** 710 n.
burden of proof as to deception, **27,** 711
certificate of validity. *See* validity of trade mark, *infra.*
common practice of trade, court's power to take into account, **27,** 712
comparison, rules of, as to, **27,** 711
county court, no jurisdiction in, **8,** 432; **27,** 719, 743 n.
court having jurisdiction in action for, **27,** 719
damages, liability of infringer for, **14,** 227; **27,** 720
death of owner of trade mark, effect as to action for, **14,** 227; **27,** 720
defences to action for, **27,** 719, 720, 774—777
delivery or destruction of infringing articles, **27,** 721
description of goods, effect where *bonâ fide*, **27,** 713
discovery in case of, how far allowed, **11,** 39
sealing up, when allowed, **11,** 71
erasure of mark may be ordered, **27,** 721, 772
evidence in proceedings for, **13,** 509; **27,** 710—712
experts, of, admissibility in proceedings for, **27,** 711 n.
examples of, **27,** 709 n., 710 n., 712 n.
fraudulent intent not material in case of, **27,** 710, 719
get-up, common practice as to, consideration of, by court, **27,** 712
similarity of, as, **27,** 712, 770
imitation a question of fact, **27,** 712
importation, innocent, no defence, **27,** 710 n.
injunction to restrain, **14,** 227; **17,** 259; **27,** 720
innocent, effect where, **27,** 720
interrogatories in action for, **11,** 94
legal proceedings for, **27,** 719—721
notice of action for, unnecessary, **27,** 719
personal names, *bonâ fide* use of, not an, **27,** 713
place of business, *bonâ fide* use of, **27,** 713
registrar, costs of, in action, **27,** 721

INFRINGEMENT OF TRADE MARK —*continued.*
registration, assignment, of, whether a condition precedent to right of action for, **27,** 719 n.
infringing mark, of, no defence to action for, **27,** 770
similarity of get-up, effect of, on issue as to, **27,** 712, 770
special defences to action for, **27,** 774—777. *See also* PATENT ACTION.
test of, **27,** 710, 711
unregistered mark, use of, in ignorance of plaintiff's prior use, no action for, **27,** 746
user of
mark, by, **27,** 709
part of mark, whether an, **27,** 710
validity of trade mark, certificate as to, in action, **27,** 721
what amounts to, **27,** 709—713

INFRINGEMENT OF TRADE NAME,
account of profits in case of, **27,** 772
acquiescence as special defence to action for, **27,** 774
action for, procedure, **27,** 767—774
proceedings analogous to, **27,** 773, 774
acts amounting to, **27,** 767—769
addition suggestive of amalgamation, by, **27,** 754
agency, by false representation of, **27,** 757
assignment of business, effect of, as to, **27,** 756
companies, in the case of, **27,** 754, 755
injunction against directors in case of, **27,** 754, 755
comparison of names, in proceedings for, **27,** 755, 756, 764
confusion between two names, effect as to, **27,** 747, 755, 756
criminal offence, as a, **27,** 750 n.
custom of the trade, evidence of, in proceedings for, **27,** 770
damages in case of, **27,** 772
deception, evidence as to cases of, **27,** 771
defences, special, to action for, **27,** 774—777
delivery up of infringing articles, **27,** 772, 773
descriptive names, effect of trading under, **27,** 753, 754
secondary meaning, burden of proof as to, **27,** 759
evidence in action for, **13,** 509; **27,** 770—771
ex turpi causâ non oritur actio, maxim of, **27,** 774
fancy names, protection of, **27,** 754, 763
foreign trader, protection of, **27,** 748 n.
fraudulent intention, evidence of, **27,** 751
fraudulent motive, effect of, **27,** 746, 747
pleading of, necessary, **27,** 747 n.
proof of, unnecessary, **27,** 745
fraudulent trade carried on by plaintiff, effect where, **27,** 774
goods, of, **27,** 757—764
injunction to restrain, **17,** 225, 259, 271; **27,** 747, 749 n., 753, 757—764, 772, 773
confusion, proof as to, required to obtain, **27,** 747
descriptive name, plaintiff trading under, effect as to, **27,** 753, 759, 762
forms of, **27,** 751 n., 772 n.
fraudulent intention, effect of, **27,** 751
innocent, indemnity in certain cases, **27,** 774 n.
intention to produce confusion, evidence of, **27,** 751
jurisdiction of court, how exercised, **27,** 748

INFRINGEMENT OF TRADE NAME —*continued.*
labels, by, action against printer in respect of, **27,** 774
laudatory names, effect of use of, **27,** 759 n.
legal proceedings in respect of, **27,** 767, 777
locality of origin, effect of use of name of, **27,** 752, 753, 757—759
misrepresentations, defendant, by, effect of, **27,** 776
plaintiff, by, as defence to action for, **27,** 775
new description of goods, effect of, **27,** 760
non-trader not usually protected against, **27,** 748, 749
parties liable to be sued for, **27,** 768
partnership, after dissolution of, **22,** 83
personal names, *bonâ fide* use of, effect as to, **27,** 713, 749, 757
publici juris, becoming, by acquiring secondary meaning, **27,** 761, 762
place of business, name of, protected against, **27,** 755
promoters of company, action against, in respect of, **27,** 755
registration of infringing name no defence to action for, **27,** 770
relief in proceedings for, **27,** 772, 773
servant, by, liability for, **27,** 769
similarity of name, whether calculated to deceive, how decided, **27,** 770
trap orders as evidence, **27,** 771
unregistered name, effect of innocent use of, **27,** 746
user, general, by other firms, as defence to action for, **27,** 777
plaintiff, by, proof required as to, **27,** 762, 763
what amounts to, **27,** 767—769

INGRATITUDE,
statement imputing, how far defamatory, **18,** 623

INGREDIENTS. *See also* ADULTERATION.
bread, which may be used in the manufacture of, **15,** 47
Home Office meaning of, in case of explosives other than gunpowder, **14,** 359 n.

INHABITANT. *See* INHABITANTS.
common of pasture may be appurtenant to, **4,** 456
nuisance, complaint as to existence of, by, **21,** 570
occupier, household franchise, for purposes of, **12,** 163—174. *See* HOUSEHOLD FRANCHISE.
poor-rate, abolition of liability, for, **24,** 4 n.

INHABITANTS,
at large, highway repairable by, **16,** 15, 16, 82—87
common, inclosure of, when allotment made to, of, **4,** 581
when must be assented to by two-thirds **4,** 547
pasture appurtenant, of, whether may be prescribed for by, **4,** 453
pasture in gross, of, whether may be prescribed for by, **4,** 457
piscary, of, cannot be acquired by custom by, **4,** 470
soil, of the, cannot be acquired by custom by, **4,** 471
turbary, of, cannot be prescribed for by, **4,** 465
county, duties and liabilities of, transferred to county council, **19,** 371

INHABITANTS—*continued.*
gifts to, particular locality, of, as charities, **4,** 114, 115
grant, cannot take by, **4,** 477
highways, repairs to, position as regards, **16,** 15, 16, 82—87
incorporation of, Crown grant of rights, by, **8,** 315 n.
presumed from grant of *profit à prendre*, **11,** 344
royal forest, previous existence of, **4,** 476
Lammas land, right to, **4,** 477, 478
open spaces, to use for certain purposes, customary right, **21,** 579, 580
pasture, to, exclusive right of, **4,** 462
prescription does not apply to, **4,** 484
riot, damage by, must be made good by, **22,** 507
royal forest, previous existence of, as ground for presuming incorporation of, **4,** 476
village green, over, rights of, **21,** 583
writ of summons, service of, on, **23,** 116

INHABITED HOUSE DUTY.
The title INHABITED HOUSE DUTY *is contained in Vol. XVII., pp.* 181 *et seq.*
accessory buildings chargeable under, **17,** 183
administration of, **17,** 181, 182
all other offices, meaning of, in House Tax Act, 1808, **17,** 183
almshouse exempt from, when, **4,** 214
appeal, right of, in case of, **17,** 189
assessment of, **17,** 186—189
basis of, **17,** 188
commissioners controlling, **17,** 181, 182, 186, 187
method of, **17,** 187
new house, in case of, **17,** 190
passing of, **17,** 187
period of, **17,** 188; **27,** 434
poor rate, effect of, on, **17,** 188
premises liable to, **17,** 182—185
procedure subsequent to, **17,** 189
rectification of, **17,** 189
tied rent disregarded in, when, **17,** 189
unoccupied house, of, **17,** 190
assessor, duties outside metropolis of, **17,** 187
caretaker, business premises, in case of, **17,** 192, 193, 195
immunity of premises when in charge of, **17,** 189, 190
more than one, occupation by, no exemption, **17,** 195
charitable institutions exempt from, **4,** 213, 214; **17,** 191
charity school exempt from, **4,** 213; **17,** 191
coach-house valued with dwelling-house for, **17,** 183
commissioners of, **17,** 181, 182, 186, 187
Commissioners of Inland Revenue, duties of, in respect of, **9,** 219; **11,** 218; **17,** 181, 186—189
duties of, **9,** 220; **11,** 218; **17,** 186—189
Crown property exempt from, **7,** 118, 119; **17,** 191
cubicles not separate dwellings, **17,** 196
dwelling-house, what constitutes, for, **17,** 182, 183, 191, 193
exemption and abatement from, **4,** 213, 214; **17,** 183, 189—196
when medical certificate necessary for, **17,** 195

INHABITED HOUSE DUTY—*continued.*
flats, tenements etc. forming distinct properties, house let in, **17,** 184, 185
franchise, exercise of, payment necessary for, **12,** 197
full annual value, meaning of, for purposes of, **17,** 188 n.
furnished house, unoccupied, chargeable with, **17,** 182
hall chargeable to any other taxes or rates, **17,** 184
hospital exempt from, when, **4,** 213, 214; **17,** 191
house and chattels, valuation of, **17,** 189
inhabited dwelling-house, what constitutes, for purposes of, **17,** 182, 183
Inns of Court, chambers in, as to, **17,** 184
Ireland, no application to, **17,** 181
landlord deemed occupier for purposes of, when, **17,** 185
market gardens exempt from, when, **17,** 183
metropolis, gross value of house in, **17,** 187, 188
nature of, **17,** 182
new house, assessment of, **17,** 190
nursery grounds, exempt from, when, **17,** 183
occupied house, meaning of, in relation to, **17,** 189
occupier quitting during a quarter, **17,** 190
office chargeable to any other taxes or rates, **17,** 184
origin of, **17,** 181 n.
other person, meaning of, in Customs and Inland Revenue Act, 1878, **17,** 193
owner deemed occupier for purposes of, when, **17,** 185
persons liable to, **17,** 182
police, statutory powers of, as to, **17,** 187; **22,** 503
poor, houses for reception or relief of, exemption of, **4,** 213; **17,** 191
professional purposes, house occupied for, **17,** 192—195
rack rent, house let at, **17,** 189
rates at which duty is chargeable, **17,** 185, 185 n., 186
recovery of, **11,** 218; **17,** 189
school-house, certain buildings used in connection with, exemption from, **17,** 183 n.
separate dwellings, house providing, relief as to, **17,** 195, 196
servant, meaning of, in Customs and Inland Revenue Act, 1878, **17,** 193
shop attached to dwelling-house, as to, **17,** 184
shops and show-rooms chargeable, **17,** 191
sleeping accommodation, necessity of, for purposes of, **17,** 182, 183
Sovereign, private estates of, chargeable, **7,** 276, 277; **17,** 191
successive occupiers, how charged, **17,** 190
such value, meaning of, for purposes of, **17,** 188 n.
telegraphic business, premises used for, exemption of, **27,** 396, 510 n.
tenant or occupier of part of house, when payable by, **17,** 185
tenements exempt from, **17,** 186
time of payment, **17,** 188
trade, premises used for, exemptions as to, **17,** 191—195
meaning of, **17,** 192 n.; **27,** 510 n., 511 n.
universities, chambers in, as to, **17,** 184
unoccupied house, assessment of, **17,** 190
valuation, basis of, **17,** 188, 189. *See also* assessment, *supra.*
valuation list, duration of, **17,** 187, 188
warehouses, as to, **17,** 184, 191

INHERENT VICE,
bailment, in case of, loss through, **1,** 560
carrier's liability for loss occasioned by, **4,** 10, 19
goods, of, underwriter not liable for loss occasioned by, **17,** 434
ship, of, underwriter not liable for loss occasioned by, **17,** 435

INHERITANCE. *See* DESCENT.
estates of, **22,** 368; **24,** 145, 214, 263

INHIBITION,
deprivation of preferment in case of, **11,** 536
incumbent, of, for negligence, **11,** 614, 621
inferior officers, of, during episcopal visitation, **11,** 411
proceedings under Church Discipline Act, 1842, pending, **11,** 528
Public Worship Regulation Act, 1874, obedience to monition or order under, enforced by, **11,** 534
registered land, dealings with, prevented by, **24,** 321

INITIALS,
false trade description, as, **27,** 750 n.
guarantor may sign with, **15,** 471
master, of, documents produced for inspection, on, **11,** 60 n.
interrogatories, on, **11,** 107
Statute of Frauds, signature under, may be by, **7,** 376
trade mark, may be registered as, **27,** 688 n.
trade name, protection of use as, **27,** 750
will, signature in case of attesting witness, by, **28,** 554
testator, by, **7,** 376 n.; **28,** 548

INJUNCTION,
The title INJUNCTION *is contained in Vol. XVII., pp.* 197 *et seq.*
defined, **17,** 199
abatement of suit, no dissolution of order by, **17,** 299 n.
absence of party, effect of, **17,** 272, 298
abuse of process, to restrain, **17,** 267 n.
accidental escape of noxious fumes, injunction refused for, **21,** 561 n.
account, ancillary to injunction, **17,** 201
damages, not ordered in addition to, **17,** 215
delay, right lost by, **17,** 201
injunction refused where defendant undertakes to keep, **17,** 201, 222
limitation of period of, **17,** 201
mines, granted in case of, **17,** 201 n.
order for, on granting of, **13,** 68; **17,** 201
when injunction refused or stayed pending appeal, **17,** 202, 223
plaintiff's right to, on grant of perpetual injunction, **17,** 201
undertaking by defendant to keep, when required, **17,** 222, 223
acquiescence, effect of, **17,** 219—221, 248
dissolution on account of, **17,** 239 n.
ex parte application, effect on, **17,** 277 n.
interlocutory injunctions, effect as to, **17,** 219—221
mandatory injunction, effect on, **17,** 216, 248
partner, in case of, **17,** 250
refusal on account of, **17,** 210, 213, 219—221, 248
waste, in case of, **17,** 233

INJUNCTION—*continued.*
act contrary to spirit of injunction, to restrain, **17,** 294 n.
action for, **1,** 42; **17,** 272, 273
previous application to defendant unnecessary, **17,** 289; **23,** 349
actor, to restrain performance by, **17,** 246 n.
additional remedy by, under Judicature Acts, **17,** 203
administration decree, legal proceedings restrained after, **13,** 47, 48
administrator, against, **17,** 252, 253
admissions for purposes of trial at law, order to make, **17,** 223 n.
adult child, to restrain entry into parents' house by, **17,** 269
advancement, to restrain exercise of power of, **16,** 568, 569; **17,** 268, 269
advertisement of winding-up petition, to restrain, **5,** 401
advowson, institution of clerk by purchaser of, against, **17,** 217 n.
presentation to, against, **17,** 251
affidavit, entering as read, **17,** 280 n.
evidence by, **17,** 278—280
ex parte application, on, **14,** 122 n.; **17,** 277
filing of, **17** 279, 280
general denial of plaintiff's rights, effect of, **17,** 281
office copies for use of court, **17,** 280
re-swearing of, **17,** 279
service, of, **17,** 280, 283
swearing of, time for, **17,** 279
title of, before issue of writ, **17,** 273 n.
affirmative covenant or stipulation, to enforce, **1,** 251; **17,** 208, 246. *See* MANDATORY INJUNCTION.
agency, to restrain breach of contract of, **1,** 182
agent, against, **1,** 182; **17,** 217, 283; **27,** 757
breach by, of, **17,** 294
copyright, to restrain infringement of, cannot obtain, **17,** 256 n.
employer not liable for breach of order by, **17,** 294
extension of order to include, **17,** 283
foreign government, of, to restrain, **17,** 267 n.
sale, for, not granted to, **17,** 256 n.
untruly claiming to be, **27,** 757
agreement to restrain breach of, bond as security for, **3,** 90
necessary parties, **17,** 272
where illegal etc., **17,** 236
agricultural lease, to enforce provisions of, **1,** 248, 251, 252; **17,** 245
aiding and abetting breach of, punishment of stranger for, **7,** 292; **17,** 294; **22,** 224
alderman, to restrain interference with, **12,** 540 n.
alienation of property restrained by, **16,** 521; **17,** 251, 266, 267, 268, 269
alimony *pendente lite*, for protection of, **6,** 266; **16,** 521; **17,** 269
alteration of circumstances, power to bring fresh action on, **17,** 299
amalgamation of assurance companies, to restrain, **5,** 634
ambassador, not granted against foreign, **17,** 205, 267 n.
amendment on claim for, **17,** 272, 276, 279 n.
ancient lights, to restrain obstruction of, **17,** 209 n., 232 n.

INJUNCTION—*continued.*
ancillary relief, damages, on claim for, **17,** 214
grant of, by, **14,** 116 n.
animals, to restrain keeping of obnoxious, **21,** 513
animus furandi in literary property, establishment of, **17,** 256
annoyance, against, by mere stranger, cannot be granted, **17,** 208 n.
answering affidavits, interim order during time for, **17,** 276
time allowed for, **17,** 280
antecedent right, exercise of, by stranger, **17,** 294 n.
appeal, amendment not allowed for purpose of, **17,** 272 n.
assessment of damages, from, **17,** 214, 215
costs in case of, provisions as to, **17,** 290
county court, from order of, **8,** 602; **17,** 204
court of, grant and suspension by, **9,** 63; **17,** 211
effect of, **17,** 211
evidence on, **17,** 280
leave not required for, **5,** 548; **17,** 283
protection of property pending, **17,** 212, 281 n.
stay of order pending, **17,** 211, 258
time limit for, **17,** 284
appearance, application by defendant for order before, **17,** 273
ex parte order not usually granted after, **17,** 277
filing affidavits after default of, **17,** 280
granted to persons other than plaintiff, only after, **17,** 273
irregularity of notice, effect on, **17,** 276
order made in default of, **17,** 276, 280, 283
service of notice of motion before, **17,** 276
application for, **17,** 272—278
appearance, after, **17,** 273
Chancery Division, in, **17,** 272—278
change of equity not permitted on, **17,** 279 n.
concealment of facts on, **17,** 288, 297, 298
counterclaim, by, **17,** 273; **25,** 483 n., 507
Court of Chancery, in, **13,** 49
defendant, by, **17,** 273
dissolution of former order, after, **17,** 297
ex parte, **17,** 266 n., 273, 274, 276—278; **23,** 127
evidence on, **17,** 278, 279
time for, **17,** 274, 275
interest of applicant, when insufficient, **14,** 114 n.
interlocutory, mandatory grant, **17,** 223
judge in chambers, to, **23,** 127 n.
judgment, before or after, **17,** 203, 273
King's Bench Division, in, **17,** 274
matrimonial cause, in, **16,** 590, 591
misrepresentation of material facts, effect of, **17,** 297, 298
motion, by, **14,** 114 n.; **17,** 266, 273
notice of, **17,** 273—276
offer to accept pecuniary compensation, effect of, **17,** 219
parties to, **14,** 115 n.; **17,** 271, 272
petition, by, **14,** 114 n.; **17,** 266
private, when heard in, **17,** 255
prompt, should be, infringement of copyright, in case of, **17,** 257
repetition of, **17,** 297
vacation, in, **17,** 274
apprehended injury, in case of, **13,** 49 n.; **17,** 229 n., 233

INJUNCTION—*continued.*
apprenticeship, no order to enforce contract of, **17,** 72; **20,** 114; **27,** 568 n.
service, distinguished from contract of, **17,** 73 n.
appropriated literary work, to restrain publication of, **17,** 270
arbitration proceedings, to restrain, **1,** 446; **3,** 384; **17,** 262, 263
arbitrator's award equivalent to verdict of jury, **17,** 206 n.
architect, building owner not restrained from changing, **3,** 295
artistic copyright, to restrain infringement of, **8,** 188—190
assessment of damages, **17,** 214
assets, company debtor not restrained from dealing with, **17,** 229
debtor not restrained from dealing with, **17,** 268
executor's liability on loss of, **13,** 48 n.
assignee with notice of restrictive covenant, to restrain, **25,** 456
assignment of property restrained by, **17,** 266, 267
attachment to enforce, **7,** 307 n.; **8,** 577, 578; **17,** 291—294. *See* BREACH OF INJUNCTION.
Attorney-General, application by, **16,** 131; **17,** 275; **27,** 191
coal-mining regulations, in action to enforce, **20,** 602
company, in claim against public, **17,** 227, 228
duties and jurisdiction of, **17,** 228
highway authority, in action to restrain, on ground of illegal expenditure, **16,** 131
joinder of, when necessary, **16,** 239; **17,** 204 n., 228, 271; **28,** 265 n.
nuisance to highway, in action to restrain, **16,** 158
public interest protected by, **16,** 158; **17,** 234, 271; **27,** 191, 227, 228
special damage need not be proved by, **16,** 158; **17,** 228
trespass, in action to restrain, **17,** 234
trifling damage, in case of, **17,** 235
trivial nuisance, in case of, **16,** 159 n.
undertaking in damages not required from, **17,** 285
author, against, in case of breach of covenant, **17,** 240
auxiliary jurisdiction of Court of Chancery, under, **13,** 42, 47
Bank of England, to restrain dealings with stock or dividends by, **16,** 453 n.; **17,** 265, 266
banker of foreign government restrained by, **6,** 430 n.; **17,** 267 n.
bankruptcy of legal personal representative as ground for, **17,** 252
barrister, against. *See* counsel, *infra.*
basis of jurisdiction on breach of contract, **17,** 235
benefice, appointment to, restraint of, by, **17,** 226
benefit resulting from breach of contract no defence, **17,** 238
bill of exchange, to restrain action on, **17,** 236 n.
bill of lading, to protect owner of, **26,** 164 n.
bill of peace, application formerly made by, **13,** 59
bill of sale, against grantee of, **3,** 58, 65, 66; **17,** 282 n.
bishop, against, ecclesiastical benefice, in respect of, **4,** 252; **17,** 226, 227

INJUNCTION—*continued.*
bond, breach of covenant or agreement secured by, to restrain, **3,** 90
parting with, to restrain, **17,** 265
restraint of proceedings on, **13,** 48, 49
borough
council, to restrain unauthorised borrowing by, **19,** 317
fund, to restrain payment out of, **19,** 319, 320
breach of, **7,** 302 n.; **17,** 294—296. *See* BREACH OF INJUNCTION.
breach of trust, to restrain, **4,** 323; **17,** 225, 226; **28,** 155, 206
building, to restrain pulling down of, **17,** 244, 245
building contract, in case of, **3,** 248, 250, 294
contractor, against, **3,** 250
dismissal of architect, against, **3,** 294
employer, against, **3,** 248
forfeiture, against, **3,** 250
building society, arbitrator's award, in case of, not restrainable by, **3,** 384
justice's order, not restrainable by, **3,** 386
registrar's order, not restrainable by, **3,** 387
burial ground, against interference with, **3,** 409, 410
burial of stranger in parish churchyard, to restrain, **3,** 414
business, to protect goodwill of, **27,** 596 n.
bye-law, to restrain breach of, **16,** 239
calls on shares, to restrain, **5,** 289; **20,** 744 n.
care to be exercised in grant of, **17,** 200 n., 212
case, in action on the, **18,** 736 n.
casts, to protect copyright in, **8,** 208
cesser of injury before trial, effect of, **17,** 206; **21,** 562
cestui que trust may sue for, **17,** 253
chambers, when granted in, **17,** 274
Chancery, jurisdiction of Court of, **11,** 333 n.; **13,** 42, 46—51; **17,** 202, 212 n.
practice in Court of, **17,** 206 n.
Chancery Division, application for committal in, **17,** 294
filing of affidavits in, **17,** 279
interim order in, **17,** 278
practice in, **17,** 274, 294, 296
when application may be made in, **17,** 253 n., 274
change in position of parties, effect of, **17,** 211
chapel, protection of pastor or trustees of, **17,** 254
restraint of person claiming to be pastor of, **17,** 254
charging order, operation of, as, **14,** 108
charitable trust, to restrain breach of, **4,** 254, 323
charity lands, to restrain improvident mortgage of, **4,** 234
charter of incorporation, to restrain forfeiture of, **17,** 226
charterparty, to restrain use of ship inconsistent with, **17,** 247, 251; **26,** 84 n.
chattels, enforcement of contract for sale of, **17,** 242
restraint of sale of, **17,** 267, 268
cheque, to restrain payment of, **1,** 607, 608
child, to restrain parent from interfering with, **17,** 269
church, to restrain unauthorised alteration in, **11,** 548
church bells, to restrain ringing of, **17,** 240

INJUNCTION—*continued.*
churchwarden, to restrain interference with minister by, **4,** 252 n.
churchyard, to restrain unauthorised alteration or interference with, **3,** 410, 411; **11,** 548; **17,** 270
circulars, to restrain issue of misleading, **17,** 260 n.
claim of right to continue act, effect of, **17,** 209, 233, 238, 271; **21,** 560, 561
clean hands, applicant must come with, **17,** 247
club, improper expulsion from, to restrain, **4,** 417
jurisdiction in case of, **17,** 231
coal mine, to restrain improper working of, **17,** 240; **20,** 602
co-executor, against, **17,** 253
co-trustee, to restrain breach of trust by, **4,** 323; **17,** 253
collateral purpose, to restrain acquisition of land for, **6,** 24
colourable imitation, to restrain, **8,** 165
comfort, nuisance interfering with. *See* health and comfort, *infra.*
Commissioners of Sewers, granted to or against, **25,** 788
commissioners with statutory powers, to restrain sale by, **17,** 267 n.
committal for breach of, application for, **7,** 297, 298, 307 n., 312; **8,** 577, 578; **17,** 291, 294—296. *See* BREACH OF INJUNCTION.
common law, jurisdiction of courts of, **1,** 42; **11,** 333 n.; **13,** 51; **17,** 202; **18,** 733 n.
commoner, to restrain interference with rights of, **4,** 516
commons, county court jurisdiction as to, **8,** 644, 656
company, against, **17,** 224—230; **27,** 191. *See* COMPANIES.
to restrain proceedings against, **17,** 262
compensation as substitute for, **13,** 49, 50; **17,** 213, 214, 219, 236. *See* damages in lieu of, *infra.*
competing business, to restrain partner from carrying on, **22,** 83
compromise on working out decree for account, **17,** 201 n.
compulsory purchase of land, to restrain proceedings on, **6,** 63, 74, 76, 97, 101; **17,** 234, 235
concealment of facts as ground for dissolution of, **17,** 297, 298
concession by foreign Sovereign, in case of, **17,** 205
concurrent jurisdiction of Court of Chancery, under, **13,** 48
conditions for grant of, **13,** 47—51; **17,** 206—224
distress, in case of order to restrain, **11,** 208
conduct, applicant, of, taken into consideration, **17,** 219, 247—249; **27,** 468 n., 772 n.
defendant, of, justifying grant, **17,** 209, 210
proceedings, of, to whom given, **17,** 273 n.
confidence, breach of, unpublished writings, in case of, **17,** 257
confidential information, to restrain disclosure of, **2,** 394; **17,** 254, 255; **26,** 735
congregation, rights of members of religious, **11,** 814 n.
consent, by, when irrevocable, **17,** 298
contempt of court, advertisment of injunction, by, **23,** 223
breach of injunction, by, **15,** 145; **17,** 292
evasion of order treated as, **17,** 254

INJUNCTION—*continued.*
contempt of court—*continued.*
order to restrain, **7,** 287 n., 308; **15,** 145; **17,** 270
trustees of friendly society, by, **15,** 145
continuance of injury after payment of compensation, **17,** 236 n.
continuing nuisance, to restrain, **17,** 232
contract, in case of breach of, **7,** 441; **17,** 203, 235—249, 250—252, 257, 265—268, 293, 294; **20,** 114
contractor, to restrain continuance of work by, **3,** 250
contractual rights protected by Court of Chancery, **13,** 49, 50; **17,** 235—249
convenience, granted or refused on balance of, **17,** 249, 258, 264 n.
negative covenant, not considered in case of, **17,** 208
conversion, to restrain wrongful acts of, **27,** 918 n.
conviction for breach of bye-law, jurisdiction not affected by previous, **16,** 240
copyright, to restrain infringement of, **8,** 165; **13,** 49, 50; **17,** 255—257. *See* INFRINGEMENT OF COPYRIGHT.
corporation, order against, **17,** 224—230, 245
remedy for breach of order by, **17,** 292
undertaking in damages by, **17,** 285
corporation sole, against, jurisdiction in respect to, **17,** 226, 227
costs, abandoned motion, of, **17,** 290
action, of, when disposed of by motion, **17,** 290
appeal, what order may be made on, **17,** 290
Chancery Division, in, **17,** 287
committal, of motion for, **17,** 294—296
county court, in, **8,** 592
discretion of court as to, **17,** 281 n., 287, 288, 289 n., 291
dismissal of application, on, **17,** 287
ex parte application, of, **17,** 288
extra, liability for, **17,** 289
hardship, in case of, **17,** 288
High Court scale, on, **17,** 291 n.
higher scale, taxation on, **17,** 291
infant may be ordered to pay, **1,** 21 n.; **22,** 20
irregular award of, **17,** 283
jurisdiction to grant, **17,** 287—291
motion, of, **17,** 276, 287, 288, 290
payment of, **17,** 290
offer of satisfaction, after rejection of, **17,** 289, 290
order for detention, inspection, or preservation of property, of, **17,** 281 n.
partial failure of application, in case of, **17,** 288
public authority, in action against, **17,** 291 **23,** 349
reservation of, **17,** 287, 288
solicitor and client, as between, **17,** 291
taxation of, **17,** 288
unfounded allegations, of, **17,** 289
when not given, **17,** 288
counsel, disclosure of confidential secrets by, to prevent, **2,** 394
excess of authority by, **17,** 299 n.
undertaking in damages given by, **5,** 326 **17,** 285
counterclaim, may be obtained by, **25,** 483 n., 507
when necessary, **17,** 273
county court, action, in, **8,** 433, 504; **17,** 204
appeal from, **8,** 602; **17,** 204

INJUNCTION—*continued*
county court—*continued.*
application for order in, **8,** 504, 533
attachment for disobedience, **8,** 577
commons, jurisdiction in respect of, **8,** 644
costs in, **8,** 592
enforcement of order in, **8,** 433, 577
High Court, no jurisdiction to restrain cause or matter pending in, **8,** 433
judgment of, may be included in, **8,** 533
jurisdiction of, **8,** 433; **17,** 204
proceedings in, to restrain, **17,** 261
service of summons or notice outside England and Wales, **8,** 477
terms may be imposed by, **8,** 504
Court of Appeal, jurisdiction of, as to, **9,** 63; **17,** 211
courts, no interference with other, but with defendant only, **13,** 47 n.
covenant, to restrain breach of, **10,** 496; **17,** 235—249; **18,** 515—519. *See* BREACH OF COVENANT.
creditor not entitled to, to restrain acts *ultra vires* a company, **5,** 222
criminal
acts when restrained by, **13,** 49 n.; **17,** 205; **27,** 648
proceedings not restrained by, **17,** 262
cross-action necessary, when, **17,** 273
cross-examination of witnesses, application for, **17,** 278, 297
curate improperly elected, to restrain, **17,** 254 n.
custom of the country, to restrain breach of, **1,** 251; **17,** 245
damage, amount immaterial, when, **17,** 208
defamatory statement, caused by, **17,** 260
grant in absence of, **17,** 206, 238, 260; **21,** 553 n.; **27,** 677 n., 681; **28,** 435 n., 436
inappreciable, on breach of contract, **17,** 239
pollution of water, in case of, **28,** 435 n.
slight, nuisance, in case of, **17,** 232; **28,** 435 n.
special, when necessary to show, **16,** 158, 159; **17,** 228, 229, 234, 271; **18,** 737; **27,** 191
substantial, in case of, **21,** 560
damages, effect of recovery of nominal or small, **17,** 207; **27,** 581 n.
inquiry as to, **17,** 286
order refused where proper remedy is in, **17,** 207
damages in addition to, easement, on disturbance to, **11,** 333
injury past and future, in case of, **17,** 214; **18,** 500
jurisdiction to award, **13,** 51; **17,** 212 n.
relief obtained before hearing, effect of, **17,** 214
damages in lieu of, **13,** 50 n.; **17,** 212—215
acquiescence as affecting, **17,** 213
beneficial result from injury as affecting, **17,** 213
breach of contract, in case of, **17,** 235
continuance of wrongful act, in case of, **17,** 213
damage, effect of smallness of, **17,** 213
delay as ground for awarding, **16,** 159
discretionary power to grant, **11,** 333 n.; **13,** 50 n., 51; **17,** 212
extent of, **17,** 214
knowledge of wrongdoer as affecting, **17,** 213
lessee, against, for waste, **18,** 500
money payment, where adequate compensation by, **17,** 207
nuisance, in case of continuing, **17,** 213

INJUNCTION—*continued.*
damages in lieu of—*continued.*
pollution of water, in case of, **28,** 436
principles of granting, **13,** 51 n.; **17,** 212, 213 n., 214
sewage, in case of pollution by, **28,** 437
threatened injury, in case of, **13,** 51 n.; **17,** 213; **27,** 490, 491
tortious act, in case of, **27,** 490, 491
date should appear in order for, bill of sale, in case of, **17,** 282 n.
debenture holders, to protect floating charge of, **5,** 349, 350
debtor not restrained from parting with property, **17,** 229, 268
deceptive name, to restrain company from using, **5,** 85, 86; **17,** 225
declaration of right in lieu of, **17,** 208, 209; **21,** 562
decree, to restrain violation of, **17,** 273
defamation, to restrain, **18,** 733—737
default, appearance by defendant, of, **17,** 283
filing of affidavits, in, **17,** 297
defaulting promoters, to restrain continuance in possession by, **6,** 101
defendants in claim for, who should be, **17,** 271, 272
delay, application for order, in making, **8,** 166; **13,** 169; **16,** 159; **17,** 248
drawing up of order, in, **17,** 283 n.
waste, in applying to restrain, **17,** 233
denial of intention to commit offence, effect of, **17,** 209
derivative title, against person claiming under, **17,** 272
design, to restrain infringement of, **27,** 742
detention of subject-matter of action, order for, **17,** 281, 282
directors, breach of trust by, to restrain, **5,** 227
disputes between, to restrain, **5,** 251
exclusion of co-director by, to restrain, **17,** 229 n.
management of, when not restrained, **5,** 289, 290
sale of property of association, to restrain, **17,** 267
discharge of, **17,** 266, 283, 296—299
dismissal of action, by, **17,** 299
grounds for, **17,** 297, 298
motion for, **17,** 296, 297
summons for, **17,** 297
discontinuance of offence, effect of, **17,** 233
discretion of court, arbitrary, is not, **17,** 203
Attorney-General, on application by, **17,** 228; **27,** 191
cesser of injury, in case of, **17,** 206
damages, to grant, **11,** 333 n.; **17,** 246 n.
evidence, as to, **17,** 281
negative covenant, in case of express, **17,** 238
order, to make, **11,** 333 n.; **27,** 191
dismissal of action for, prior order discharged by, **17,** 299
dismissed agent, to restrain interference by, **4,** 254 n.
disposition of property, to restrain, **17,** 266, 267
disputed legal right, in case of, **17,** 206 n.
Dissenting minister restrained from officiating, **4,** 254; **11,** 815
dissolution of, **17,** 277, 296—299; **28,** 437
dismissal of action, by, **17,** 299

INJUNCTION—*continued.*
dissolution of—*continued.*
grounds for, **17,** 297, 298
motion for, **17,** 296, 297
summons for, **17,** 297
distress, in case of wrongful, **11,** 208
distringas, after notice in lieu of, **14,** 114 n., 115
disturbance of occupation of house, to restrain, **17,** 270
dividends, to restrain payment of, **5,** 275, 277; **17,** 265, 266
Divorce Court, when granted by, **16,** 546, 590, 591
documents, to restrain parting with or refusing access to, **17,** 268
doubtful legal right, protection of, **17,** 201, 218
drainage of running silt restrained by, **15,** 359 n.
drains, to restrain nuisance from unauthorised connection of, **25,** 763. *See* sewer, *infra.*
drawings, to protect copyright in, **8,** 198, 199
dung, to restrain farm tenant from removing, **17,** 245 n.
duration of, **17,** 200
limited right, in case of, **17,** 282
early use of, **13,** 5, 46, 47
easement, to restrain obstruction or disturbance of, **11,** 250, 297, 333—335; **13,** 49, 50
ecclesiastical
corporation, to restrain visitorial powers in case of, **17,** 226, 227
offence, in case of, **11,** 548; **17,** 227
patronage, in case of disputed, **11,** 586; **17,** 226
ejectment against receiver formerly restrained by, **24,** 379
elections, jurisdiction in respect of, **12,** 540; **18,** 737
electric energy, to enforce contract to take, **17,** 244
electricity, to restrain wrongful discontinuance of, supply of, **12,** 592
eleemosynary corporation, jurisdiction in case of, **17,** 226
emergency, *ex parte* order made in case of, **17,** 282; **24,** 346
employee, to restrain disclosure of confidential information by, **17,** 255
employer, breach of contract by, **20,** 114
disclosure of agent's affairs by, **17,** 255 n.
encroachment by sea, to protect land against, **28,** 382
enforcement of, **7,** 307 n., 311—315; **14,** 6, 7; **17,** 199 n., 292—296; **27,** 580 n. *See* BREACH OF INJUNCTION.
engineer under building contract, to restrain dismissal or interference with, **3,** 294
engravings, to protect copyright in, **8,** 204
entry, not barred by landlord's right of, **17,** 240
equitable
execution, in aid of, **14,** 118, 119 n., 120 n., 122 n., 123 n., 125
jurisdiction to grant, **11,** 333 n.; **13,** 46, 47
mortgagee, for protection of, **17,** 252
rules and principles, application of, **17,** 236
waste, to restrain, **13,** 49; **17,** 233; **25,** 604, 606
equity, partner seeking relief must do, **17,** 250
erection of building, to restrain, **17,** 232 n.
evasion of, by appointment of new trustees, **15,** 145; **17,** 254

INJUNCTION—*continued.*
evidence, affidavit, by, **17,** 278—280, 283
appearance, of, on *ex parte* application, **17** 277 n.
conflict of, expert's report in case of, **17,** 281
ex parte application, on, **17,** 278, 279
judge's inspection of property must be supported by, **17,** 281 n.
judicial notice of former proceedings, **17,** 280
motion, after opening of, **17,** 280
nuisance, of, **21,** 562
provision for, after giving short notice, **17,** 276
secretary of company, against, **17,** 272
summary proceedings, in case of, **17,** 265, 266
ex parte
application for. *See* application, *supra.*
order for, **17,** 273—279
discharge of, without notice, **17,** 297 n.
excavation on defendant's land, leave to make, **17,** 282
exclusive right to sell goods, protection of, **17,** 245
executor, against, administration of assets, in respect of, **14,** 118 n., 140; **17,** 252, 253
testator, for acts of, **17,** 253
executor *de son tort* restrained from parting with assets, **17,** 252 n.
executory contract, when not granted to enforce, **17,** 246, 247
expert evidence, admission of, **17,** 281
extension of order to include persons other than defendant, **17,** 282, 283
extensive terms, order may be granted in, **17,** 282
fair, to restrain disturbance of, **20,** 43
family name, no restriction on use of, **17,** 271
farming of land, to restrain improper, **1,** 251; **17,** 245
fiduciary relation between parties as ground for, **17,** 268
filing, affidavits, of, **17,** 279, 280, 297
service by, **17,** 276
final order for, in case of libel, **18,** 735 n.
financial position of friendly society, to prevent inaccurate statements as to, **15,** 175; **18,** 735 n.
fire insurance moneys, to restrain payment of, **17,** 543
first refusal of property, to enforce contract to give, **17,** 244
fixtures, to restrain removal of, **17,** 244
foreign
administrator, to restrain transmission of assets to, **17,** 252 n.
attachment on goods, to restrain, **17,** 264 n.
court, to restrain proceedings in, **5,** 540; **6,** 291, 298—301; **13,** 48; **17,** 263—265; **23,** 156 n.
Government or Sovereign, no relief against, **17,** 205, 267 n.
immovables, in respect of, **6,** 200—205
Sovereign, relief granted to, **17,** 205
trade name, to protect, **5,** 85, 86
foreigner, against, **17,** 263—265
forfeiture of shares, to restrain, **17,** 230 n., 268; **20,** 744 n.
form of, design, in case of infringement of, **27,** 742 n.
misapplication of trade union funds, in case of, **27,** 620 n.
negative order in Chancery, **13,** 47; **17,** 199
passing off cases, in case of, **27,** 772 n.

INJUNCTION—*continued.*
form of—*continued.*
pollution by sewage, in case of, **28,** 436, 437
trade name, in case of infringement of, **17,** 271; **27,** 751 n.
four day order to enforce, **14,** 7
fraud, acquiescence amounting to, **17,** 210
no limitation of account in case of, **17,** 201 n.
undertaking in damages not required in case of, **17,** 284 n.
fraudulent settlement, to restrain exercise of power under, **15,** 90
fresh evidence after opening of motion, prohibition of, **17,** 280
friendly society, against, conversion into limited company, after, **15,** 194
disputes, decision as to, no restraint by, **15,** 178
funds, society, to restrain dealings with, **15,** 138, 145
illegal distribution of funds, to restrain, **15,** 126 n.
improvident rules, to restrain acts under, **15,** 138
wrongful expulsion of member, to restrain, **15,** 157
furniture, to restrain removal of, **20,** 744 n.
further order, until, meaning of, **17,** 278
fusion of law and equity, effect of, **13,** 47
futile, where specific performance would be, **17,** 242 n.
future acts or damage, to prevent, **17,** 209
gambling transaction, in case of arbitration regarding, **17,** 263
gas
company's dividend, against payment above standard rate of, **15,** 372 n.
pipes, against laying of, **15,** 307
undertakers, against, **15,** 307, 359 n.
general
claim for relief, effect of, **13,** 49
complaint without proof of specific injury, insufficiency of, **17,** 279; **21,** 562
denial of plaintiff's case, insufficiency of, **17,** 281
gipsies, to restrain nuisance caused by, **21,** 537 n.
goods, to restrain trespass to, **27,** 869
goodwill of partnership, to protect, **17,** 249, 250; **22,** 83
governing body of church or chapel, to restrain, **17,** 254
Government annuity, to restrain payment of, **17,** 266 n.
Government department, to restrain ministerial act of, **17,** 205
grant of, conditions may be imposed on, **17,** 202, 204
damages, not barred by right to recover, **17,** 207
date of operation of, **17,** 292
dissolution of former order, on, **17,** 297
grounds for, **11,** 334; **17,** 207, 235
irregularity in, effect of, **17,** 293
judgment or order, by, **17,** 199 n.
legal right must have been previously established, **13,** 50; **17,** 206
master, by, **14,** 122 n.
motion before trial, on, **17,** 206, 207
time for, **17,** 273, 274, 277
guarantor of infant articled clerk, to protect, **27,** 568 n.

INJUNCTION—*continued.*
guardian restrained from permitting infant to marry ward of court, **17,** 269
hardship, costs in case of, **17,** 288
refusal of order in case of, **17,** 201, 208
hay, to restrain farm tenant from carrying away, **1,** 251; **17,** 245 n.
health and comfort, nuisance interfering with, restrained by, **21,** 530—534
health, to prevent danger to, **21,** 561
hearing of action, motion standing over to, **17,** 287
reservation of costs until, **17,** 288
High Court of Justice, practice in, **13,** 50
highway
authority, to restrain improper expenditure by, **16,** 131
nuisance, to restrain, **16,** 158, 159
hospital for infectious diseases, to restrain erection of, **21,** 561
house, no monopoly in name of, **17,** 271
husband, against, advancement, to restrain exercise of power of, **16,** 568, 569
alimony, to secure payment of, **6,** 266; **16,** 521; **17,** 269
breach of separation contract, to restrain, **16,** 451 n.
molestation of wife, to restrain, **16,** 591; **17,** 268 n.
protection of wife's property, for, **16,** 459; **17,** 268, 269
illegal acts, to restrain, **17,** 205, 228 n.
immediate grant of, county court, in, **8,** 504
infringement of copyright, to restrain, **8,** 166
waste or nuisance, in case of, **13,** 50 n.
immoral literature not protected by, **17,** 256
immovables, contractual rights relating to foreign, when not protected, **17,** 204 n.
implied
contract of service, to restrain breach of, **17,** 73
negative covenant, in case of, **13,** 50; **17,** 235, 243—247
undertaking by farm tenant, in case of, **1,** 251
in personam, court acts, **17,** 204
inability to comply with, effect of, **17,** 208
inadequacy of damages as ground for, easement, in case of, **11,** 334; **13,** 49, 50
irreparable injury, in case of, **13,** 49, 50; **17,** 219
mandatory injunction may be granted in case of, **17,** 215
nature of injury considered, **17,** 207, 208
past injury, in case of, **17,** 214
subsidence from mining operations, in case of, **20,** 582
inappreciable damage, not granted in case of, **17,** 208, 234, 235, 239
inconvenience is no ground for granting, **17,** 208
incumbent, against, felling of trees, to restrain, **3,** 409
working of minerals, to restrain, **20,** 520
indirect enforcement of positive contract by, **13,** 50; **17,** 245
indorsement of, on title deeds, **17,** 214 n.
induction to benefice, to restrain, **4,** 252; **11,** 586, 603 n.
infancy no bar to relief by, **17,** 253
infant, against, **1,** 21; **17,** 143
contract of service, to enforce, **27,** 568 n.
enforcement of contract in restraint of trade by, **17,** 241 n.; **27,** 568 n.

INJUNCTION—*continued.*
infant—*continued.*
false statement by, to restrain, **22,** 20
sale of furniture under void lease, to restrain, **17,** 267 n.
inferior courts, to restrain proceedings in, **10,** 154; **17,** 261, 262; **23,** 156 n.
infringement of rights, to restrain, **13,** 47, 49; **17,** 200
injury as well as damage necessary to justify grant of, **17,** 208
inquiry as to damages, application for, **17,** 286
insolvency of executor or administrator as ground for, **17,** 252
inspection of subject-matter, jurisdiction to order or make, **17,** 281, 282
order for costs of, **23,** 178 n.
instigation of third party, action taken by, **17,** 207, 230 n.
institution to benefice restrained by, **11,** 586; **17,** 217 n., 226
intention to commit act complained of, effect of, **17,** 209, 210, 218, 255 n.
interim orders in nature of, **17,** 277, 278. *See* INTERIM INJUNCTION.
interlocutory, **17,** 217—224. *See* INTERLOCUTORY INJUNCTION.
interpleader, to compel recourse to, **13,** 48 n.
irregular order for, must be obeyed, **17,** 293
irregularity, committal, in proceedings for, **17,** 295
discharge of order obtained by, **17,** 283, 293, 298
form of order, in, **17,** 282
short notice, of leave to serve, **17,** 275
irreparable injury, meaning of term, **17,** 219
prevention of, **13,** 47, 49, 50; **17,** 218, 219
joinder of claim for possession of land, **17,** 201
joint action of several persons, to restrain nuisance caused by, **21,** 558
judgment at law, grounds for interference with, **13,** 48
oppressive enforcement of, **13,** 42, 47
receipt for debt found after, **13,** 48
Judicature Acts, operation of, **11,** 333 n.; **13,** 64; **17,** 202, 203; **18,** 734 n.; **22,** 80 n.
jurisdiction, breach of covenant, to restrain, **17,** 235
Bristol Tolzey Court, of, **14,** 129
concurrent, **17,** 202
contract or proprietary rights, grounded on, **13,** 49 n.
county court, of, **8,** 433; **17,** 204
Court of Appeal, of, **9,** 63; **17,** 211
Court of Chancery, of, **11,** 333 n.; **13,** 42, 46—51; **17,** 202, 212 n.
criminal proceedings, in, **17,** 262
discretionary, is eminently, **17,** 246 n.
elections, in case of, **12,** 540
enlargement of, by Judicature Acts, **17,** 212 n.; **18,** 734 n.
equity, in, when auxiliary, concurrent, or exclusive, **13,** 47
foreign immovables, in matters relating to, **6,** 200—205
foreigner, in respect of, **17,** 264, 265
fraud, in case of, **17,** 262
generally, **17,** 202—205
High Court of Justice, of, **11,** 333 n.; **13,** 50, 51; **17,** 202
INJUNCTION—*continued.*
jurisdiction—*continued.*
infringement of copyright, in case of, **17,** 255, 257
Judicature Acts, how affected by, **13,** 51; **17,** 203; **18,** 734 n.
libel, to restrain publication of, **18,** 733
Liverpool Court of Passage, of, **14,** 128, 129
locality as affecting, **17,** 204
master of High Court, of, **17,** 274 n., 275; **23,** 128
equitable execution, in aid of, **14,** 122 n.
mortgage, in case of, **17,** 251
origin and extent of, **17,** 202 n.
original, **17,** 202
property, does not depend on existence of, **17,** 202
Railway and Canal Commissioners, of, **23,** 761
Salford Hundred Court, of, **14,** 129
slander, to restrain, **18,** 734
trade mark, to restrain infringement of, **17,** 259
trespass on foreign immovables, non-existent in case of, **6,** 201
trustees, in case of, **17,** 253
unpublished writings, in case of, **17,** 257
Vice-Chancellor of County Palatine, of, **17,** 261 n.
wrongful act, to restrain repetition or continuance of, **17,** 203
just or convenient, elections, in case of, **12,** 540
jurisdiction to grant when, **11,** 333 n.; **13,** 51; **17,** 202, 203
matrimonial suits, in, **16,** 590, 591
meaning of phrase, **17,** 203
partnership, in case of, **22,** 80
kinds of, **17,** 199, 200
King's Bench Division, enforcement of order in, **17,** 295
filing of affidavits in, **17,** 280
practice in, **17,** 274, 295, 297
laches, contractual and other rights distinguished, **17,** 248 n.
effect of, **13,** 169; **17,** 293
Lancaster, to restrain proceedings in Chancery Court of, **17,** 261
land, does not run with, **17,** 200
landlord, against, assets of deceased tenant, to protect, **17,** 253 n.
distress, to restrain, **11,** 208
sporting rights, in respect of, **17,** 244 n., 245 n.
Lands Clauses Acts, no order to restrain assessment of compensation under, **6,** 76
language of order should be plain, **17,** 282
law, principles of, are followed in case of legal rights, **13,** 50
restraint of proceedings at, **13,** 47, 48; **17,** 261; **23,** 156 n.
abolition of, **13,** 63; **17,** 261
lease, to restrain breach of covenant in, **17,** 239, 240, 244, 245; **18,** 515, 590
leave of court, amendment of claim, for, **17,** 276
appeal from interlocutory order or judgment, not necessary for, **17,** 283; **23,** 193 n.
ex parte order, in case of, **17,** 280
notice of motion, should appear on face of, **17,** 276
service out of jurisdiction, for, **17,** 275; **23,** 120 n.
short notice of motion, for, **17,** 275
legacy, to restrain payment of, **17,** 269 n.

INJUNCTION—*continued.*
legal
claims, to assist prosecution of, **13,** 47
proceedings, restraint of, **13,** 47, 48; **17,** 261—265; **23,** 156 n.
right, to restrain infringement of, **11,** 333 n.; **17,** 203, 206, 208, 209
title, when unnecessary to establish, **13,** 50
letters, to restrain opening or receipt of, **17,** 269, 270
libel, business, trade, or profession, affecting, **17,** 260; **18,** 632 n., 733 n.
Court of Chancery did not restrain, **13,** 49 n.
injury to property by, **27,** 681 n.
jurisdiction to restrain publication of, **13,** 49 n.; **17,** 260, 261; **18,** 733—737
liberty to apply, absent party, granted to, **17,** 298
building operations, in case of, **17,** 232 n.
declaratory order, on grant of, **17,** 208
premature application, not granted in case of, **17,** 282 n.
simultaneous applications under, **17,** 278
suspension of order, in case of, **17,** 211
lien, to enforce, attempted sale, in case of, **17,** 267 n.
light, against interference with right of, **13,** 50; **17,** 213 n.
future use of premises considered on application, **17,** 209 n.
limitation, effect of statutes of, **13,** 168, 169
liquidated damages, effect of provision for payment of, **17,** 236, 237; **27,** 580, 581
liquidator of company, undertaking in damages by, **17,** 285
literary copyright, to restrain infringement of, **8,** 165—167; **17,** 255—257. *See* INFRINGEMENT OF COPYRIGHT.
lithograph, to protect copyright in, **8,** 204
Liverpool Court of Passage, to restrain proceedings in, **17,** 261
lunatic, against, **19,** 466
partnership firm, as member of, **22,** 82
mails, to enforce carriage of, **4,** 71; **22,** 654 n.
maintenance of wife, to secure, **16,** 521, 568; **17,** 268, 269
majority of chapel trustees may obtain, **17,** 254
mandatory, **13,** 47; **17,** 215—217. *See* MANDATORY INJUNCTION.
manure, to restrain farm tenant from carrying away, **1,** 251; **17,** 245 n.
marital right of *consortium* not restrained by, **16,** 460
market, to restrain disturbance of, **20,** 43
marriage of ward of court, to restrain, **17,** 148, 269
married woman, application by, **16,** 453 n.
breach of separation contract by, **16,** 451 n.
parting with property by, **14,** 120 n.; **17,** 268 n.
undertaking in damages by, **14,** 114 n.; **16,** 455, 460; **17,** 285
matrimonial suit, in, molestation of spouse, to restrain, **16,** 591
proceedings in foreign country not restrained, **16,** 591; **17,** 264
property, to restrain parting with, **16,** 521
Mayor's Court, London, to restrain proceedings in, **17,** 261
meliorating waste not restrained by, **18,** 497
member of company, to protect, **17,** 229, 230
memorandum to be indorsed on order, **7,** 311; **14,** 6 n.; **17,** 283; **18,** 207, 208

INJUNCTION—*continued.*
mines, future working of, **20,** 538
prompt application to stay waste in case of, **17,** 233
support, to restrain interference with, **20,** 532, 533, 582, 583
mining easement, in respect of, **20,** 587
minister of church or chapel, to restrain dismissal or election of, **4,** 254; **17,** 254; **11,** 815
misconduct of applicant, effect of, **17,** 248
misfeasance of local authority, to restrain, **28,** 437
misrepresentation, relief on account of, **20,** 744
technical breach of order by correcting, **17,** 293
mistake, consent to order, in giving, **17,** 298 n.
statement of title, in, effect on costs, **17,** 289
models, to protect copyright in, **8,** 208
molestation of husband or wife, to prevent, **16,** 591
mortgage, charity lands, of, to restrain, **4,** 234
enforcement of collateral term of, **17,** 252
tenant for life restrained from granting, **17,** 267 n.
mortgaged property, for protection of, **17,** 251; **21,** 168
mortgagee, against, charterers of ship, to protect, **17,** 251
fraud, in case of, **17,** 267 n.
power of sale, to restrain improper exercise of, **17,** 251: **21,** 253
presentation to benefice, to restrain, **17,** 251
waste, to restrain, **21,** 204
mortgagor, against, possession, to prevent interference with, **17,** 251
waste, to restrain, **17,** 251; **21,** 160
motion for, **14,** 114 n.; **17,** 266, 273—278; **23,** 188
costs of, **17,** 276, 287, 288
ex parte, **17,** 273, 276—278
notice of, **17,** 273—276, 289, 296
practice as to, **17,** 223, 266, 273, 278
motive of applicant, consideration of, **17,** 207, 230 n., 253; **21,** 562
multiplicity of suits, to avoid, **13,** 47, 49; **17,** 208
municipal corporation, against, **8,** 364; **17,** 225; **19,** 319
musical composition, to restrain infringement of, **8,** 187, 188
mutual covenants, in case of, **17,** 247; **27,** 581
name, to restrain use of, **17,** 209 n., 225, 271; **18,** 734 n.; **22,** 83; **23,** 219
negative
contract or stipulation, to enforce, **13,** 49, 50; **17,** 208, 235; **20,** 114; **27,** 3
covenant, to enforce, **13,** 51 n.; **17,** 208, 235, 238—247
easement by restraining breach of restrictive agreement, **13,** 51
negotiable instruments, to restrain dealings with, **2,** 500; **17,** 266
new company, order against predecessors not binding on, **5,** 591; **17,** 294 n.
new trustees, order against predecessors is binding on, **15,** 145; **17,** 254
noise, to restrain nuisance of, **21,** 531, 532 n.
nominal
claim for, service out of jurisdiction, to obtain, **23,** 120 n.
damages, effect of recovery of, **17,** 207
right to recover, **21,** 559 n.
notice of application for, **17,** 266 n., 273—276
contents of, **17,** 276

INJUNCTION—*continued.*
notice of application for—*continued.*
irregularity in, effect of, **17,** 283
length of, **17,** 275
service of, **17,** 275, 276
title of, **17,** 275
nuisance, to restrain, **17,** 210 n., 232, 245 n., 281; **21,** 560—562. *See* NUISANCE.
object of grant of, **13,** 47; **17,** 200, 212 n.
observance of terms of, what constitutes, **17,** 292, 293
obstruction, to restrain, access to premises, in case of, **21,** 562
easement, in case of, **11,** 333—335
induction of incumbent, in case of, **11,** 603 n.
light, in case of, **17,** 215 n.
right of way, in case of, **11,** 297; **20,** 587
occasional nuisance, in case of, **17,** 232
offer of satisfaction by wrongdoer, effect of, **17,** 209, 289
omnibuses, to restrain running of, **17,** 227 n.
operation of, drawing up of order not essential to, **17,** 292
oppressive, not granted where order would be, **17,** 208
order for, form of, **17,** 282, 283; **27,** 451 n.
limited right, for protection of, **17,** 282
notice of, **17,** 283, 292
service of, **17,** 283, 292 n.; **18,** 207, 208
terms of, should be specific, **17,** 282; **27,** 580 n.
overhanging trees, to restrain damage by, **3,** 126
paintings, to protect copyright in, **8,** 198, 199
parent, against, interference with child, to restrain, **17,** 269
marriage of ward of court, to restrain, **17,** 148
Parliament, to restrain application to, **17,** 205
parliamentary candidate, to restrain defamation of, **12,** 540; **18,** 737
part performance of contract, effect of, **17,** 247 n.
partner, against, **17,** 249, 250; **22,** 80—84. *See* PARTNER.
partnership, in case of, **17,** 249, 250; **22,** 80—84. *See* PARTNERSHIP.
passing off of goods, to restrain, **8,** 165; **17,** 259; **27,** 772, 773
past injury, not granted in case of, **4,** 574; **17,** 258; **20,** 583
pastor improperly dismissed, protection of, **17,** 254
patent, to restrain infringement of, **13,** 49, 50; **17,** 258, 259; **22,** 216, 224
interlocutory, evidence necessary on application for, **22,** 220
procedure to obtain, **17,** 258; **22,** 219
threats of proceedings, to restrain, **17,** 258, 259; **22,** 227
patented articles, to restrain improper use of, **11,** 132 n.
pauper, against, trespass, in case of, **17,** 207 n.
payment of undefined sum in matrimonial cause not enforced by, **16,** 591
penalty for breach of covenant, effect of provision for, **3,** 90; **10,** 495, 496; **17,** 236, 237; **27,** 16 n., 580
pending proceedings, to restrain circulars or notices relating to, **17,** 270
performing rights in dramatic piece, against infringement of, **8,** 185, 186
periodical publication, in case of, **17,** 256
perpetual, account ordered on grant of, **17,** 201
acquiescence as affecting grant of, **17,** 210

INJUNCTION—*continued.*
perpetual—*continued.*
alternative remedy in plaintiff's power, effect of, **17,** 208
appeal, effect of, **17,** 211, 258
application for interlocutory order unnecessary to grant of, **17,** 206
apprehended violation of legal right, in case of, **17,** 209
cesser of injury, after, **17,** 206
Chancery, powers of Court of, **17,** 206 n.
damage not necessary for grant of, **17,** 207
grant of, requisites for, **17,** 206—224
inadequate remedy, where damages would be, **17,** 207
legal right must be proved before grant of, **13,** 50; **17,** 206
limited duration of right, effect of, **17,** 282
motion before trial, granted by consent on, **17,** 206, 207
object of, **17,** 200
third parties, consideration of position and rights of, **17,** 207
violation of legal right must be shown before grant of, **17,** 208
personal
order, is, **17,** 200
service not enforced by, **17,** 242, 243, 246; **27,** 557 n.
persons liable to be restrained by, **17,** 224—231
petition to restrain transfer of stock, **14,** 114 n.; **17,** 266
photograph, protection of copyright in, **8,** 198, 199
publication of, without consent, **17,** 255 n.
piracy, to restrain literary, **17,** 255—257, 270
pleading, case at hearing must correspond with, **17,** 279
ploughing up ancient pasture or meadow land, to restrain, **1;** 251
political matters not interfered with, **17,** 205
pollution of water, to restrain, **28,** 433 n., 435—437
form of order, **28,** 435 n.
poor rate, to restrain improper application of, **17,** 226
positive contract or stipulation, enforcement of, **13,** 50, 51 n.; **17,** 235
possessory title may entitle to grant of, **21,** 552
poverty of legal personal representative as ground for, **14,** 140; **17,** 252, 253
power of appointment, to restrain exercise of, **15,** 90; **16,** 568, 569
practice of court, affidavits, as to filing of, **17,** 297 n.
committal for breach, as to, **17,** 294—296
dissolution of order, as to, **17,** 296—299
grant of order, as to, **17,** 274
service out of jurisdiction, as to, **23,** 119
presentation to benefice restrained by, **4,** 252; **11,** 586, 603 n.; **17,** 217 n., 226, 251, 254
preservation of subject-matter of action, order for, **17,** 200, 249, 281, 282
principle of equity in restraining actions at law, **13,** 47
prints, to protect copyright in, **8,** 204
private
hearing of motion, **17,** 255
individual, action against public corporation by, **17,** 228, 229
nuisance, to restrain, **13,** 49
rights, to restrain infringement of, **13,** 49; **27,** 192

INJUNCTION—*continued.*
procedure to obtain, **17,** 271—291
proceedings in other courts, where formerly interfered with, **13,** 47, 48
prohibition, in lieu of, **10,** 154
prohibitive order in the nature of, service of, **18,** 208
promoters taking part only of property, to restrain, **6,** 74
property, alienation of, to restrain, **16,** 521; **17,** 268
injury to, to restrain, **17,** 205, 213, 281; **21,** 561 n.
proprietary rights as ground of right to, **13,** 49 n.
prospective injury, in case of, **21,** 561; **28,** 436
public
access to wells or cisterns, in respect of, **28,** 265 n.
authority, to restrain trespass by, **17,** 234, 235
body, against, **13,** 50 n.; **17,** 245; **27,** 481 n.
convenience, stay of proceedings for purpose of, **17,** 258
corporation, procedure on application against, **17,** 227, 228
functionaries or companies, to restrain, **17,** 224
interest, protection of, **17,** 229, 234, 271
nuisance, to restrain, **13,** 49
purposes, service against company incorporated for, **17,** 224, 227—229
right, to restrain infringement of, **13,** 49; **27,** 191
publication of pending proceedings, when restrained, **17,** 270
pumping of mine, to enforce, **17,** 281 n.
purchase from trustees, to restrain completion of, **17,** 254
purchaser of land, to enforce restrictive covenants against, **13,** 101, 102; **17,** 240—242, 248; **25,** 456, 457
purposes of, **13,** 47
quia timet suit, as substitute for, **13,** 52
quiet enjoyment, to restrain breach of covenant for, **17,** 244
railway company, against, to restrain
carriage of mails by, **4,** 71
erection of station by, **23,** 681
excessive charges by, **4,** 70
opening of railway by, **23,** 743
running trains over land not paid for, **17,** 249 n.
unauthorised businesses of, **17,** 227 n.
rate, to restrain making of, **17,** 225
recaption, superseded by, **11,** 210
receiver, effect of appointment of, **13,** 51; **17,** 250; **24,** 377
former restraint of proceedings against, by, **24,** 379
interference with, to restrain, **17,** 250, 251; **22,** 79; **24,** 387, 388
leave required for action to restrain, **17,** 271
protection of fund, for, as alternative to, **24,** 351
surety, at instance of, against, **24,** 423
tenant under, restrained from breaking agreement, **17,** 272
rector, against, to restrain felling of trees, **3,** 409
redemption action, in, **14,** 116 n.
registrar's book, signature of, undertaking in damages, on, **17,** 285, 286
registration of certificate for extension of judgment, to restrain, **6,** 295

INJUNCTION—*continued.*
relator, application on behalf of, **17,** 275
religious purposes, against trustees for, **17,** 254
removal of children out of jurisdiction, to restrain, **16,** 579
repairs, court will not enforce, by, **17,** 245
repeated trespass, in case of, **13,** 49 n.
repetition of illegal act, to restrain, **8,** 163 n.
replevin, as substitute for, **17,** 208
report of proceedings, to restrain unauthorised, **17,** 257 n.
restitution of conjugal rights, to restrain proceedings for, **13,** 73 n.; **16,** 451
restraint of trade, enforcement of, covenants in, **17,** 241; **27,** 16 n., 580, 581
restrictive
agreement for user of land, effect of order on, **13,** 50, 51
covenant, to enforce, **13,** 101; **17,** 240—242, 248; **25,** 455—461. *See* BREACH OF COVENANT.
injunction, *defined*, **17,** 199
reversioner, proof of damage to, **17,** 235, 241
right, formerly a matter of, **11,** 333 n.
riparian owner, to restrain diversion of water by, **28,** 429
river banks, to restrain raising of, **28,** 457 n.
royal arms, to restrain use of, **27,** 722
sale, enforcement of contract for, **17,** 242
restraint of, **16,** 576; **17,** 266, 267; **25,** 639
samples, court may authorise taking of, **17,** 281
schoolmaster, protection of, from dismissal, by, **4,** 294 n.; **12,** 126
restraint of dismissed, **12,** 127 n.
scope of order to restrain infringement of copyright, **17,** 256, 257
sculpture, to protect copyright in, **8,** 208
second action for, when not barred by former action, **17,** 299
secretary of company, against, **17,** 272
security for costs, dissolution of order on default in giving, **17,** 297
separation contract, to restrain breach of, **13,** 73 n.; **16,** 451; **17,** 240, 269
sequestration, as remedy for breach of, **14,** 80, 81 n.; **17,** 292
sermon on pending action, to restrain, **17,** 270
servant, breach of contract by, **20,** 270
extension of order to include, **17,** 283
master not liable for breach of order by, **17,** 294
negative stipulation by, to enforce, **20,** 114
restrictive contract by, to enforce, **27,** 557
service of proceedings, affidavit, **17,** 283
application for committal, **17,** 295
ex parte order, notice of, **17,** 266 n.
notice of motion, **17,** 276
order, **17,** 283, 292 n.; **18,** 207, 208
personal, **7,** 311; **17,** 283, 295
places for, **17,** 283 n.
substituted, **17,** 283 n., 295
service out of jurisdiction, notice of application, of, **17,** 275
writ in action, of, **17,** 273; **23,** 119
servient tenement, to restrain obstruction by owner of, **11,** 250
settled
land, to restrain tenant for life of, **17,** 267 n.; **25,** 9, 652
property, to restrain sale of, **17,** 269 n.

INJUNCTION—*continued.*
settlement, to restrain sale of property alleged to be comprised in, **16,** 576
several defendants, dissolution of, order against one of, **17,** 298
service of notice on, **17,** 276
severance of covenants or stipulations, **17,** 243; **27,** 581
sewage, to restrain nuisance by, **17,** 245 n.; **25,** 740, 741, 744; **28,** 435—437
sewer, in case of, reluctance of court to order closing of, **17,** 228 n.
to restrain
connection of drain with, **25,** 763; **28,** 433 n.
intended construction of, **25,** 731 n.
nuisance by absence of, **25,** 741
pollution by outflow from, **25,** 741; **28,** 436, 437
shareholder, for protection of, **5,** 290, 290 n.; **17,** 229, 230
sheriff in possession, effect of interpleader proceedings by, **17,** 603
ship, to restrain navigation of, **17,** 277 n.
to restrain use of, contrary to charterparty, **17,** 247, 251
shipmaster, against, to restrain sale of cargo, **17,** 267 n.
shipowner, against, **17,** 247; **26,** 164 n.
shooting rights, covenant for quiet enjoyment of, **17,** 244 n.
short
notice of motion for, **17,** 275, 278
term, to protect tenant of, **21,** 552
slander, to restrain, goods, of, **18,** 737
persons, of, **17,** 260; **18,** 734, 735
title, of, **18,** 736
small interest of applicant is no bar to grant of, **17,** 253
solicitor, against, adverse action against former client, to restrain, **26,** 735
confidential information, to restrain disclosure of, **26,** 735
defendant, of, by extension of order, **17,** 283, 296
renewal of certificate, to restrain, **17,** 270
special
directions, order dissolved for non-compliance with, **17,** 298 n.
order not granted *ex parte* after appearance, **17,** 277 n.
statutory tribunal not restrained by, **17,** 204, 262
specific performance, contract incapable of, **17,** 144 n., 244, 246, 247; **27,** 10 n.
distinguished from, **27,** 3, 4
enforcement of farming covenants, **17,** 245
equivalent to order for, **13,** 50 n.; **17,** 243
granted in aid of order for, **17,** 249
spurious foreign notes, to restrain manufacture and circulation of, **17,** 205 n.
standing by, effect of, **17,** 210, 248
ignorance of mistake as affecting, **17,** 248
stannaries, to restrain sale of mining property in, **5,** 668
statement of claim, election between alternative remedies may be made by, **27,** 580, 581
extent of relief claimed by, **17,** 282
statutory
duty, to restrain breach of, **27,** 191—193
remedy, not excluded by, **17,** 204; **27,** 193
right, to restrain infringement of, **27,** 192, 193

INJUNCTION—*continued.*
stay or suspension of, appeal pending, in case of, **17,** 211, 258
court to which application made, **17,** 211
jurisdiction to grant, **11,** 335; **17,** 211; **23,** 155, 156 n.
pollution by sewage, in case of, **28,** 437
reasons for granting, **17,** 211
terms imposed on granting, **17,** 211, 258
undertaking, to allow completion of, **17,** 223 n.
straw, to restrain farm tenant from carrying away, **1,** 251; **17,** 245 n.
subsidence from mining operations, in case of, **4,** 574 n.; **20,** 582, 583
substantial violation of legal right necessary to grant of, **17,** 208
substitution of equitable remedy for legal right, **13,** 48
summary proceedings for grant of, **14,** 114 n.; **17,** 266
motion or petition, by, **14,** 114 n.
summons for, **17,** 273—278
evidence on, **17,** 278—282
King's Bench Division, in, **17,** 273 n., 274
supervision of the court, breach of contract requiring, **17,** 236, 246
supplemental order to enforce, **7,** 312; **17,** 199 n.
support of surface, for protection of right to, **4,** 574 n.; **20,** 582—583
suppression of material facts, effect of, **17,** 297, 298
suspending operation of. *See* stay, *supra.*
technical impediments to action at law removed by, **13,** 47
telegram, notice of order may be given by, **17,** 283; **27,** 395
telephone wire, to restrain interference with, **17,** 242 n.
temporary injury or nuisance, not usually granted to restrain, **17,** 232; **21,** 561
tenant, against, agricultural lease, for breaches of, **1,** 251; **17,** 245
breach of covenant, to restrain, **1,** 251; **17,** 245, 272; **18,** 498. *See* BREACH OF COVENANT.
injury to reversion must be shown, **18,** 500
meliorating waste, in case of, **18,** 497, 498
not included in injunction against landlord, **17,** 283
renewable leaseholds for lives, in case of, **18,** 500 n.
voluntary waste, in case of, **17,** 245
waste, in case of, **17,** 283 n.
tenant for life selling at an undervalue, against, **25,** 652 n.
terms may be imposed on grant of, **17,** 202, 204, 211, 222, 223
county court, in, **8,** 504
test of right to, legal right to damages as, **13,** 50 n.
theatre queue, to restrain nuisance by, **21,** 562; **27,** 408
third parties, effect of alteration of condition of, **17,** 211
threatened
breach of contract, in case of, **17,** 237, 271, 272
distress, to restrain, **11,** 208
infringement of legal right, in case of, **8,** 163 n.; **17,** 208—210, 233; **27,** 191
nuisance, in case of, **21,** 561
presentation of winding up petition, to restrain, **5,** 401

INJUNCTION—*continued.*
threatened—*continued.*
proceedings by patentee, to restrain, **17,** 258, 259 ; **22,** 227
tortious act, to restrain, **27,** 491
threats of proceedings for infringement of patent or trade mark, to restrain, **17,** 258, 259 ; **22,** 227
timber, landlord not restrained from cutting, **17,** 244 n.
title, motion or petition, of, on summary application, **17,** 267 n.
notice of application, of, **17,** 275
summary proceedings, in case of, **14,** 114 n.
trustees unable to show good, completion not restrained, **17,** 254
tort, to restrain, **18,** 733 n. ; **27,** 468 n., 490, 491
trade labels, to restrain imitation of, **17,** 259
trade libel, to restrain, **17,** 260 ; **18,** 735 n. ; **27,** 676 n., 677 n., 681
trade mark, to restrain infringement of, **17,** 259 ; **27,** 720
trade name, against infringement of, **17,** 271 ; **27,** 747, 754—764
trade secret, to restrain publication of, **22,** 82
trade union, against, **17,** 231 ; **27,** 618—620
trading concern, stoppage of, by *ex parte* application, **17,** 276 n.
transfer of stock or shares, to restrain, **14,** 114 n. ; **17,** 265, 266, 277 n. ; **20,** 744 n.
trees in churchyard, to restrain rector or incumbent from felling, **3,** 409
trespass, to restrain, **13,** 50 ; **17,** 215 n., 233—235 ; **27,** 859, 869
foreign lands, in case of, **6,** 200, 201
mines, in case of, **20,** 538 n.
part of claim, as, **15,** 225
public bodies having compulsory powers to take lands, against, **17,** 234
public interest affected, where, **17,** 234
refusal of, where no injury to landowner, **13,** 50
where trespass of trifling nature, **17,** 215 n. ; **27,** 859
reversioner, when granted to, **17,** 235
trial, inquiry as to damages at, **17,** 286
order for early, **17,** 274
trifling
breach of covenant by applicant, effect of, **17,** 247
pollution of water, in case of, **28,** 435
trivial act of waste, when granted to restrain, **17,** 233 ; **18,** 497 n.
trust, to restrain breach of, **4,** 323 ; **5,** 227 ; **28,** 155, 206 ; **17,** 225, 226, 253, 254, 257
trustees, against, alimony, to secure payment of, **17,** 269
bankruptcy, default or unfitness, in case of, **28,** 175, 207
breach of trust, to restrain, **17,** 253, 254
charitable trust, in case of, **4,** 323
election of minister, by, to restrain, **11,** 815
friendly society, of, **15,** 145
infant *cestui que trust,* by, **17,** 253 ; **28,** 175, 206
successors, binding on, **15,** 145 ; **17,** 254, 559 n.
turnips, to restrain farm tenant from carrying away, **1,** 251
ultra vires, in case of acts done, **5,** 222, 223 ; **8,** 364, 365 ; **17,** 227—231
umpire improperly appointed, to restrain, **17,** 263

INJUNCTION—*continued.*
unauthorised entry by promoters on land, to restrain, **6,** 97, 101
underlessee, against, to prevent waste, **18,** 500
undertaking, accounts, to keep, **17,** 201 n., 223 n.
affidavit, for re-swearing and filing of, **17,** 279, 280
breach of, **17,** 293 ; **28,** 435 n.
court, to be given in open, **17,** 209 n. ; **27,** 772 n
damages, as to, **13,** 50 ; **16,** 455 ; **17,** 222, 284—286
solicitor, by, **17,** 285, 286
equivalent to order, **17,** 292 n., 293
ex parte application, on, **14,** 114 n.
mistake in giving, **17,** 293
notice before committing act complained of, to give, **17,** 209
refusal to give, **17,** 204 n.
writ, for issue of, **17,** 274
under-tenants not included in order for, **17,** 283
unincorporated bodies, jurisdiction to restrain, **17,** 230, 231
unpublished work, to restrain publication of, **17,** 257
urgency, in case of, **17,** 266 n., 273, 274, 276—279 ; **23,** 127 n.
user of premises, to restrain improper, **21,** 537
vacation, custody and filing of affidavits in, **17,** 280
granted during, **17,** 274, 285
leave to serve short notice of motion in, **17,** 275
vagueness of contract sought to be enforced, effect of, **17,** 246
varying order for, summary proceedings, in case of, **17,** 266
vendor, against, depreciation of property, to restrain, **25,** 372
pending suit for specific performance, **17,** 249
verification of documents by witness on motion, **17,** 280 n.
veterinary surgeon, to restrain unqualified person from acting as, **20,** 376
vibration, to restrain nuisance by, **21,** 531, 532 n.
visitor of charitable or ecclesiastical corporation, to restrain, **12,** 126, 127 ; **17,** 226
vivâ voce examination of witnesses, refusal of court to allow, **17,** 281
voluntary waste by agricultural tenant, to restrain, **17,** 245
volunteer with notice, to enforce restrictions against, **17,** 241
waiver of irregularity in proceedings for, **17,** 293
ward of court, attempt to change religion of, **17,** 148 n.
communication and intercourse with, to restrain, **17,** 269
marriage of, to restrain, **17,** 148, 269
waste, to restrain, **17,** 232, 233, 272, 273 n. ; **18,** 500 ; **21,** 852. *See* WASTE.
trivial act of, **17,** 233 ; **18,** 497 n.
water
rights, to restrain injury to, **20,** 589 ; **2**
433 n., 435—438, 456
supply, application to restrain cutting off, **1**
204 n. ; **28,** 314, 319 n.
way, to restrain obstruction to right of, **11,** 29
20, 587
weekly tenant may be protected by grant of, **2**
552
widow of intestate, against, disputed administration, in case of, **17,** 267 n.

INJUNCTION—*continued.*
winding up, proceedings against company or contributor restrained in, **5,** 533, 540; **17,** 262. *See* WINDING UP.
restraining presentation of petition for, **5,** 401; **17,** 267 n.
witness, expert appointed by court cannot be called as, **17,** 281
workmen of defendant included in, **17,** 272 n., 283
writ, before issue of, **17,** 266 n., 273, 274, 277
election between remedies claimed by, **27,** 580, 581
indorsement of claim on, **17,** 272, 273
injunction, of, former remedy by, **17,** 199 n.
notice of motion with, leave to serve, **17,** 275
wrongdoer, application to, when unnecessary, **17,** 289
wrongful act, for prevention of, **17,** 203
yearly tenant may be protected by grant of, **21,** 552

INJUNCTIONS (ECCLESIASTICAL).
authority of Parliament, as to, **11,** 682 n.
Edward VI., of, **11,** 669 n., 681 n.
Elizabeth, of, **11,** 669 n., 673 n.
Henry VIII., of, **11,** 669 n.

INJURIA,
defined, **1,** 7
nuisance, an essential factor in, **21,** 508, 509

INJURIA ABSQUE DAMNO,
action in respect of, **1,** 9, 10; **27,** 470

INJURIOUS AFFECTION,
premises by public undertaking, of, compensation for, **6,** 43—49; **16,** 61; **25,** 732 n., 733
assessment of compensation, **6,** 104—106
distinguished from taking land, **6,** 32 n.
drains from alkali works, in case of, **23,** 408
easements, for loss of, **6,** 47, 165
gasworks, in case of, **15,** 326
highways, in case of, **16,** 61
limited to
actionable damage, **6,** 44, 45
authorised acts, **6,** 44
construction of works and not their use, **6,** 48
injuries to land, **6,** 46
local authority, through exercise of powers of, **16,** 241
meaning of injurious affection, **6,** 5
measure of, **6,** 49
public right, for loss of, **6,** 46
railways, in case of, **6,** 48; **23,** 723—725, 732 n., 733
accidents, for acts in prevention of, **6,** 155
fire caused by locomotive, by, **23,** 726, 727
remoteness of damage, **6,** 44, 45
restrictive covenants, by, breach of, **6,** 47
river, access to, **6,** 46 n.; **28,** 395
severed land, in case of, **6,** 41, 42
telegraph
construction, caused by, **27,** 362, 367, 381—383
line, of, by electric light, **12,** 572, 582, 641
abatement of, **12,** 603
town planning scheme, caused by, **23,** 544
waterworks, in case of, **6,** 47 n., 48; **28,** 281, 282

INJURY. *See also* DAMAGE; MALICIOUS DAMAGE.
abatement of, caused by tortious act, **27,** 490
animal, by, distress damage feasant for, **1,** 378—386. *See* DISTRESS DAMAGE FEASANT.
liability of owner in case of, **1,** 372—378; **10,** 320; **21,** 513; **27,** 482 n., 857
to, caused by itself, presumption of negligence on, **21,** 440
dog, by, **1,** 397
poisonous trees, from, **1,** 296, 297; **3,** 126; **21,** 396 n., 530
police, power to destroy in case of, **1,** 419; **22,** 502; **27,** 282 n.
barbed wire, through, liability of owner of land, **15,** 227
bill of sale, to goods after seizure under, effect of, **3,** 67
building contract, done in course of, **3,** 315—317
burial ground, to, **3,** 466, 512, 523
cattle, to, bailee's right of action for, **3,** 133
dog, by, **1,** 281, 395, 397
indictable offence, when an, **9,** 788
overhanging trees, by, **3,** 126
character, to, rights in respect of, **27,** 475. *See* DEFAMATION; LIBEL; SLANDER.
chattels, from use of, misrepresentation, through, **20,** 706 n.
servant, to, liability of master, **20,** 141, 142
to, action by personal representative, **14,** 229
measure of damages where, **10,** 342; **21,** 485; **27,** 868
compulsory purchase of land, anticipated injury, **6,** 40, 41
continuing, when time begins to run in respect of, **19,** 78, 178; **21,** 560; **23,** 346, 347
conversion, to goods the subject of, remedy for, **27,** 911
corporal, rights in respect of, **27,** 474
deceased's property, to, personal representative's rights in respect of, **14,** 227, 229; **27,** 851 n.
dog, by, cattle and sheep, to, **1,** 281, 397, 398
innkeeper's liability, **17,** 323
mankind, to, **1,** 373, 374, 395, 399
railway station, in, **4,** 48 n.
scienter as to, **1,** 372—374, 395
driver of vehicle on highway, by, liability for, **27,** 276
electrical
apparatus etc., to, remedy in respect of, **12,** 584, 585, 612—614
undertaking, in relation to, **12,** 565, 582
explosives, by, persons, to, **9,** 604, 605
property, to, **9,** 775—777
Fatal Accidents Act, in relation to, **21,** 455—463. *See* FATAL ACCIDENTS ACT.
feelings, to the, not special damage in libel and slander, **18,** 731
gas undertaking, in relation to, **15,** 307
injunction in respect of, ceasing before trial, when, **17,** 206
irreparable injury, in case of, **17,** 218, 219
language of order for, **17,** 282
mortgaged property, to, **17,** 251; **21,** 168
reversion, to, **17,** 235
threatened injury, in case of, **17,** 213, 218
when granted, **17,** 215, 216
justifiable, when, **27,** 498, 499
land, to, liability for, **9,** 769; **27,** 846
master of ship, to, owner's liability for, **26,** 45, 46
mine, caused by working, damages for, **20,** 542

INJURY—*continued.*
mortgaged property, to, right of mortgagor to restrain, **17,** 251
negligence, caused by, liability for, **21,** 441, 481
nuisance, as constituting, **21,** 508, 525
ownership, to rights of, instances of, **27,** 473, 474
personal. *See* PERSONAL INJURY.
property, to. *See* DAMAGE.
right of action in respect of, **20,** 706; **27,** 473
seaman, to, owner's liability for, **26,** 45, 46
servant, to, master's liability for, **20,** 120, 121
statutory duty, resulting from exercise of, effect of, **27,** 496
third person, to, master's liability for tort of servant causing, **20,** 248—257
trespasser, to, owner's liability for, **27,** 876
wrongful act, in relation to, **27,** 470—472

INLAND,
defined, Post Office Act, 1908, under, **22,** 638 n.
bill of exchange, *defined,* **2,** 475, 561
stamp duty on, **2,** 570, 575
navigation, application of sea regulations to, **26,** 477, 478. *See* NAVIGATION; RIVER.
postage. *See* POSTAGE.
revenue. *See* INLAND REVENUE.

INLAND REVENUE,
affidavit. *See* INLAND REVENUE AFFIDAVIT.
Board of. *See* BOARD OF INLAND REVENUE.
chief officer of, receiver of wreck, as, **26,** 551
collector of, appointment and duties of, **16,** 616 n.
offences by, **9,** 489
Commissioners of, duties etc., of. *See* COMMISSIONERS OF INLAND REVENUE.
officer of, high sheriff, exempt from office of, **25,** 795
jury, exemption from service on, **18,** 232
licensed premises, entry on, by, **18,** 134
motor-car register, right to inspect, **27,** 319, 320
obstruction of, effect of, **18,** 156
samples of butter, margarine etc., taking of, by, **15,** 58

INLAND REVENUE AFFIDAVIT,
defined, **13,** 215
account for purpose of settlement estate duty, is not, **13,** 231
contents of, **13,** 215, 216
de bonis non, in case of letters of administration, **14,** 196
estate duty due on delivery of, **13,** 213
form and arrangement of, in case of account, **13,** 216, 314 n.; **14,** 166
letters of administration, in case of, **13,** 215; **14,** 193
penalty for failure to deliver, **13,** 225, 226
probate, in case of, **13,** 215; **14,** 166, 167

INLAND REVENUE COMMISSIONERS. *See* COMMISSIONERS OF INLAND REVENUE.

INMATES,
workhouses, of, classification of, **22,** 560
control of, **22,** 558—560
regulations as to treatment of, **22,** 560, 561
religious instruction of, **22,** 561, 562

INN. *See also* HOTEL; INNKEEPER; PUBLIC-HOUSE.
The title INNS AND INNKEEPERS *is contained in Vol. XVII., pp.* 301 *et seq*
defined, **9,** 556 n.; **17,** 302—305
accommodation, reasonableness or fitness of, **17,** 310, 311
alehouse distinguished from, **17,** 303, 308
coffee-house distinguished from, **17,** 303
common inn, *defined,* **9,** 556 n.
purpose of, **17,** 302
company keeping, although licence in manager's name, effect of, **17,** 319
compensation fund, for purposes of, **18,** 72
compulsory powers, acquisition under, **6,** 71, 72
covenant to keep open, injunction against breach of, **17,** 245
ejecting person from, when permissible, **17,** 309, 310; **18,** 142; **27,** 875 n.
franchise, keeping of an inn is not a, **17,** 306
guest at, rights and liabilities of, **17,** 306—327. *See* GUEST.
horse left at an, custom of London and Exeter in respect to, **17,** 326 n.
notice under the Innkeepers Liability Act to be posted up in the, **17,** 321
open space in front of, no presumption of dedication, **16,** 40, 68
particular room in an, traveller's right to, **17,** 310
pleading, sufficiency of word for, **17,** 322
servant staying at an, larceny from, master's right of action, **17,** 322, 323
sign, use of, for, **17,** 306
traveller entering an, without assent of innkeeper, **17,** 318
trespass *ab initio,* when committed in an, **17,** 308; **27,** 856
urinals, provision of, in, **23,** 599
visitor staying at an, by invitation of innkeeper, position of, **17,** 313

INNER TEMPLE. *See also* BARRISTER; INNS OF COURT.
chambers in, inhabited house duty, chargeable with, **17,** 184 n.
contributions of, City police, to expenses of, **20,** 440
deputy sheriffs must reside within one mile of hall of, **25,** 802
garden of, non-application of Open Spaces Act to, **21,** 585
London, City of, area, is within, **20,** 400
protection of, in respect of electrical works, **12,** 624

INNKEEPER. *See also* INN.
The title INNS AND INNKEEPERS *is contained in Vol. XVII., pp.* 301 *et seq.*
defined, **17,** 302, 305
bailee, liability of innkeeper and, distinction between, **1,** 543 n., 551; **17,** 314, 524
beer, price of, when recoverable by, **18,** 172
breach of duty by, **17,** 313, 314; **21,** 431, 432
carriage, liability to receive traveller's, **17,** 307
carrier, liability for goods left for, **27,** 893 n.
charges of, acceptance of security for payment of, effect of, **17,** 326
closing time, how affected by, **18,** 88—90
infringements of, by, what are, **18,** 124—128
right to entertain friends during, **18,** 125, 126
common, reason for prefix, **17,** 302
communis hospitator, is, **17,** 302 n.

INNKEEPER—*continued.*
company, inn kept by, manager not an, **17,** 319
liability of, as, **17,** 319
constable, harbouring etc. of, by, **18,** 134, 135; **22,** 502
contract, does not sell by, **17,** 313 n.
may limit liability by, **17,** 316; **21,** 431
customer, ejectment of, by, **17,** 309, 310; **18,** 142; **27,** 875 n.
drunkenness, permitting, **18,** 118, 119
traveller in state of, right to refuse, **9,** 556; **17,** 310, 311
excise licence, occasional, grant of, to, **18,** 98
felony, conviction for, disqualifies from being an, **9,** 430 n., 431 n.
fire, liability in case of, **17,** 524 n.
game, may not be licensed to sell, **15,** 255
may sell, for consumption on premises, **15,** 255 n., 261 n.; **24,** 656 n.
gaming, permitting, **18,** 138, 139
guest of. *See* GUEST.
guest, action against, may bring, **17,** 323
goods of, action for loss of, burden of proof in, **13,** 434
founded on contract, **1,** 49
choses in action, **17,** 315
custom of realm as to, **17,** 315
exclusive control of guest excludes liability for, **17,** 320, 321
horses, **17,** 307, 309, 312, 316, 317
insurable interest in, **17,** 524
insurer of, as, **1,** 543 n.; **17,** 315
liability to receive, **17,** 307, 317, 321; **21,** 431
limits of liability, **17,** 315
power of sale over, **17,** 326, 327; **25,** 194, 195
personal injuries to, liable for, **17,** 313; **21,** 431
refusing to receive, **17,** 310, 311
action for, **17,** 312
indictment for, **17,** 312
what constitutes, **17,** 318, 319
infectious disorder, duty as to, **17,** 311
Liability Act, 1863, posting up section of, **17,** 321
liability of, extent of, **17,** 306—323
lien of, **17,** 323; **19,** 12
acceptance of security for payment as affecting, **17,** 326
care required in exercising, **17,** 326
carriage, on, for its standing, **17,** 323, 324, 326
costs of housing goods retained under, **17,** 326
duration of, **17,** 325, 326
extent of, **17,** 324
goods of third party in guest's possession, when extending to, **17,** 324, 325
horse, for keep of, **17,** 323, 324
interruption of visit destroys, **17,** 325
stolen, brought by the police, none for, **17,** 326
insurable interest given by, **17,** 524
judicial notice of, **10,** 274
sale of goods retained under, **17,** 326, 327; **19,** 26 n.
stolen property, on, **17,** 324—326
waiver of, **17,** 326
name of, affixing upon premises, **18,** 130, 131
offences by, **9,** 555, 556; **18,** 134; **22,** 502
payment in advance, may demand, **9,** 556 n.; **17,** 308
personal representatives of, liability of, **19,** 76

INNKEEPER—*continued.*
police, statutory powers of, as to, **22,** 503
post-horses, not bound to supply, **17,** 310
remedies of, against guests, **17,** 323—327
sheriff, seizure by, of goods subject to lien, effect of, **17,** 325
special contract, limitation of liability by, **21,** 431, 432
spirits, action for price of, **18,** 170, 171
tariff, excessive, indictment against innkeeper on account of, **17,** 313
thieves etc., harbouring, **9,** 555; **18,** 135
trade usages of, **10,** 275
traveller, *bonâ fide,* sale of liquor to, **18,** 127, 128
obligation to receive, **9,** 556; **17,** 306, 310, 312

INNOCENCE,
presumption of, **9,** 389 n., 533; **13,** 499, 504

INNOCENT MISREPRESENTATION, **20,** 692. *See* MISREPRESENTATION.

INNS OF CHANCERY,
chambers in, leases exempted from Middlesex Registry Act, **18,** 401

INNS OF COURT. *See also* BARRISTER.
admission to, **2,** 362—366
stamp duty payable on, persons exempt from, **2,** 366 n.
apprenticii ad legem, originally associations of, **2,** 358
barrister must be a member of, **2,** 361, 362
benchers of, appeal from, **2,** 361
call to the Bar by, **2,** 360, 364—366
disbenching of, **2,** 362
disciplinary powers of, **2,** 361
election of, **2,** 561
legal proceedings by and against, **2,** 362
mandamus does not lie against, **2,** 362
official capacity, cannot be sued in, **2,** 362
students, admission of, by, **2,** 361
Building Acts, how far subject to, **20,** 474
call to the Bar by benchers of, **2,** 360, 364—366
certificate of character of barrister before admission to, **2,** 364
chambers in, court will not decide title to, **2,** 362
inhabited house duty on, **17,** 184
leases exempted from Middlesex Registry Act, **18,** 401
charitable bequest to, legacy duty, **4,** 206
constitution of, **2,** 361
corporations are not **8,** 303
expulsion from, effect of, **2,** 361
fees payable to, **2,** 366
history of, **2,** 358—360
inhabited house duty, liability of chambers to assessment for, **17,** 184
moots at, description of, **2,** 359
rating of, **20,** 438 n., 440
regulations of, **2,** 361
serjeants-at-law of, **2,** 358
abolition of, **2,** 359
terms, keeping of, at, **2,** 364
voluntary unincorporated societies, **2,** 358

INNUENDO,
defined, **18,** 646
burden of proof of, **18,** 647, 648, 665
foreign language, when statement complained of is in, **18,** 648, 649

INNUENDO—*continued.*
function of, **18,** 646
historical allusion, necessary to explain, **18,** 651
indirect imputation should be explained by, **18,** 651, 652
insufficiency of, effect on plaintiff's claim, **18,** 647
judge, duty of, where there is an, **18,** 652—654
person libelled, indication of, by, **18,** 642, 643
pictorial libel must be described by, **18,** 652
requisite, when, **18,** 648, 649
slang words should be explained by, **18,** 649, 650
words requiring explanation by, **18,** 649—652

INQUEST. *See also* INQUIRY; INQUISITION.
adjournment of, **8,** 270
admission to, **8,** 258
assessors at, railway accident, on, **8,** 244; **23,** 749
asylums, in, **8,** 242
audience at, barrister, right of, to, **2,** 374; **8,** 258
persons entitled to, **2,** 374; **8,** 258, 259
explosion in mines, in cases of, **8,** 258, 259
factory or workshop accidents, in case of, **8,** 244, 259; **14,** 474
barrister, immunity from service on, **2,** 380
right of audience at, **8,** 258
Board of Trade, inspector of, as assessor at, **23,** 749
body, analysis of, at, **8,** 269
disposition of, to prevent, liability of person, **3,** 405; **8,** 240, 263; **9,** 501
view of the body by jury, necessity for, **8,** 263, 264, 275
burial, order for, before verdict, **3,** 562; **8,** 272
to avoid, offence, **3,** 405; **8,** 240, 263
capital punishment, after, **8,** 241, 271, 273, 274; **25,** 825, 826
contempt, publication of proceedings as, **7,** 288. *See* CONTEMPT OF COURT.
coroner. *See* CORONER; INQUISITION.
costs of, **8,** 293
coroner liable for, when, **8,** 255
court, opening of, **8,** 262
cremation not allowed when notice given for, **3,** 573; **8,** 264
delay in holding, **8,** 240
depositions, admissibility of, in evidence, **8,** 291, 292
failure of coroner to take or deliver, **8,** 255
to be written and signed, **8,** 267
deputy sheriff's duties in regard to, **25,** 802
disinterment, order for, **3,** 555; **8,** 263
drowned person, in case of, **8,** 243
evidence at, **8,** 263—265, 267—269
juryman, by, **8,** 265
medical, **8,** 268
post-mortem examination, **8,** 268, 269
pugilistic contest, where death follows, **8,** 268
publication of, **7,** 288; **8,** 267, 268
quashing of inquisition for misreception of, **8,** 285
refusal to receive, **8,** 265
unsworn, effect of, **8,** 265
view of the body, **8,** 263, 264
executed felons, on, **8,** 241, 271, 273, 274; **25,** 825, 826
expenses of, detached parts of counties, held in, **8,** 295
payment of, **8,** 293—296

INQUEST—*continued.*
explosions, in case of death resulting from, **8,** 245, 258, 259; **14,** 399
factory or workshop, where death from accident in, provisions for, **8,** 244; **14,** 474
fees and allowances at, medical witnesses, of, **8,** 293, 294
schedule of, **8,** 293
fines, witnesses and jury, on, **8,** 266, 269
fires, on, in the city of London, **8,** 296, 297
habitual drunkards, on, **8,** 243
infants taken in to nurse, in case of, **8,** 242, 243
inquisition. *See* INQUISITION.
jury at, **8,** 239, 259—263
challenge, none in case of, **18,** 241 n.
disagreement of, **8,** 271
disqualification from service on, **8,** 260
exemptions from service on, **8,** 261, 262
failure to attend, effect of, **8,** 260, 261; **18,** 267
finding of, as evidence, **19,** 410
knowledge of facts by person summoned, **8,** 265
number of, **8,** 262; **18,** 227
oath or affirmation of, **8,** 262, 263
payment of, **18,** 265
qualification for, **8,** 261
summoning of, **8,** 239, 259—263; **18,** 237
swearing of, **8,** 263
viewing body by, **8,** 263, 264
justices of the peace, by, **8,** 264; **19,** 551
licensed premises, on, **8,** 257
local authority, powers of, as to fees and allowances for, **8,** 293
London, in, places for holding, **3,** 567; **8,** 257
lunatics, on, **8,** 241, 242; **19,** 525
medical referee, duty of, before cremation, **3,** 573; **8,** 264
melius inquirendum, writ of, **8,** 286, 287
mines, accident in, in case of death resulting from, **8,** 245, 246
place of holding, **8,** 256, 257, 274
post-mortem examination, coroner, by order of, **8,** 268, 269
removal of body for, **8,** 269
requisition of jury for, coroner refusing, misdemeanour, **8,** 255, 269
prevention of, penalty for, **3,** 405; **8,** 263; **9,** 501
prison, on death in, **8,** 227, 241
prisoners, attendance of, at, **8,** 266
proceedings are public at, **8,** 258
railway accident, in case of death resulting from, **8,** 244; **23,** 749
recognisances, failure of coroner to take or deliver, **8,** 255
refusal to hold, **8,** 241, 255; **10,** 108
right to hold, **8,** 239
royal fish, of, abolition of, **8,** 238
second, order for, when made, **8,** 255, 269
validity of, **8,** 287
self-incrimination, warning against, **8,** 265
sheriff's officer, exemption from service of, **25,** 804
Staple, of Court of the, **9,** 138
Sunday, not to be held on, **8,** 258
super visum corporis, **8,** 239—247
tramway accident, death from, **8,** 244
treasure trove, on, **8,** 247; **9,** 521
venue of, **8,** 219, 220, 274
verdict at, **8,** 270, 271, 276
when to be held, **8,** 239
who may attend, **8,** 258, 259

INQUEST—*continued*
witness at, attendance of. *See* ATTENDANCE OF WITNESS.
binding over, **8,** 288, 289
workhouses, in, **8,** 242
wreck, of, abolition of, **8,** 238

INQUESTS OF OFFICE,
Crown, by, **6,** 411

INQUIRY. *See also* INQUEST; INQUISITION.
administration action, in, settlements, as to, **15,** 90, 91
agent for undisclosed principal, person dealing with, when put on, **25,** 495
barrister, clerks to local authorities may instruct, to appear at, **2,** 389
Board of Education, by, **12,** 14
compulsory acquisition of land, as to, **12,** 27
educational charity, as to, **12,** 13, 109
local authority's default, as to, **12,** 12
school accommodation, as to, **12,** 12, 26, 27
subject-matter of draft scheme, as to, **12,** 109
voluntary school endowment, as to, **12,** 40
Board of Trade, by. *See* BOARD OF TRADE.
charity, gift for charitable purpose, as to, **4,** 146, 150
management of, as to, **4,** 308, 309
whether objects of, can be effected, **4,** 298, 299
charity lands, by court as to avoidance of lease of, **4,** 228
club, before expulsion of member, need for, of, **4,** 415
common, as to, on inclosure etc. proceedings, **4,** 544, 545
metropolitan, in relation to, **4,** 606, 607
corrupt practices at election, as to, **12,** 138, 463, 488, 489
county council, by, **19,** 374, 375
county court action, in, **8,** 446, 447, 504, 540—546
damages, as to, Sheriff's Court, in, **9,** 119, 120
trover, in action for, **27,** 909
where interlocutory injunction improperly obtained, **17,** 286
debenture-holders, priorities between, as to, **5,** 387
dentist, into conduct of, by General Medical Council, **20,** 362, 363
drainage, as to. *See* DRAIN.
electric lighting, concerning, powers as to, **12,** 609, 615
Explosive Substances Act, as to crime under, **14,** 401
foreclosure action, in, **21,** 287, 288, 292
gas
charges, as to, **15,** 387 n.
supply, as to, **15,** 313, 315, 332
housing scheme, as to, **23,** 518 n., 520, 547, 548
interlocutory order for, power of court to make, **23,** 137, 138
isolation hospital, as to necessity for, **23,** 436, 437
jury of, distinguished from jury of issue and assessment, **18,** 228, 240—263
legacy, for ascertaining persons entitled to, costs of, **14,** 351
light railway commissioners, by, **27,** 819, 823, 828
loan societies, as to character of intended borrower from, **19,** 222
lunacy, as to, **19,** 416, 419—423; **22,** 91
medical practitioners, into conduct of, **20,** 320—324
mortmain, as to alienation in, **8,** 369

INQUIRY—*continued.*
National Health Insurance Act, by Commissioners under, **28,** 948, 1000
partition action, in, **21,** 848—852
poor law, under, **22,** 525, 528
pro interesse suo, **11,** 40, 41
Public Health Acts, by Local Government Board under, **23,** 375, 376
Public Health (London) Act, under, **20,** 469
railway accident, as to, **23,** 748, 749
receiver, unauthorised expenditure by, as to, **24,** 407
reference for, adoption of report on, **1,** 486
costs of, **1,** 486
official referee, to, **1,** 484
order for, **1,** 484
special case stated on, **1,** 485
special referee, to, **1,** 484
variation of report on, **1,** 486
sale of land, made usually in case of, **25,** 356—358
purchaser abstaining from, effect of, **13,** 86
sewage works, as to propriety of constructing, Local Government Board, by, **25,** 746
sewers, in relation to Commissioners of, Board of Agriculture and Fisheries, by, **25,** 775, 782
shipping casualty, into, **1,** 115; **26,** 591
British possession, in, **26,** 593
formal, **26,** 591, 592
loss of life from fishing vessel, as to, **26,** 591
naval court, by, **9,** 108; **26,** 591. *See* NAVAL COURT.
naval officer, by, **26,** 593
preliminary, **26,** 591
procedure on, **26,** 594, 595
small holdings, by Board of Agriculture and Fisheries as to, **26,** 671, 678
solicitors, by committee of Law Society into conduct of, **26,** 852—855
Stock Exchange, on, waiver of, by seller, **27,** 240
tenancies as subject of, **25,** 363
title, as to, in action for specific performance, **27,** 85—89
vaccination, by Local Government Board as to execution of Acts relating to, **23,** 469
waterworks, as to intended construction of, Local Government Board, by, **28,** 258
writ of, **10,** 349; **25,** 802, 807 n., 808

INQUISITION,
coroner, of, amendment of, **8,** 280—283
arraignment upon, after trial on indictment, **8,** 292
arrest without jurisdiction, damages, **27,** 884 n.
attestation in, **8,** 277
bill of indictment on, **9,** 330
caption, the, **8,** 274
certiorari
for removal of, **8,** 280; **10,** 158, 161
amendment, for, **8,** 281
to bring up, where held by unauthorised person, does not lie, **10,** 169
to quash, **8,** 280; **10,** 191
counsel refused right of interrogation, where, **8,** 258
custody and filing of, **8,** 279
date of inquest, must state the, **8,** 274
drawn up by coroner, **8,** 273
failure of coroner to deliver, **8,** 255, 290, 291
felo de se, of, application to quash, **8,** 279
avoidance of life policy by, **17,** 556
burial in case of, **8,** 273

INQUISITION—*continued.*
coroner—*continued.*
felo de se—continued.
estates of inheritance, no escheat of, by, **11,** 26 n.
filing of, application to stay, **8,** 279
refused by King's Bench Division, **8,** 258
forfeiture abolished in case of, **8,** 279 n., 281
quashing of, **8,** 258
sealing of, **8,** 277
form of, **8,** 274, 278
jurisdiction of the court, must state the, **8,** 274, 275
murder or manslaughter, in case of, **8,** 273, 275, 288
name of deceased, must state the, **8,** 275
nature of, **8,** 273
place of inquest, must state the, **8,** 274
quashing of, **8,** 258, 283—288; **10,** 161
certiorari, by, **8,** 280; **10,** 158, 161
effect of, **8,** 283, 286, 287
grounds for, **8,** 265, 283—288
High Court under statutory powers, by, **8,** 287, 288
misreception of evidence, for, **8,** 285
non-reception of evidence, for, **8,** 265
requisites of, **8,** 273—279
signature of, by jury, **8,** 273
traverse of, **8,** 279, 280
trial on, **8,** 292; **9,** 330
void, will not be quashed, **8,** 286
Crown, made for ascertaining rights of, when admissible as evidence, **13,** 475
redress by, **6,** 411
Crown debtor, as to property of, **10,** 15
elegit, on writ of, **9,** 118; **14,** 64
escheat, of, **10,** 35—39. *See* ESCHEAT.
extent, under writ of, **10,** 15
forest laws, as to offences against, **7,** 183
lands, as to, *elegit*, under writ of, **9,** 118; **10,** 15; **14,** 63, 64
set aside, when, **14,** 64, 65
lunacy, in, admissibility of finding of jury as evidence of insanity, **19,** 410
court's jurisdiction to direct, **9,** 95, 96
discovery in, **11,** 49
effect of finding of, as evidence, **19,** 410, 427
examination of lunatic, **19,** 421
finding on, effect of, **19,** 415, 422
inspection of person alleged to be a lunatic on, importance of, **19,** 410
interlocutory order pending, **19,** 418
issue to be tried on an, **19,** 406
judgment *in rem*, as, **13,** 329, 338 n., 341, 342
juror on, challenge of, **18,** 241
jury, before, procedure, when demanded by alleged lunatic, **19,** 420
selection of, **18,** 240 n., 244; **19,** 420
swearing of, **18,** 240 n., 244
without, **19,** 421
Lunacy Act, 1890, under, to what confined, **19,** 394
medical evidence on, **19,** 417, 418, 428
order for, on report of Commissioners in Lunacy, **19,** 416
form of, **19,** 419
stamp duty on, **19,** 419 n.
parties who may attend on the, **19,** 419, 420

INQUISITION—*continued.*
lunacy—*continued.*
petition for, **19,** 415
filing and service of, **19,** 417
forwarding of, to judge, **19,** 412
right to prefer, **19,** 416, 417
petitioner, death of, effect, **19,** 417
place at which to be held, **19,** 419 n.
powers of person executing the, **19,** 419
presence of alleged lunatic on the trial of the, when dispensed with, **19,** 422
proceedings
prior to, **19,** 416—418
subsequent to finding of, **19,** 423, 424
quashing of findings of, reasons for, **19,** 422
returns of, held to be bad, **19,** 422 n.
special finding of, effect of, **19,** 422
stranger's right to petition in, **19,** 417
summons for inquiries subsequent to finding of an, necessity for, **19,** 423
supersedeas on recovery, **19,** 425, 426
completion of, effect of, **19,** 426
degree of recovery required, **19,** 426
part, in, **19,** 426
petition for, **19,** 412, 425, 426
terms, upon, **19,** 426
traverse of, **19,** 424—427
High Court verdict, no traverse of, **19,** 425
new trial on, **19,** 425
petition for, **19,** 412, 424
right to, barred, when, **19,** 425
mortmain, as to alienation in, by corporation, **8,** 369
office, of, *defined*, **18,** 227 n.
sheriff, by, fees in case of, **25,** 839 n.
special and general, forest laws and officials, as to, **7,** 183
testator found lunatic by, as to propounding will of, **28,** 533

INSANE PERSON,
classes of, **19,** 393, 394
detention on arraignment, **23,** 268
where found insane at time of offence, **23,** 268
evidence, incompetent to give, **13,** 569
pauper. *See* PAUPER LUNATIC.
shares belonging to, member of industrial and provident society, **17,** 17

INSANITARY. *See* UNHEALTHY.
bakehouses, penalties for using, **14,** 459
conditions, expulsion of aliens living in, **1,** 324
power of local authority in respect of, **28,** 953 n., 955
sites, erection of buildings upon prohibited, **23,** 426

INSANITY. *See also* LUNACY; UNSOUND MIND.
defined, **19,** 392
architect, of, effect on contract, **3,** 293
avoidance of deed on ground of, **10,** 360
breach of promise, as defence in action for, **16,** 276; **19,** 397 n.
continuance of, evidence, presumption as to, **13,** 440; **19,** 407
contract, as good defence to action on, **19,** 397; **27,** 38
contractor, of, completion by surety on, **3,** 280
criminal law, in, defence of, **9,** 241, 242
verdict of, **9,** 242, 373

INSANITY—*continued.*
delusion amounting to, **19,** 393
disability due to. *See* DISABILITY.
disqualification due to. *See* DISQUALIFICATION.
divorce, when no bar to, **16,** 484, 485; **19,** 402
gift by insane person, effect of, **15,** 431 n.
House of Commons, disqualification from sitting in, by, **21,** 656
member of, power to fill vacant seat of insane, **21,** 788, 789
husband or wife, sufficient ground for relief of, **16,** 476; **19,** 402
incapacity due to. *See* INCAPACITY.
limitation of actions, effect on, **19,** 56, 93, 171, 172
marriage, effect when subsequent to, **19,** 402
invalidated by, **19,** 401, 402
proceedings to set aside, on ground of, parties to, **19,** 402
partial, legal recognition of, **19,** 396
partnership, as ground for dissolution of, **22,** 90, 91
who may apply for relief on grounds of, **22,** 91
prisoners, of, **23,** 268
sickness, is, friendly societies rules, in, **15,** 124 n.
solicitor or client, of a, before completion of business, **26,** 739, 740
Sovereign, of, effect of, **6,** 376
specific performance, in relation to, mental weakness not amounting to, as excuse for not performing contract, **27,** 38
of party to sale of land, as bar to, **27,** 61 n.
statement imputing, how far defamatory, **18,** 624
suicide through, life insurance, how affected by, **17,** 556; **19,** 400, 401
test of, **19,** 392, 393; **28,** 534
testator, of, burden of proof of, **28,** 533
subsequent, will not revoked by, **28,** 532
trade union member suffering from, rules binding, **27,** 629
trustee, of, removal and new appointment, **28,** 70, 79

INSCRIBED STOCK,
transfer of, how effected, **27,** 245

INSCRIPTION,
boundary wall, on, admissibility in evidence of, **3,** 147
fixed, evidence as to, **3,** 147; **13,** 519, 520, 564 n., 565
monumental, burial ground, in, bishop's rights as to, **3,** 465, 511, 522
Cemeteries Clauses Act, 1847, under, **3,** 520, 523
supervision of, **3,** 418, 511
pedigree cases, in, admissibility in evidence of, **13,** 564

INSECTICIDE,
sale of, regulations as to, **20,** 385

INSECTS,
destructive, Board of Agriculture, compensation for crops removed or destroyed by, **1,** 280
powers of, as to, **1,** 280
sale of poisons for, **20,** 385
Wild Animals in Captivity Protection Act, 1900, not included in, **1,** 140

INSIMUL COMPUTASSENT,
defined, **1,** 36

INSOLVENCY. *See also* BANKRUPTCY.
The title BANKRUPTCY AND INSOLVENCY *is contained in Vol. II., pp.* 1 *et seq.*
defined, **2,** 253; **25,** 572
administration in case of. *See* ADMINISTRATION OF DECEASED'S ESTATE; SUMMARY ADMINISTRATION OF SMALL ESTATES.
arrangement with creditors in case of. *See* ARRANGEMENT; DEED OF ARRANGEMENT.
assignment for benefit of creditors in case of. *See* ASSIGNMENT FOR BENEFIT OF CREDITORS.
auctioneer, of, loss of deposit through, **1,** 512, 513
bankruptcy in case of. *See* BANKRUPTCY.
building society, alteration of rules of, during, **3,** 334
withdrawal of member as affected by, **3,** 360
buyer, of, credit, provision for, excluded by, **25,** 205
payment for previous deliveries a condition precedent to delivery of subsequent instalments, **25,** 219
rescission of contract through, **25,** 232, 233
rights of buyer, **25,** 205, 219, 232, 233, 247; **27,** 907, 908
stoppage *in transitu* of goods, unpaid seller's right of, **25,** 247
company, of, position of director in case of, **5,** 230
voluntary winding up in case of, **5,** 570, 571
composition with creditors in case of. *See* COMPOSITION WITH CREDITORS.
contract, effect on, of declaration of, **7,** 440
contributory, of, liquidator's power in case of, **5,** 446
proof against, **22,** 119
unregistered company, in case of, **5,** 652
deceased person's estate, of, administration in case of. *See* ADMINISTRATION OF DECEASED'S ESTATE.
declaration of, act of bankruptcy committed by, **2,** 24
effect on contract of, **7,** 440
deed of arrangement in case of. *See* DEED OF ARRANGEMENT.
defamatory statement imputing, **18,** 626 n.
electrical undertakers, of, revocation of special order in case of, **12,** 603
fraudulent intention, how far evidence of, **15,** 84, 85
indebtedness not amounting to, as evidence of fraud, **15,** 85
notification of, effect of, **2,** 34
poor rate, recovery of, in case of, **24,** 68
specific performance, right to, how affected by, **27,** 59, 66 n.
stockbroker's client, of, right to close account on, **27,** 251
summary administration of small estate in case of. *See* SUMMARY ADMINISTRATION OF BANKRUPT'S ESTATE.
surety for receiver, of, procedure on, **24,** 372
trading with knowledge of, effect of, **2,** 251, 253
tramway promoters, of, powers of Board of Trade as to, **27,** 810, 11

INSOLVENT BUYER. *See* INSOLVENCY.

INSOLVENT ESTATE. *See* ADMINISTRATION OF DECEASED'S ESTATE.

INSPECTION. *See also* INSPECTOR.
accounts, of. *See* ACCOUNTS.
Admiralty action in, of vessel etc., **1,** 102
age of person, to ascertain, **13,** 508
alkali, acid, and other works, of, power of inspectors as to, **23,** 412, 413
animal intended for food, of, **15,** 37
London, in, **15,** 42, 43
assurance companies, agreement for amalgamation of, **5,** 635
documents of, deposited with Board of Trade, **5,** 642
banker's books, of. *See* BANKERS' BOOKS.
bankruptcy records, of, by parties, **2,** 311
blind, of certified schools for, **12,** 44
books, of. *See* BOOKS.
borough council's books, of, **20,** 436
building in metropolis, of, duty of district surveyors as to, **20,** 477
building society, books etc., of, **3,** 390
burial board, of minute-books etc. of, **3,** 458
burial grounds, of, powers of Local Government Board as to, **3,** 537—539
canal, of, Board of Trade, by, **23,** 791
Explosives Act, under, **14,** 389
canal boats, of, **23,** 504
cattle in slaughter-house, of, **15,** 40
charities, memorials of, register of, **4,** 244
parochial, list of, **4,** 245
chattel, of, effect of, on implied warranty of fitness, **1,** 551
church books, of, **10,** 83; **11,** 687, 707
churchwarden's accounts, of, **10,** 99 n.
coal mines, of, **20,** 608—610, 614, 615
explosives, before firing, **20,** 615
gas, on suspicion of inflammable, **20,** 614
government inspector, by, **20,** 608—610
periodical, on behalf of workmen, **20,** 613
reports of, provision for, **20,** 613
shifts, before and during, **20,** 612, 613
collecting societies, of affairs of, **15,** 175
committee of, winding up, in. *See* COMMITTEE.
common lodging-house, of, local authority, by, **23,** 511, 512
company's books, of. *See* BOOKS.
compulsory purchase, judgments for compensation, records of, **6,** 92
special Act, of copies of, **6,** 18
corporation, books of, corporators, by, **8,** 323
mandamus as to, **10,** 82
county court action, of subject-matter in, **8,** 503, 504
court rolls, of, person entitled to, **8,** 16; **10,** 82
cremations, of register of, by Local Government Board, **3,** 574
crematoria, of, Local Government Board, by, **3,** 571
debenture holders, of register of, **5,** 357
deeds of arrangement, register of, **2,** 331
trustee's accounts under, **2,** 336
designs, of, defendant in infringement action, by, **27,** 743 n.
register, of, **27,** 728
documents, of. *See* INSPECTION OF DOCUMENTS.
dog licences, register of, **15,** 254
drain, of, connection with sewer, before, **25,** 763, 764
emergency, in case of, **25,** 758
inspector of nuisances, by, **25,** 757
local authority's rights and duties as to, **25,** 757—762
request for, **25,** 758, 759

INSPECTION—*continued.*
dwelling-houses, of, for purposes of inhabited house duty, **17,** 187
elections, in relation to, ballot papers, rejected, of, **12,** 428—430
candidate's expenses, of return of, **12,** 335 n., 338, 351, 352
deaths, returns of, made to overseers of parish, of, **12,** 198
occupiers list, of, **12,** 203
overseers' account of expenses of registration duties, of, **12,** 240
ownership list, of, **12,** 202
voting papers, of, at trial for election offences, **12,** 531
electrical
meter, of, by undertakers, **12,** 597
works, of, by local authority, **12,** 605—607
emigrants, of, medical practitioner, by, **26,** 342
evidence, of, court and jury's right as to, **13,** 507—510
Explosives Act, under, **14,** 388—390. *See* INSPECTOR.
factories for food and drugs, of, **15,** 60
food, of articles intended for, **15,** 36, 37
friendly society, affairs of, Chief Registrar's power as to, **15,** 174, 175
balance sheet, of, **15,** 174
books, of, rules as to, **15,** 138, 148, 174
game dealers, of register of licences of, **15,** 258
gas company, accounts, of, **15,** 372
mains, of map of, **15,** 382
meters, fittings etc. of, **15,** 336
plans etc. of public undertakings, of, **15,** 314
special Acts of public undertakings, of copies of, **15,** 319
testing reports of examiner, of, **15,** 392
gun licence register, of, **15,** 253
harbours, of, Explosives Act, under, **14,** 389; **26,** 650
health of person, to ascertain state of, **13,** 508
highway authority's books, of, **16,** 179
horseflesh, of, on sale, **15,** 70
immigrant ships, of, **1,** 321
immigrants, of, by immigration officer, **1,** 320
conditional disembarkation for, **1** 321
seamen landing to seek engagement, rule as to, **1,** 321
industrial society, affairs of, **17,** 30
books, of, accountant, appointment of, for purpose of, **17,** 16
right of member or person interested as to, **17,** 15, 16
costs of, power of registrar to order security, **17,** 30, 31
judge, by, action for deceit, in, **13,** 509
powers of, as to, **13,** 509; **23,** 143, 144
jury, by, order for, **23,** 144. *See also* VIEW.
lamps, of, coal mines, in, regulations as to, **20,** 614, 615
liquidator's books, of, Board of Trade, by, **5,** 435
creditors and contributories, by, **5,** 442, 443, 445, 451
official receiver, by, **5,** 445
loan societies, of certified rules of, **19,** 220
lunacy inquisition records, of, **19,** 427
mandamus to enforce, company, in case of, **5,** 690
corporation books, in case of, **8,** 324; **10,** 82
limitation of, **10,** 82
prerogative writ, grant of, **10,** 79, 81—84, 99 n.

INSPECTION—*continued.*
marriage notices, of, provision for public, **16,** 291
mine, coal, of. *See* coal mines, *supra.*
demised, of, lessor's right as to, **20,** 564 n.
power of court to order security before, **20,** 540
trespass, in case of, when order for, granted, **20,** 539, 540
weights, measures, and weighing machines, of, provision for, **28,** 480
when plaintiff may obtain, **20,** 582
mortgage register of company, of, **5,** 365, 370, 560, 561, 735
National Health Insurance, approved societies, of affairs of, **28,** 940
nuisance, for, duty of local authority as to, **21,** 537, 572, 573
nullity of marriage suit, in, person, of, **16,** 527, 528
refusal of, by respondent in, **16,** 527, 528
partnership books, of, **22,** 50, 65, 66
party injured, of, in action against railway company, **23,** 752
patents, of register of, **22,** 181
order for, in action for infringement, **22,** 221; **23,** 144 n.
places of worship, certified list of, **4,** 246
poor law schools, of certified, **12,** 85
proof, as a mode of, **13,** 507—510
property, of, action in High Court, for purpose of, **23,** 143, 144
costs of application for, **23,** 144 n.
county court action, in, **8,** 503, 504
goods, on sale of, **24,** 228, 229. *See* SALE OF GOODS.
land, by purchaser of, **25,** 297
public buildings, of, **23,** 430
railway company, affairs, of, procedure relating to, **23,** 646
deposit plans and sections, of, rights as to, **23,** 649, 650
postponement of opening of railway after, **23,** 743
registrar of joint-stock companies, of documents kept by, **5,** 59, 60
returns of *quasi*-corporation, of, **5,** 754
school, certified, of, by Local Government Board, **12,** 85
district, of, **12,** 87
public elementary, of, by Board of Education, **12,** 12, 30, 44
reformatory, of, **12,** 72
secondary, of, by Board of Education, **12,** 23
voluntary, local education authority, by, **12,** 36—38
shareholders, of register of, **5,** 152, 249, 561, 661, 662, 696
ship, of, Board of Trade, by, **26,** 650
Explosives Act, under, **14,** 389
fog signals and lights, in respect of, **26,** 363
medical stores and anti-scorbutics, in respect of, **26,** 45, 341
provisions, statutory requirements as to, **26,** 44, 339
Trinity Masters, by, in Admiralty action, **1,** 102
slaughter-houses, of, **15,** 40
subject-matter of action, of, **23,** 143, 144
tax assessment, of, by overseers, **12,** 198
tea, imported, of, Commissioners of Customs, by, **15,** 68
trade union books etc., of, **27,** 618, 628 n.

INSPECTION—*continued.*
tramway, of, before opening, **27,** 788
plans etc. of proposed, **27,** 822
trust accounts etc. of, *cestui que trust,* by, **28,** 127
urban district council, accounts, of, **19,** 285
view, by. *See* VIEW.
waterworks, of, local authority, by, **28,** 304 n.
winding up, file of proceedings in, **5,** 558
notes of examination in, **5,** 433
statement of affairs in, **5,** 427
witness, of demeanour of, as mode of proof, **13,** 508

INSPECTION OF DOCUMENTS.
The title DISCOVERY, INSPECTION, AND INTERROGATORIES *is contained in Vol. XI., pp.* 35 *et seq.*
abroad, order made for, **11,** 89 n.
accountant, by, **11,** 67 n., 90
affidavit of documents before. *See* AFFIDAVIT OF DOCUMENTS.
agent, by, **11,** 67, 90
application with a view to, **11,** 67—69
bankers' books, of. *See* BANKERS' BOOKS.
books, in case of trade or business, **11,** 89
company, of, **5,** 59, 60. *See* COMPANIES.
copies, documents, of, right to, **11,** 67, 69, 70, 90, 91
entries in lieu of, **11,** 91
corporation, by member, of, **11,** 46, 47. *See also* CORPORATION; INSPECTION.
costs of, security for, **11,** 54
taxation, allowed on, **11,** 90; **26,** 805
court, by, **11,** 64
court rolls of manor, order as to, **11,** 92
criminal cases, in, **9,** 387
defendant, documents of title of, position as to, **11,** 91
in case of several, form of order, **11,** 68
discovery in relation to, **11,** 37. *See* DISCOVERY OF DOCUMENTS.
Divorce Division, in, procedure as to, **16,** 526, 527
expert, by, **11,** 90
friendly society dispute, in determination of, **15,** 184
identification of documents, **11,** 60 n.
infant, by, procedure on application for, **17,** 137
libel action, in, limitation of, where justification pleaded, **11,** 67 n.
lunacy, inquisition in, to whom allowed, **11,** 49
mandamus to compel, **10,** 82
Master, appointment of person by, **11,** 90 n.
order of, to compel, **11,** 69
Mayor's Court, London, in, **20,** 289
municipal elections, in, **12,** 350—352
petition as to order for, **12,** 511
fees of, **12,** 521
non-production, consequences of, **11,** 91, 92; **18,** 188
notice to inspect, form and contents of, **8,** 516; **11,** 89
order to produce, time fixed by, **11,** 89
parliamentary election petition, in case of, fees of, **12,** 478
photography, discretion as to allowing use of, **11,** 89
place for, power of court as to, **11,** 89
privilege, claim of, **11,** 64, 69, 70, 72—82, 84. *See* PRODUCTION OF DOCUMENTS FOR INSPECTION.
prize law, in, right of claimant as to, **23,** 289

INSPECTION OF DOCUMENTS—*contd.*
probate action, in, **11,** 42
production of document, objection to, **11,** 70, 82. *See* PRODUCTION OF DOCUMENTS FOR INSPECTION.
sealing up parts of document, claim as to, **11,** 68, 70
ship's papers, as to, **23,** 289
solicitor, by, **11,** 68, 90
clerk of, by, **11,** 90 n.
specific document, not mentioned in pleadings etc., as to, **11,** 69
right to take copies of, as to, **11,** 91
specific performance, in action for, **11,** 67 n.
testing by chemicals, **11,** 90 n.
trial, at the, as to, **11,** 68 n. *See also* PRODUCTION OF DOCUMENTS AT HEARING.
who may obtain, **11,** 67, 90
witness, by, **11,** 67 n., 90
wrongful dismissal, in action for, **11,** 106

INSPECTOR,
Alkali etc. Works Regulation Act, under, action by, **8,** 632 ; **23,** 406, 412—414
appointment of, **23,** 406
chief, appointment of, **23,** 406, 412
deputy for, **23,** 412
inquiry by, **23,** 408, 410, 412
obstruction of, **8,** 632 ; **23,** 413
anatomy, of place for practice of, **20,** 341
banking companies, of, **5,** 270, 613
Board of Agriculture and Fisheries Act, under, appointment of, **14,** 595
Board of Trade, under, banking company, to investigate affairs of, **5,** 270, 271 ; **13,** 546
canals, of, **14,** 389 ; **23,** 646, 738, 739, 743
Companies Act, 1862, for purposes of, **13,** 566
Electric Lighting Acts, under, **12,** 597, 605
explosives, of, **14,** 389, 390
harbours and ships, of, **14,** 389
Merchant Shipping Act, 1894, for purposes of, **14,** 389 ; **26,** 650
railway, of, **14,** 389 ; **23,** 646, 738, 739, 743
shipping accidents, for inquiry as to, **26,** 650
weights and measures, of, **28,** 473—475. *See* Weights and Measures Acts, *infra.*
bribery of, **9,** 484 ; **15,** 33 ; **23,** 351
Children Act, under, appointment, powers, and duties of, **17,** 167
reformatories and industrial schools, of, **12,** 72
Coal Mines Regulation Acts etc., under, accident to be notified to, **20,** 607, 608
appointment, powers, and duties of, **20,** 608—611, 625
coroner's inquest, attendance at, **8,** 258, 259
disqualifications for office of, **20,** 609
education of children, duty as regards, **12,** 64
powers of, for purposes of Explosives Act, **14,** 390
prosecutions by, **20,** 622—624, 633
collecting societies, of, appointment of, **15,** 128, 174, 175 n.
Companies Acts, under, **5,** 270, 271, 613
Customs, appointed by Commissioners of, **15,** 68
Diseases of Animals Acts, under, **1,** 422, 425, 432
drunkards, under Acts relating to, inebriate reformatories, of, **18,** 169
retreats, of, **18,** 163, 164
Education Acts, under, *defined,* **12,** 12 n., 15 n.
appointment and duties of, **12,** 12, 30

INSPECTOR—*continued.*
Education Acts—*continued.*
certificate that child has reached a certain standard, **12,** 61
voluntary schools, supervision of, **12,** 16
Electric Lighting Acts, under, appointment, duties, and fees of, **12,** 605—607
Board of Trade, when appointed by, **12,** 597
certification of meter by, **12,** 596, 597
expenses of, **12,** 607, 609
London County Council's powers as regards, **12,** 617 n.
powers of, **12,** 596, 597, 605—609
reports of, **12,** 607
testing by, **12,** 606
Explosives Act, under, accident, notification of, to, **14,** 398
power to hold inquiry as to cause of, **14,** 400
appointment and duties of, **14,** 388, 389
disqualifications for office of, **14,** 388
factories etc., defects in, power as to, **14,** 389
inspectors under other Acts having powers of, **14,** 389, 390
occupier, relief of, from proceedings by, **14,** 396
samples, power of, to take, **14,** 388, 389
search, power of, by, **14,** 391—393
Factory and Workshops Acts, under, accident to be notified to, **14,** 472
appointment of, **14,** 527, 528
certification of surgeon's report on accident, **14,** 473
chief, notification of certain diseases to, **14,** 476
powers of, **14,** 481
child, duties as to employment of, **14,** 488, 489
coroner's inquest, attendance at, **8,** 259
notification of, to, **8,** 244
dangerous machinery, complaint as to, by, **14,** 471
diseases, notification of, to, **14,** 476
disqualifications for office of, **14,** 528, 529
legal proceedings, conduct of, by, **14,** 530
obstruction of, penalties for, **14,** 530
powers and duties of, generally, **14,** 527—530
schools for employees, power as to, **12,** 64, 70; **14,** 529
statutory requirements, enforcement of, by, **14,** 454, 455
Truck Acts, duty of, to enforce, **14,** 519
unhealthy factory, complaint as to, **14,** 471
fairs, duties at. *See* markets and fairs, *infra.*
fisheries, of, **14,** 595
powers of search and seizure given to, **14,** 639
Food and Drug Acts, under, authority, obligation to produce, **15,** 14
butter, cheese, and margarine, powers as to, **15,** 58
district, acting outside, **15,** 15
obstruction of, penalties for, **15,** 33, 34, 38
prosecutions by, **15,** 11—13, 14 n., 29 n.
samples, duty when taking, **15,** 15
tea, of, **15,** 68
Friendly Societies Acts, under, appointment of, to examine and report on society's affairs, **15,** 174, 175
authentication of documents signed by, **15,** 130
books, power to demand production of, **15,** 175
collecting society, of, **15,** 128
gas, under Acts relating to supply of, appeal against, **15,** 351

INSPECTOR—*continued.*
gas—*continued.*
appointment of, **15,** 346
disqualifications for office of, **15,** 346
leakage, testing for, **15,** 348, 349
meters and fittings, inspection etc. of, **15,** 336, 337, 347—351
misconduct of, penalty for, **15,** 350
obstruction of, penalties for, **15,** 350
powers of, **15,** 347—354
quality and pressure of gas, testing of, **15,** 351—354
Income Tax Acts etc., under, **16,** 615, 616
Industrial and Provident Societies Acts, under, **17,** 31
inebriates, under Acts relating to. *See* drunkards, *supra.*
Knackers Acts, under, **23,** 559, 560
Lighting and Watching Act, under, accounts of, **16,** 122
duties, powers, and liabilities of, **16,** 120—122
election of, **15,** 308; **16,** 120, 121; **23,** 550, 551
fire engines, provision of, by, **23,** 551
qualifications of, **16,** 121
Margarine Acts, under, **15,** 58
marine, powers of, **14,** 389; **26,** 650, 651
markets and fairs, at, **20,** 25—29
returns to be made by, **20,** 29
samples of food and drugs for analysis, power to take, **15,** 12
unwholesome food, powers as to, **20,** 33, 34
Medical Acts, under, anatomical, **20,** 341—343
examinations, of, **20,** 325
Merchant Shipping Acts, under, appointment, powers, and duties of, **26,** 650, 651
powers of, for purposes of Explosives Act, **14,** 389
metalliferous mines, of, appointment and duties of, **20,** 625
notice to, abandonment and opening of mines, of, **20,** 628, 629
accident, of, **20,** 627
plan of workings to be produced to, **20,** 627
returns to be made to, **20,** 626, 627
National Insurance Act, under, appointment of, **28,** 901
powers and duties of, **28,** 904
nuisances, of. *See* Public Health Acts, *infra.*
Police Acts, under, **22,** 516
Poor Law (Certified Schools) Act, under, **12,** 85
Poor Law Acts, under, appointment, powers, and duties of, **22,** 527, 528
workhouses, duty to visit, **22,** 559
Prison Acts, under, appointment and duties of, **23,** 232
provisions, of, powers in respect of markets and fairs, **20,** 33
Public Health Acts, under, appointment, powers, and duties of, **19,** 273, 277, 278, 333; **23,** 375
consignments of margarine etc. in transit, powers as to, **15,** 58
drains, inspection of, by, **25,** 757—762
dwelling-houses, inspection of, by, **25,** 757
food, inspection of articles intended for, **15,** 35—43
horseflesh, inspection of, by, **15,** 69, 70
obstruction of, penalty for, **15,** 38
remuneration of, **19,** 273, 278
rural district council, officer of, **19,** 333

INSPECTOR—*continued.*
Public Health Acts—*continued.*
samples of food and drugs for analysis, power to take, **15,** 12
search warrant granted to, when, **15,** 39, 40
seizure of foodstuffs by, **15,** 36 n., 37
streets, removal of obnoxious matter from, **23,** 610
urban district council, officer of, **19,** 272, 277, 278
railways, under Acts relating to, accidents etc., inquiry by, **23,** 738, 739
powers of, for purposes of Explosives Act, **14,** 389
railway company's affairs, of, **23,** 646
reformatories and industrial schools, of, **12,** 72
report of, evidence, when inadmissible as, **13,** 545, 546
sanitary. *See* Public Health Acts, *supra.*
schools, of. *See* Education Acts, *supra.*
tea, of, **15,** 68
water supply, under Acts relating to, *defined,* **28,** 304 n.
duties of, **28,** 304
Weights and Measures Acts, under, appointment and qualifications of, **28,** 474
certificate, penalty for acting without, **28,** 475
coal, duties in relation to, **28,** 479—484
district, acting outside his, **28,** 473
duties of, **28,** 475—477, 483, 485
local standards, verification of, by, **28,** 467
market, testing of weights used in, **20,** 26 n., 28
metric standards, deposit of copies of, with, **28,** 473, 474
mines, jurisdiction extends to, **20,** 601, 625; **28,** 480
powers of, for purposes of Cran Measures Act, **28,** 484—488
private profit, prohibition against, **28,** 475
prosecutions by, **28,** 476, 477
qualifications of, **28,** 474, 475
recognisance to be entered into by, **28,** 475
samples of food and drugs for analysis, power to take, **15,** 12
stamping and verification of weights and measures by, **28,** 472—474
workhouse, of, **22,** 559
workshops, of. *See* Factory and Workshops Acts, *supra.*

INSPECTOR-GENERAL OF THE FORCES,
assistants of, **7,** 93
duties of, **7,** 94, 95

INSTALLATION,
bishop, of, **6,** 397; **11,** 399
canon, of, **11,** 428
dean, of, **11,** 419

INSTALLATIONS (ELECTRICAL),
private, **12,** 639—642

INSTALMENTS,
administration order in county court, payment under, by, **2,** 296—298
attachment of debt payable by, **14,** 92
bankruptcy, payable in, appropriation of payments in case of, **7,** 451; **15,** 538
bankruptcy notice in respect of, **2,** 29, 30

INSTALMENTS—*continued.*
bankruptcy—*continued.*
composition with creditors, in case of, **2,** 84, 86
where secret bargain, **2,** 335, 336
order of discharge, revocation of, on failure to pay, **2,** 310
receiving order in case of, **2,** 63
bill of exchange payable by, **2,** 469
bill of sale, provision in, for payment by, **3,** 38, 39, 68
bond, default in payment under, **3,** 92, 94, 95
payment secured by, **3,** 81, 82
building contract, under. *See* BUILDING CONTRACT.
building society mortgage, on, proof in member's bankruptcy for, **3,** 370
repayment by, **3,** 366; **21,** 228
county court judgment, payment under, by, **2,** 340; **8,** 539, 540
creditor's composition payable by, **7,** 451
debentures, payment for, by, **5,** 354
delivery by, on sale of goods, **25,** 215—221. *See* DELIVERY.
equitable relief by means of payment by, **13,** 151, 152
estate duty, payment of, by, **13,** 213, 214, 221
hire-purchase agreement, in, default, effect of, **1,** 555
increment value duty, payment of, by, **24,** 564, 565
land tax, redemption of, in case of, **18,** 324, 325
limitation of actions in respect of debt payable by, **19,** 44
loan society, in case of, **19,** 223, 224
mortgage debt, repayment of, by, **21,** 114, 221, 228
poor rate payable by, distress in case of, **11,** 211
price of goods, for, **25,** 172, 177, 237
small holdings, purchase of, by, **26,** 687, 688
succession duty, payment of, by, **13,** 292, 293, 299

INSTIGATION. *See* INCITEMENT.

INSTITUTION. *See also* SOCIETY.
benefice, to a, **11,** 601. *See* BENEFICE.
mandamus in case of, **10,** 100
trial of right to refuse, **11,** 512
Borstal, *defined*, **9,** 418; **23,** 235
detention of young offenders in, **9,** 418—420; **23,** 261
Home Secretary, under control of, **9,** 419; **23,** 231
visiting committee for, **23,** 235
charitable purposes, carried on for, **4,** 110. *See* CHARITABLE INSTITUTION.
clergy, of, **11,** 601. *See* benefice, *supra.*
gift to, when scheme necessary, **4,** 185
will, by, **28,** 545, 545 n.
inspection of, **17,** 167
literary and scientific, **19,** 196—214. *See* LITERARY AND SCIENTIFIC INSTITUTION.
non-existent, gift to, *cy-près* doctrine applied to, **4,** 191
public, grant of land by, churchyard or cemetery, for, **3,** 438
injuries to inmates, liability for, **20,** 334
reformatory, Borstal institution as, **9,** 418
Factory Acts, application of, **14,** 445
inspector's powers as to, **14,** 529
scheme for regulation of workers' hours in, **14,** 508, 509
inebriates, for. *See* HABITUAL DRUNKARD.

INSTITUTION—*continued.*
reformatory—*continued.*
National Health Insurance, exemption of inmates from, **28,** 995
suspension of benefits on person entering, **28,** 995
returns required in case of, **24,** 526, 527
school as. *See* REFORMATORY SCHOOL.

INSTROKE,
as means of working a mine, **20,** 558

INSTRUCTIONS,
barrister, to, **2,** 389, 397
clerk to local authority, by, **2,** 389
dock, from the, **2,** 389; **9,** 352
parliamentary agent, by, **2,** 389
privileged from production, **11,** 74
stockbroker, to, **27,** 220
will, for a, admissibility as evidence of, **28,** 650, 651
effect of, **28,** 546, 547

INSTRUMENT. *See also* IMPLEMENT; TOOLS.
correction, used for purpose of, **9,** 608; **27,** 876
electrical undertaking, to be kept by, to record observations, **12,** 606, 607
husbandry, of. *See* IMPLEMENT.
conditional privilege of, from distress, **1,** 252; **11,** 142, 179
trade or profession, of. *See also* TOOLS.
conditional privilege of, from distress, **11,** 142

INSTRUMENT (DOCUMENT). *See* DOCUMENT.
The title DEEDS AND OTHER INSTRUMENTS *is contained in Vol. X., pp.* 355 *et seq. See also under main words denoting different kinds of instruments.*
agreement. *See* AGREEMENT.
alteration of. *See* ALTERATION.
ambiguity in. *See* AMBIGUITY.
appeal, of, in Admiralty, nature of, **1,** 112, 113
attestation of. *See* ATTESTATION.
bearer, to, stamp duty on, **24,** 731
bill of exchange. *See* BILL OF EXCHANGE.
bill of lading. *See* BILL OF LADING.
bill of sale. *See* BILL OF SALE.
cancellation of. *See* CANCELLATION.
charterparty. *See* CHARTERPARTY.
construction of. *See* CONSTRUCTION OF DOCUMENT; CONSTRUCTION OF WILLS.
counterpart of, as evidence, **24,** 727 n.
deed. *See* DEED.
delivery up of, **10,** 81; **13,** 52
distress, giving power of, as bill of sale, **3,** 11, 12, 14—16, 34; **11,** 118, 119, 156; **20,** 565
election doctrine of equity as applied to, **13,** 118
enrolment of. *See* ENROLMENT OF DOCUMENTS.
execution of. *See* EXECUTION OF INSTRUMENT.
extrinsic evidence in relation to. *See* EXTRINSIC EVIDENCE.
forgery of. *See* FORGERY.
hand, under. *See* INSTRUMENT UNDER HAND; WRITING; WRITTEN INSTRUMENT.
Middlesex registry, which may be registered at, **24,** 302
negotiable, **2,** 459 *et seq.* *See* NEGOTIABLE INSTRUMENTS.
promissory note. *See* PROMISSORY NOTE.
proof of, **13,** 605

INSTRUMENT (DOCUMENT)—*continued.*
secondary evidence of. *See* SECONDARY EVIDENCE.
setting aside of, **13,** 14
several matters, dealing with, stamp duty on, **24,** 707
stamping of. *See* STAMP; STAMP DUTY.
testamentary, **14,** 158—165. *See* CODICIL; WILL.
validity of, presumption of, **13,** 505
void or voidable, **13,** 42. *See* VOID.
will and codicil held to be one, **24,** 229 n.
writing, in, gift by, **15,** 409—412
interest on sums payable under, **21,** 38
parol evidence not admitted to add to or vary, **13,** 136. *See* EXTRINSIC EVIDENCE.
power to be executed by, how construed, **23,** 26, 27

INSTRUMENT UNDER HAND,
defined, **10,** 417
acknowledgment of title to land by, **10,** 419
alteration of, **10,** 431—433. *See* ALTERATION.
appointments by, **10,** 421, 422
assignment by, **10,** 418, 422, 424
attestation of, **10,** 428, 429
cancellation of, **10,** 433; **13,** 52; **21,** 18
contents of, **10,** 426, 427
effect of, **10,** 417, 419
execution of, **10,** 428—431
agent, signature by, **10,** 429
company, on behalf of, **10,** 431
form of, **10,** 426
stamp on, **10,** 433; **24,** 707
when necessary, **10,** 419

INSUBORDINATION. *See* DISOBEDIENCE; MUTINY.
seaman, of, **9,** 558; **26,** 60, 61

INSULATION,
electric lines, of, **12,** 581, 582, 583 n.

INSULT,
defamatory, whether, **18,** 619, 620
dismissal of servant for, **20,** 99, 100
murder, will not palliate crime of, **9,** 577
person, to the, rights in respect of, **27,** 474
wife by husband, of, whether cruelty, **16,** 476

INSUPER,
limitation of actions in regard to land and rent standing, **19,** 159 n.
returning land tax arrears, provision for, **18,** 320

INSURABLE INTEREST,
defined, **17,** 367 n.
absence of, effect of, **17,** 514, 519, 520, 544
benefice, of incumbent of, **17,** 525
fire insurance, for purpose of, **17,** 519—525
bailment, in case of, **1,** 545, 546; **17,** 524, 525
bankrupt, of, **17,** 525
carrier of goods, of, **4,** 92; **17,** 524
executor, of, **14,** 300; **17,** 523
incumbent, of, **11,** 772, 773; **17,** 525
joint owners, of, **17,** 525
lessee, of, **17,** 523, 524
lessor, of, **17,** 523, 524
mortgage, in case of, **17,** 521—523; **21,** 121—123
nature of interest necessary, **17,** 519, 520
pawnbroker, of, **17,** 524; **22,** 243 n.

INSURABLE INTEREST—*continued.*
fire insurance—*continued.*
reinsurance in case of, **17,** 525, 526
sale of
goods, in case of, **17,** 521
land, in case of, **17,** 520, 521
trustee, of, **17,** 523
life insurance, for purpose of, **17,** 544—546
amount recoverable, **17,** 547, 548
assignee, not necessary for, **17,** 546
banker, of, in customer's life, **1,** 637
child, keeper of, as to, **17,** 162
maintenance of, in case of, **17,** 546
parent has none in life of, **17,** 545
parent's life, none in, **17,** 545
creditor, of, **17,** 545, 547, 562; **21,** 131
employee, of, **17,** 546
executor, of, **17,** 545—547
husband and wife, of, **16,** 319 n., 399; **17,** 544, 545, 547
illegal policy, in case of, **17,** 558
innkeeper, of, **17,** 524
joint obligor, of, in life of co-obligee, **17,** 545
legal obligation may constitute, **17,** 546
moral obligation does not constitute, **17,** 546
mortgagee in life of mortgagor, **21,** 131
nature of interest necessary, **17,** 544
own life, in, **17,** 544
payment to person having no, effect of, **17,** 563
pecuniary, must be, **17,** 544
proof of, **17,** 555 n.
representatives of life insured, rights of, where no, **25,** 614 n.
several policies on same life, effect of, **17,** 548
surety, of, **17,** 545
trustee, of, **17,** 545—547
wife in husband's life, **17,** 544
marine insurance, for purpose of, **17,** 366—378
defined, **17,** 336, 366, 367
advance freight, in, **17,** 370
bailee of goods, of, **17,** 369, 471
bill of lading, of indorsee of, **17,** 372
bottomry, in case of, **17,** 373, 374
captors and prize agents, of, **17,** 368, 373
carrier of goods, of, **4,** 92; **17,** 369, 374 n., 471
consignee, of, **17,** 372, 373
crew of vessel, of, in respect of wages, **17,** 373
freight, in, **17,** 369, 370
indemnity, right to, as affecting, **17,** 374
master of ship, of, in respect of wages, **17,** 373
mortgage, in case of, **17,** 371, 372
nature of interest necessary, **17,** 368, 369
purchaser of ship or goods, of, **17,** 370, 371
reinsurance, in case of, **17,** 375, 376
respondentia, in case of, **17,** 373, 374
shareholder of a company, of, **17,** 374
ship, of shipowner in, **17,** 369
trustee, of, **17,** 372
vendor of ship or goods, of, **17,** 370, 371
wagering policy, in case of, **17,** 377, 378
stake, distinguished from, **15,** 268

INSURANCE.
The title INSURANCE *is contained in Vol. XVII., pp.* 329 *et seq. See also* ASSURANCE COMPANY.
accident, against. *See* ACCIDENT INSURANCE.
agency, in relation to, **1,** 153; **17,** 354, 355, 513
agent, authority of, **17,** 354, 355, 359, 549, 560
duty of, **17,** 355—358
merchant abroad, of, **17,** 355, 356

INSURANCE—*continued.*
agent—*continued.*
lien of, marine policy, on, **17,** 351, 352
negligence of, **21,** 368; **17,** 356—358, 407, 549
restraining covenant, certainty of, **27,** 5 7 n.
animals, of, **1,** 428; **15,** 125; **17,** 364, 427 n., 435, 512
living, how specified in policy, **17,** 364
seaworthiness warranty, in case of, **17,** 427 n.
slaughter, against, amount of compensation deducted, **1,** 428
underwriters, liability of, of, **17,** 435
annuity, of, friendly society, by, **15,** 126
assured under
fire policy. *See* ASSURED UNDER FIRE POLICY.
marine policy. *See* ASSURED UNDER MARINE POLICY.
bill of sale, insertion in, of power for grantee to pay, **3,** 41
broker. *See* INSURANCE BROKER.
burglary, against, indemnity, is a contract of, **17,** 512 n.
policy, stamping of, **17,** 516
principles governing, **17,** 512
theft connived at, effect of, **17,** 512 n.
carriage by land, discovery in case of, **11,** 65, 66; **17,** 503
carrier of goods by, **4,** 14, 27; **17,** 471
cattle, **15,** 125. *See* animals, *supra.*
insurance society. *See* CATTLE INSURANCE SOCIETY.
children, of, friendly society, with, limit in the amount payable in respect of, **15,** 155; **17,** 548
not limited to those in existence, **15,** 124 n.
when may be effected, **17,** 545, 546
church, chancel of, when incumbent liable to repair, **11,** 772
claim, fraudulent, question of fact, **17,** 529 n., 539
settled, effect of, **17,** 495
collecting society, by, **15,** 129; **17,** 546 n.
commission
on sale of goods, how covered by, **17,** 366
solicitor must account for, **26,** 736, 737 n.
commission agent, by, when authority implied, **17,** 355; **28,** 908
commissioners. *See* INSURANCE COMMISSIONERS.
committee. *See* INSURANCE COMMITTEE.
company. *See* ASSURANCE COMPANY.
concealment, assured, by, underwriter, how affected by, **17,** 406
effect of, **17,** 513
fire, on, **17,** 532
marine, on, **17,** 404, 405
consignee, by, provisions as to, **4,** 31; **17,** 355, 372, 373, 385
condition requiring payment of, **4,** 31
consignor, by, when authority inferred, **17,** 355
contract of, indemnity, as, **15,** 444, 445; **17,** 336
nature of, **15,** 443, 445; **17,** 335, 336
payment under, not an accumulation, **22,** 381
rectification of, **17,** 403, 404
usage not affecting terms of, when, **17,** 345
when apportionable, right of assured under, **17,** 460
covenant for, breach of, rights in case of, **17,** 518, 519; **18,** 522
crime, presumption against, when equal evidence of accident, **17,** 556
INSURANCE—*continued.*
damages for personal injury, effect of, **4,** 59; **17,** 570, 571
debtor, on life of, **17,** 545; **22,** 380 n.
double
defined, **17,** 380
assured's rights under, **17,** 380, 381
different interest, covering, **17,** 381
fire policy, in, notice of, **17,** 329
prohibition of, National Health Insurance, in, **28,** 940
when arising, **17,** 381
ecclesiastical property, of, provisions as to, **11,** 772
employer's liability, trade union carrying on business of, position of, **27,** 670
Employers' Liability Act, against liability under, **17,** 570, 571
fire. *See* FIRE INSURANCE.
fraud, effect of, in, **17,** 404, 414, 496, 501, 513, 539
freight, on. *See* FREIGHT.
friendly society, provisions in regard to, **15,** 123 n., 124, 148; **17,** 548
guarantee, conditions precedent in case of, **17,** 573
co-sureties, contribution between, as applied in, **15,** 526, 535; **17,** 381, 536, 573
declaration with a view to, **17,** 572
distinguished from, **15,** 444 n., 445; **17,** 573
provision generally, as to, **17,** 572—574
subrogation in reference to, **17,** 573
health, **28,** 905 *et seq.* *See* NATIONAL HEALTH INSURANCE.
illegal, agent not responsible for not effecting, **17,** 358
alien enemy, by or on behalf of, during war, **17,** 429
instances of, **17,** 339, 340
Marine Insurance (Gambling Policies) Act, 1909, **17,** 377
premium not recoverable, when, **17,** 354, 501
rights of insured in respect of loss paid to broker, **17,** 354
where no insurable interest, **17,** 514, 544
illegality of, criteria for determining, **17,** 432
waiver of, not permitted, **17,** 432
improvements, of, liability of landowner under the Improvement of Land Act, 1864, as to, **18,** 299
tenant for life, by, **18,** 293; **25,** 614 n.
incumbent, by, parsonage house, farm, and other buildings, as to, **11,** 772
indemnity, right to, effect of, on, **17,** 374
whether a contract of, **15,** 443, 444; **17,** 336 n., 512, 518, 544
industrial assurance companies, purposes of, **5,** 625, 626. *See* INDUSTRIAL ASSURANCE COMPANY.
infant, by, in Post Office Savings Bank, **17,** 61
of, when an offence, **17,** 162
innkeepers, by, goods of guest, **1,** 153 n.; **17,** 313, 314, 315, 524
insurable interest. *See* INSURABLE INTEREST.
insurance commissioners, **28,** 930. *See* INSURANCE COMMISSIONERS.
insured person. *See* INSURED PERSON.
insurerer. *See* INSURER.
interest in. *See* INSURABLE INTEREST.
interrogatories in cases as to, **11,** 102
issue, against birth of, **17,** 512
indemnity, not a contract of, **17,** 512 n.

INSURANCE—*continued.*
land, sale of, pending completion of, rights as to, **17,** 520, 521 ; **25,** 339, 340, 369
landlord, expenses of, no deduction from franchise value, **12,** 161
right of insured, where covenant to repair but none to insure, **17,** 524
larceny, against, effect of, **17,** 512, 572
lease, agreement for, breach of terms in, as to, effect of, **27,** 60
covenant in, for, effect of, **17,** 523 ; **18,** 521, 522
leasehold, of, effect of omission by vendor, **25,** 369
life. *See* LIFE INSURANCE
Lloyd's, effected at, nature of, **17,** 512. *See* LLOYD'S.
marine. *See* MARINE INSURANCE.
application of principles of, to all, **17,** 513
misrepresentation in relation to, **17,** 404, 415, 513 ; **20,** 755 n.
money, application of, landlord and tenant, as between, **17,** 518, 519, 524 ; **18,** 523. *See* landlord, *supra.*
mortgagee's rights in respect of, **17,** 371, 372, 521—523 ; **21,** 121—123, 241, 242
trustee may appoint banker or solicitor to receive, **28,** 142
office, stipulations as to, not necessary in covenant to insure, **18,** 521
partner, by, implied authority as to, **17,** 354, 355 ; **22,** 25
partnership business of, law applicable to, **17,** 512. *See* PARTNERSHIP.
penalty for failure to
execute policy within one month after receipt of premium, **17,** 515
stamp policy, **17,** 516
personal representative, power of, as to, **14,** 300 ; **17,** 523
plate glass, of, **17,** 512
premiums, recovery of, principle as to, **17,** 499, 500, 512, 557, 558 ; **20,** 745 n.
property, against loss of, or damage to, indemnity, is a contract of, **17,** 512
receiver, powers of, as to, **21,** 266, 267 ; **24,** 396
reinsurance, indemnity, is not a contract of, **15,** 445 ; **17,** 375
legal principles of, **17,** 513. *See* REINSURANCE.
rights as to, **17,** 375, 376
reports, when not privileged, **11,** 79
rescission of, **17,** 416 ; **20,** 743 n.
risks covered by, nature of, **17,** 512
sale of goods, position of buyer and seller on, **17,** 521 ; **25,** 188, 223—225
strike, against, no deduction of income tax allowed in respect of, **16,** 652
subrogation, doctrine of, applied in cases of, **13,** 149 ; **15,** 509 n. ; **17,** 490—495, 513, 518, 519. *See* SUBROGATION.
tenant for life's liability in respect of, **18,** 293 ; **25,** 614, 615
trustee, by, fire, against, **17,** 523, 524
life, in case of, **17,** 547, 563
marine, in case of, **17,** 372
statutory powers, **17,** 523 ; **25,** 688 ; **28,** 145, 146
unemployment, **28,** 885 *et seq.* *See* UNEMPLOYMENT INSURANCE.
usual covenants for, **17,** 523, 524 ; **18,** 521
validity of, statutory requisites for, **17,** 337, 338

INSURANCE—*continued.*
void, gaming or wagering, by way of, **17,** 377
voluntary payment of loss not covered by policy, **15,** 401
warranties, effect of, in relation to, **17,** 402, 513
workmen's compensation, Arbitration Act, 1889, may apply, **20,** 192
workman's rights on employer's bankruptcy, **17,** 570, 571 ; **20,** 191—192

INSURANCE BROKER,
defined, **1,** 153
accounts of, usage as to, **17,** 348 n., 353
agency of, nature of, **17,** 347, 348, 357
assured, liability of, to, **17,** 349, 354
relationship to, of, **17,** 357
authority of, **17,** 353, 358
bankruptcy, effect of, **17,** 350, 352
underwriter, of, rights in case of, **17,** 350, 351
business of, nature of, **17,** 347
counterclaim, right to, in claims under policy, **17,** 350 ; **25,** 500
del credere agent, as, when, **17,** 348 n., 350, 351
evidence of, admissibility of, **17,** 352, 412
knowledge of, imputed to principal, when, **17,** 406 n., 407
lien of, **1,** 198 n. ; **17,** 350—352 ; **19,** 7
marine, liability of, **17,** 349, 496, 499 n.
mistake, duty in case of, by, **17,** 406 n.
negligence of, evidence as to, **17,** 357
premiums and losses, responsibility as to, **17,** 349
skill and care, presumption in respect of, **17,** 356, 357
underwriter, bankruptcy of, rights in case of, **17,** 350, 351
set-off between, **17,** 350 ; **25,** 497 n., 500

INSURANCE COMMISSIONERS,
advisory committee, appointment of, by, **28,** 933. *See also* INSURANCE COMMITTEE.
appeal from, to county court, **28,** 997
appointment and powers of, **28,** 932
approved societies, security by, powers as to, **28,** 939—941
arrears, payments in respect of, how made by, **28,** 963
benefits, reduced, powers as to, **28,** 922
variation of, powers as to, **28,** 930
casual or intermittent employment, orders relating to, **28,** 994
charitable institutions, inmates of, certificate of exemption, when granted, **28,** 995
contributions, collection of, power to make regulations as to, **28,** 918
decision of, acting on, prevents liability to penalty, **28,** 999
deficiency by society, powers in case of, **28,** 968
disputes, power to settle, **28,** 996, 997
exemptions, removal of, by, **28,** 910
funds available for investment, duty as to, **28** 963, 964
High Court, submission of questions to, by, **28,** 997
insurance committees, constitution of, powers as to, of, **28,** 933, 935, 936. *See* INSURANCE COMMITTEE.
joint committee of, constitution and powers of, **28,** 932, 933
local medical committee, recognition of, by, **28,** 936—937
medical benefit, administration of, by, **28,** 946

INSURANCE COMMISSIONERS—*continued.*
referees, appointment of, by, **28,** 998
regulations by, provisions as to, **28,** 918, 932
research, powers for purposes of, **28,** 953, 954
reserve values, payments in respect of, by, **28,** 962, 963
seasonal trades, power to make special order for, **28,** 995, 996
valuation of assets and liabilities, regulations for, **28,** 971

INSURANCE COMMITTEE (NATIONAL HEALTH INSURANCE),
accounts, duty to keep, **28,** 961
constitution of, **28,** 933—937
district insurance committees, appointment of, by, **28,** 935, 936
drugs, provisions as to supply of, **28,** 937, 950—952
expenses of, provision for, **28,** 934, 935, 961
extra expenditure by, provisions as to, **28,** 956
financial assistance by Treasury to, **28,** 958, 959
hospital, subscription to, by, powers as to, **28,** 945
local, provisions as to, **28,** 936, 937
married women's suspense account, duties as to, **28,** 979
medical
benefit, administration of, by, **28,** 946—950
officers of health, provision as to attendance of, at meetings of, **28,** 934
members of, expenses of, **28,** 935, 961
nurses, appointment of, by, **28,** 945
panel doctors of, National Health Insurance, **28,** 937, 946. *See* PANEL (National Health Insurance).
duty in respect of the, **28,** 946, 947
payments by Insurance Commissioners to, provisions as to, **28,** 961
powers of, generally, **28,** 933—935
rules for administration of benefits, power to make, **28,** 945
sanatoria, power to contribute to, **23,** 445; **28,** 951

INSURED PERSON,
classes of, under National Health Insurance Act, **28,** 905
grant of outdoor relief to, extent of, **22,** 564; **28,** 928

INSURER,
bailee as, **1,** 533, 534, 540, 544, 559, 560; **17,** 524, 525
borrower rendered, by misuse, **1,** 540; **17,** 524, 525
carrier, common, as, **4,** 8; **17,** 471
of persons, not, **17,** 369; **4,** 44
condition limiting liability of, construction of, **17,** 537
discharge of, joint grantees, in case of, **17,** 565
explosion, liability of, as to loss by, **17,** 530, 532
innkeeper as, **1,** 543 n.; **17,** 315
interpleader, right to apply for relief by way of, **17,** 543, 565, 587
marine, *defined,* **17,** 336. *See* UNDERWRITER.
liability of, collision, in case of, **17,** 491, 493 n.
generally, **17,** 432, 433
salvage charges, for, **17,** 471
transhipment, for, **17,** 387
war, in, **17,** 430
where ship and cargo belong to same person, **17,** 451, 452

INSURER—*continued.*
marine—*continued.*
right of, abandonment, on, **17,** 487 n., 489, 490
contribution, to, **17,** 381, 501
freight, to, **17,** 489, 490; **26,** 301
payment of premiums, as to, **17,** 349
reinsurance, to effect, **17,** 375
workman, not an, **1,** 559, 560

INSURRECTION. *See* REBELLION.
joining in, levying of war, as, **9,** 454
martial law, application of, during, **6,** 402, 403

INTAKE,
river, from, inclusion in rateable value of land, **24,** 37

INTELLIGENCE. *See also* INFORMATION.
enemy, to, treason by giving, **6,** 349
hostile vessel, concerning, duty of consular officer to supply, **6,** 436

INTEMPERANCE. *See* DRUNKENNESS.

INTENTION,
appointment, power of, in respect of *See* EXECUTION OF POWER; POWER OF APPOINTMENT.
bankruptcy, act of, notice of intention to commit, **2,** 290
bill of lading, transfer of property by, in, **25,** 184, 185; **26,** 159
bonds, construction of, according to, **3,** 86, 87
charitable. *See* CHARITY.
conduct as proof of, **13,** 449, 450
contract, in, to be declared, **7,** 354. *See* MISTAKE.
rectification of, in, proof of, **13,** 22; **21,** 22
conversion of goods, in case of, **27,** 892
copyright, infringement of, honest intention no defence in, **8,** 164
costs, tort, in, as affecting, **27,** 468 n.
criminal. *See* CRIMINAL INTENT; MENS REA.
cruelty to animals, in, necessary to prove guilt, **1,** 411; **13,** 449
deed, latent ambiguities in, evidence of intention to explain, **10,** 454
relief where consent absent, **10,** 359; **21,** 12, 14. *See* instrument, *infra.*
defamation, in, immaterial, **18,** 609, 618, 643, 686
distrain, to, abandonment of, **11,** 166
acts indicating, **11,** 166
domicil, effect on, of, **6,** 185, 186
easement, extinguishment of, presumption of, **11,** 278—280
unity of seisin, by, **11,** 282
transfer of, in case of, **11,** 274, 274 n.
evidence of. *See* EVIDENCE
executor
taking as trustee, as to, **11,** 29
taking beneficially, as to, effect of, **11,** 28—30
fixtures, as determining whether articles are, **18,** 418, 420
fraudulent, alleged as a fact in pleadings, **22,** 427, 457 n.
fraudulent conveyance, in, **15,** 81, 93, 94, 95, 98
bankruptcy, in, **2,** 16
bill of sale, in case of, **3,** 62
evidence of fraudulent intention in, **2,** 16; **15,** 84—86, 88 n., 94—97
particular creditor, to defeat, **15,** 83
presumption of, **15,** 99

INTENTION—*continued.*
gift, absolute, when not affected by donor's, **15,** 426
husband and wife, between, in case of, **16,** 392, 393, 396, 397
inter vivos, in case of, **15,** 399
guarantee, signature to, immaterial in affixing, **15,** 469
habitual criminal, to charge prisoner as, notice of, **13,** 451 n.
highways, to dedicate. *See* DEDICATION.
injunction, effect on grant of, **17,** 209, 210, 218, 255 n.
instrument, expressed in, **10,** 434; **13,** 22. *See* CONSTRUCTION; CONSTRUCTION OF CONTRACTS; CONSTRUCTION OF DOCUMENTS; CONSTRUCTION OF WILLS; INTERPRETATION OF WORDS.
rectification by court, **13,** 24, 25; **21,** 12, 14. *See* deed, *supra.*
intestate's settlement barring widow's claim, in, **11,** 18
justification in relation to, **27,** 469, 656, 657
acts done in pursuance of duty, **27,** 470
capacity in which tortfeasor acts, **27,** 469
conflict of duties, in case of, **27,** 469, 470
immateriality of intention, **27,** 470
latent ambiguity in instruments, to explain, evidence of, **10,** 453, 454
lien, loss of, effect on, of, **19,** 30
limitation, to create a, construction of, **22,** 306—308
marine insurance, deviation of voyage in, effect on, of, **17,** 397
voyage policies, in, **17,** 384, 385
misrepresentation, in case of. *See* MISREPRESENTATION.
mistake in expression of, **10,** 444, 445; **13,** 22, 24, 25; **21,** 11—15. *See* MISTAKE.
mortgage securities, in, view of court as to, **21,** 15
notice to quit, incorrect, effect on, of, **18,** 450
nuisance, damages for, as affected by, **21,** 559
whether essential to constitute a, **21,** 510
particular and general, in case of will, **28,** 672—674
partnership property treated as personalty failing contrary, **11,** 6, 7; **22,** 56
patent, infringement of, in, immaterial, **13,** 449; **22,** 211
personal property, transfer of possession of, in, **22,** 405
power of appointment, in respect of. *See* EXECUTION OF POWER; POWER OF APPOINTMENT.
presumption of, when intention material, **9,** 236, 389 n.; **13,** 499
proceed, to, notice of, when required, **23,** 160
promise, distinguished from, in representation, **20,** 661, 662
proof of, **13,** 448—450. *See* EVIDENCE.
representation, in case of. *See* REPRESENTATION.
right of way, nature of, controlled by intention of the grant, **11,** 290, 293
statute, of, in regard to interpretation, **27,** 145
testator, of. *See* CONSTRUCTION OF WILLS; TESTATOR.
third person, of, statements of, **20,** 663, 664. *See* MISREPRESENTATION; REPRESENTATION.
tie up property, to, effect of, **22,** 318
tortfeasor, of. *See* TORTFEASOR.
trade mark, as affecting non-user of, **27,** 717
trespass to the person, in case of, **27,** 871, 873
wrongful act, to continue, damages in case of, **17,** 213

INTER PARTES,
judgment may be, **13,** 327, 330; **18,** 177. *See* JUDGMENT IN PERSONAM.

INTER VIVOS,
easement, transfer of, by disposition, **11,** 274
gifts. *See* GIFT.

INTERDICTION OF TRADE,
underwriter's liability for loss caused by, **17,** 438, 439

INTERESSE SUO, PRO. *See* PRO INTERESSE SUO.

INTERESSE TERMINI,
defined, **18,** 335, 404
assignment of, **18,** 404
lessor, to, effect of, **18,** 404
concurrent lease not made by deed, effect of, on, **18,** 404, 405
creation of, future lease, by, **11,** 152; **18,** 405, 406
estate, creates no, **11,** 152; **18,** 404; **24,** 265
merger neither caused nor prevented by, **18,** 404
rule against perpetuities in case of, **22,** 316

INTEREST,
arbitrator, of, subject-matter, in, effect of, **1,** 480; **3,** 286, 287
building contract, in, of contractor, charge on, **3,** 281
corporeal hereditament, in, deed necessary to assign, **10,** 368
donees, of, advance, on, in case of, hotchpot clause, **28,** 843
future. *See* FUTURE INTEREST.
judicial or *quasi*-judicial functions, of persons exercising, as vitiating the decision, **23,** 336
justices, of, subject-matter of compensation, in, **6,** 77, 78; **19,** 551—553. *See* BIAS.
land, in. *See* INTEREST IN LAND.
money, on. *See* INTEREST ON MONEY.
umpire, of, subject-matter, in, effect of, **1,** 480

INTEREST CAUSE,
next of kin, dispute as to, tried by, **14,** 185
procedure in, **14,** 185, 186

INTEREST IN LAND. *See also* ESTATES IN LAND; REAL PROPERTY.
defined, **10,** 472 n.
Finance (1909-10) Act, 1910, by, **24,** 558 n.
advowson, as an, **25,** 291 n. *See* ADVOWSON.
beneficial interests in realty, settlements, arising under, **25,** 585 *et seq.* *See* SETTLEMENT OF PROPERTY.
burial right not an, **3,** 474
charge on, **21,** 115 n.; **23,** 84, 85. *See* CHARGE.
chattel. *See* CHATTELS REAL.
clergyman's living, profits of, as an, Statute of Frauds, under, **25,** 291 n.
compulsory purchase of. *See* COMPULSORY PURCHASE OF LAND.
debentures, company, of, when conferring an, **27,** 228
disentailing deed, created by, effect of, **24,** 260
easement as an, **11,** 235, 237; **25,** 291 n. *See* EASEMENT.
growing crops as an, **1,** 293
Lands Clauses Acts, under, what is an, **25,** 727 n.

INTEREST IN LAND—*continued.*
lease of, **18,** 340, 341; **24,** 558 n.
forfeiture of, bankruptcy, on, **2,** 149, 150
licence coupled with an, effect of, **18,** 339; **27,** 861
mortgage debentures do not confer an, **27,** 228
profit à prendre as an, **25,** 291 n.
remainder, in. *See* REMAINDER; REMAINDERMAN.
reputed ownership, not within, bankruptcy, in case of, **2,** 174
settlement, condition of, impossible to perform, effect on, **2,** 150
shares, how far an, **27,** 227
shooting tenant, right of, as an, **15,** 220
Statute of Frauds in regard to contract for sale of, **10,** 419; **25,** 290 n., 291 n.
succession to, **6,** 218, 219; **11,** 3, 4 n., 16
vendor, of, pending payment of purchase money, **25,** 365

INTEREST ON MONEY,
defined, **21,** 37
accumulation of, investment as capital, **25,** 608
accumulation of income may be at simple or compound, **22,** 373
administration action, in, **14,** 342, 345
advancements, on, from what date allowed, **11,** 21, 22; **28,** 843
agent, liability to pay, **1,** 188, 189; **21,** 41
5 per cent. on bribe received, **1,** 191
agreement to pay, express, **21,** 39
price of goods, on, **25,** 238
implied, **21,** 39, 40
price of goods payable by bill or note, on, **25,** 238
apportionment of, **13,** 28; **21,** 43
appropriation to, **15,** 538
arrears of. *See* ARREARS.
acknowledgment, effect of, **19,** 103, 104
bank note, payable on, **1,** 575
banker, customer of, charged to, **1,** 631
loan by, on guarantee of, **1,** 642
overdraft, on, **1,** 643
rate charged by, **21,** 228
warrant, nature of, **1,** 601
bankruptcy, in case of, addition to debt of, for purposes of proceedings, **2,** 30, 40
advance by official receiver, on, **2,** 107
bank guarantee, provided for by, **1,** 642
dividend, on, **2,** 238
postponement of claim for, **2,** 224
proof for, **2,** 204, 205, 232, 233
property, in, determinable on, **2,** 146—152; **15,** 86
secured creditor, in case of, **2,** 226, 227
trustee's liability to pay, **2,** 112
bill of exchange, on, damages, recovered as, **2,** 524, 525
law relating to, **2,** 468; **21,** 37—42
rate of, **2,** 468
when payable in addition to, **25,** 238
bill of sale, in case of, **3,** 38, 39
bond, in case of a, **3,** 93, 95, 96; **21,** 41
building contract, when payable under, **3,** 223
building society, fine of, on, **3,** 362
shares of, on, **3,** 361
capitalisation of. *See also* COMPOUND INTEREST.
mortgage debt, in case of, **21,** 116, 230
trustee, as against, **28,** 191, 192
when allowed, **21,** 43

INTEREST ON MONEY—*continued.*
charge, on, tenant for life, liability as to, **21,** 229, 230; **23,** 85; **25,** 617, 618
charities, proceedings relating to, on costs in, **4,** 354
charity funds misapplied, on, **4,** 278, 345
collisions, in, claims proved, on, **26,** 541
common law rule as to payment of, **21,** 37, 39
companies, in case of, advances by members, on, **5,** 117
calls, on, **5,** 167, 202, 501
capital, on, **5,** 117, 118
debentures, on, **5,** 376, 389; **15,** 566
debts after winding up, accruing on, **5,** 580; **21,** 39
directors' expenditure, in case of, **5,** 233
mortgages and bonds, on, **5,** 736, 737, 739; **21,** 39
proof in winding up for, **5,** 511; **21,** 39
rectification of register, on repayment after, **5,** 153, 154
securities, on, **5,** 389; **21,** 39
winding up, debts, on, **5,** 436, 580; **21,** 39
excess cash balance, on, **5,** 436; **21,** 39
compound. *See* COMPOUND INTEREST.
compulsory purchase, in, loss by mortgagee of, **6,** 146
conflict of laws as to payment of, **6,** 212, 213, 232, 247; **21,** 43
contingent legacy, on, how payable, **14,** 274. *See* legacy, *infra.*
contract, in case of, conflict of laws as to, **6,** 247
setting aside, on, **13,** 21
conversion, when allowed in, **10,** 345; **21,** 39
costs, on, charity estate, in case of, **4,** 354
foreclosure or redemption action, in, **21,** 233
Judgments Act, 1838, under, **21,** 233 n., 234 n.
payment by instalments, in case of, **18,** 209 n.
solicitor's, on, **26,** 809—811
county court judgment, on, **8,** 535, 544
creditor and debtor, as between, recoverable in equity, **21,** 40, 40 n.
creditor's delay, effect of, on right to, **21,** 42
Crown, payable by, in respect of *bona vacantia,* **11,** 31
current rate of, **25,** 595
custom, payable by, **1,** 631; **21,** 39
damages, payable as, Admiralty, in, **1,** 120
Civil Procedure Act, 1833, under, **10,** 332; **21,** 38; **25,** 238 n.
collision at sea, **26,** 541
common law, at, **10,** 332
mortgage, under, **21,** 116, 226
non-payment of money lent, on, **21,** 38, 39, 41
sale of goods, on, **25,** 238 n.
trespass, in, **20,** 541
trover, in, **20,** 541; **27,** 909
debenture stock, on, **5,** 740; **23,** 634
debentures, on, proof in bankruptcy of guarantor, of, **2,** 204; **5,** 389
debt, on, deceased person, of, **14,** 342
insolvent estate, of, in administration by the court, **14,** 345, 346
testator, of, effect of direction to pay, **13,** 234
when payable, **21,** 37—41
demand, written, running from time of, **21,** 38
discharge of, discharge of principal money, by, **21,** 41, 42
equity, payable by rules of, **21,** 40, 41
estate duty, on, **13,** 213, 225
Commissioners, when payable by, **13,** 227

INTEREST ON MONEY—*continued.*
estate duty—*continued.*
rate of, **13,** 225
refund on, **13,** 228
remission of, **13,** 182, 224
tenant for life, payable by, **13,** 223 n.
excessive, loan by money-lender, on, **21,** 53—57. *See* UNCONSCIONABLE BARGAIN.
fraudulent misrepresentation, on money received by, recovery of, **7,** 485; **20,** 744, 745 n.; **21,** 40
friendly society, of, income tax in case of, **15,** 161, 162
gas charges, on deposits as security for, **15,** 338
goods, conversion of, when allowed in action for, **10,** 345; **21,** 39
guarantee, in case of. *See* surety, *infra.*
immovable, on sum charged on an, conflict of laws as to, **6,** 213
improvements, on cost of, **16,** 223; **18,** 296, 301; **21,** 39
income tax payable on annual, **16,** 659—664. *See* INCOME TAX.
incumbrances, on, duty of tenant for life as to, **25,** 617, 618
insurance policies, in actions on, allowance of, **17,** 504; **21,** 39
interim, gift by will of, effect of, **14,** 275; **28,** 814, 815
judgment, on, **18,** 206, 209 n.; **21,** 39
county court, of, **8,** 535, 544
limitation of action in case of, **19,** 99
promise to pay principal not inferred from payment of, **19,** 67
rate of, **18,** 209 n.
lawful, effect of stipulation to pay, **2,** 468
legacy, on, **14,** 273—275
annuity bequeathed in trust, in case of, **28,** 34
arrears of, amount recoverable, **14,** 275; **19,** 97, 99, 100, 103
arrears of annuities, in case of, **14,** 274
charitable, on, **4,** 200
contingent, on, **14,** 272, 274
contingent gift of residue, in case of, **14,** 274
county court, allowance in, **8,** 544
divested, liable to be, **14,** 274
dower, in lieu of, **14,** 274
equity, recoverable in, **21,** 41
foreign, on, **6,** 232
freebench, in lieu of, **14,** 274
future date, payable at, **14,** 274
infant, title of, to, **17,** 120
land, charged on, time from which runs, **14,** 274; **19,** 100
maintenance, given for, effect of, **14,** 273; **28,** 819
postponed gift, in case of, effect, **28,** 814, 815
rate of, **14,** 275
residuary estate bequeathed in trust, in case of, **28,** 35
satisfaction of debt, amounting to a, **14,** 274
time not fixed for payment, in case of, **14,** 273
legacy duty, on, how computed, **13,** 259
lien, due under a, limitation of action in case of, **19,** 99
limitation of actions, acknowledgment under, by payment of, **19,** 96, 103, 104
arrears, for recovery of. *See* ARREARS.
loan, on, guarantee of, **1,** 642
local authorities, to, **21,** 60

INTEREST ON MONEY—*continued.*
loan—*continued.*
manager, by, **24,** 431
partner, by, **22,** 60
loan society, of, regulation of, **19,** 223, 224
money-lender, of, excessive, provisions as to, **21,** 53—57. *See* UNCONSCIONABLE BARGAIN.
mortgage, on, **21,** 41, 114—116, 145, 215 *et seq.*
apportionment of, **12,** 151
arrear, in, **19,** 101, 102; **21,** 116, 229, 251, 252, 261. *See also* ARREARS.
account in case of, **21,** 222
foreclosure, in case of, **19,** 101; **21,** 276, 277
power of sale, in case of, **19,** 102; **21,** 251
receiver appointable when, **21,** 261 n.; **24,** 356. *See* receiver, *infra.*
recovery of, **19,** 102—104
taking possession, effect of, **21,** 221, 222
transfer, effect of, on, **21,** 177
banker, to a, **21,** 228
capitalisation of, **21,** 116, 230
cesser of, after tender by mortgagor, **21,** 229
charge upon annual value, as a, **12,** 151
compound, **21,** 220, 221, 227, 228
costs of foreclosure or redemption action, on, **21,** 233
covenant for payment of, **21,** 114—116, 226, 227
damages, by way of, **21,** 116, 226
expenses of mortgage, on, **21,** 243, 244
guarantee of, **15,** 482; **21,** 89
implied right to, **21,** 115 n., 225, 226
increase of, on failure in punctual payment, effect, **13,** 151; **21,** 116
judgment for principal debt, after, **21,** 226
limitation of actions for recovery of, **19,** 76, 98, 101, 102; **21,** 229
merger of, in judgment on covenant, **21,** 226
mortgagee in possession, when, **21,** 115, 116, 220
overpayments and underpayments of, rights of parties as to, **21,** 230
payment of, default, after, effect of, **21,** 115
heir-at-law of mortgagor, by, **11,** 127
lessee, by, to avoid distress, **11,** 157 n.
misrepresentation, involving a, **20,** 676
mortgagee, as affecting right of, **19,** 146, 147
no provision for, in case of, **21,** 116
statutes of limitation as affecting, **19,** 94, 95, 146, 148
principal not to be called in for a certain time, effect of, **21,** 116, 117
puisne mortgagee, arrears recoverable by, **19,** 102, 103
puisne mortgagee and transferee, right of, **21,** 230
rate of, **21,** 116, 226—228, 261
receiver, payment by, effect of, **24,** 396. *See* receiver, *infra.*
recovery of, **4,** 202; **19,** 101, 102; **21,** 40, 41, 115, 227, 261
redemption, action for, in, payment of, **19,** 101, 102
delay of, effect of, **21,** 208
proviso for, conditional on payment of, **21,** 276, 277
reduction on punctual payment, **13,** 152; **21,** 115
repayment by instalments, **21,** 228
sale of property, after, **21,** 260, 261
settled property, in case of, **21,** 229, 230

INTEREST ON MONEY—*continued.*
mortgage—*continued.*
tenant in dower must keep down, **24,** 199
tender of amount due, effect of, on, **21,** 229
negotiable instrument, in case of, **2,** 468. *See also* BILL OF EXCHANGE.
obligor and obligee, as between, **3,** 95; **21,** 41
officer of the court, on sum due by, **21,** 41; **24,** 401; **26,** 811
official receiver, on advances by, **2,** 107
overdrafts, on, **1,** 631, 643
owner in fee with executory devise over, duty to keep down, **25,** 617 n.
partition action, in, purchase-money, on, **21,** 864
partners, as between, allowance of, **22,** 60, 63, 64, 65
rate of, **22,** 60
partnership accounts, on, where delay, **22,** 64, 65
payable, when, **21,** 37—41
payment of, acknowledgment of debt, as an, **19,** 67—69, 79, 92, 104
parol agreement to settle personalty, on, not part performance, **25,** 534 n.
personal representative, liability of, as to payment of, **6,** 232; **14,** 323—325, 342; **21,** 41
portions, on, **17,** 119; **23,** 85; **25,** 594, 595
rate of, **25,** 595
power to charge, **23,** 84
principal, tender of, effect on, **21,** 41
principal and agent, as between, **1,** 188; **21,** 41
principal and surety, as between, **15,** 482, 523; **21,** 41
probate duty in arrear, on, **13,** 317
public works, on loans for, **21,** 39, 60
purchase-money, on, sale of land, in, appropriation of, effect of, **25,** 376; **27,** 92
completion delayed, when, **27,** 92
compulsory purchaser, in case of, **6,** 107, 118, 119; **21,** 39
contract as to, **25,** 333, 334; **27,** 92, 93
deposit of, as affecting, **10,** 338; **25,** 334, 401
purchaser in possession, effect of, **27,** 93, 94; **25,** 375
rate of, **25,** 374, 375
time for completion fixed, **25,** 375, 376; **27,** 92
time for completion not fixed, **25,** 374, 375
vendor's right to, **13,** 100; **25,** 367, 374
rate of, **21,** 38, 42, 43
amount usually allowed, **21,** 42
annuities, where real estate charged with, **14,** 282
debts payable abroad, on, **6,** 212, 247; **21,** 43
default of payment, in, **21,** 43
excessive, power of court as to, **21,** 42, 53—57. *See* UNCONSCIONABLE BARGAIN.
legacy, on, **14,** 275
negotiable instruments, in case of, **2,** 468
purchase-money, on, sale of land, in, **25,** 374, 375
settled policies, in case of, **25,** 686
tenant for life, payable by, on purchase of reversion, **25,** 703
receiver, appointment of, arrears on mortgage, in case of, **21,** 261 n.; **24,** 356
direction to keep down, on incumbrances, effect of, **21,** 266; **24,** 396
misappropriation by, of, **24,** 399
payment by, of, **21,** 266
balances, on, **24,** 413

INTEREST ON MONEY—*continued.*
receiver—*continued.*
payment by—*continued.*
incumbrances, on, not justified without order, **24,** 396
statutes of limitation, effect on, **24,** 385
sum due from, on, **21,** 41; **24,** 401
sureties of, liable for, **24,** 420
recovery of, proceedings for, **21,** 39, 41, 42. *See* mortgage, *supra.*
redemption of land tax, on sums paid for, **18,** 324, 325
remainderman, payable by, on amount due from him, **25,** 701
sale of goods, recoverable in action arising out of, **25,** 238, 238 n., 277
sale of land, on, vendor's right to. *See* purchase-money, *supra.*
savings banks, payable to depositors in, **1,** 577
settled policies, on, **25,** 686
shares, as applied to, inaccurate use of term, **5,** 271 n.
sheriff, payable by, **14,** 60 n.; **21,** 41
short, what constitutes, **16,** 664
small holdings, on loans in case of, **26,** 694
solicitor, costs of, on, **26,** 809—811
country, not chargeable by London agent with, **26,** 846, 847
payable by, on money improperly retained, **21,** 39, 41; **26,** 810, 811
statutory right to, **21,** 37—39
recoverable as damage under 3 & 4 Will. 4, c. 42, **21,** 38
succession duty, on, **13,** 303
surety, liability of, in respect of, **15,** 482, 483, 566; **19,** 95
payment by, effect of, on principal, **19,** 95
right of, to, **15,** 523, 524
compound, as to, **15,** 524
contribution due to him by co-surety, in respect of, **15,** 532
tenant for life, duty of, as to payment of, **13,** 223; **25,** 617—619
rate allowed to, on value of unrealised property, **28,** 33
rate payable by, on purchase of reversion, **25,** 703
tenant in dower to keep down interest on mortgage, **24,** 199
tenant in tail, infant, duty to keep down, **23,** 85 n.; **25,** 617 n.
testator's direction to pay, on debts, effect of, **13,** 234
time from which allowable, **21,** 38
trustee, liability of, to pay, **4,** 278; **13,** 158; **21,** 41; **28,** 191, 192
vendor and purchaser, as between. *See* purchase-money, *supra.*
warrant for, crossing of, **1,** 601
writ of execution, indorsement of, as to, **14,** 17, 18
written demand, after, **21,** 38

INTEREST REIPUBLICÆ UT SIT FINIS LITIUM,
maxim, **13,** 326

INTERFERENCE. *See* DISTURBANCE; OBSTRUCTION.
administration of estate, in, executor *de son tort,* by, **14,** 147—149
company, in case of, **5,** 196

INTERFERENCE—*continued.*
air, with supply of, rights as to, **11,** 326, 327
building contract, in, architect's certificate, on, effect of, **3,** 215, 217, 220
church service, with, provisions as to, **9,** 477, 478; **11,** 470, 663
clergyman officiating in churchyard, with, penalty for, **3,** 422; **9,** 477, 478; **11,** 470, 663, 664
contractor, with independent, employer, by, effect of, **3,** 316; **20,** 67; **21,** 472
court, by, misapplication of gift, on, **15,** 426
drain, with. *See* DRAIN.
drainage of land, with. *See* DRAINAGE OF LAND.
easements, with, **11,** 330—335. *See* DISTURBANCE; EASEMENT.
operating as denial of right, remainderman or reversioner may sue in case of, **11,** 333
permanent injury, remainderman or reversioner may sue in case of, **11,** 332
relief by action, form of, **11,** 333
support, of, what constitutes, **11,** 324
wrongful, effect of, **11,** 330
highway, with. *See* HIGHWAY; OBSTRUCTION OF HIGHWAY.
letters, with, offence in respect of, **22,** 662, 663
light, with, when actionable, **11,** 299. *See* LIGHT, obstruction.
manœuvres, with, offence of, **25,** 101
mine, with management of, **20,** 600
monument, with, remedies and punishments for, action for, **3,** 418, 535; **9,** 787; **11,** 541
neighbour's privacy, with, effect of, **11,** 298, 329
prospect, with, effect of, **11,** 298, 329
pilot, with, by master of ship, how far justified, **26,** 531 n.
receiver's rights, with, contempt of court, as, **6,** 207; **7,** 289; **22,** 79; **24,** 387—389
foreign immovable, to, effect of, **6,** 207; **24,** 389
instances of, **24,** 387, 388
liability for, **24,** 387—389
official, in bankruptcy, in case of, **2,** 61
property not receivable, as to, **24,** 389
restrainable, when not, **24,** 388
right of way, with, what constitutes, **11,** 295—297, 330. *See* WAY.
rights, with. *See* NUISANCE.
road, with. *See* HIGHWAY; OBSTRUCTION OF HIGHWAY; ROAD.
trust, in, by stranger, liability as trustee *de son tort,* **28,** 206
water, with flow of, **11,** 314
witnesses, with, **9,** 498, 499. *See* WITNESS.
workmen in mine, with, what constitutes, **20,** 600 n., 601 n.

INTERIM,
curator. *See* INTERIM CURATOR.
dividend. *See* INTERIM DIVIDEND.
injunction. *See* INTERIM INJUNCTION.
interest, gift of sufficiency of, to raise presumption of immediate vesting, **14,** 275; **28,** 814, 815
postponed gift accompanied by, when vesting, **14,** 275; **28,** 814, 815
investment, charity funds, of, manner of, **4,** 241, 242
compulsory purchase, on, applications for, **6,** 132
costs of, **6,** 127
orders as to, **6,** 118, 119
maintenance, gift of, effect on vesting of, **28,** 816

INTERIM—*continued.*
orders, granting of, as to, **17,** 277, 278
matrimonial causes, in, appointment of receiver, as to, **16,** 590
children, when made as to, **16,** 521, 522
protection note, fire insurance contract, on, effect of, **17,** 517
provisional liquidator, duties etc. of, **5,** 420—423
receiver, lunatic, property of, when appointed pending inquisition, **19,** 418
official receiver, as, **2,** 55, 101; **24,** 356, 357. *See* OFFICIAL RECEIVER.
when appointed, **14,** 228 n.; **24,** 359, 375

INTERIM CURATOR,
convict, of property of, appointment of, **9,** 430; **23,** 261—263; **25,** 309 n.
expenses of, payment of, **23,** 263
liability to account, **23,** 263
mortgage of, restriction on, **21,** 94
powers etc. of, **9,** 429, 430
cessation of, on appointment of administrator, **23,** 263
removal of, **23,** 263 n.
sale by, restrictions as to, **9,** 429; **25,** 195, 309; **23,** 262
wife, or child, or relative, allowance to, by, **23,** 263

INTERIM DIVIDEND,
company, by, powers in regard to, **5,** 271 n., 276
court, powers of, as to, **5,** 276
railway company, power of, to pay, **23,** 644, 645

INTERIM INJUNCTION,
affidavit, pending answer to, **17,** 280
application for, **14,** 114 n.; **16,** 521 n.; **17,** 277, 278
arbitration proceedings, pending, **3,** 250
burial of stranger in parish churchyard, to restrain, **3,** 414 n.
continuation of, **17,** 277, 278
costs of, continuing injunction, included in order for, **17,** 290
county court, in, **8,** 592
ex parte application, in case of, **17,** 288, 290
delay in application for, effect of, **17,** 278; **22,** 220
discharge of, liberty to move for, **17,** 278
dispute as to novelty of design, not granted in case of, **27,** 742 n.
dissolution of, **17,** 296, 297
duration of, **17,** 200, 278
evidence, defamation of parliamentary candidate, in case of, **12,** 540
ex parte application, on, **17,** 278, 281
ex parte injunction, distinguished from, **17,** 278
forfeiture under building contract, to restrain, **3,** 250
further order, meaning of, **17,** 278
husband, against, for protection of wife, **16,** 460 n.
infringement of patent rarely restrained by, **22,** 224 n.
libel, to restrain publication of, **12,** 540; **18,** 734, 735, 737
liberty to move to discharge, reservation of, **17,** 278
livelihood of defendant will not be destroyed by **17,** 242 n.; **27,** 412 n.
mines, to ensure pumping of, **17,** 281 n.
object of, **17,** 200
parliamentary candidate, to restrain defamation of, **12,** 540; **18,** 737

INTERIM INJUNCTION—*continued.*
photograph, to restrain publication of, **17,** 255 n.
postponement of motion, on, **17,** 278 n., 280
practice on grant of, **17,** 277, 278
Railway and Canal Commissioners, powers of, **23,** 758
removal of child from jurisdiction, to restrain, **16,** 521 n.
road, to restrain injury by traction engine to, **21,** 565 n.
schoolmaster, to prevent dismissal of, **17,** 246 n.
trade union pickets, to restrain, **27,** 646
transfer of stock, to restrain, **14,** 114 n.
undertaking as to damages required on grant of, **13,** 50
urgency, in case of, **17,** 233 n.

INTERLINEATION. *See* ALTERATION.
affidavit, authentication by, of, **2,** 317 n., 318 n.; **8,** 519, 520; **13,** 626; **16,** 535
codicil in, validated by signature in second codicil, when, **28,** 560 n.
deeds, in, effect of, **10,** 411, 431; **13,** 506
inspection of documents, copies of entries in lieu of, affidavit in case of, **11,** 91
instruments under hand, in, effect of, **10,** 431
wills, in, evidence as to, **14,** 167, 168; **28,** 560
execution, after, effect of, **28,** 559
pencil, by, **28,** 547
presumptions as to, **10,** 411 n.; **13,** 506; **28,** 560
valid, when regarded as, **28,** 561

INTERLOCUTORY,
appeal. *See* APPEAL; INTERLOCUTORY ORDER.
applications. *See* INTERLOCUTORY APPLICATION.
county court, jurisdiction in, **8,** 432, 503—508
injunction. *See* INTERLOCUTORY INJUNCTION.
judgment. *See* INTERLOCUTORY JUDGMENT.
mandamus, when granted, **10,** 104
order. *See* INTERLOCUTORY ORDER.
proceedings. *See* INTERLOCUTORY PROCEEDINGS.
sentence, provincial court, of, appeal from, **11,** 519 n.

INTERLOCUTORY APPLICATION,
Admiralty action, on appeal to House of Lords in, **1,** 126
chambers, in, how made, **23,** 127, 289
county court, in, **8,** 503—508
affidavit on, **8,** 508
settlement of draft order, **8,** 505
court, in, how made, **23,** 289
House of Lords, in, practice as to, **21,** 646, 647
infant's behalf, on, by whom made, **17,** 137
injunction, for. *See* INTERLOCUTORY INJUNCTION.
matrimonial causes in, costs of, **16,** 513
nature of, for purposes of evidence, **13,** 626
prize court, in, how made, **23,** 289
Railway and Canal Commissioners, to, **23,** 759

INTERLOCUTORY INJUNCTION. *See also* INJUNCTION.
abatement of suit, no dissolution of order by, **17,** 299 n.
account in lieu of, order to keep, **17,** 202
undertaking to keep, **17,** 201, 222, 223; **22,** 220

INTERLOCUTORY INJUNCTION—*continued.*
acquiescence as affecting grant of, **17,** 219—221
ex parte application, in case of, **17,** 277 n.
admissions required on refusal of, **17,** 223
affidavit in support, contents of, on infringement of patent, **22,** 220
alderman, to restrain interference with, **12,** 540 n.
alleged legal right, to restrain exercise of, **17,** 218
ambassador, against banker of, **6,** 430 n.
appeal from, fresh evidence on, **17,** 280
leave not required for, **5,** 548; **17,** 283, 284; **23,** 193 n.
protection of fund pending, **17,** 281 n.
time for, **17,** 284
application for, **17,** 273, 274
case to be made out on, **17,** 217, 218, 278—281; **22,** 219
conduct of parties considered on, **17,** 219—221, 256
evidence on, **17,** 278—281; **22,** 220
points considered by the court, **17,** 221, 222
undertakings to be given on, **17,** 222, 223
apprehended injury, to restrain, **17,** 218
arbitration, restraint of sale of goods pending, **17,** 217 n.
assets, for protection of, contentious probate matters, in, **17,** 252
partnership dissolution action, pending, **22,** 81
balance of convenience considered before grant of, **17,** 221, 222, 249, 258, 264 n.
beneficial result of breach of covenant, effect of, **17,** 238 n.
breach of, **17,** 291—296. *See* BREACH OF INJUNCTION.
building plans, undertaking to produce, **17,** 223
burden of proof, balance of convenience, as to, **17,** 222
trade libel, in case of, **27,** 676 n.
Chancery Division, practice in, **17,** 217 n., 273 n.
tendency to refuse grant in, **17,** 217 n.
charter, to restrain surrender of, **17,** 226 n.
company, application by, for, undertaking as to damages in case of, **5,** 326
knowledge and acquiescence of, **17,** 221
compensation in money as substitute for, **17,** 219
conditions, court may impose, **17,** 202
contract, to restrain threatened breach of, **17,** 237, 238
copyright, to restrain infringement of, **17,** 255—257
costs of, **17,** 287—291
included in continuing order, **17,** 290
reservation of, **17,** 288
counsel, undertaking in damages may be given by, **5,** 326; **17,** 285
county court, jurisdiction of, **8,** 433, 504; **17,** 204
course, not granted as of, **17,** 217 n.
covenant, to restrain breach of, **17,** 237, 238. *See* BREACH OF COVENANT.
cross undertaking in damages, when required, **17,** 284 n.
damages, adequate remedy given in, **17,** 219
injunction as substitute for, **17,** 200, 201
inquiry as to, **17,** 286
undertaking in, must be given by applicant, **17,** 222, 223, 284—286. *See* UNDERTAKING IN DAMAGES.
delay as affecting right to, **17,** 221. *And see* laches, *infra.*
discharge of, irregularity, in case of, **17,** 283

INTERLOCUTORY INJUNCTION —*continued.*
discretion of court, extent of, **17,** 203
interference by Court of Appeal with, **17,** 217 n.
no general rule for exercise of, **17,** 217
dissolution of, *ex parte* application after appearance, in case of, **17,** 277
time and manner of, **17,** 296—299
doubt as to legal right, refusal in case of, **17,** 201, 218
duration of, **17,** 200, 282
easement, interference with, in case of, **11,** 335
ecclesiastical patronage, to restrain exercise of, **11,** 586, 602 n., 603 n.
equitable
principles governing grant of, **17,** 219
title sufficient ground for grant of, **17,** 256 n.
equity, legal right when restrained in favour of alleged, **17,** 218 n.
ex parte application for, **17,** 274—279, 288. *See* EX PARTE.
acquiescence, effect of, **17,** 277 n.
appearance by defendant, after, **17,** 277
disclosure of material facts required on, **17,** 278
executor, against, **17,** 252
expediting trial, order for, **17,** 274
expenditure by defendant during delay of applicant, effect of, **13,** 169 n.; **17,** 219
final order, effect of treating order as, **17,** 285
forfeiture of shares, to restrain, **17,** 268; **20,** 744 n.
form of, **17,** 222, 282, 283
general
denial of claimant's right, insufficiency of, **17,** 281
words in notice of motion, effect of, **17,** 279
hardship, costs not given in case of, **17,** 288
refused on ground of, **17,** 201
inconvenience no ground for grant of, **17,** 208, 219
increase of injury as affecting acquiescence, **17,** 221
infringement of patent, on, **17,** 258; **22,** 219, 220
intention to commit breach of, effect of, **17,** 294
irreparable injury as ground for, **17,** 218, 219, 237
joinder of claim for possession of land, **17,** 201
Judicature Acts, effect of, **11,** 333 n.; **17,** 202, 203, 234 n.
jurisdiction to grant, **11,** 333 n.; **13,** 51; **17,** 202, 204
just or convenient, meaning of term, **17,** 203
laches, may be barred by, **13,** 169; **22,** 219
legal right, in aid of, **17,** 217, 218
libel, to restrain publication of, **17,** 260, 261; **18,** 733—735
limitation of, points raised for decision, to, **17,** 221
specific portions of pirated literary property, to, **17,** 257
statement of claim, by, **17,** 282
literary property, to protect, **17,** 255—257
malice, evidence of, in case of threats by patentee, **22,** 228 n.
mandatory order by, **11,** 335; **17,** 223, 224
married woman, undertaking in damages by, **14,** 114 n.; **16,** 455; **17,** 285
meaning of, **17,** 202 n.
memorandum need not be indorsed on prohibitive order, **17,** 283
mining
operations, court unwilling to restrain, **20,** 517 n., 583
property, acquiescence in case of, **17,** 220
motion for, treated as trial of action, **17,** 206, 207
notice, undertaking to give, **17,** 223

INTERLOCUTORY INJUNCTION —*continued.*
nuisance, to restrain, **17,** 218; **21,** 561
object and effect of, **17,** 200, 201, 217
opera singer, refusal of order to restrain, **27,** 412 n.
partner, against, **22,** 80, 81
patent, to restrain infringement of, **17,** 258; **22,** 219, 220
pecuniary claim, in case of, **17,** 218 n.
perpetual injunction may be granted without application for, **17,** 206
petition for dissolution of, **17,** 296 n.
principles governing grant of, **17,** 217, 237
restraint of trade, refusal to enforce covenant in, **27,** 587 n.
sale of goods, to restrain, **17,** 217 n.
service of order, **17,** 283
several plaintiffs, acquiescence by one of, **17,** 221
slander, to restrain, **18,** 735
special provision for, Judicature Act, 1873, in, **17,** 202
subject-matter, order for detention, preservation or inspection of, **17,** 217, 281 n.
suspension of, **17,** 223 n.
terms, court may impose, **17,** 202, 222, 223
threatened
breach of contract, when restrained, **17,** 238
injury restrained by, **17,** 218
threats by patentee, in action to restrain, **22,** 228 n.
title of applicant, sufficiency of, **17,** 256 n.
trade
disputes, in case of, **27,** 648
libel, in case of, **17,** 261 n.; **27,** 681 n.
transitory literary work, in case of, **17,** 256
trespass, to restrain, **17,** 233—235
trial of action, application may be treated as, **17,** 206, 207
undertaking in lieu of, effect of, **17,** 284 n.
instances of, **17,** 222, 223
vacation, dissolution of order during, **17,** 296 n.
order made in, **17,** 274

INTERLOCUTORY JUDGMENT,
defined, **18,** 179
appeal to Court of Appeal, leave required for, **5,** 548, 549; **18,** 180, 181; **23,** 193, 194
damages, for assessment of, date of, **18,** 205
default of
appearance, in, **10,** 349; **18,** 185
defence, in, **10,** 349; **18,** 186—188
final judgment, distinguished from, **13,** 326; **18,** 178—180, 198
entry of, **18,** 198
liberty to apply need not be reserved in, **18,** 182
merger not effected by, **18,** 209
winding-up order distinguished from, **5,** 549

INTERLOCUTORY ORDER,
account, for an, **23,** 138
appeal from, **9,** 64; **18,** 180, 181; **23,** 132, 193, 194, 202
Admiralty, in, **1,** 112, 126
Chancery Division, in, **5,** 548
constitution of court to hear, **9,** 64; **23,** 202
county court, in, **8,** 602
Divorce Division, in, **16,** 559
ecclesiastical suit, in, **11,** 519, 529
election petition case, in, **12,** 506, 511
injunction, as to, **17,** 283; **23,** 193 n.
King's Bench Division, in, **1,** 465; **7,** 323

INTERLOCUTORY ORDER—*continued.*
appeal from—*continued.*
leave for, **1,** 112; **5,** 548; **17,** 283; **18,** 180; **23,** 132, 194
procedure as to, **18,** 180, 181
treated as final order in respect of notice, **18,** 181, 182 n.
what is, for purposes of appeal, **16,** 461; **18,** 178, 180; **23,** 132
winding up order, in case of, **5,** 548, 549
county court, in, drawing up etc. of, **8,** 536
Court of Appeal, appeal to, leave necessary for, **1,** 112; **18,** 180; **23,** 193, 194. *See* appeal from, *supra.*
in, effect of, **23,** 203
final order, distinguished from, **18,** 178 *et seq.*
for purposes of appeal, **18,** 180, 181
foreign, action on, as to, **6,** 282, 283
injunction by, grant of, **11,** 333 n.; **15,** 90; **17,** 202, 203, 284
liberty to apply in case of, effect of, **18,** 182
lunatic, for protection of, power of the court to make, **19,** 418
mandamus, for, under Judicature Act, 1873, **6,** 70 n.
Mayor's Court, London, in, no appeal on, **20,** 298
Railway and Canal Commission, powers of, to make, **23,** 758
service of, **18,** 208
setting aside of, procedure as to, **18,** 218
vacation, made in, setting aside of, practice as to, **18,** 218
variation of, powers of courts as to, **18,** 218

INTERLOCUTORY PROCEEDINGS,
Admiralty, in, **1,** 97, 98
Chancery Division, in, practice as to evidence in, **13,** 619
procedure, as to, **23,** 130, 131
county court, in, **8,** 432, 503—508
appeal to High Court, from, **8,** 602
audience, right of, **8,** 526
costs of, **8,** 592, 593
taxation of, **8,** 599
postponement of trial till completion of, **8,** 508
remitted actions, procedure as to, **8,** 440
detention, inspection and protection of property during, **17,** 281, 282
district registry, in, procedure as to, **9,** 70; **23,** 131
evidence, affidavit, use of, **13,** 482, 618, 619
hearsay, admissibility of, **13,** 456
infants, in case of, **17,** 137
injunctions in, grant of, **11,** 333 n.; **15,** 90; **17,** 202, 203, 284
matters treated as, **23,** 137—159
Mayor's Court, London, in, practice as to, **20,** 293, 294
municipal election petition, in, **12,** 505—512. *See* ELECTION PETITION (Municipal).
orders relating to, applications for, in chambers, **23,** 127
parliamentary election petition, in, **12,** 422—437. *See* ELECTION PETITION (Parliamentary).
petition of right, in, practice as to, **10,** 33

INTERMEDDLING,
estate of deceased, with. *See* EXECUTOR DE SON TORT.
trust, with, constructive trust arising from, **28,** 91
solicitor, by, effect of, **22,** 31; **26,** 760; **28,** 91
wrongful, administrator, by, trover for, **27,** 890 n.

INTERMEDIATE
assignor, assignee not liable to equities against, **4,** 388
class, convicts, of, constitution of, **23,** 260
codicil, revocation by republication of will, as to, **28,** 579
examination, solicitors, for, books chosen for the, **26,** 717
exemptions as to, **26,** 717, 718
holding of, **26,** 717
refusal to admit for, as to, **26,** 718
income, gift to contingent class carrying, effect of, **14,** 274; **28,** 723, 724
interest, gift of, effect of, **14,** 275; **28,** 814, 815
voyages, effect of usage on marine policy as to, **10,** 297; **17,** 345
will, revocation by republication of previous will, as to, **28,** 579

INTERMENT. *See* BURIAL.
church, in, cremated ashes, of, faculty for, **3,** 416 n., 526; **11,** 541 n.
land set aside for, restrictions on use of, **3,** 508, 532, 533. *See* BURIAL GROUND.

INTERMIXTURE,
acquisition of property by, **22,** 401
chattels, of, accident, by, **1,** 542, 543
act of God, by, **1,** 542
agreement, by, **1,** 542
fraud, by, **1,** 542
money, of, bailee, by, **17,** 317 n.
executor, by, **14,** 243
trustee, by, trust funds, of, his own money, with, **28,** 90 n., 208
moneys of different beneficiaries, of, **1,** 586; **28,** 208 n.

INTERNATIONAL
agreements, designs, for protection of, prior to publication, **22,** 229, 230; **27,** 733
patents, regarding, effect of, **22,** 134, 229, 230
Convention, passenger traffic, on safety of, effect of, **26,** 78 n.
submarine cables, regulation as to, **27,** 376
copyright. *See* BERNE CONVENTION.
infringement of, place of trial of action for, **8,** 142
periodical literature, extent of protection of, under, **8,** 149
serials, protection of, under, **8,** 149
statutory period, extent of, **8,** 140
law. *See* CONFLICT OF LAWS.
private, subject-matter of, **6,** 180, 181
public, breach of, foreign government, by, effect of, **6,** 250
state rights, liability of successor to, under, **10,** 565, 566; **23,** 311, 312
statutes, construction of, with regard to, **27,** 154, 155

INTERPLEADER.
The title INTERPLEADER *is contained in Vol. XVII., pp.* 577 *et seq.*
defined, **17,** 580
auctioneer, by, **1,** 513, 514; **17,** 582
bailment, in case of, **1,** 562, 563; **13,** 56, 57, 407; **17,** 583; **22,** 247
banker, by, **17,** 587

INTERPLEADER—*continued.*
bankruptcy, effect of, on, **2,** 23, 28, 29, 275; **17,** 605, 627
bill of sale, with reference to, **3,** 62, 63, 66; **17,** 589, 598 n., 604, 605, 623 n., 632, 634
carrier of goods, by, **4,** 14, 99; **17,** 581, 582
claimant in. *See* CLAIMANT.
county court, in, **17,** 627—641. *See* INTERPLEADER IN COUNTY COURT.
Crown, on behalf of, **1,** 17; **6,** 412; **17,** 596
debt, in respect of, **4,** 374; **17,** 582, 584, 628
equitable jurisdiction as to, **13,** 6, 56—58; **17,** 580, 581, 583 n.
execution of judgment or order in case of, **14,** 52; **17,** 637
fraudulent and voidable conveyance set aside on, **15,** 89 n.
high bailiff, by, **17,** 627—641
High Court, in, **17,** 580—627. *See* INTERPLEADER IN HIGH COURT.
industrial society, in case of claims to deceased member's share in, **17,** 18
Liverpool Court of Passage, in, **9,** 173; **17,** 641
Mayor's Court, London, in, **17,** 580; **20,** 292
receiver, by, **17,** 608; **24,** 393
Salford Hundred Court, in, **17,** 642, 643
sheriff, by, **17,** 588—592. *See* SHERIFF'S INTERPLEADER.
shipowner, by, in respect of claims to cargo, **26,** 264, 265
stakeholder, by, **17,** 584—588. *See* INTERPLEADER IN HIGH COURT; STAKEHOLDER'S INTERPLEADER.

INTERPLEADER IN COUNTY COURT,
abandonment of claims in, **17,** 631
admission of claim, procedure in case of, **17,** 630, 631
appeal to High Court, **8,** 602; **17,** 616—620, 639, 640, 643
application for relief by way of, **17,** 635, 636
chattels, with reference to title to, **17,** 628
claim in, **17,** 629, 630
claimant in, **17,** 635—637. *See* CLAIMANT.
collusion in, effect of, **17,** 628
conditions of relief granted in, **17,** 628, 629
costs, appeal from county court, as to, **8,** 609; **17,** 640
Chancery Division, proceedings in the, before transfer, **17,** 641
damages, claim for, in, **8,** 493; **17,** 630, 635, 636, 638
debt, in respect of, **4,** 374; **17,** 628
deposit by claimant in, **17,** 631—633
discovery of documents in, **8,** 513, 528; **11,** 40; **17,** 638
execution creditor in relation to, **17,** 629—636. *See* EXECUTION CREDITOR.
execution of judgment or order in case of, **14,** 52; **17,** 637
high bailiff, by, **17,** 627—641
jurisdiction in, **8,** 434; **17,** 627—641
landlord, appeal by, **17,** 639
lunatic, on behalf of, **8,** 464
non-appearance, defendant, of, effect of, **17,** 637
plaintiff, of, effect of, **8,** 526; **17,** 631, 636
particulars of claim in, **17,** 629

INTERPLEADER IN COUNTY COURT—*continued.*
payment into court, deposit or proceeds of sale, of, **17,** 633
satisfaction of claim for damages against high bailiff, in, **17,** 636
sale, high bailiff, by, **17,** 633, 634
transferred proceedings, in, **17,** 634
security for value of goods and costs in case of, **17,** 628 n., 631—633
stay of proceedings in case of, **17,** 637
time for application for purpose of, **17,** 635
transfer from High Court, **8,** 443; **17,** 594, 601, 607, 630, 634, 636, 638
trial of, **8,** 513, 528; **17,** 638, 639
withdrawal of claim, **17,** 630, 631

INTERPLEADER IN HIGH COURT,
abandonment of claim in, **17,** 625
affidavit
in answer to, **17,** 592 n.
in support of, form of, **17,** 586 n.
provisions as to, **17,** 594, 595, 597, 598, 628
agent, by, **1,** 200; **13,** 57; **17,** 583
annuitant and tenant, between, **13,** 58; **17,** 587
appeal in, bankruptcy proceedings, in case of, **2,** 263, 265; **17,** 620
chambers, from judge in, **17,** 618
costs, as to, **17,** 620
Divisional Court, from, **17,** 618
judge, from, **17,** 618, 619
judge and jury, from, **17,** 619
landlord, by, **17,** 639
master, from, **17,** 617
special case, as to, **17,** 620
time for, **17,** 620
application for relief by way of, **17,** 598—601
mode of applying, **17,** 598, 599
service of summons, **17,** 600
time for, **17,** 599, 600
arbitration, reference to, in case of, **17,** 607
attachment for disobedience to order, **17,** 616
auctioneer, by, **1,** 513, 514; **17,** 582
banker, by, **17,** 587
bankruptcy, effect of, on, **2,** 23, 28, 29, 275; **17,** 605, 624, 627
bill of sale, with reference to, **3,** 62, 63; **17,** 589, 598, 615, 623 n.
sale of goods in case of, **3,** 66; **17,** 604, 605
bond as security for costs in case of, **17,** 612, 613
burden of proof in, **17,** 609, 610
carrier of goods, by, **4,** 14, 99; **17,** 581, 582
cases in which relief granted by, **17,** 587, 588
Chancery Division, in, **13,** 56, 57; **17,** 580, 581, 599
chattels, with reference to title to, **17,** 582, 591
chose in action, disposition by the court, effect of, **17,** 594
person liable in respect of, by, **4,** 374; **17,** 584
claim in, nature of, **17,** 597, 598
claimant in, **17,** 595—597. *See* CLAIMANT.
claims, common origin, not having, **17,** 584
differing in extent, **17,** 583
collusion in, *defined,* **17,** 593
effect of, **17,** 590, 593
commission claimed by several agents, in case of, **1,** 195 n.
company, by, **17,** 595
conditions to granting relief, **17,** 592—595

INTERPLEADER IN HIGH COURT—*continued.*
costs in case of, **17,** 593, 615—627
county court, in, scale of, **8,** 586; **17,** 636—638, 640, 641
court or judge, power of, as to, **17,** 621
Crown, as against the, **17,** 596
deprivation of, **17,** 626 n.
generally, **17,** 621
married woman, against, in, **16,** 374; **17,** 627
parties other than applicant, of, **17,** 625, 626
reservation of, and subsequent discharge of order for issue, effect of, **17,** 627
security for, **23,** 152—154; **17,** 608, 609
sheriff, of, **17,** 621—624
stakeholder, of, **17,** 621, 622
stay of proceedings, on, **17,** 602
successful party, of, what is included in, **17,** 626
where each party succeeds in part, **17,** 626
withdrawal, in, **17,** 598, 599
counsel, right of, to be heard, **17,** 610
Crown, on behalf of, **17,** 596
damages, claim for, in, **17,** 585, 606
debt, in respect of, **4,** 374; **17,** 582, 584
deed, with reference to title to, **17,** 582 n.
defence on trial of issue in, **17,** 614
delay by applicant in, effect of, **17,** 599, 600
discovery of documents in, **11,** 40; **17,** 612
discretion of the court in case of, **17,** 582
Divisional Court, jurisdiction of, **17,** 617, 618
equitable jurisdiction as to, **13,** 6, 56—58; **17,** 580, 581, 583 n.
equitable title involved, **17,** 582
estoppel in relation to, **13,** 358, 407 n.; **17,** 583
evidence on trial of issue in, **17,** 614, 615
execution creditor in relation to, **17,** 598—606. *See* EXECUTION CREDITOR.
executor, by, **17,** 596
fire insurance policy, in case of dispute as to assignment of, **17,** 543, 587
garnishee, by, **17,** 581, 585
interest as bar to relief by, **17,** 592, 593
issue in, **17,** 607—615
dismissal of, **17,** 612
disposal of whole matter on trial of, **17,** 615
form of, **17,** 607, 610—612
jus tertii, right to set up, **17,** 613, 614
master may direct issue to be drawn up and tried, **17,** 601
title of, **17,** 612
trial of, **17,** 612, 613
judge, jurisdiction of, in regard to, **17,** 617—620
jurisdiction, parties out of, **17,** 596
jury, trial by, of, **17,** 610, 612, 619
jus tertii in case of, **3,** 63; **17,** 613, 614
landlord and tenant, in matters relating to, **13,** 58; **17,** 588, 589
appeal by landlord, **17,** 639
fraud between landlord and execution debtor, in case of, **17,** 588
goods seized not belonging to tenant, in case of, **17,** 588, 589
payment of landlord in case of, **17,** 588
life insurance policy, in case of dispute as to assignment of, **17,** 565, 587
lord of manor, by, **17,** 581 n.
master's jurisdiction in respect of, **17,** 601, 606, 607
mode of application for purpose of, **17,** 598, 599
non-appearance in, effect of, **17,** 625

INTERPLEADER IN HIGH COURT—*continued.*
official referee, trial before, of, **17,** 607
order in case of, **17,** 601—616
enforcement of, **17,** 616
summary decision, **17,** 606, 607
trial of issue, for, **17,** 607—615
originating summons for purpose of, Chancery Division, in the, **17,** 598
King's Bench Division, in the, **17,** 598
stakeholder, relief of, for, **17,** 598
particulars of claim to be given, **17,** 597, 598
affidavit by execution creditor, **17,** 598
parties to issue in, **17,** 609, 610
partnership firm, by, **17,** 595
pawnbroker, by, **17,** 587; **22,** 247
payment into court pending trial of issue, **17,** 608
receiver, by, **17,** 608; **24,** 393
rent, in case of adverse claim to, **13,** 58. *See* landlord and tenant, *supra.*
sale, order for, in, **17,** 604—606
security for costs of issue in, **17,** 608, 609
service of summons, **17,** 600, 601
sheriff, by. *See* SHERIFF'S INTERPLEADER.
special case in case of, **17,** 601, 616, 620; **23,** 160
stakeholder, by, **17,** 584—588. *See* STAKEHOLDER'S INTERPLEADER.
stay of proceedings in case of, **17,** 602—604
summary decision by master in, **17,** 606, 607
third party, title of, in relation to, **17,** 613, 614
time for application for purpose of, **17,** 599, 600
transfer to county court, **17,** 607
unliquidated damages, in case of claim for, **17,** 585
value of goods in, how ascertained, **17,** 632 n.
withdrawal of claim, **17,** 598
writing, claim must be in, **17,** 597

INTERPRETATION OF WORDS. *See also* WORDS AND PHRASES.
ancient documents, in, **10,** 451
charterparties, in, **26,** 139
Companies (Consolidation) Act, 1908, in, **5,** 35—37
contract, in, **7,** 509 *et seq.*
agreement, words imputing, **7,** 514
ambiguity of words, **7,** 518
double meanings, **7,** 518, 519
ejusdem generis words, **7,** 516
errors in words, **7,** 517
expectation and estimate, words of, **7,** 521
figures and written words, differences between, **7,** 519
general words, **7,** 515; **10,** 470
mercantile meaning adopted, **7,** 516, 518; **10,** 274 *et seq.*
misdescription, words of, **7,** 518
ordinary meanings, **7,** 510; **10,** 261
parol evidence, **7,** 523—528. *See* EXTRINSIC EVIDENCE.
technical words in, **7,** 511
uncertainty, words of, **7,** 518
county courts, in, **8,** 621
deeds, in, **10,** 433—498; **17,** 45, 46
ejusdem generis rule in, **10,** 469, 470
extrinsic evidence, **10,** 260, 261, 359, 444—454. *See* EXTRINSIC EVIDENCE.
intrinsic evidence, **10,** 454—457
mercantile meaning adopted, **10,** 450
ordinary meaning, **10,** 261, 434, 435, 437 n.
parol evidence, **10,** 260, 261, 445, 447, 449 n. *See* EXTRINSIC EVIDENCE.
technical words, **10,** 430, 436, 449; **13,** 430

INTERPRETATION OF WORDS—*contd.*
dictionary, court not bound by, **17,** 344 n.; **28,** 658 n.
reference to, **28,** 635, 658
double meanings, equitable jurisdiction, in, **13,** 23
insurance, in, **17,** 527, 528
ejusdem generis rule. *See* EJUSDEM GENERIS.
etymology an unsafe guide in, **10,** 435, 436; **27,** 135 n.; **28,** 658
general words, **7,** 515, 516; **10,** 370, 469, 470; **26,** 139; **27,** 145, 151. *See* GENERAL WORDS.
geographical terms, evidence as to mercantile meaning of, **17,** 344
Interpretation Act, 1889, application of, **27,** 209
expressions defined by, **27,** 127 n.
object of, **27,** 209
words defined by, **27,** 127
interpretation clause, statute, in, construction of, **27,** 131, 135 n., 136 n.
judicial, contracts, in, **7,** 509 *et seq.*
evidence, **13,** 429, 430
shipping, **26,** 141
statutes, in, **27,** 129, 130, 153
wills, in, **28,** 658, 659, 663, 664
libel, in relation to, **13,** 483; **18,** 638, 639
limitation, of words of, instrument *inter vivos*, in an, **10,** 436; **24,** 165, 244; **25,** 533 n.
will, in a, **10,** 436 n.; **28,** 764, 766, 767
local meaning, **10,** 436, 437, 449, 450
mistake as to, effect of, **13,** 22, 23; **21,** 6; **28,** 630, 641, 642
object of, **10,** 433, 448
ordinary meaning, contracts, in, **7,** 510; **10,** 261
deeds, in, **10,** 261, 434, 435, 437 n.
insurance, in, **17,** 342, 527
statutes, in, **27,** 134, 147
wills, in, **28,** 655, 657, 658, 660, 662, 667, 682 n.
parol evidence. *See* EXTRINSIC EVIDENCE.
charterparties, in, **26,** 140
singular and plural words in statutes, **27,** 130
slander, in relation to, **13,** 483; **18,** 638, 639
statutes, in, **27,** 126—155
different words used in the same statute, **27,** 135
ejusdem generis rule, **15,** 125 n.; **27,** 145, 276 n., 283 n.
general words, **27,** 145, 151
imported meanings, **27,** 130
previously accepted, **27,** 142
rules concerning, **27,** 130, 131
technical words, charterparties in, **26,** 139, 140
contract, in, **7,** 511
expert evidence in regard to, **10,** 449
intention in using, consideration of, **10,** 436
legal terms, in regard to, **10,** 436, 449
marriage settlement, in, **6,** 280
policy of insurance in, **17,** 343
statutes, in, **27,** 134
will, in, **6,** 230; **28,** 634, 652, 655—657, 764
wills, in, alterations in words, **28,** 674—676
ambiguity, as to, **28,** 653, 654, 674
apt words, legal effect of use by testator of, **28,** 668, 669
begotten, meaning of, **23,** 744
changed words, **28,** 675, 676
child, meaning of, **17,** 45
children, meaning of, **28,** 744
clear words, not controlled by subsequent ambiguity, **28,** 567, 674, 675
context affecting, **28,** 653, 654, 656, 657, 665

INTERPRETATION OF WORDS—*contd.*
wills—*continued.*
dictionaries, aid of, **28,** 635, 658
document taken as dictionary, **28,** 653
double meanings, **28,** 653, 654
ejusdem generis rule, as to, **28,** 682, 683
entitled, meaning of, **28,** 658
executorship expenses, meaning of, **28,** 659
explanatory words, **28,** 660
foreign funds, meaning of, **28,** 701 n.
foreign words, evidence to explain, **28,** 634, 635
free from duty, meaning of, **28,** 668 n.
furniture, meaning of, **28,** 711
household effects, meaning of, **28,** 710, 711
husband, who intended by gift to, **28,** 761
marriage, meaning of, **28,** 658
minority, meaning of, **28,** 658
money due and owing, meaning of, **28,** 706, 707
money invested, meaning of, **28,** 709
moneys, shares not included in bequest of, **3,** 357
now, meaning of, **28,** 693 n
ordinary meaning of words, **28,** 655, 657, 658, 660, 662, 667, 682 n.
parol evidence, **28,** 630, 632
person named or his heirs, **28,** 751, 752
rejected words, **28,** 660, 675
repeated words, presumption as to, **28,** 645 n., 681
shall, meaning of, **28,** 680 n.
subject-matter affecting, **28,** 682
supplied words, **28,** 675, 676
technical words, **6,** 230; **28,** 634, 652, 655—657, 764
usual sense given to words, **28,** 655, 658, 660 662, 667, 682 n.
witness, by, libel actions, in, **13,** 483; **18,** 638, 639
not usually permitted, **13,** 607
technical terms, in case of, **10,** 449

INTERPRETERS,
allowance for, taxation, on, **26,** 802 n.
carriage on emigrant ship of, **26,** 342

INTERREGNUM,
not recognised by law of constitution, **6,** 376

INTERROGATORIES.
The title DISCOVERY, INSPECTION, AND INTERROGATORIES *is contained in Vol. XI., pp.* 35 *et seq.*
account, in claim for, when allowed, **11,** 98
action *in rem* in Admiralty, in, **1,** 97; **11,** 43
additional, when allowed, **11,** 107—108
admissibility of, **11,** 94
admissions, in lieu of, purpose of, **11,** 92, 93, 96
to obtain, libel actions, in, **11,** 101
rule as to, **11,** 92, 93, 96
adultery, as to, Divorce Division, in, **16,** 526
affidavit, documents, of, in relation to, **11,** 61, 63
in answer to, **11,** 68 n., 111
leave to deliver, not required on application for, **11,** 107
answer to, admissions, effect of, **13,** 457
affidavit in, filing of, **11,** 111
notice to produce document referred to in, **11,** 68 n.
office copy of, **11,** 111
agent, knowledge of, as to, **11,** 108
appeal from order as to, **11,** 113

INTERROGATORIES—*continued.*
answer to—*continued.*
application for further and better, **8,** 514; **11,** 112
company, by, **5,** 323, 324; **11,** 46, 47, 109
corporation, by, **8,** 395, 396; **11,** 46, 47, 109
costs of, **11,** 56, 113
county court, in, as evidence, **8,** 532
embarrassing, **11,** 112
English information, in case of, **10,** 22
extension of time for, **11,** 111
failure to comply with order, effect of, **7,** 302; **11,** 56; **18,** 188
form of, **11,** 111, 112
further and better, **11,** 112
incompleteness of, **11,** 112
insufficient, **11,** 112
objections to make, grounds of, **11,** 110, 111; **13,** 575
paragraphing of, **11,** 112
persons of unsound mind, on behalf of, **11,** 49
printing of, when necessary, **11,** 112
procedure in case of, **8,** 514; **11,** 108—113
servant, knowledge of, as to, **11,** 108
time for delivering, **11,** 111, 113
using at the trial, **11,** 113
vexatious, costs of, **11,** 56
vivâ voce examination, by, **11,** 113
appeal from decision as to, **11,** 107, 113
application, leave to deliver, for, practice as to, **8,** 513; **11,** 106, 107
Mayor's Court, London, in, **20,** 293
set aside, to, **11,** 108
attachment, on, King's Bench Division, in, counsel's signature to, **2,** 379
prior to, **7,** 316; **10,** 23
refusing or omitting to answer, for, **11,** 56
bailment, in case of, when allowed, **1,** 562; **11,** 99
bankruptcy, in, **2,** 318; **11,** 44, 106 n.
brief, as to contents of, **11,** 93
cargo, in actions for non-delivery of, relevancy of, **11,** 103
cestui que trust, as to title of, right of trustee to, **11,** 106; **28,** 119
Commercial Court, when allowed in, **11,** 43, 44
company, to, for examination of, member answering costs of, **11,** 56
procedure in case of, **5,** 323, 324; **11,** 46, 47, 109
copy of, service of, practice as to, **11,** 107
copyright, in action for infringement of, **8,** 168
corporations, to, procedure as to, **8,** 395, 396; **11,** 46, 47, 109
costs of, general rule as to, **11,** 56, 113
improper, **11,** 56, 98
security for, **11,** 53—55
vivâ voce examination, practice as to, **11,** 113
county court, application for leave to deliver, in, **11,** 106 n.
practice of, as to, **1,** 133; **8,** 513—515, 532
credit, as to, **11,** 94
criminal cases, not applicable to, **9,** 387
criminate, tending to. *See* incriminating, *infra.*
customers, as to names and addresses of, **11,** 94 n.
damages claimed, as to, **11,** 94, 99, 103
deceased person, assets of, as to, **11,** 98
defamation, in action for, extent of, **11,** 99, 100; **18,** 681 n.
delay, to prevent, **11,** 93

INTERROGATORIES—*continued.*
delivery of, application for, practice as to, **11,** 106, 107
further, power as to, **11,** 107—108
disallowance of, **11,** 95 n., 96—98, 106—108
discovery by, **11,** 37
discretion as to allowing, **11,** 95 n., 107
distress, action for, as to, **11,** 191
Divorce Division, in, objection to, proper time for, **16,** 526, 527
documents, as to, **11,** 63, 77, 102, 109
examination of, duty of, for purpose of answering, **11,** 109
lost, as to contents of, **11,** 102
official, as to contents of, **11,** 109 n.
privileged, as to, when allowed, **11,** 77
improper claim as to, when allowed, **11,** 102
specific, as to, **11,** 63
election petition, in, no order for, **11,** 41; **12,** 430
English informations, in, practice as to, **10,** 22
evidence, commission, under, may be taken by, **2,** 318; **13,** 613
county court action, use of, in, **8,** 532
extent of, **11,** 93; **13,** 609
in support of opponent's case, interrogatories as to, not allowed, **11,** 93, 94, 101
letters of request, under, may be taken by, **2,** 318; **13,** 613
ex parte applications for leave to deliver, in county court, **8,** 513; **11,** 106 n.
extension of time for answering, **11,** 111
extent of, **11,** 92, 95
facts
in issue, to extract information as to, **11,** 92, 95, 96
provable otherwise than by, not a good objection to allowing, **11,** 96
fishing, disallowed, **11,** 102 n.
forfeiture, to prove, not permitted, **11,** 41, 97, 104, 110; **13,** 575 n.
form of, **8,** 514; **11,** 107
guardian *ad litem,* infant, of, must answer, on behalf of, **11,** 48
person of unsound mind, of, position of, as to, **11,** 49
handwriting, as to, **11,** 100 n., 102
immateriality as ground of objection to, **11,** 97, 110
improper, practice as to, **11,** 56, 98
income tax returns, vexatious interrogatories as to, disallowed, **11,** 99
incriminating, provisions as to, **11,** 83, 84, 96, 97, 110; **13,** 574, 575; **16,** 526, 527
information, source of, as to, **11,** 101
insurance company, practice of, as to, **11,** 102
irrelevant, as to, **11,** 95 n., 97, 103 n.
land, recovery of, in actions for, plaintiff's rights as to, **11,** 103
libel, actions for, in, **11,** 99, 100
author of, as to, **11,** 101
malice, for purposes of establishing, when allowed, **11,** 100
original manuscript of, as to, **11,** 101
publication of, as to, **11,** 102
lunatics, on behalf of, **11,** 49
malice, for purpose of establishing, **11,** 100
master, jurisdiction of, as to, **11,** 53, 107
matrimonial causes, in, leave to administer, **11,** 42; **16,** 526
money-lender, to, as to nature of business, **21,** 45 n.
municipal election petition cases, in, **12,** 511

INTERROGATORIES—*continued.*
names and addresses, when proper subject-matter of, **11,** 93
nature of, **11,** 92
negligence, in actions for, **11,** 92 n., 103
numbering of, manner of, **11,** 107
oppressive, disallowance of, **11,** 98, 108
paragraphing of answers to, **11,** 112
parliamentary election petition cases, in, **12,** 430
particular cases, in, provisions as to, **11,** 98—106
particulars, in lieu of, practice as to, **11,** 92, 96, 107
partnership, dissolution of, in action for, **11,** 106
patent action, in, rules applicable to, **11,** 53, 94; **22,** 220, 221
payment, time and place of, as to, **11,** 103
penal action, in, as to, **11,** 41, 83, 96, 97, 110, 191; **13,** 574, 575
privileged communications, as to, **11,** 77, 85 n., 102, 110
prize law, examination of captors on standing interrogatories, **23,** 288
Probate Division, in, **14,** 152
profits of a business, as to, when disallowed as vexatious, **11,** 97 n.
prolix, as to, **11,** 97, 108
costs of, **11,** 56, 98
public policy, contrary to, principle applicable to, **11,** 85 n.
Railway and Canal Commissioners, before, **23,** 758, 759
relevancy of, **11,** 92—95, 97, 102—105, 110
insurance action, in, **11,** 103 n.
libel action, in, **11,** 102 n.
oppressiveness not excused by, **11,** 97
partnership action, in, **11,** 97 n.
recovery of land, action for, in, **11,** 104 n.
witness, name and address of, in case of, **11,** 93, 94
right to administer, nature of, **11,** 92
relief doubtful, where, **11,** 52 n.
roving, not allowed, **11,** 63
sale of goods, in case of, **11,** 104
scandalous, not allowed, **11,** 97, 108, 110
secret process, as to, **11,** 105
security for costs, practice as to, **11,** 54, 55
seduction, in action for, **11,** 93 n., 105
service of order for, effect of, **7,** 312; **11,** 107
out of jurisdiction, **11,** 50 n.
setting aside of, practice as to, **11,** 108
several persons, for the examination of, **11,** 47, 107
shareholder, subscription contract, as to execution of, by, **11,** 99
sheriff, addressed to, affidavit in answer to, by whom made, **25,** 826 n.
slander, in action for, **11,** 99; **18,** 681 n.
standing, examination on, in prize court, **23,** 288
Stock Exchange transactions, in action as to, **11,** 105
striking out of, non-payment of costs, not a ground for, **11,** 55
practice as to, **11,** 108
tending to criminate not a ground for, **13,** 575 n.
tenants, as to names of, on plea of possession, **11,** 104 n.
title, as to, when allowed in action for account, **11,** 104; **20,** 540
tort, in actions of, **11,** 38
trade customs, as to, **27,** 770 n.

INTERROGATORIES—*continued.*
trade marks, actions for infringement of, in, 94; **27,** 742
trade secrets, as to, **11,** 105
trustee, by, as to title of alleged *cestui que trust,* **11,** 106; **28,** 119
ulterior purposes, for, **11,** 98, 101
unnecessary, as to, **11,** 97, 108
unreasonable, as to, **11,** 97, 98
valuation, as to basis of, **11,** 103
venereal disease, as to communication of, **11,** 42 n.; **16,** 526 n.
vexatious, as to, **11,** 95 n., 97, 103 n., 108
costs of, practice as to, **11,** 56
witnesses, names of, as to, **11,** 93
Workmen's Compensation Act, procedure as to, under, **20,** 213
wrongful dismissal, in action for, **11,** 106

INTERRUPTION. *See* INTERFERENCE; OBSTRUCTION.
chain of causality, of, **10,** 320
commons, of user of, effect on prescription, **4,** 485, 486, 489, 490
House of Commons, of business of, time for, **21,** 673, 674
light, to easement of, **11,** 273, 308. *See* LIGHT, obstructed.
nomination of candidate for election, of, effect of, **12,** 277
poll, of, at election, effect of, **12,** 307
Prescription Act, 1832, in, *defined,* **11,** 308
user, of, effect of, **11,** 273, 308; **16,** 41, 42

INTERVENING CAUSE,
damages, effect on, **10,** 319
illness occasioned by fright wrongfully caused, not an, **10,** 321
independent volition as, **10,** 319—321
plaintiff's act as, **10,** 322
wrongful exposure, not an, **10,** 321

INTERVENTION,
Admiralty action *in rem,* in, **1,** 87, 131
matrimonial causes, in, King's Proctor, by. *See* KING'S PROCTOR (Matrimonial Cause).
member of the public, by, procedure as to, **16,** 556, 557
parties, by, practice as to, **16,** 507
negligence of third party, in case of, **21,** 380
pro interesse suo. See PRO INTERESSE SUO.
probate action, in, costs of, **14,** 181
practice as to, **14,** 176
third party, of, damage arising from, effect of, **10,** 312
wrongdoer not responsible for, **10,** 319
trustee in bankruptcy, by, **2,** 139, 164—166

INTESTACY,
defined, **11,** 2; **14,** 136; **28,** 507 n.
administration in case of. *See* ADMINISTRATION OF DECEASED'S ESTATE.
administrator, rights and duties of. *See* ADMINISTRATOR.
assets, in. *See* ASSETS.
equitable. *See* EQUITABLE ASSETS.
marshalling of, **13,** 70, 144, 145; **14,** 291—293. *See* MARSHALLING.
order of application of, **14,** 285—293. *See* ASSETS.

INTESTACY—*continued.*
administration in case of—*continued.*
bona vacantia in case of, **7,** 209; **11,** 28, 30, 31. **23,** 53, 54. *See* BONA VACANTIA.
bond of administrator. *See* ADMINISTRATION BOND.
county court jurisdiction as to, **8,** 445, 623, 624
court, by the, **14,** 333—344. *See* ADMINISTRATION ACTION.
devastavit by administrator, **14,** 316—319. *See* DEVASTAVIT.
distribution of property in, **6,** 224; **11,** 16—23; **14,** 279, 284, 285. *See* DISTRIBUTION OF ASSETS.
domicil in relation to, **6,** 220—232, 274
letters of, grant of, **14,** 182—217. *See* LETTERS OF ADMINISTRATION.
retainer, right of, **14,** 244, 256—261. *See* RETAINER.
bastard, of, effect of, **2,** 439; **11,** 26
coparcener, of, effect of, **11,** 10; **24,** 210
Cornwall, Crown rights in Duchy of, **11,** 31
covenant to leave property performed by, **11,** 18; **13,** 140, 141; **25,** 544
curtesy, rights as to, in case of, **8,** 78; **11,** 4; **24,** 187. *See* CURTESY.
debtor claiming to share under, must account for debt, **14,** 269
descent of land on, **11,** 7—16. *See* DESCENT.
estate, *pur autre vie*, of, **11,** 12, 13. *See* ESTATE PUR AUTRE VIE.
devolution of property on, **11,** 4—7. *See* DESCENT.
distribution of property on, **6,** 224; **11,** 16—23; **14,** 279, 284, 285. *See* DISTRIBUTION OF ASSETS.
division of estate, validity of agreement for, **14,** 542, 543. *See also* FAMILY ARRANGEMENT.
dower, rights as to, **8,** 78; **11,** 4; **24,** 192—199. *See* DOWER.
escheat on, without heirs, **11,** 23—28; **24,** 164. *See* ESCHEAT.
freebench, rights as to, **8,** 78; **24,** 195. *See also* FREEBENCH.
gift over on, effect of, **15,** 422
heir procuring, by promise to carry out wishes, **13,** 75
hotchpot in case of collaterals, between, **11,** 23
descendants, between, **11,** 21
payments deemed to be advances for purposes of, **11,** 20, 21
portions, of, **11,** 19—21
widow, in favour of, **11,** 21
immovables, conflict of laws as to succession to, **6,** 218, 219, 273
industrial and provident society, of member of, **17,** 19
infant, power of, to acquire property under, **17,** 75
intestate, *defined*, **14,** 136; **28,** 507 n.
Lancaster, Duchy of, Crown rights in, **7,** 219
Intestates Estates Act, 1884, application of, to, **7,** 236
legacy duty payable under, when, **13,** 235, 236
limitation of action in case of, **14,** 230, 285; **19,** 86, 91, 95
movables, conflict of laws as to succession to, **6,** 224, 225, 274
partial, *defined*, **11,** 2
share under, is a chose in action, **4,** 364
succession duty payable on, **13,** 267, 270, 278. *See* SUCCESSION DUTY.

INTESTACY—*continued.*
total, *defined*, **11,** 2
will, construction of, so as to avoid, **28,** 665—667
excluding persons claiming under, effect of, **11,** 16 n.; **28,** 518, 806
perpetuities, in application of rule against, **22,** 308
residuary gift gives rise to presumption against, **28,** 666

INTIMIDATION. *See* DURESS; FEAR; THREATS.
election, avoidance of, **12,** 280, 281, 345
enemies, effect of joining, because of, **6,** 349
extortion by, **9,** 664—668
forcible entry by, **9,** 474
person exercising legal right, of, **9,** 565
possession of land maintained by, **9,** 476
rebels, effect of joining, because of, **6,** 349
robbery by, **9,** 661
trade disputes, in, offence of, **9,** 565; **27,** 641
witnesses, of, penalty for, **7,** 290; **9,** 498
workmen, of, offence of, **9,** 565; **27,** 644—646
wife or children, of, offence of, **9,** 565; **27,** 645

INTOXICATING LIQUOR.
The title INTOXICATING LIQUORS *is contained in Vol. XVIII., pp.* 1 *et seq.*
defined, **18,** 6
agent of unlicensed principal, sale by, **18,** 110, 111, 115
appeals from licensing justices as to licence for sale of, **9,** 86; **18,** 78—87. *See* JUSTICES' LICENCE.
authority, temporary, to sell, provisions as to, **18,** 47—50
beer, *defined*, **15,** 45; **18,** 6. *See* BEER.
beer-house, *defined*, **17,** 305; **18,** 8. *See* BEER-HOUSE.
bonâ fide traveller, falsely representing to be, and obtaining, **18,** 143
British
spirits, *defined*, **18,** 6
re-imported, duty on, **24,** 602
wines, regulations as to, **18,** 11. *See* SWEETS.
canteens, sale in, of, provisions for, **18,** 106; **24,** 654, 673; **25,** 98
casks containing, marking of, provisions for, **18,** 153; **28,** 493
child, in case of, **17,** 45, 172; **18,** 121—123. *See* CHILD.
cider, *defined*, **18,** 6. *See* CIDER.
closing hours for premises licensed for sale of, **18,** 87—98. *See* CLOSING HOURS.
clubs, sale in, of, **4,** 429—434. *See* CLUB; WORKING MEN'S CLUBS.
company, limited, incapacity of, to hold licence for sale of, **18,** 17 n.
owning inn for sale of, position of, **17,** 319
compensation authority for licensing sale of, powers and duties of, **18,** 68—78. *See* COMPENSATION AUTHORITY.
credit, sale of, on, provisions for, **18,** 170—172
dealing in, retail, without licence, **18,** 113
wholesale, **18,** 113
distiller of, regulations for, **18,** 10, 147—150; **24,** 637—639. *See also* DISTILLER.
druggists, licence not required by, for spirits in medicine, **18,** 16; **24,** 673, 678 n.
excise licence for, grant of, **18,** 7, 8, 17—21. *See* EXCISE LICENCE (Intoxicating Liquors).

INTOXICATING LIQUOR—*continued.*
executors, sale by, of, provisions as to, **18,** 49, 50
fair, sale at, of, licence for, **18,** 100, 101; **20,** 34
fishing boats, sale on, of, **14,** 635
foreign
spirits, *defined,* **18,** 7
licence, when unnecessary for sale of, **18,** 12; **24,** 669
wines, *defined,* **18,** 7. *See* FOREIGN, wine.
gauging of, penalty for attempt to defeat, **18,** 148
gravity of, alteration of, penalty for, **18,** 151, 158; **24,** 623
grogging spirit casks, **18,** 156
habitual drunkard, supply to, of, penalty for, **18,** 167, 168
hawkers or pedlars, sale by, of, regulations for, **18,** 115; **20,** 56 n.
heirs, sale by, of, provisions as to, **18,** 49, 50
hours for sale of, regulations as to, **18,** 87—98. *See* CLOSING HOURS.
innkeeper, refusal by, to serve, rights of, **9,** 556; **18,** 141, 142
justices' licence, *defined,* **18,** 7. *See* JUSTICES' LICENCE.
licence, *defined,* **18,** 7. *See* EXCISE LICENCE (Intoxicating Liquors); JUSTICES' LICENCE.
compensation for non-renewal of, **8,** 662—665; **18,** 67. *See* COMPENSATION; COMPENSATION AUTHORITY.
licensed premises, *defined,* **18,** 8. *See* LICENSED PREMISES.
manufacturing of, provisions as to licence for, **18,** 113
measure, sale by, provisions as to, **18,** 123, 124; **28,** 470 n., 492, 493
transfer from marked to unmarked, **18,** 124
medicine, licence unnecessary for spirits sold in, **18,** 16; **24,** 673, 678 n.
members' club, sale in, **4,** 429, 430
bogus club, in, **4,** 430, 431, 433
non-members, to, **4,** 430, 433.
mixing wine or wash with spirit, penalty for, **18,** 153
non-production of licence, penalty for, **18,** 136
obstruction of officer entering brewery premises, **18,** 145
offences, Licensing Act, under, prosecutions in respect of, **18,** 156, 157
sale, relating to, **18,** 107—159
off licence, *defined,* **18,** 7, 15. *See* OFF LICENCE.
orders for, taking, without licence, offence of, **18,** 115
passenger ships, licence for sale on, **18,** 105, 106
perry included in cider as, **18,** 6
police, statutory powers of, as to, **22,** 503. *See* POLICE.
constable, supplying to, **18,** 134, 135
porter included in beer as, **18,** 6. *See* PORTER (Beer).
prison, penalty for introducing into, **23,** 257
prohibition of introduction into, **23,** 263
prisoner, prohibition of supplying to, **23,** 255
protection order for sale of, **18,** 47, 48
public-house, access to, for supply of, **18,** 60, 61 n., 92 n., 94—97, 126, 132 n., 140. *See also* PUBLIC-HOUSE.
railway cars, sale in, of, licence for, **18,** 106; **24,** 666
refreshment house, consumption in, of, provisions as to, **18,** 92, 93, 96, 97, 128, 129. *See* REFRESHMENT HOUSE.

INTOXICATING LIQUOR—*continued.*
retail, sale by, of, *defined,* **18,** 7; **28,** 492
provisions as to, **18,** 113, 123, 124; **28,** 492
sale of, licence required for, **18,** 8
offences relating to, **18,** 107—159
spirits, *defined,* **18,** 6. *See* SPIRITS.
spirituous, limitation of actions for price of, **18,** 170, 171
still, possession of, without licence, **18,** 146
sweets included in, **18,** 6, 7. *See* SWEETS.
temporary licence pending appeal, **18,** 49
Thames, sale on boats on, **18,** 90
theatres, sale in, of, licence for, **18,** 106
wine included in, **18,** 6, 7. *See* WINE.
workhouses, introduction into, forbidden, **22,** 560
worts, concealment by brewer of, penalty for, **18,** 144

INTOXICATION. *See* DRUNKENNESS.

INTRINSIC EVIDENCE,
abbreviations, as to, **10,** 456
ambiguity, in case of, **7,** 518
building contract, to correct errors in, **3,** 173
carta non est nisi vestimentum donationis, **10,** 454 n.
charterparty, to construe, **26,** 138, 139
connected documents, in case of, **7,** 512, 519; **10,** 439
order of execution, as to, **7,** 519
context, words construed in harmony with, **7,** 512; **28,** 653, 655 n., 681. *See* CONTEXT.
contract, when term or condition implied in, **7,** 512
covering letter, **7,** 510, 512 n.
ejusdem generis rule, **7,** 516; **10,** 469, 470; **26,** 139; **27,** 415; **28,** 682. *See* EJUSDEM GENERIS.
election on failure of, **1,** 520; **10,** 457, 458
errors, to correct, **7,** 517; **10,** 454
extrinsic evidence to supplement, **7,** 511; **28,** 658
falsa grammatica non vitiat concessionem, **7,** 518; **10,** 454 n.
falsa orthographia non vitiat chartam, **10,** 454 n.
fire insurance policy, to construe, **17,** 527, 528
guarantee, to construe, **15,** 474—476
implied
covenant or promise, where, **7,** 514
term or condition, where, **7,** 512, 518
in obscuris, quod verisimilius, **28,** 654 n.
instrument, in, every word to have effect, **7,** 517; **10,** 454—456; **28,** 659, 660
whole and parts, agreement of, **7,** 512; **10,** 438; **28,** 654
whole preferred to particular words, **7,** 512, 518; **10,** 454, 456; **17,** 343
intention, expressed, not presumed, to ascertain, **10,** 434
to give effect to, **10,** 454—456
where sufficiently clear, **7,** 518
marine insurance policy, to construe, **17,** 342, 343, 347
mistake, to rectify, **21,** 27
negative, double, **10,** 455 n.
qui hæret in litera, hæret in cortice, **10,** 454 n.
repugnance, to avoid, **7,** 517, 518; **10,** 455—457
series of documents, where, **7,** 512
spelling, erroneous, to correct, **10,** 454, 455 n
statute, to construe. *See* CONSTRUCTION OF STATUTES.
ut res magis valeat quam pereat, **7,** 519; **10,** 439, 455 n.; **15,** 474

INTRINSIC EVIDENCE—*continued.*
will, to construe, **28,** 651 *et seq.*
alterations warranted by context or general scheme, **28,** 675
context, words explained by, **28,** 653
general intention not carried out, where, **28,** 654
general scope of will considered, when, **28,** 653—655
inoperative clause or void limitation referred to, when, **28,** 653 n.
words, to supply, **7,** 517; **10,** 455
words and clauses, to transpose, **10,** 455
writing and print inconsistent, where, **7,** 519; **17,** 342; **26,** 141

INTRUSION,
Crown, judgment for, **10,** 7
information of, **10,** 5—7
pleading, **10,** 6
when it lies, **10,** 5
intruders, removal of, **10,** 7
default, judgment in, **10,** 7

INVENTED WORD,
defined, **27,** 688
examples of, **27,** 690 n.
misspelling not sufficient to make an, **27,** 689, 690
new article, name of, as, **27,** 697 n., 760, 761
registration of, as trade mark, provisions as to, **27,** 685—687
requirements of, on registration, **27,** 688—690
test of, as capable of registration, **27,** 688, 689
trade mark, as, **27,** 688

INVENTION.
The title PATENTS AND INVENTIONS *is contained in Vol. XXII., pp.* 125 *et seq.*
Admiralty, acquisition by, **22,** 188, 189
art, nature of, as evidence of invention, **22,** 134—137
authorship distinguished from, **22,** 127
characteristics of, necessary for patent rights, **22,** 134, 135
claims in respect of, setting out of, for patent rights, **22,** 161—163
colonial, protection of, **22,** 229, 230
combination of articles as a new invention, **22,** 138—140
corporation, disability of, as to patent rights, **22,** 130
covenant to give benefit of, effect of, **27,** 549 n., 567 n.
description of, essentials for grant of patent, **22,** 155, 159—161
exhibition of, before patented, protection of inventor, provisions for, **22,** 144, 145
existence of, evidence of, necessary for patent rights, **22,** 135, 136
experimental use of, effect on patent rights, **22,** 146, 160
extent of, must be definite in claim for patent, **22,** 162
foreign, protection of, provisions for, **22,** 229
importation of, effect of, **22,** 130, 132, 133
improvement in an, patent of addition for, **22,** 138, 205
infringement of. *See* INFRINGEMENT OF PATENT.
inventive faculties, exercise of, necessary to validity of patent, **22,** 135 n., 136, 139

INVENTION—*continued.*
letters patent for, Attorney-General's powers as to, **7,** 75; **22,** 178
sealing of, **7,** 61
master and servant, rights between, in respect of, **22,** 131, 132
monopoly in, limits of, **22,** 127
novelty of, as an essential, **22,** 141, 142
opposition to grant of patent for, grounds of, **22,** 175—177
procedure in regard to, **7,** 75; **22,** 177, 178
ownership acquired by, **22,** 401
particulars of, required from patentee, **22,** 161, 162
patent rights as to, where specification describes the invention, **22,** 158
principle, of, new or old as subject-matter of patent, **22,** 136, 137
property in, extent of, **22,** 127
provisional protection of, effect of, **22,** 156
public, dedication of invention to, by public sale, effect of, **22,** 143, 144
policy, against, invalidates invention for patent rights, **22,** 152
user, effect on patent rights, **22,** 142
publication of, without knowledge or consent of inventor, effect of, **22,** 147
rediscoverer of, as the first and true inventor, **22,** 131
restraint of trade, covenants for, in respect of, effect of, **27,** 549 n., 567 n.
sale of, in public, effect of, on patent rights, **22,** 143, 144
servant, by, rights as to, **22,** 131, 132
subject-matter of, distinguishing from the invention, necessity for, **22,** 162, 163
true and first inventor, *defined,* **22,** 130—132
utility of, as affecting validity of patent, **22,** 150, 151
war material, relating to, provisions as to, **22,** 189
Secretary of State for, acquisition by, of, **7,** 92; **22,** 188, 189
word, of, as trade mark, **27,** 688. *See* INVENTED WORD.

INVENTOR,
defined, **22,** 130—132. *See* INVENTION.

INVENTORY,
bill of sale, catalogue of chattels in, not necessarily an, **3,** 47
goods, of, with receipt attached, when a bill of sale, **3,** 6, 9
distress for rent, in case of, **11,** 166
appraisement of, provisions as to, **11,** 171
lodger's or undertenant's declaration must have annexed, **11,** 144, 146
notice of, by landlord to tenant, **11,** 166—168
sale of goods not included in, effect of, **11,** 196
execution, bailiff removing goods in case of, must make an, **8,** 565
heirlooms, of, tenant for life, to be signed by, **25,** 706
personal representative, obligation of, to make, **14,** 241.
settlement of personal chattels, trustee's duty to keep, **25,** 687

INVERT SUGAR,
beer, use in making, penalty for, **15,** 45
duty on, no excise, **24,** 634 n.

INVERT SUGAR—*continued.*
licence required by makers of, **24,** 633, 634
regulations for Customs and Excise, penalty for breach of, by makers of, **24,** 634

INVESTIGATION,
building society, into affairs of, rights as to, **3,** 390, 391, 394
friendly society, into affairs of, **15,** 130, 139, 201
London County Council, powers of, to make general, **20,** 397
patent, in case of, applicant may be heard upon result of, **22,** 167
application for, extent of, by examiner, **22,** 165—167. *See* PATENT (Invention).
railway accident, of, Board of Trade, by, procedure of, **23,** 747—750
shipping casualties, into, provisions for, **1,** 115—117; **9,** 107, 108; **26,** 591—594. *See* BOARD OF TRADE; SHIPPING CASUALTIES.
title, of. *See* TITLE TO LAND ON SALE.

INVESTITURE,
coronation, ceremony at, **6,** 327

INVESTMENT.
For dealings in any particular form of investment, see the main word denoting such form of investment.
defined, for purpose of construing a will, **28,** 702
apportionment between income and capital on sale or purchase of, **25,** 613
bank, partner in, misapplying money received for, **22,** 31 n., 35
bankers, leaving money with, how far authorised, **14,** 243
benefice, of augmentation of endowment of, **11,** 774
building society, surplus funds of, incorporated society, **3,** 378, 379; **28,** 132 n.
unauthorised, effect of, **3,** 379
unincorporated society, **3,** 347, 378
validity of, conditions necessary to, **3,** 379
capital money under Settled Land Acts etc., **25,** 643, 644, 646, 651. *See* CAPITAL MONEY.
change of, ademption as result of, **28,** 602, 603, 709 n.
after-acquired property clause, operation of, **25,** 553
construction of will in case of, **28,** 603
costs of application to court for, **25,** 616 n.
trustees' power to effect, **28,** 138
realty, in case of, as power of sale, **25,** 632
charity funds, of, **4,** 236—242. *See* CHARITY.
company funds, of, by directors, **5,** 226
surplus cash in winding-up, of, **5,** 436
compulsory purchase, in case of, costs of, for which promoters are liable, **6,** 126—132. *See* COMPULSORY PURCHASE OF LAND.
money deposited in bank, of, **6,** 114—124. *See* COMPULSORY PURCHASE OF LAND, deposited money.
Consols, proceeds of sale of settled land invested in, **25,** 634
court, funds under control of, **28,** 133 n.
county court, in, **8,** 499
dividend on. *See* DIVIDEND.
executor, duty of, as to, **14,** 243
getting in, as to, **14,** 242

INVESTMENT—*continued.*
friendly society funds, of, **15,** 167—169
glebe lands, of proceeds of sale of, **11,** 766
Howe v. *Dartmouth,* rule in, as to wasting or unauthorised. *See* HOWE *v.* DARTMOUTH, rule in.
industrial and provident society, of funds of, **17,** 21
interim, charity funds, of, **4,** 242
compulsory purchase, on, **6,** 132
costs of, **6,** 127
orders as to, **6,** 118, 119
local authorities, by, of sinking funds, **23,** 383
National Health Insurance, for purposes of, **28,** 963
Navy and Army Insurance Fund, of, **28,** 984
sums paid to approved societies, **28,** 964
partition action, of proceeds of sale in, **21,** 865, 866
power of, as not effecting conversion in equity, **13,** 105
infant's settlement, in, **25,** 562
partition, authorised by power of sale and investment in land, **21,** 821 n.
savings, of, excepted from covenant to settle after-acquired property, **25,** 550
security, as synonym for, **28,** 710
Settled Land Acts, of capital money under, **25,** 646. *See* CAPITAL MONEY.
settlement, as subject-matter of. *See* SETTLEMENT OF PROPERTY.
tenant for life and remainderman, rights of. *See* TENANT FOR LIFE.
solicitor receiving money for, liability of partner of, **22,** 31 n.
Stock Exchange dealings in. *See* STOCKBROKER; STOCK EXCHANGE.
trustees, by, authorised by trust instrument, **28,** 130, 131
ceasing to be authorised, liability for, **28,** 137
selection, mode of, by trustee, **28,** 130
bank stock, in, **28,** 131 n., 132 n.
bearer securities, in, **28,** 130
deposit at bank of, **28,** 118 n.
Government stock, certificates for, **28,** 137
colonial securities, in, **28,** 130 n., 132 n.
stock registered under Colonial Stock Acts, in, **28,** 133 n.
bearer certificates, **28,** 137
petition of right in respect of, **10,** 28
company securities, meaning of, **28,** 130 n.
consent of beneficiaries to, **28,** 130 n., 137
discretion, at, **28,** 131
exercise of care and, in selection, **28,** 130, 131, 137
duty to invest, **28,** 129
foreign Government securities, in, **28,** 130 n.
ground rents, in, **24,** 476 n.; **28,** 136 n.
income
must be properly secured, **28,** 137
to provide better, **28,** 138
India Government and railway stocks, in, **28,** 132 n.
Isle of Man securities, in, **28,** 137
land, purchase of, **28,** 135, 136
actual purchase taken as performance of trust, **13,** 140 n.
personalty bound by covenant to settle, out of, **25,** 549
loan to beneficiary, by way of, **28,** 121 n., 131 n.
local loans, in, **28,** 136, 137

INVESTMENT—*continued.*
trustees—*continued.*
losses on, adjustment of, between tenant for life and remainderman, **25,** 621—623
mortgage, on, **21,** 107, 108; **28,** 133, 134
amount proper to be lent, **21,** 109; **28,** 135
contributory, **21,** 108; **28,** 134
debentures, **28,** 133, 136
equitable, **21,** 108
insufficient security, on, liability for, **28,** 198
leasehold property, in, **28,** 134
personal chattels, on, **21,** 107 n.
second, **28,** 133 n.
stock, **21,** 110
sub-mortgage, on, **21,** 110; **28,** 134 n.
valuer, advice and report of, necessary, **21,** 109; **28,** 134
choice of, **21,** 109 n.
duties of, **28,** 135 n., 228
fees of, **28,** 135 n.
mortgagor's valuer, improper, **21,** 109 n.
out-of-date or wrong valuation by, **21,** 109
municipal corporation securities, **28,** 131 n., 132 n.
names of trustees, must be in, **28,** 130
neglect to obtain, liability for, **28,** 129, 190, 191
partnership, authorised loan to, effect of change in firm, **28,** 130 n.
improper loan to, liability of partners for, **22,** 35
period for which trust funds may remain uninvested, **28,** 129 n.
personal security, on, **21,** 107 n.; **28,** 131
public stocks or funds, in, **28,** 131 n., 132 n.
railway debenture and other stock, in, **28,** 132 n., 136
redeemable trustee stocks, **28,** 133 n.
retainer of existing investments, **28,** 137
settled funds, of, **25,** 682; **28,** 129—138
shares in a company, in, where retention only authorised, **28,** 130 n.
statute, securities authorised by, **28,** 131, 132
unauthorised, liability for, **21,** 108, 109; **28,** 129, 190, 198
proportion of loan to value of property, **28,** 135
solicitor's liability by reason of his partner advising, **26,** 760
tenant for life and remainderman, rights between, **25,** 611, 612, 622, 623
variation of. *See* change, *supra.*
water stocks, in, **28,** 132 n., 133 n.
working-men's clubs, of funds of, **4,** 409, 410
workmen's compensation, of, paid into county court, **20,** 185, 186, 243

INVITATION. *See* INVITEE.

INVITEE,
defined, **21,** 385, 386
chattels, for use of, position of, **21,** 390, 391
classification of, **21,** 387, 388
liability commensurate with invitation, **21,** 390
licensee, bare, distinguished from, **21,** 386, 391
notice to, of risk, limitation of liability by, **21,** 290
occupier's liability for negligence towards, **17,** 313; **21,** 388—390

INVOICE,
acceptance of goods by retention of, **25,** 130 n.
bill of sale, whether invoice and receipt is, **3,** 9

INVOICE—*continued.*
company, name of limited, must appear on, **5,** 301
evidence from, as to precise cost of goods, **17,** 455
fertiliser or feeding stuff, on sale of, regulations as to, **1,** 285
foreign currency, expressed in, **17,** 455 n.
industrial society, name of, must appear on, **17,** 13
sale of goods, note or memorandum of contract forming, **25,** 134 n., 135 n.
warranty by, fertiliser or feeding stuff, on sale of, **1,** 285
food and drugs, on sale of, **15,** 25, 27, 62

INVOLUNTARY ASSIGNMENT,
breach of covenant in lease, whether a, **18,** 577
forfeiture, whether cause of, **2,** 147; **25,** 571; **28,** 840, 841

IONIAN BANK, LTD.,
shares in, transfer of, on death of Greek owner in Greece, **13,** 215 n.

IONIAN ISLANDS,
births and deaths in, place of keeping of register of, **24,** 436, 437
marriages in, evidence of, **13,** 535
place of keeping of register of, **24,** 436, 437

IPSWICH,
local courts of, jurisdiction of, **9,** 169

IRELAND,
Accumulations Acts, 1800 and 1892, as applying to, **22,** 372 n.
agricultural holding in, essentials to valid notice to quit, **18,** 449 n.
Aliens Act, 1905, as applying to, **1,** 329
allegiance, oath of, persons required to take, in, **7,** 24
anatomy, grant of licence to practise, by Chief Secretary of, **20,** 341
apprentice in, stamp duty in case of, **20,** 81
arms of, comprised in royal arms, **6,** 361
assets in, inclusion of, for death duty, **13,** 312 n.
Attorney-General for, member of ministry, **7,** 75
Solicitor-General included in expression, when, **7,** 71 n.
bank books in, order for inspection of; **13,** 555
bank notes in, minimum permitted value of, **1,** 574
issue of, rules as to, **1,** 575, 576
Bank of Ireland, debts due to, forming part of Funded Debt, **24,** 755, 756, 760
establishment of, **1,** 575
bar of, admittance to, **2,** 373 n.
assistant barristers of, tenure of office by, **7,** 22
English bar, right of call to, **2,** 364 n., 366 n., 373 n.
Lord of Appeal, right of member of, to become, **2,** 381; **9,** 23
baronetcies of, number of, **22,** 284 n.
Bills of Sale Acts do not extend to, **3,** 4
births, deaths etc., admissibility as evidence of registers in, **13,** 534, 535
capital money, application of, arising from sale of land in, **18,** 279 n.
census of, statutory provisions in respect of, **6,** 344, 345

IRELAND—*continued.*
charitable purposes, bequests for masses as, **4,** 122
gifts for, in, exempted from legacy duty, **4,** 207
law regulating, **4,** 141
property held for, exemption from rating, **4,** 212
what are, in, **4,** 106, 122
Chief Butler, hereditary, of, office of, at coronation, **6,** 331
Chief Secretary for, Cabinet, as member of, **7,** 37
duties and powers of, **7,** 99, 100, 100 n.
extradition, powers of, relating to, **14,** 428
grant of licence to practise anatomy by, **20,** 341
Church of. *See* CHURCH OF IRELAND.
company registered in, service on, **5,** 17, 18
signatures relating to, in, judicial notice taken by English courts of, **13,** 497
winding up of, **5,** 394
order for, made in England, enforced against, **5,** 547
coroner in, relief to, by way of interpleader, **17,** 582 n.
county court summons, service of, in, **8,** 477
courts of, attachment to enforce order of, procedure for, **7,** 313
decisions of, not binding upon English courts, **18,** 212
English courts as having jurisdiction over, **13,** 66 n.
extension of English and Scottish judgments to, **6,** 291, 292
judgments of, enforcement of, throughout United Kingdom, **6,** 291—294
registered design, as having powers in matters of, **27,** 718 n., 743
dentists, grant of certificates to, by Royal College of Surgeons of, **20,** 365
divorce Bills, House of Lords as having jurisdiction in, **9,** 20
drainage, Land Drainage Act, 1861, does not extend to, **25,** 774 n.
ecclesiastical court, enforcement of payment ordered by, by sequestration of property in, **11,** 533
elections in, special limit on expenditure allowed at, **12,** 296
estate duty, inclusion for, of assets in, **13,** 312 n.
provisions in Finance (1909-10) Act, 1910, as to, exclusively affecting, **13,** 183 n.
evidence, proclamations etc. of Lord-Lieutenant of, in English courts, **13,** 525
report by judge to court admitted as, **13,** 475 n.
Extradition Acts, magistrate under, *defined,* **14,** 424 n.
powers under, of Lord Lieutenant of, **14,** 428
superior court under, *defined,* **14,** 426 n.
fish caught by trawling, sale of, how far prohibited in, **14,** 626
Food and Drugs Acts (Sale of), as applying to, **15,** 5 n.
friendly societies in, refusal of registration of, appeal from, **15,** 132 n.
resolutions of, registration of, **15,** 160 n.
game in, *defined,* **15,** 208 n.
bird of, includes birds of game killed in, **15,** 259 n.
buying, from unauthorised person, **15,** 256 n.
licence for killing rabbits, **15,** 248 n.

IRELAND—*continued.*
Great Seal of, judicial notice taken by English courts of, **13,** 495
use of, **7,** 10, 11 n.
hares killed in, sale of, during close season, **15,** 260 n.
inhabited house duty does not extend to, **17,** 181
interest, current rate of, in, **25,** 595
international law, private, foreign country for purposes of, **6,** 291
interpleader, relief by way of, to coroner in, **17,** 582 n., 583 n.
Irish Office, **7,** 99, 100. *See* IRISH OFFICE.
judge, report by, to another Irish court as evidence in England, **13,** 475 n.
Judgment Mortgage (Ireland) Act, 1850, judgment registered under, **15,** 513 n.
Judicial Committee of Privy Council, Irish members of, **9,** 27
judicial notice taken by courts of law in, **13,** 485
King of, style of, when first assumed by Sovereign, **6,** 360
Land Acts, Irish, sale under bonus payable to tenant for life on, **25,** 550 n., 640 n.
land tax not levied in, **18,** 308 n.
law officers, enumeration of, in, **7,** 72
members of ministry, as, **7,** 38
Life Assurance Act, 1774, as applying to, **17,** 514 n.
Lights, Irish, Commissioners of, as lighthouse authority for, **26,** 628
local taxation in, payments from Exchequer for relief of, **24,** 761, 762
Lord Chancellor of, duties and powers of, **7,** 55
Cabinet, as member of, **7,** 37
Lord High Steward of, claim of, at coronation, **6,** 331
Lord Lieutenant of. *See* LORD LIEUTENANT OF IRELAND.
lunacy proceedings, transmission of, as between England and, **19,** 427
lunatic, appointment of committee of, by whom made, **19,** 436 n.
escaped to, retaking of, in, **19,** 525
management of personal property of, in, **19,** 436
marine boards, local, in, **26,** 653 n.
marriage, notice of intended, form of, where one party resides in, **16,** 293, 294
registration of, **13,** 535
Marshal, hereditary, and Royal Standard Bearer of, office of, at coronation, **6,** 331
masses, bequests for, in, valid charitable gifts, **4,** 122
medical
councils, branch, representation on, **20,** 318
General Medical Council, representation on, **20,** 315
practitioner, qualified, Irish qualifications giving title to be registered as, **20,** 325, 326
register for, how kept, **20,** 319
mortgagee in possession, accounts of, taken with yearly rests in, **21,** 221 n.
notaries, powers of, in, **21,** 501
oath in, judicial notice taken by English courts of, **13,** 496
Lord Lieutenant, of, required on assumption of office of, **11,** 804 n.
Official Secrets Act, 1889, application of, to, **7,** 33; **9,** 481
trial under, Criminal Law and Procedure (Ireland) Act, 1887, not applicable to, **7,** 33

IRELAND—*continued.*
pardon, petition for, Home Secretary's right to refer, to Court of Criminal Appeal does not apply to, **6,** 405
pauper born in, power to remove, to, **22,** 601, 602
peer. *See* PEER.
peerage of. *See* PEER.
pilotage authority in, appeal from, **26,** 609 n.
Privy Council for, Attorney-General and Solicitor-General for Ireland, members of, **7,** 75
continuation of, King's pleasure as to, **7,** 51 n.
establishment of, date of, **7,** 51
probate granted in, resealing of, in England, **14,** 172
Public Health Amendment Act, 1907, as applying to, **23,** 364 n.
rabbits, gun licence for killing, in, **15,** 248 n.
register, books of, admissibility of, as evidence, **13,** 534, 535
revenues, hereditary, of Crown from, surrender of, **7,** 110 n.
royal proclamation in, publication necessary for, **7,** 15
separation of, from Crown of England, conspiracy for, a treason felony, **6,** 354, 355
settled lands in, application to court under Settled Estates Act, 1877, with regard to, **25,** 680 n.
building lease of, length of term of, **25,** 657 n.
leases of, conditions of, **25,** 676, 677
trustees of, position of, where land in England subsequently purchased, **25,** 631 n., 675 n.
shooting rights, grant of, **15,** 220 n.
Solicitor-General for, Attorney-General, when includes, **7,** 71 n.
member of ministry, but not of Cabinet, **7,** 75
solicitors in, eligible for membership of Law Society of England, **26,** 708 n.
statute
applying to England, Scotland, and Ireland, construction of, **27,** 152
exclusion from, of, how effected, **27,** 162 n.
time, legal, in, **13,** 492
University of, Royal, abolished, **26,** 711 n.
bar students being members of, keeping of terms by, **2,** 364
vivisection licence in, authorities empowered to sign application for, **1,** 418
volunteers and yeomanry in, jurisdiction over, in whom vested, **6,** 418 n.
warrant of arrest, indorsement of, by magistrate in, **19,** 564
writ, out of the jurisdiction for purposes of service of, **23,** 115
service of, in, where concurrent remedy in Irish court, **9,** 58; **14,** 334
writ of possession, issue of, in, taxation of costs before, **14,** 76 n.
yearly tenancy in, notice necessary to determine, **18,** 444 n.

IRISH OFFICE,
administration of, **7,** 99, 100
existence of, no statutory authority for, **7,** 100 n.
expenses of, provision for, by Parliament, **7,** 100

IRON,
beams, drawing of, through streets, regulations as to, **27,** 283
buildings of, London Building Acts as applying to, **20,** 488

IRON—*continued.*
founding, insured trade, is an, **28,** 886
manufacture, dangerous trades connected with, **14,** 480 n.
offences by servants relating to, statutory provisions as to, **20,** 127, 128
mills, *defined,* under Factory and Workshop Act, 1901, **14,** 439
meal-times in, statutory provisions as to, **14,** 505
night employment of young persons in, statutory restrictions on, **14,** 501, 502
mines, Crown, rights of, as to, **7,** 117; **20,** 645—650
Forest of Dean, in, special customs as to, **20,** 645—650. *See* FOREST OF DEAN.
income tax on, computation of profits for, **16,** 625
steel included in warranty against, in marine policy, **17,** 344 n.
trade, usages of, **10,** 278, 279
works, income tax on, computation of profits for, **16,** 625
land tax on, **18,** 308
rating of, machinery taken into account for, **24,** 28 n.

IRONS,
use of, in prisons, **23,** 257

IRONSTONE
mines, statutory regulation of, **20,** 593—624. *See under* COAL MINES, *to which the same provisions apply.*

IRREDEEMABLE,
debenture, **5,** 346; **22,** 364
debenture stock, **5,** 362, 731; **13,** 92 n.
mortgage, contract in mortgage to make it irredeemable invalid, **21,** 143
purpose of, may make it irredeemable for a period, **21,** 145
reasonable period, may be made irredeemable for, **13,** 91; **21,** 143
subsequent contract to make it irredeemable, **21,** 144

IRREGULARITY. *See also* INFORMALITY.
allotment of shares, in, rectification of register in case of, **5,** 154
bankruptcy proceedings, in, effect of, **2,** 320
borrowing by company, in, effect of, **5,** 341
committal proceedings, in, effect of, **17,** 295
compensation on compulsory purchase of land, in case of, **6,** 77, 83, 91, 92
director of company, in appointment of, effect of, **5,** 238
distress for rent, in case of, **11,** 195—210. *See* DISTRESS FOR RENT, wrongful.
election expenses, as to return of, **12,** 407
execution of judgment or order, in case of, **14,** 30—32. *See* EXECUTION OF JUDGMENT OR ORDER.
foreign judgment *in rem,* as to, effect in England of, **6,** 288
forfeiture of shares, in, provision in articles as to, **5,** 202
management of company, in, notice of, as affecting contract, **5,** 303
marriage, in solemnisation of, effect of, **9,** 535; **16,** 280

IRREGULARITY—*continued.*
poaching, in information or summons for, **15,** 232
practice and procedure of courts, in, as to, **23,** 144, 145
vestry meetings, at, effect of, **3,** 451
wills, in execution of, **28,** 548—555 *passim.*
winding up proceedings, in, effect of, **5,** 562

IRRELEVANCY,
affidavit of documents, in, effect of, **11,** 60
interrogatory, of, effect of, **11,** 97, 110
judicial functions, as affecting protection of person in exercise of, **23,** 326, 327
pleading, in, striking out in case of, **22,** 434, 435
production of documents, effect on, **11,** 84
sealing up in case of, **11,** 68, 70, 71

IRRIGATION,
improvement of agricultural holding by, **1,** 260 n.
improvement of land by, **18,** 280 n., 283 n.
prevention of, by removing dam, reversioner's right of action for, **27,** 855 n.
riparian owner's right to use water for, **28,** 426

IRVINGITES,
bequest for relief of, charitable purpose, as, **4,** 109

ISLAND,
marine insurance, in relation to, **17,** 390, 392, 419
ownership of, **3,** 122; **28,** 371

ISLE OF ELY,
chief bailiff of, duties of, **25,** 798 n.
coroners for liberty of, **8,** 218

ISLE OF MAN,
Admiralty jurisdiction in, **1,** 142
animals imported from, regulations as to, **1,** 402 n., 427
appeal from courts of, **10,** 579
billeting, exemption from, **25,** 53 n.
Clerk of the Rolls of, functions of, **10,** 577, 578
common law does not extend to, **10,** 576
constitutional history of, **10,** 576 n.
coronation claim of lord of, **6,** 338
customs and excise duties in, **10,** 576, 577; **24,** 592, 600 n.
Deemster, functions of, **10,** 577, 578
dogs imported from, regulations as to, **1,** 402 n.
drawbacks in respect of goods imported into, **24,** 604, 606, 615, 699
Fugitive Offenders Act, extension of, to, **14,** 421
Governor in Council of, **10,** 577
habeas corpus writ may issue to, **10,** 46, 576
High Court, out of the jurisdiction of, **23,** 115 n.
Home Office, within the scope of, **7,** 82
House of Keys in, constitution of, **10,** 577
imperial statutes applicable to, principal subjects of, **10,** 577
imports and exports to and from, provisions of Customs Acts relating to, **24,** 592
legislation in, mode of, **10,** 577, 578
mines in, regulation of, **20,** 633
pauper, removal of native, to, **22,** 601
Postmaster-General, extension of powers of, to, **22,** 631
revenue duties etc., recovery of, in, **24,** 737
statutes of, publication of, as revised, **10,** 578
superannuation allowances out of revenue of, **10,** 576 n.; **24,** 751 n.
trustees, power of, to invest in securities of, **28,** 137

ISLE OF MAN—*continued.*
Tynwald, court of, constitution of, **10,** 577
warrant issued in England for execution in, indorsement of, **19,** 564

ISLE OF WIGHT,
county, as a, for parliamentary election purposes, **25,** 809 n.
Governor of, member of county association of Southampton, as, **25,** 84
highways of, regulations as to, **16,** 30, 31
sheriff of, as returning officer in parliamentary elections, **25,** 809 n.

ISOLATION,
animals, infected, of, **1,** 422, 426, 427
orders by Board of Agriculture and Fisheries relating to, **1,** 422, 423
dogs, of, regulations as to, **1,** 402, 403, 426
hospital. *See* ISOLATION HOSPITAL.

ISOLATION HOSPITAL,
Acts, districts excluded from operation of, **23,** 435 n.
hospitals under, **23,** 435—443
additional accommodation, provision of, **23,** 439
ambulances, provision of, **23,** 435, 440
application for, by local authorities, procedure on, **23,** 436
conveyance of persons to, power of local authority as to, **23,** 435, 440
county council, alteration of order, as to, by, **23,** 438
borrowing powers of, for, **23,** 440, 441
establishment by, **23,** 435, 436
inquiry by, into necessity for, **19,** 374, 375; **23,** 436, 437
expenses, contribution towards, by, **23,** 442, 443
order of, on inquiry to be sent to Local Government Board, **23,** 437
petition, dismissal of, by, **23,** 437
provision or promotion by, **23,** 435—438
transfer to, expenses of, **23,** 440
cremation of person dying in, of certain diseases, **3,** 573, 574
expenses of, classification of, **23,** 442
how defrayed, **23,** 443
hospital committee, powers of, **23,** 438, 439
hospital district of, constitution of, provisions as to, **23,** 437
infected person, removal of, to, **23,** 454
land, acquisition of, for, **6,** 10, 171; **23,** 439
compensation in case of, **6,** 171
local authority, power of, to transfer hospital for use as, **23,** 440
provision by, **23,** 432, 433
Local Government Board, power of, to vary order as to establishment of, **23,** 438, 439
management of, rules and regulations as to, **23,** 440, 441
medical officer of county council, provision on report of, without application, **23,** 436
nurses, training of, for, powers of committee as to, **23,** 440
patient of, burial of, recovery of expenses for, **23,** 443
charges for, recovery of, **23,** 441, 442
expenses, *defined*, **23,** 442

ISOLATION HOSPITAL—*continued.*
paupers in, expenses of, recoverable as debt from union, **19,** 609; **23,** 442
ships, reception of sick from, **23,** 433 n.
telegraph, must be if possible in connection with, **23,** 440
treatment in, disqualification as to franchise, **23,** 435
exceptional, provisions for payment, in respect of, **23,** 441, 442

ISSUE,
offspring, in the sense of. *See* ISSUE (Offspring).
proceedings, in. *See* ISSUE (Proceedings).
putting out, in sense of. *See* ISSUE (Putting out).

ISSUE (OFFSPRING). *See also* CHILD; HEIR; HEIRS; SETTLEMENT.
defined, deeds, in relation to, **25,** 577, 579
marriage settlement, in relation to, **25,** 577
wills, in relation to, **23,** 9; **25,** 577 n.; **28,** 752, 753
bequest to person and his, effect of, **28,** 755, 769, 791, 792. *See also* BEQUEST.
birth of, insurance against, nature of, **17,** 512
necessary to husband's estate by the curtesy, **24,** 186
children, when may mean, **28,** 752—754, 835, 836
class gift to, **28,** 753—755
death without, gift over on, **28,** 850. *See* GIFT OVER.
default of. *See* failure of, *infra.*
descent of land to, rules as to, **11,** 7—12. *See also* DESCENT.
description in regard to. *See* DESCRIPTION.
devise to person and his, effect of, **28,** 752, 791, 792. *See* DEVISE.
die without, construction and effect of term, **24,** 245; **28,** 833, 834, 837
failure of, descent on, **11,** 10, 23
gift over on, **28,** 833—840. *See* GIFT OVER.
purchaser, of, descent of fee simple on, **11,** 10
statutory presumption as to construction of words implying, **28,** 833—834
exceptions to, **28,** 834, 837—839
trusts in settlement, effect of, **25,** 579—584
female, descent of real estate to, **11,** 9—15. *See* FEMALE.
gift by will to, **28,** 670. *See* GIFT BY WILL.
gift over to, **28,** 836, 837. *See* GIFT OVER.
impossibility of, on account of age, when no presumption, **24,** 175
infant's settlement, provision in, for, **25,** 562
intestacy, rights upon, **6,** 224; **11,** 16—20
legitimacy of, presumption as to, during continuance of marriage, **13,** 495, 504, 505; **16,** 479
limitation, as word of, **23,** 9; **24,** 222 n., 230 n.; **25,** 597; **28,** 767, 792 n.
male, descent of real estate to, **11,** 9—15. *See* MALE.
marriage, consideration of, extends to, **25,** 564
during continuance of, presumption as to legitimacy of, **13,** 495, 504, 505; **16,** 479
marriage articles, limitations in, in favour of, effect of, **25,** 539, 540
specific performance of, at instance of, **25,** 547
peerage, extinction of, by failure of, **22,** 273
portion, in regard to. *See* PORTION.
power of appointment among, **23,** 9; **25,** 573
presumption as to a person having, **13,** 504

ISSUE (OFFSPRING)—*continued.*
remoter, effect of reference to, **28,** 754
settlement providing for, construction of, **25,** 577—579, 707. *See* SETTLEMENT OF PROPERTY.
Shelley's case, rule in, application of, to remainder limited to, **28,** 752
Sibley v. *Perry,* rule in, application of, to gift to, **28,** 753, 754
subsequent marriage, of, settlement in favour of, provisions as to, **25,** 709
substitution of, distribution in case of, **28,** 783. *See* DISTRIBUTION.
trust for, when not implied, **25,** 578, 579
in default of, usual limitations in case of, **25,** 579
unborn, limitation to successive generations of, rule prohibiting, **22,** 364, 365
vesting of interest of, under provision in settlement, declaration by court as to, **25,** 577

ISSUE (PROCEEDINGS).
Admiralty action *in rem,* in, costs of, not divided, **1,** 103, 104
compulsory purchase, settlement of, by judge of High Court, **6,** 94, 95
criminal proceedings, in, generally, **9,** 358
discovery of documents, determination after, **11,** 52
Divorce Division practice in, trial of, **16,** 529, 530
estoppel by judgment on, **13,** 323, 330, 331, 337. *See* ESTOPPEL BY JUDGMENT.
fact in. *See* FACT.
relevant to the. *See* FACT.
interpleader, in, **17,** 601, 607 n., 610—615. *See* INTERPLEADER, issue.
judge, function of, as to, **13,** 421
jury of, **18,** 244—263. *See* JURY.
distinguished from jury of inquiry or presentment, **18,** 228
number of, to try, **18,** 226
lunacy, as to, common law and equity action, on trial of, **19,** 406
criminal proceedings, in, **19,** 406
inquisition as to, on trial of, **19,** 406, 421
probate action, on trial of, **19,** 403, 406
Lunacy Acts, under, trial of, in High Court, provisions as to, **19,** 420
previous proceedings, in, ascertainment of, **13,** 356, 357
railway and canal commission, before, procedure as to, **23,** 758
trial of, failure to set down, master's powers in case of, **17,** 601, 612
motion for judgment after, practice as to, **18,** 195
trover or detinue, in actions of, divisible, **27,** 917

ISSUE (PUTTING OUT).
bills of exchange, in respect of, *defined,* **2,** 463
debenture, of, **5,** 224, 353, 354. *See* DEBENTURE.
debenture stock, of, **5,** 739, 740. *See* DEBENTURE STOCK.
local authority, of stock by, **19,** 361; **21,** 62, 63
Electric Lighting Act, under power as to, **12,** 554
share warrant, of, **5,** 71, 144, 149, 150, 185, 186. *See* SHARE WARRANT.
shares, of, **5,** 175, 353, 354. *See* SHARE IN COMPANY.

ISSUE (PUTTING OUT)—*continued.*
warrant, of. *See under main words denoting different kinds of warrants.*
writ, of. *See under main words denoting different kinds of writs.*

ITER,
defined, **11,** 284 n.

ITINERANT,
musician in metropolis may be required to leave, **27,** 289
vendor. *See* HAWKER; PEDLAR.

JACTITATION OF MARRIAGE,
defined, **16,** 470
answer in suit for, **16,** 514
conflict of laws as to jurisdiction with reference to, **6,** 266
decree in suit for, **16,** 544, 595
estoppel by judgment not raised by decree in suit for, **13,** 362 n.; **16,** 595
petition in suit for, **16,** 498, 499
proof of marriage unnecessary in suit for, **16,** 469
residence as test of jurisdiction in respect of, **6,** 266
right to begin in suit for, **16,** 541

JAIL. *See* PRISON.

JAMAICA,
courts of, **10,** 555
disallowance by Crown of laws passed in, **10,** 542
Government of, **10,** 503, 525
legal code in, **10,** 541 n.
legislation in, **10,** 503

JAPAN,
Holy Catholic Church of, **11,** 499 n.

JEOPARDY,
estate of deceased person in, **14,** 140; **17,** 252
property, to, injunction in case of, **17,** 218, 233, 250, 251, 252, 253
receiver, appointment of, **5,** 376; **21,** 261; **24,** 349—356, 375
rights, to, distress by landlord, **11,** 123
security, to, manager, appointment of, **5,** 381
receiver, appointment of, **5,** 376
trust property, of, **28,** 174
breach of trust, **28,** 204—209
property ordered into court, **28,** 204—209
receiver, appointment of, **28,** 173, 174, 204—209
trustee, bankruptcy of, **28,** 204—209
incapacity of, **28,** 204—209
injunction restraining, **28,** 204—209
intermeddling, **28,** 175

JERSEY. *See also* CHANNEL ISLANDS.
Admiralty jurisdiction of courts of, **1,** 141
bailiff, office of, **10,** 575
British Islands, part of, **10,** 573
codification of laws of, **10,** 575
customs of, aids to interpretation of, **10,** 573 n.
English common law does not extend to, **10,** 573
Imperial Parliament, jurisdiction of, to legislate for, **10,** 573, 574 n.
jurats in, office of, **10,** 575
legislation in, **10,** 575
marriage in, proof of, **16,** 315 n.

JERSEY—*continued.*
Normandy, law based on customs of, **10,** 573
provisional legislation must not be contrary to customs of, **10,** 575
Orders in Council, legislation by, **10,** 574
poor, removal of, to, **22,** 601
provisional legislation in, **10,** 575
Recueil des Lois in, **10,** 575
registration of legislation, **10,** 573, 574
royal court of, **10,** 573—575
The States or legislative body of, **10,** 575
claim to representation at the coronation, **6,** 334
United Kingdom, not part of, **10,** 573

JESUITS,
individuals, as, may benefit under wills, **28,** 538
offences by, **9,** 479
orders, suppression of, **4,** 121 n.
society, as a, incapacity to benefit by wills, **28,** 538

JETSAM,
defined, **1,** 76 n.; **7,** 210 n.; **8,** 7 n.; **26,** 548
Admiralty jurisdiction in respect of, **1,** 76
disputes as to, **1,** 76
rights in regard to, **7,** 210—212
Crown, of, **7,** 210; **22,** 402
wreck, when becomes, **26,** 549

JETTISON OF CARGO,
average contribution in respect of, **26,** 75
cause of loss, as, **26,** 226
deviation from voyage, in case of, **26,** 74
effect of loss by, **26,** 226
general average in case of, **17,** 447, 449, 451; **26,** 75, 316, 317
master's authority, **26,** 74, 222
unnecessary, shipowner's liability for, **26,** 74

JETTY. *See also* PIER; WHARF.
improvement to land, as, erection of, **18,** 280 n.
Settled Land Acts, under, **18,** 284 n.
injury to, collision, by, action for, **26,** 547
malicious, punishment for, **9,** 784

JEWELLER,
covenant by, in restraint of trade, **27,** 587 n.

JEWELLERY,
carrier, liability of, for loss of, **4,** 23
covenant to settle after-acquired property, exception from, of, **25,** 554
gift of, advancement, not an, **11,** 21
husband, by, effect on paraphernalia of wife, of, **13,** 121 n.
marking of, compulsory, **27,** 724
exceptions from, **27,** 724 n.
paraphernalia, as part of, **16,** 355, 356
settlement of, powers and duties of trustees in respect of, **25,** 687

JEWS,
advowson in hands of Jew, **6,** 394, 395; **11,** 577 829
Board of Deputies, **11,** 828
British, London Committee of Deputies of, power of president of, **11,** 827, 828; **16,** 281
West London Congregation of, establishment of, **11,** 828
burial grounds of, **3,** 527, 528

JEWS—*continued.*
charitable trusts for, jurisdiction of the court, **4,** 295
Charles II., under, **11,** 825
church patronage by, **6,** 394, 395; **11,** 577, 829
courts, concessions in, **11,** 828
Crown patronage by, **6,** 394, 395; **11,** 575
dissenters, are, **11,** 825
domicil as affecting capacity of, **11,** 825
early times, in, **11,** 824, 825 n.
elections on Saturdays, privileges as to, **11,** 828, 829; **12,** 317
Exchequer of the, **11,** 824, 825 n.
factories and workshops of, provisions relating to, **14,** 508
friendly societies, provisions as to, for, **15,** 124, 125 n.
gift, advancement of religion of, for, **4,** 114, 120—123; **11,** 826
political restoration of, **4,** 123
relief of poor, **4,** 109
superstitious uses, **4,** 120, 121
incumbent, right to vote at election of, **4,** 251
indorsee of bill of exchange, notice of dishonour, **2,** 546 n.; **11,** 828
legal description of, **11,** 825
London Committee of Deputies of British Jews, powers of president of. *See* British, *supra.*
short title of, **11,** 828 n.
marriage of, **11,** 825 n., 829; **16,** 295
Marriage Acts do not apply to, **11,** 825 n.; **16,** 281
procedure on, **16,** 304
prohibited degrees of, **16,** 285
proof of, **16,** 311
registration of, **24,** 453 n.
statutory provisions, applicability to, **16,** 279, 280, 305
effect of non-compliance with, **16,** 295
usages as to, **11,** 825 n.
validity of, governed by *lex domicilii,* **6,** 254 n.
minister of, jury service, exemption from, **11,** 827; **18,** 231
office of, tenure of, **11,** 827
status of, **11,** 827
oath of, **11,** 828, 829
Pentateuch, sworn on the, **11,** 828
political rights of, **11,** 829
poor, gift for relief of, **4,** 109
recognition of, **11,** 827
religion of, endowment and trust for, **11,** 826
rights and disabilities of, **11,** 824—829
status in England, **11,** 824
Statutum Judæismo, or de la Jeuerie, **11,** 825
Sunday labour, exemption from, of, **11,** 829
superstitious uses, former avoidance of gifts for, **4,** 120
synagogue of, **11,** 828
disturbance of, **11,** 827
registration of, **4,** 245; **11,** 827
secretary of, powers and duties of, **11,** 827
Toleration Act, 1688, under, **11,** 826
voting by, **4,** 251; **11,** 828, 829; **12,** 317
West London Congregation of, **11,** 828
witness, swearing as, of, **11,** 828, 829
yesiba, *defined,* **11,** 826 n.
bequest for maintenance of a, **11,** 826 n.

JOBBER,
Stock Exchange, on. *See* STOCKJOBBER.

JOBMASTER. *See* LIVERY STABLE-KEEPER.

JOHN DOE,
legal fiction as to, in ejectment action, **1,** 35

JOHORE,
protected State of, **10,** 524

JOINDER,
administrator, of claim by or against, **22,** 444
cause of action, of. *See* CAUSE OF ACTION.
claims, of. *See* CAUSE OF ACTION.
county court, of cause of action in, **8,** 458, 459
defendant, of. *See* JOINDER OF PARTIES.
distress warrant, of several names in, **11,** 214
Employers' Liability Act, of claim under, **20,** 153
executor, of claim by or against, **22,** 444
husband and wife, of claim by or against, **16,** 454; **22,** 444
county court, in, **8,** 458
libel and slander, in action of, **18,** 614
indictment, several defendants, of, in, **9,** 342
several offences of, in, **9,** 342, 343, 648, 701
issue, of, in pleading, **22,** 431
land, of claim in respect of, **18,** 558; **22,** 444; **23,** 109; **24,** 326
parties, of. *See* JOINDER OF PARTIES.
plaintiff, of. *See* JOINDER OF PARTIES.
plea of not guilty by statute with other pleas, of, **22,** 449
rates, of claim for several, **11,** 211
recovery of land, of other cause of action with claim for, **18,** 558; **22,** 444; **23,** 109; **24,** 326
warrant of commitment, of several names in, **11,** 216 n.

JOINDER OF PARTIES,
Attorney-General, of. *See* ATTORNEY-GENERAL, action.
leave to join, **23,** 101
bond, in action on, **3,** 102
counterclaim, by, **25,** 505, 506, 514
county court, in, **8,** 453, 454
defendants, **22,** 443; **23,** 104
contract, in action of, **22,** 443; **23,** 102
equitable right, in action to enforce, **23,** 102
guarantee, in action on, **15,** 504
indictment, in, **9,** 342
instances, **23,** 104 n.
irregular distress, in action for, **11,** 205
partner, **22,** 45
infant, **17,** 53
recovery of land, in action for, **23,** 102; **24,** 327
statement of claim in case of, **22,** 443
tort, in action of, **22,** 443 n.; **23,** 102
Employers' Liability Act, under, **20,** 152
guarantee, in action for cancellation of, **15,** 508, 544, 545 n.
husband and wife, **16,** 454; **18,** 613, 614, 617
infant on attaining full age, **17,** 138
injunction, in proceedings for, **17,** 271
joint
contractor, in action by, **23,** 100
tenants, **24,** 203
limitation of actions, effect of, **19,** 187
marriage of party, of husband on, **16,** 454
misjoinder or non-joinder, effect of, **23,** 105
mistake as to, correction by court or judge, **22,** 444; **23,** 105

JOINDER OF PARTIES—*continued.*
partner, of, on action by trustee against bankrupt partner, **2,** 122 ; **7,** 457
plaintiffs, **18,** 615 ; **22,** 443 ; **23,** 104
bond to mercantile firm, in action on, **15,** 502 n.
guarantee, in aetion on, **15,** 502
party to, or interested in, **15,** 503
instanees, **23,** 106 n.
libel or slander, in aetion for, **18,** 614, 615
statement of claim in ease of, **22,** 443
tort, in action of, **23,** 100
surety against ereditor, in aetion by, **15,** 509
trade union, in aetion against, **27,** 667
Workmen's Compensation Rules, under, **20,** 195

JOINT
account, banker, with, cheque drawn on, **1,** 604, 605, 607
husband and wife, in names of, **16,** 394, 395
survivor, right of, **1,** 604, 607
bond, money owing on, **3,** 99
education committee, of, audit of, **12,** 52
joint tenants, between, **24,** 203
mortgage on, **13,** 69 ; **21,** 110, 117
death of mortgagee, effect of, **21,** 250, 298
trustees, to, **21,** 110, 117 ; **28,** 134
address, Parliament to Crown, from, **21,** 803
adventure, association for, **5,** 12 n.
authority of partner to insure, **17,** 355
duration of partnership for, **22,** 24
land, in, probate duty on, **13,** 308
liability on, **22,** 36 ; **26,** 842
nature of, **22,** 6
adventurers, marine insuranee, in, **17,** 339
partnership, in case of, **22,** 6
working of mines by, **5,** 656 ; **20,** 638
affidavit of documents, **11,** 61
agent, aecounting by, **1,** 159
appointment of, **1,** 159
authority of, **1,** 159
death of, termination of co-agency by, **1,** 234
liability of, **1,** 160, 193 ; **20,** 709
quorum, appointment of, **1,** 160
applieation for patent, **22,** 153
author of dramatic piece or musical composition, **8,** 176
authority, **1,** 159
bailees or bailors, rights and liabilities of, **1,** 565
board. *See* JOINT BOARD.
bond, action on, **3,** 102, 103
construction of, **3,** 99
guarantee by, **15,** 565 n.
discharge of, **15,** 567—569
equity, may be joint and several in, **14,** 308
burial ground, arrangement as to serviee in case of, **3,** 472
sanetion for burial board in case of, **3,** 452, 453
eandidates, munieipal election, at, expenses of, **12,** 346
capture of prize. *See* CAPTURE OF PRIZE.
claim, husband and wife, by or against, **16,** 454 ; **18,** 614
libel or slander, in action for, **18,** 614, 615
partners, by, **18,** 615
eommittee. *See* JOINT COMMITTEE.
contract, **7,** 336—339. *See* JOINT CONTRACT.
contractor. *See* JOINT CONTRACTOR.
conversion. *See* TORTFEASOR.
covenant, **10,** 484—488. *See* JOINT COVENANT.
creditor. *See* JOINT CREDITORS.

JOINT—*continued.*
debt, attachment of, **14,** 91 n.
bankruptey, priority in, **2,** 219
retainer of, by representative, **14,** 258
set-off of separate debt, **15,** 508, 538 n. ; **25,** 493, 494
debtor. *See* JOINT DEBTOR.
defendant, contribution from, **23,** 162, 165
eounsel, representation by, **2,** 411
joinder of. *See* JOINDER OF PARTIES.
probate action, in, **14,** 181
deposit in bank, married woman and another, in names of, **16,** 349
distress, signature of warrant in case of, **11,** 161
documents, stamp on, **24,** 709 n.
duty to take care, **21,** 433, 434
employers, building contraet, in, death of one of several, effect of, **3,** 273
earrier, of, aetion by, **4,** 96
estate, bankruptey of firm, in, **2,** 219, 220
life, for, with separate inheritanees, created by will, **28,** 780
exeeutors, powers of, **14,** 235
grant of administration, **14,** 185, 190
grantees, bill of sale given to, effeet of, **3,** 37
grantors, bill of sale made by, effeet of, **3,** 30. 36
guarantee, liability in case of, **15,** 441 n., 489, 490. *See also* CO-SURETY.
heirs and heiresses. *See* CO-HEIR ; CO-HEIRESS ; COPARCENER.
holder. *See* JOINT HOLDER.
hospital district, provisional order for, **23,** 434 n.
interests of copareeners, **24,** 210
joint and several. *See* JOINT AND SEVERAL.
judgment, execution in case of, **14,** 10, 18
married woman party, where, **16,** 415
lease by tenants in common, action in respect of, **7,** 337
life estates with separate inheritances, **28,** 780
liquidator, compulsory winding up, in, **5,** 439
voluntary winding up, in, **5,** 440 n., 572, 573
lives, settlement on husband and wife during their joint and natural, **25,** 572
maintenanee of elementary sehools, powers of loeal authorities, as to, **12,** 46
managers, higher education authorities, appointed by, **12,** 46
mortgage, husband and wife, by, presumption as to, **16,** 406
mortgagee, death of, effeet of, **21,** 298
position of, **13,** 69 ; **21,** 110, 117
surviving, power of sale exerciseable by, **21,** 250
names. *See* JOINT NAMES.
negligenee. *See* TORTFEASOR.
nuisance, effect of, **21,** 558
summary proeeedings in respeet of, **21,** 571
obligee by bond, **3,** 91. *See also* BOND.
covenant not to sue by, **3,** 99
party to action, as, **3,** 102
release by, **3,** 98, 99
obligors. *See* BOND.
occupation. *See* JOINT OCCUPATION.
officer, separate loeal education authorities, of, **12,** 46
owner. *See* JOINT OWNER.
ownership. *See* JOINT OWNERSHIP.
partics to negotiable instrument, diseharge of one of, **2,** 558
drawees, as, **2,** 471
makers, as, **2,** 471, 493, 558
payees, as, **2,** 473

JOINT—*continued.*
plaintiff. *See* CO-PLAINTIFF.
principals, liability of agent, in case of, **1,** 159, 187
promise, **7,** 336—339
defined, **7,** 336
action on, **7,** 337
construction of, **7,** 338, 339
intended but not given, where, **7,** 336
surviving party, position of, **7,** 337
promises, non-execution of agreement by one of several, **7,** 336, 337
parties to action by, **7,** 337
property, judgment debtor, of, execution against, **14,** 50
partnership, of, conversion into separate, **22,** 57
purchase of tramway, local authorities, by two or more, **27,** 803
receivers, power of court to appoint, **24,** 361
representatives of deceased, powers of, **14,** 235
representors, liability of, **20,** 713, 714
persons concurring deemed to be, **20,** 708
principal and agent, when deemed to be, **20,** 710—713
seisin of coparceners, **24,** 210
several, and. *See* JOINT AND SEVERAL.
stock banks, **1,** 581—583. *See* JOINT STOCK BANK.
company. *See* JOINT STOCK COMPANY.
statutes regulating. *See* JOINT STOCK COMPANIES ACTS.
partnership, insurance by, **5,** 618
surety. *See* CO-SURETY.
tenancy, **24,** 199—206. *See* JOINT TENANCY.
tenant. *See* CO-TENANT; JOINT TENANT.
tortfeasors, **13,** 335 n.; **21,** 382, 433, 434; **27,** 487—489, 898. *See* TORTFEASOR.
transaction, partnership, when constituting, **22,** 6, 7
resulting trust arising in respect of, **28,** 55
trustees. *See* CO-TRUSTEE.
water supply, local authority, provision by, for two or more houses, **28,** 252
will, nature and effect of, **28,** 515, 516
probate of, **14,** 160
revocation of, **28,** 516
writ of execution, **14,** 10 n., 18

JOINT AND SEVERAL,
bond, action on, **15,** 504
construction of, **3,** 99
contribution, right to, **15,** 528 n.
judgment against one obligee, **15,** 569 n.
obligees on, **3,** 80, 81
obligors on, **3,** 80, 88, 89, 91; **14,** 308; **15,** 508 n.
stamp duty on, **24,** 708 n.
contract, bond, by, **3,** 80
non-execution by party, effect of, **3,** 84
construction of, **7,** 337 n., 338, 511 n., 522; **14,** 308; **21,** 22
administration, in, **7,** 337 n., 522 n.; **14,** 308; **21,** 22
equity, in, **7,** 337 n., 511 n., 522 n.; **14,** 308; **15,** 502 n., 525 n.; **21,** 22
deed, by, **10,** 484—488. *See also* covenant, *infra.*
guarantee, continuing, **7,** 337
married woman, by, **16,** 415, 416
nature of, **7,** 337
promissory note, partner, by, effect of, **2,** 493

JOINT AND SEVERAL—*continued.*
contractor, bond, by, judgment, effect of, **3,** 103
set-off by, **15,** 508 n.
contribution, right to, **7,** 471
death, effect of, **7,** 338; **15,** 573
guarantee, under, **15,** 526—535. *See* CO-SURETY.
judgment against, effect of, **1,** 641; **13,** 335
married woman, **16,** 416
negotiable instrument, on, **7,** 338 n.
discharge, effect of, **2,** 558
promisee, cannot be, **7,** 339
covenant, construction of, **10,** 484—488
effect of, **10,** 486
form of, **10,** 486
husband and wife, by, **25,** 557
guarantee, liability in case of, **1,** 641; **15,** 502 n., 504. *See* CO-SURETY.
survivor, liability of, **7,** 337
liability, action on, **7,** 338
bond, on. *See* bond, *supra.*
contract, on, **7,** 338
contribution in case of, **7,** 471
covenant, on. *See* covenant, *supra.*
debtors, of, **15,** 569 n.
directors of company, of, **5,** 55, 232
husband and wife, of, ante-nuptial debts, for, **16,** 408—410
torts of wife, for, **16,** 438, 439
married woman, in case of, **16,** 415, 416
partners, of, **22,** 34, 35, 45
promissory note, of makers of, **2,** 471, 493
promoters of company, of, **5,** 51
sureties, of, **15,** 569, 570. *See* CO-SURETY.
obligor, release, of, **3,** 99
promise, *defined*, **7,** 337, 338
action on, **7,** 338
construction of, **7,** 338, 339

JOINT BOARD,
burial, committee with powers of, **3,** 499, 500
establishment of, **3,** 456, 457, 475, 476
expenses of, **3,** 475, 476
vestry, acts approved by, **3,** 457
exercise of functions of, **3,** 500
district, Coal Mines (Minimum Wage) Act, under, constitution of, **28,** 876, 877
purposes of, **28,** 874—877
where established, **28,** 876 n.
electricity, for supply of, **12,** 556
expenses of, how defrayed, **19,** 339; **28,** 262
hospital, contribution by county council for, **23,** 434
local government, for purpose of, **19,** 339; **23,** 373
port sanitary authority, as, **19,** 339
Public Health Acts, under, borrowing powers of, **23,** 386
constitution of, **19,** 339; **23,** 373; **28,** 254
expenses of, how defrayed, **19,** 339; **23,** 386; **28,** 262
Royal Colleges of Physicians and Surgeons, of, for holding examinations, **20,** 311
sewerage, borrowing powers of, **23,** 386
union of urban and rural districts for, **23,** 373
urban and rural districts, of, provisional order for, **23,** 373
water supply, for, expenses of, **28,** 262
formation of, **23,** 373; **28,** 254, 255

JOINT COMMITTEE,
borough councils, of, **20,** 437
light railways, in respect of, **27,** 839
burial board, with powers of, **3,** 499, 500
counties, for matters affecting two or more, **19,** 349, 377
district council, for purposes of, **19,** 246, 269 ; **20,** 437 ; **23,** 373
on failure of, **19,** 376
education, **12,** 45
Electric Lighting Acts, under, **12,** 556
hospital purposes, for, **23,** 434 n.
Houses of Parliament, of, appointment and purposes of, **21,** 639, 640, 752, 753
private or provisional order confirmation Bill, to consider, **21,** 752, 753, 765
procedure in, **21,** 640, 753
public Bill, to consider, **21,** 714, 715
light railway, in connection with, **27,** 839
metropolitan borough councils, of, **20,** 437
National Health Insurance, for purposes of, **28,** 932, 933
railway working agreement, to carry out, **23,** 705
standing, quarter sessions and county council, of, **19,** 349. *See* STANDING JOINT COMMITTEE.
Territorial Force Association, of, **25,** 86
transferred local government powers, to exercise, **19,** 349
urban and rural district councils, of, **23,** 373
Welsh Intermediate Education Act, under, **12,** 113

JOINT CONTRACT,
bond, by, **3,** 80
death of joint obligor, **15,** 568
building, death of joint employer, effect of, **3,** 273
construction of, **7,** 337 n., 338, 522 ; **14,** 308 ; **21,** 22
deed, in. *See* JOINT COVENANT.
guarantee, action on, joinder of parties in, **15,** 502
indemnity, of, joint and several, not regarded as, **15,** 502 n., 516
lease, **7,** 337
non-execution by a party, effect of, **3,** 84 ; **7,** 336
rectification of, **21,** 22
service, of, assignment between joint contractors, **3,** 271
Statute of Frauds, outside, **15,** 461
survivor, obligation devolves on, **7,** 337 ; **14,** 308
right of action vests in, **7,** 337

JOINT CONTRACTOR. *See also* CO-CONTRACTOR.
action by, joinder of parties in, **23,** 100
bond, by, judgment, effect of, **3,** 102
building work, for, assignment of liabilities by, **3,** 271
contribution right to, **7,** 471, 472 ; **14,** 309
club committee, by member of, **4,** 420 n.
security for, **15,** 511 n.
death, effect of, **7,** 337, 471 ; **14,** 308, 309 ; **15,** 568, 573
discharge in bankruptcy, effect of, **2,** 270
guarantee, under, **15,** 526—535. *See* CO-SURETY.
infant, adult with, **17,** 73, 74
joint promisees, position of, **7,** 337
judgment against, effect of, **1,** 641 ; **13,** 335, 336
liability of, **7,** 336, 411
limitation of actions in case of, absence abroad, effect of, **19,** 57
acknowledgment by one, effect of, **19,** 59, 61, 62, 81

JOINT CONTRACTOR—*continued.*
limitation of actions in case of—*continued.*
contribution, as to, **19,** 46, 73, 74
joinder of, effect on, **19,** 187
payment by, effect of, **19,** 61, 73
married woman, **16,** 415
misrepresentation, under contract induced by, **20,** 713
negotiable instrument, on, acceptor, **7,** 338 n.
release to, effect of, **2,** 553
holder, release by, effect of, **2,** 553
maker, **7,** 338 n.
release to, effect of, **2,** 471, 553, 558
partner, acts of, **2,** 493
payee, **2,** 473
surety, where, **15,** 506
partner, **7,** 337 n.
deceased, liability of estate of, **22,** 35
release of one, effect of, **7,** 455
survivorship in case of, **7,** 337
time given to principal debtor, effect of, **15,** 552—557

JOINT COVENANT,
defined, **10,** 485
benefit under, **10,** 485, 487
not also several, **10,** 485
construction, **7,** 338 ; **10,** 485, 487, 488
covenantees, effect of interests of, **10,** 487
death, effect of, **7,** 337 n.
effect of, **10,** 485
equity, in, **10,** 485 ; **15,** 502 n.
indemnity, of, **15,** 502 n.
action on, **15,** 525
instances, **10,** 488 n.
liability under, **10,** 484, 485
executors, of, **10,** 485 n.
one party both covenantor and covenantee, where, **10,** 485
partner, by, several, when considered as, **10,** 485 ; **13,** 39 ; **22,** 36
what is, **10,** 484

JOINT CREDITORS,
bankruptcy petition by, **2,** 35, 36
verification of, **2,** 50
covenant by one not to sue, effect of, **7,** 456
judgment in favour of, execution on, **14,** 10
payment to one, debt discharged by, **13,** 64 n.
release by one, effect of, **7,** 456
partner of bankrupt, where, **7,** 457

JOINT DEBTOR. *See also* CO-DEBTOR.
bankruptcy notice against one, **2,** 28
bond, on, **3,** 98, 99, 102 ; **19,** 76
co-surety, distinct from, **15,** 569
executor, effect of appointment as, **7,** 456
judgment against, attachment in case of, **14,** 91 n.
effect of, **7,** 459, 460
execution on, **14,** 10
writ, issue of, **14,** 18
public examination in bankruptcy dispensed with, when, **2,** 72
negotiable instrument, on, effect of discharge, **2,** 558
release of, **3,** 98, 99 ; **15,** 569 n.

JOINT HOLDER,
building society, of share in, **3,** 357
chose in action, of, effect of death of, **4,** 399

JOINT HOLDER—*continued.*
company share, of, liability of, **5,** 168
survivor, position of, **5,** 196
negotiable instrument, of, release by, effect of, **2,** 553

JOINT LIABILITY,
accident, for, where caused by two or more persons, **21,** 382
agent, of principals to, **1,** 159
club, in case of member of, **7,** 339
contribution in case of, **7,** 471. *See* CONTRIBUTION.
husband for wife's torts, of, **16,** 436—439
instances, **16,** 436 n., 437 n., 438 n.
judgment against one, effect of, **16,** 439
joint adventure, on, **22,** 36
judgment against one party, effect of, **13,** 335—338
partner, of, **22,** 34, 35, 45
contribution, **22,** 35
estate of deceased, of, **14,** 309; **22,** 36
persons dining together at inn, of, **17,** 323
promise of, Statute of Frauds, outside, **15,** 461
statutes of limitation, effect of, **19,** 187
surety and principal debtor, none between, **15,** 441
unincorporated associations, in case of, **7,** 339—341

JOINT NAMES,
deposit in bank in, effect of, **1,** 604, 605, 607; **16,** 349, 394, 395
investment of money in, effect of, **15,** 415; **16,** 394, 395, 397
mortgage in, effect of, **16,** 395; **21,** 117. *See also* JOINT, account.
purchase of property in, effect of, **15,** 415; **16,** 394, 395, 397; **28,** 54—57
transfer of stock or shares into, effect of, **15,** 415; **16,** 394, 396; **28,** 55, 56

JOINT OCCUPATION,
franchise, household, in respect of, **12,** 167
lodger, in respect of, **12,** 176
parliamentary, in respect of, **12,** 157, 159
ten pounds occupation, in respect of municipal, **12,** 189
rates, involving liability for, **24,** 12

JOINT OWNER. *See also* CO-OWNER.
copyright, of, position of, **8,** 160
Crown is never, **6,** 493
goods, of, action against carrier, **4,** 96
insurable interest of, **17,** 525
land tax, redemption of, by, **18,** 322
larceny by, **9,** 635
mines, of, **20,** 511—514, 526
securities in name of, duty of broker, **27,** 244

JOINT OWNERSHIP. *See also* JOINT TENANCY.
advowson, of, **11,** 571; **19,** 154
partition in case of, **21,** 811, 823, 837, 838
company, by, **5,** 335
mines, of, **20,** 511—514
personal property, of, **22,** 403
real property, of, **24,** 199—206
trover or detinue, as defence to action of, **27,** 913

JOINT STOCK BANK,
annual audit of accounts of, **1,** 582; **5,** 613
annual returns of, **1,** 582; **5,** 614

JOINT STOCK BANK—*continued.*
Board of Trade, investigation by, **5,** 613
classification, **5,** 612
formation of, Act of Parliament, by special, **1,** 582; **5,** 612
letters patent, by, **1,** 581; **5,** 13 n.
registration, by, **1,** 581; **5,** 612
royal charter, by, **1,** 581, 582; **5,** 612
half-yearly statement by, **1,** 583; **5,** 613
legislation as to, **1,** 581, 582; **5,** 612
Joint Stock Banks Act, 1844, **5,** 612 n.
limited liability of, **1,** 581, 582; **5,** 614
notes, issue of, **1,** 581, 582
liability on, **1,** 582; **5,** 614
sale of shares, contract for, **5,** 615
Leeman's Act, **5,** 615 n.
Stock Exchange, custom of, **5,** 615
unincorporated, *quasi*-corporation, as, **5,** 751
unregistered partnership, limit on, **1,** 581, 582, 583; **5,** 613

JOINT STOCK COMPANIES ACTS,
defined, **5,** 29 n., 37
companies under, **5,** 644, 645
Joint Stock Banking Companies Act, 1857, effect of, **5,** 28, 612 n.
Joint Stock Companies Act, 1856, effect of, **5,** 27
Joint Stock Companies Act, 1857, effect of, **5,** 28
Joint Stock Companies Amendment Act, 1858, effect of, **5,** 29
registration under, **5,** 29, 30
repeal of, **5,** 29, 612 n.
effect of, **5,** 643—646

JOINT STOCK COMPANY. *See also* COMPANIES.
defined, Companies Act, 1844, under, **5,** 25, 26
Companies (Consolidation) Act, 1908, in, **5,** 36
banking, for purposes of. *See* JOINT STOCK BANK.
Companies Act, 1844, under, **5,** 25, 26
Companies Clauses Consolidation Acts as affecting, **5,** 674—743. *See* COMPANIES CLAUSES ACTS.
illegal, **5,** 765 n.
incorporation by letters patent, **5,** 13 n.
insurance, for purposes of, **5,** 617 n.
legislation as to, prior to 1908, **5,** 25—33. *See* JOINT STOCK COMPANIES ACTS.
registrar of. *See* REGISTRAR OF JOINT STOCK COMPANIES.
statutory, for public purposes, **5,** 14, 674—743. *See* COMPANIES CLAUSES CONSOLIDATION ACTS.
trading corporation as, **8,** 304
unincorporated, **5,** 14, 45, 751—756, 764, 765

JOINT TENANCY. *See also* JOINT TENANT.
choses in possession and in action, survivorship in, **22,** 403
contingent remainder, limitation construed in order to save, **24,** 223 n.
coparcenary distinguished from, **24,** 210
copyholds, of, **8,** 103, 104, 107
creation of, **24,** 199—201
devise, by, **24,** 200, 210
grant, by, **24,** 200
settlement, by, **11,** 9 n.
Statute of Limitations, under, **24,** 200
will, by, **11,** 8; **24,** 203

JOINT TENANCY—*continued.*
Crown cannot hold with subject in, **6,** 493
disseisin, may arise by, **24,** 200, 201 n.
dower excluded by, **24,** 191
entireties, distinguished from tenancy by, **24,** 211
equity, not favoured in, **13,** 69 ; **24,** 201
husband and wife, between, not severed by divorce, **16,** 355
incidents of, **24,** 202—204
interest, unity of, **22,** 403 ; **24,** 203
jus accrescendi, **24,** 203
legacy, in, duty payable on enlargement of interest under, **13,** 238
limitations creating, **24,** 200
manor, of Crown and subject in, Copyhold Act, 1894, under, **7,** 196
partition, **13,** 40, 41 ; **21,** 810 *et seq.* ; **24,** 206. *See* PARTITION.
action for, **24,** 204
lot, by, **15,** 301
writ of, **13,** 40
partnership property, in, **22,** 52—54, 403
patronage, of right of, **11,** 571
possession, estate acquired by, may be, **19,** 157
unity of, **22,** 403 ; **24,** 203
property, real or personal, in, **22,** 403 ; **24,** 200 n.
receiver, appointment of, in case of, **24,** 349
Settled Land Acts, under, **18,** 344 ; **25,** 626
severance, **24,** 204—206
acts not effecting, **24,** 205, 206
divorce, **16,** 355
marriage, **16,** 324, 327 ; **24,** 205
will, **24,** 205 ; **28,** 523
agreement, by, **24,** 206
assignment of share, by, **4,** 130 ; **21,** 91 ; **24,** 204
bankruptcy, on, **24,** 204
conduct, by, **24,** 206
contract to sell share, by, **13,** 70 n. ; **24,** 205
covenant to settle share, by, **17,** 78 n. ; **24,** 205
distress, as affecting landlord's right of, **11,** 126
interest, in, **24,** 206
lease by joint tenant, by, **24,** 205
life tenancy, in case of, **24,** 206
mortgage of share, by, **21,** 91 ; **24,** 204
partition, by, **24,** 206
possession, of, **24,** 206
reversion expectant on lease, of, effect on right to distrain, **11,** 126
tenancy in common, creation of, by, **24,** 208
title, in, **24,** 204
Statute of Uses, arising by limitations under, **24,** 203
survivorship in case of, **13,** 69 ; **24,** 203 ; **28,** 55
bond, in case of, **3,** 91
investment in joint names, in case of, **15,** 415
personalty, in case of, **22,** 403
real estate, in case of, **24,** 203
succession duty on beneficial interest by, **13,** 272
will, effect on gift by, **28,** 613
suspension of, **24,** 205
tenancy in common, distinguished from, **24,** 206
points of resemblance to, **24,** 209
time, unity of, **22,** 403 ; **24,** 203
title, unity of, **22,** 403 ; **24,** 203
unities, the four, **22,** 403 ; **24,** 202, 203
wife, of, no curtesy of, **24,** 185
third person and, **16,** 324

JOINT TENANCY—*continued.*
will, arising under devise in, **11,** 8 ; **24,** 200, 203 , **28,** 613
construction of, **28,** 780, 781
writ of *elegit*, non-exemption from, of land held in, **14,** 67

JOINT TENANT. *See also* CO-TENANT ; JOINT TENANCY.
account, action of, by and against, **24,** 203
action, joinder as party to, **24,** 203
admission by, as evidence against, **13,** 461
bankruptcy of, **24,** 204
common use, rights of, **27,** 856
conveyance by and to, release, by, **24,** 203
copyhold, of, release by and to, **8,** 107
corporation as, **24,** 201
Crown cannot be, **6,** 493
death of, **24,** 203
devise to, secret trust, on, **4,** 144
distress by, loss of right by severance, **11,** 126
fiduciary relation, not in, **24,** 204
franchise qualification of, **12,** 152
grant by, charity, to, **4,** 130
life interest, of, **24,** 204
ground game, right to, **15,** 222
inclosure of commons, rights on application for **4,** 542
interest of each, identical, **24,** 202
land tax, right to redeem, **18,** 322
lease by, **18,** 343, 344 ; **24,** 205
mortgage, by, **21,** 91 ; **24,** 204
right to redeem, **21,** 140
notice to quit by, **18,** 452
occupation rent, liability for, **24,** 204
partition action, liability in, **24,** 204
per mie et per tout, seised, **24,** 202 n.
possession, land or rent, of, effect of, **19,** 130, 131, 157
right of, **22,** 393
release
by and to, effect of, **24,** 203
grant construed as, **24,** 203 n.
rent, distress for whole, **11,** 126, 161
right to, **18,** 472
repairs, liability for cost of, **24,** 204
sale by, covenants for title on, **25,** 427
contract for, **24,** 205
trespass, action for, by and against, **27,** 855
will, under, attesting the will, effect of, **28,** 556
death or revocation of interest, effect of, **28,** 613
gift of share by, **28,** 523

JOINTRESS. *See* JOINTURE.
mining rights of, **20,** 514
mortgage, right to redeem, **21,** 140
taxes, exoneration from, **23,** 81, 82

JOINTURE. *See* JOINTRESS.
defined, **23,** 80 ; **25,** 585
charge for, defeasance of, **25,** 696
defeated by shifting clause in settlement, **25,** 696
covenant to provide, enforcement of, **23,** 80
satisfaction of, **25,** 544 n.
creation of, **25,** 585
estate duty, liability for, **13,** 217 n., 222 n.
power to jointure, **23,** 80—82. *See* POWER OF JOINTURING.
priority of, **23,** 88

JOINTURE—*continued.*
ratification of settlement by appointment of, **15,** 114
recovery of, **25,** 586
redemption of future payments of, **25,** 645 n.
rentcharge, by way of, **24,** 485 ; **25,** 585
arrears of, **25,** 645 n.
commencement of, **24,** 485
form of, **24,** 472 n., 485 n.
recovery of, **25,** 586
resettlement, in deed of, **25,** 690, 691
sale of settled land free from, **25,** 671 n.
sequestration, effect of, on, **14,** 86 n.
Settled Land Acts, in relation to, **25,** 624 n., 673
settlement, provision in, **25,** 585, 586
strict settlement, authorised in, **25,** 541
taxes from which free, ascertainment of, **23,** 82
tenant for life, not a charge on estate of, so as to affect his powers under Settled Land Acts, **25,** 673 n.

JOURNALIST,
nom de plume, right to, of, **23,** 218
notice to terminate contract with, **20,** 97 n., 98 n.
proprietor of newspaper, relationship between, and, **23,** 218

JOURNALS. *See also* NEWSPAPER.
House of Commons, of the, compilation of, **21,** 668
evidence, admissibility in, of, **21,** 668 n.
printing spurious copies of, a felony, **9,** 737
House of Lords, of the, committee for the, **21,** 642
compilation of, **21,** 631
printing spurious copies of, a felony, **9,** 737
lighthouse, evidence, admissibility in, of, **13,** 542
parliamentary, evidence, as, **13,** 473 ; **21,** 668 n.
proof of, **13,** 527

JUDGE,
address to Parliament for removal of, **6,** 318, 378 ; **7,** 22, 23 ; **12,** 137 n.
arbitrator, is not constituted, by agreement to abide by judicial decision, **1,** 442
arrest on civil process, privilege from, of, **25,** 818
assessors, sitting with, **23,** 171
Admiralty suits, in, **1,** 100, 101, 125. *See* TRINITY MASTERS.
evidence rejected in case of, **13,** 480
functions of, **13,** 433, 480 ; **23,** 171
not bound to follow, **1,** 101 ; **13,** 433
assize, of, jurisdiction of, **9,** 72. *See* ASSIZES.
marshal of, **9,** 74
attack on, contempt of court by, **7,** 284, 285 ; **8,** 615 ; **9,** 502 ; **26,** 828
authority of, **6,** 318 ; **9,** 17, 18
barrister, eligibility of, for office of, **2,** 381, 382
bribery of, punishment for, **9,** 484 ; **23,** 351
Central Criminal Court, of, who are judges, **9,** 89
Chamberlain's Court, of, City of London, **9,** 178
City of London Court, of, qualification, **2,** 383
colonies, in, **10,** 553—556.
removal of, **10,** 556
responsibility of, **10,** 556
tenure of office, **10,** 556
Consistory Court, of, **11,** 412, 413, 505, 506
contempt of court, attack on, by, **7,** 284, 285 ; **8,** 615 ; **9,** 502 ; **26,** 828
inferior court, of, by, **7,** 296
private communication to, by, **7,** 285
county court, of, **8,** 414—417. *See* COUNTY COURT JUDGE.

JUDGE—*continued.*
Court of Appeal, of, **9,** 64
eligibility for, **2,** 381
number to hear appeal, **23,** 202
salary, **9,** 64
Criminal Appeal Court, of, rules of court, power to make, of, **9,** 92
who are judges, **9,** 92
Divorce Division, of, **16,** 462, 463
jurisdiction of, **16,** 462
liability to go on circuit, **16,** 463
document, inspection of, by, **11,** 64
Durham Chancery Court, of, appointment of, **9,** 126
ecclesiastical court, of, corruption of, **11,** 416 n.
election court, of, appointment of, **12,** 408
illness of, effect of, **12,** 440
jurisdiction of, **12,** 410, 411
position of, **12,** 136
Estate Bill, reference of, to, **21,** 759, 760
evidence by, must be sworn to, **13,** 592
false imprisonment, action for, against, **27,** 883
forgery of signature of, **9,** 737
grand jury, charge of, by, **9,** 346 ; **18,** 242
habeas corpus, liability for unlawfully refusing, **10,** 44 ; **23,** 331
High Court, of, appeal from, Court of Appeal, to **23,** 194. *See* APPEAL.
appointment of, **6,** 318, 400 ; **7,** 21, 61 ; **9,** 62
bankruptcy, jurisdiction in, of, **2,** 7
House of Lords, assistance in, of, **9,** 23 ; **21,** 647, 648
pension of, **9,** 62
rating appeal affecting, power to hear, **24,** 65
removal of, **6,** 318, 378 ; **7,** 22, 23 ; **9,** 62
salary of, **9,** 62
tenure of office of, **7,** 22, 23 ; **9,** 62
who are judges, **9,** 62
writ of summons to Parliament, issue of, to, **7,** 6 n.
House of Lords, of, appointment of, **9,** 23
pension of, **9,** 23
qualification for, **9,** 23
salary of, **9,** 23
tenure of office of, **9,** 23
who are judges, **9,** 22, 23
immunity of, for acts done in official capacity, **6,** 383, 416 ; **27,** 484, 882
inferior court, of, appointment and removal of, **9,** 134, 135
attachment of, **7,** 296
deputy, appointment of, **9,** 135
interested in suit, prohibition against, **10,** 143
judgment, alteration of, by, **10,** 143
liability, exemption from, **23,** 323—331
qualifications, **9,** 134 ; **26,** 728
inspection by, matter in question, of the, **8,** 528 ; **13,** 509 ; **23,** 144
insult to, contempt of court by, **7,** 283 ; **9,** 502
judicial decisions, how far bound by, **18,** 210—212
judicial notice by. *See* JUDICIAL NOTICE.
juror, criminal issue, in, rejection of, by, **18,** 252
exemption of, by, **18,** 266
jury, when sitting with, functions of, boundaries, in questions as to, **3,** 139 ; **13,** 432
charterparty, in construction of, **26,** 141
contract, in construction of, **7,** 509, 510 ; **15,** 478
criminal libel, in case of, **18,** 742
custom, as to, **10,** 253, 254 ; **13,** 432
defamation, in action for. *See* libel, *infra.*

JUDGE—*continued.*
jury—*continued.*
detinue, in action of, **27,** 909
distress, excessive, in case of, **11,** 198
divorce proceedings, in, **13,** 432; **16,** 543
documents, in construction of, **13,** 429, 430; **15,** 478
elegit, writ of, in proceedings under, **14,** 64
evidence, admissibility of, as to, **13,** 428, 429
relevancy of, as to, **13,** 421
sufficiency of, to go to jury, **13,** 429
false imprisonment, in action for, **13,** 431
jury, in directing, **13,** 421, 428
libel, in action for, **13,** 431; **18,** 618, 652—655
case to go to jury, in the event of, **13,** 431; **18,** 654, 655
construction of statement, as to, **18,** 652
damages, as to, **10,** 348; **18,** 719, 720, 729, 730
fair comment, on question of, **13,** 431; **18,** 699, 706, 709, 710
innuendo, in case of, **18,** 646, 652, 653
malice, on question of, **13,** 431; **18,** 715, 716
meaning of words, to decide, **18,** 639
privilege, as to, **13,** 431; **18,** 685
publication, as to, **18,** 665
reports of judicial proceedings, as to, **18,** 694—697
words not actionable *per se*, where, **18,** 654
lost document, in case of, **13,** 430
lunacy inquisition, on, **19,** 409, 410
malicious prosecution, in action for, **13,** 431; **19,** 680, 686, 687
necessaries, in action for, **13,** 431; **17,** 69
negligence, in action for, **21,** 441—445
non-suiting plaintiff, as to, **21,** 442, 443
withdrawal of case from jury, as to, **21,** 442—444
ownership of land, in disputes as to, **13,** 429
record, as to inspection of, **13,** 430
restraint of trade, as to agreement in, **13,** 432; **27,** 553
servant, dismissal of, as to, **20,** 97, n., 98 n., 102
slander, in action for, **13,** 431; **18,** 618, 652—655. *See also* libel, *supra.*
special facts found by jury, in case of, **21,** 445
toll, in claim for, **20,** 36, 37
trade dispute, as to existence of, **27,** 664
trover, in action of, **27,** 909
jury service, exempted from, **18,** 231
Lancaster Chancery Court, of, appointment of, **9,** 123
local court of record, of, appointment of, **9,** 134
deputy, appointment of, **9,** 135
jurisdiction of, **9,** 129—132
removal of, **9,** 135
rules, power to make, of, **9,** 132, 133
lunacy, in, appeal from order of, **9,** 96
dissolution of partnership, power as to, of, **22,** 89
gifts out of lunatic's estate, jurisdiction to make, of, **15,** 403
inspection of records, leave for, of, **19,** 427
jurisdiction of, appellate, **19,** 413
exercised, by whom, **9,** 95, 96; **19,** 412
performance of lunatic's contract, order for, by, **19,** 400
Mayor's Court, London, of, **20,** 284, 285
assistant, appointment of, **20,** 285, 293
Common Serjeant, as, **20,** 285

JUDGE—*continued.*
Mayor's Court—*continued.*
deputy, appointment of, **20,** 285
barrister, eligibility of, for office of, **2,** 382; **20,** 285
Recorder of City of London as, **20,** 284
member of Parliament, disqualification as, of, **21,** 659, 661
notes of, Appeal Court, in, **1,** 113; **2,** 410; **8,** 604, 608; **9,** 435; **23,** 203
county court judge, by, **8,** 533, 604, 605, 608
Criminal Appeal Court to be furnished with, **9,** 438
matrimonial suit, in previous, when evidence, **16,** 479
witness, statements of, not evidenced by, **13,** 475 n.
Workmen's Compensation Act, under, **20,** 222, 239 n.
oath, allegiance, of, taken by, **7,** 24
judicial, taken by, **7,** 24
Parliament, disqualified from sitting in, **21,** 659, 661
pension of, assignability of, **4,** 400, 401
private communications to, contempt of court by, **7,** 285
Probate, Divorce, and Admiralty Division, of, who are judges, **9,** 62; **16,** 463
protection of, for judicial acts, **6,** 383, 416; **23,** 332; **27,** 484, 882
essentials to, **23,** 324, 325
Habeas Corpus Acts, exception to rule created by, **23,** 331
irregular proceedings, in case of, **23,** 331
irrelevancy of words, in case of, **23,** 326
jurisdiction, absence of, in case of, **23,** 328
excess of, in case of, **23,** 328
limits of, **23,** 325—331
nature of, **23,** 326
reasons for, **23,** 324
refusal to try action, in case of, **23,** 326
representative parties, appointment of, by, **23,** 103
retirement of, **9,** 62
robes, official, wearing of, by, **7,** 30
salary of, assignability of, **4,** 400
scandalous attack upon, contempt of court by, **7,** 284, 285
statutes, construction of, by, **27,** 148
transfer of cause etc. to another division of High Court, by, **23,** 159
trial by, **23,** 171
witness, calling of, by, **13,** 599
competency of, duty to determine, **13,** 570
out of court, power to order, of, **13,** 593
recalling of, by, **13,** 599

JUDGE-ADVOCATE,
appointment of, **9,** 101
deputy, duties of, **9,** 97, 98
duties of, **9,** 101, 102; **25,** 13, 14
Fleet, of the, duties of, **9,** 97; **25,** 17
General, appointment of, **9,** 101
functions of, **9,** 101

JUDGE IN CHAMBERS,
appeal from, arbitration matter, in, **1,** 465, 488
bankruptcy matter, in, **2,** 304
Chancery Division, in, **23,** 133
charity matter, in, **4,** 336
county court matter, in, **8,** 441
Court of Appeal, to, **23,** 133

JUDGE IN CHAMBERS—*continued.*
appeal from—*continued.*
discovery matter, in, **11,** 59, 107
Divisional Court, to, **23,** 133
divorce proceedings, in, **16,** 560
garnishee proceedings, in, **14,** 100
generally, **9,** 59, 63; **23,** 132, 133
interlocutory order, **23,** 132
interpleader matter, in, **17,** 618
Probate matter, in, **14,** 157
winding up matter, in, **5,** 550
appeal to, master, from, **17,** 617, 618; **23,** 129, 134
Public Trustee Act, 1906, under, **28,** 218
registrar of Divorce Division, from, **16,** 560, 581
Chancery Division, in, adjournment from master to, **23,** 131
appeal from, **23,** 133
matters dealt with by, **23,** 130, 131
charity trustees, appointment of, by, **4,** 267
contempt of court in case of, **7,** 283, 284
district registrar exercises authority of, **9,** 70; **23,** 131
election proceedings before, **12,** 423
jurisdiction of, **23,** 126, 127, 192
King's Bench Division, in, appeal from, **23,** 133
master's order, appeal from, to, **17,** 617, 618; **23,** 129
matters dealt with by, **23,** 129, 130
procedure before, **23,** 127

JUDGMENT,
The title JUDGMENTS AND ORDERS *is contained in Vol. XVIII., pp.* 175 *et seq.*
defined, **18,** 176, 177
administration action, in, **14,** 338—342
conditions, subject to, **14,** 338
creditor, time running against, effect as regards, **14,** 341; **19,** 190
effect of, **14,** 341; **23,** 68
enforcement of, **14,** 340
not limited to assets within jurisdiction, **14,** 338
notice of, **14,** 342; **18,** 208, 209
one of several concurrent proceedings, in, procedure on, **14,** 343
power of court as to, **14,** 338
powers as affected by, **23,** 68
trade creditor's right to, **14,** 296
Admiralty Division, in, **1,** 99, 100, 103, 122—124, 137. *See* JUDGMENT IN PERSONAM; JUDGMENT IN REM.
admission, based on, estoppel in case of, **13,** 327
motion for, **18,** 195—197
agent, against, effect of, **1,** 209, 212, 213
agreement not to enter up, enforcement of, **17,** 240, 241
amendment of, **18,** 212—214
antedated, when may be, **18,** 204
appeal, on, Court of Appeal, in, **8,** 610; **18,** 203; **23,** 202
Divisional Court, in, **8,** 608; **19,** 657
House of Lords, in, **21,** 649, 650
Judicial Committee of Privy Council, in, **9,** 45, 46
quarter sessions, at, **19,** 647, 648; **22,** 605
appearance, in default of, **18,** 184—186. *See* APPEARANCE, judgment in default of.
arbitrator, on decision of, **1,** 490, 491
appeal from, **1,** 481, 491, 492; **20,** 213, 238—240

JUDGMENT—*continued.*
arrears of interest on, **19,** 100, 102 n.
attachment, enforced by, **7,** 297 n., 307—309
bankruptcy, in relation to, conclusiveness of, **2,** 57
costs, for, when not final judgment, **2,** 26
debt, payment by debtor of, effect of, **2,** 273
debtor, of, questions more particularly arising on, **2,** 23, 271—274; **14,** 53
default, by, against infant, as foundation for procedings in, **17,** 65 n.
fraud, obtained by, setting aside of, **18,** 217
official receiver's right to, against bankrupt, **2,** 249, 250
bond, on, **3,** 93, 102, 103
cause of action, effect on, of, **18,** 209
certiorari in relation to. *See* CERTIORARI (Writ of).
Chancery Division, in, **18,** 188 n., 199—203
charging order as a means of enforcing, **14,** 101—103.
ascertained sum, must be for, **14,** 103
de bonis testatoris, not made on, **14,** 104 n.
payment into court, for, not applicable to, **14,** 103 n.
classification of, **18,** 177—183
colonial, mode of enforcing, **6,** 281; **10,** 578; **18,** 219
compensation for, compulsory purchase of land, in case of, **6,** 91, 92
compromise of action, by virtue of, **18,** 188—190, 217, 218; **23,** 167, 168
confession, upon, Crown, against, **10,** 38, 39
executor, against, effect of, **14,** 326
consent, by. *See* JUDGMENT BY CONSENT.
corporation, against, **8,** 396
costs, for, right to sign, **18,** 199; **22,** 450, 451; **23,** 160 n.
solicitor's right to interest from date of, **26,** 810
counterclaim, in case of, **25,** 488, 517, 518
county court, in, **8,** 533—548. *See* JUDGMENT IN COUNTY COURT.
creditor. *See* JUDGMENT CREDITOR.
criminal proceedings, in, **9,** 376, 377. *See* JUDGMENT IN CRIMINAL PROCEEDINGS.
damages, for, **18,** 185—187, 205; **22,** 452
date of, appeal, for purposes of, **18,** 206
damages, in case of judgment for, **18,** 205
effect of, **18,** 206
practice as to, **18,** 204—206; **27,** 456
death of
party to action before, effect of, **14,** 228
plaintiff after, **14,** 229
debenture-holders' action, in, **5,** 386—388
debt. *See* JUDGMENT DEBT.
debtor. *See* JUDGMENT DEBTOR.
declaratory, *defined,* **18,** 183
power of court to make, **18,** 183, 184
default, in, **18,** 184—188. *See* APPEARANCE; DEFAULT.
detinue, in, **18,** 209; **27,** 916, 917
satisfaction of, may operate as sale of goods, **25,** 123
Divisional Court, in, **8,** 609; **19,** 657
effect of, **18,** 209
Employers' Liability Act, in action under, **20,** 152
enforcement of, action, by, **18,** 219
time limit for, **18,** 219; **19,** 77, 85, 89
attachment of debts, by, **14,** 90—101. *See* ATTACHMENT OF DEBTS.
attachment of person, by, **7,** 297, 307, 308. *See* ATTACHMENT OF PERSONS.

JUDGMENT—*continued.*
enforcement of—*continued.*
charging order on stocks and shares, by, **14,** 101—110
company, against, **5,** 325, 326, 396, 535, 546, 547, 583; **14,** 12, 13
corporation, against, **8,** 396, 397
English, in United Kingdom, **6,** 291—295
equitable jurisdiction preventing improper use of, **13,** 42, 47
execution, by, **18,** 219. *See* EXECUTION OF JUDGMENT OR ORDER.
injunction, by, **14,** 118
Irish, in United Kingdom, **6,** 291—295
limitation of time for, **14,** 7; **18,** 219; **19,** 77, 85, 89
Liverpool Court of Passage, in, **14,** 129
Mayor's Court, London, in, **20,** 289, 295—297
modes of, **18,** 219
nominee of institution, against, **19,** 204
notice in lieu of *distringas*, by, **14,** 113—115
partnership, against, **22,** 46, 55
prize court, of, **23,** 291
purchase money or compensation on compulsory purchase, for, **6,** 77, 91, 95
receiver, appointment of, by, **13,** 56; **14,** 118—126. *See* RECEIVER.
Scottish, in United Kingdom, **6,** 291—295
sequestration, by, **13,** 56. *See* SEQUESTRATION.
specific performance, in action for, **27,** 96
stop order, by, **14,** 110—113
winding up of company, in, **5,** 546, 547
English information, on, **10,** 25
entry of, Chancery Division, in, **18,** 199
county court, in, **8,** 535
High Court, in, **18,** 198—200
indictment, on, **9,** 377
King's Bench Division, in, **18,** 199
estoppel by, **13,** 325—365. *See* ESTOPPEL BY JUDGMENT.
evidence, as, **13,** 483, 484, 542; **15,** 479
execution of. *See* EXECUTION OF JUDGMENT OR ORDER.
executor, against, **13,** 35; **14,** 248, 326, 338
extension of. *See* EXTENSION OF JUDGMENT.
false, ancient method of appeal by, **1,** 45
final, **18,** 178—183. *See* FINAL JUDGMENT OR ORDER.
foreign, **6,** 281—301. *See* FOREIGN JUDGMENT.
fraud, obtained by, **13,** 352; **18,** 216—218
bankruptcy proceedings, in, **18,** 216, 217
estoppel in case of, **13,** 352
setting aside of, **13,** 352; **18,** 216—218
probate as to, **14,** 213
goods sold, for price of, effect on seller's lien, **25,** 245
House of Lords, in, **21,** 649, 650
impeachment, on, **21,** 652
peer, on trial of, **21,** 654
proof of, **13,** 551
in personam. *See* JUDGMENT IN PERSONAM.
in rem. *See* JUDGMENT IN REM.
infant, against, effect of, **17,** 138, 143
inter partes, **13,** 330; **18,** 177. *See* JUDGMENT IN PERSONAM.
interest on, **18,** 185, 206; **21,** 39
arrears of, recoverable, **19,** 100, 102 n.
rate of, **18,** 209

JUDGMENT—*continued.*
interlocutory, **18,** 179—181. *See* INTERLOCUTORY JUDGMENT.
joint tortfeasors, against, **27,** 488, 489
Judicial Committee of Privy Council, in, **9,** 45, 46
King's Bench Division, in, **18,** 199
land, as a charge on, **14,** 70, 72 n.; **18,** 220, 221
enforcement of charge, **13,** 93 n.; **18,** 220
Latin information, on, **10,** 7
default, in, **10,** 10
trial, after, **10,** 12
lunatic, against, **7,** 503; **19,** 466
married woman, against, **8,** 535; **16,** 455, 456
Mayor's Court, London, in, **20,** 294—296
merger in case of, **7,** 458; **13,** 334; **18,** 209
mistake in, correction of, **18,** 213, 214; **23,** 141
money secured on, recovery of, time limit for, **19,** 85
mortgage debt, for, effect of, **21,** 328
non obstante veredicto, when to be entered, **18,** 258
note of, barrister, by, Chancery Division, in, **18,** 200
notice in lieu of service of, when may be given, **18,** 208, 209
ouster, of, against corporate officer, effect of, **8,** 333; **13,** 345
partition action, in, **21,** 847—867
default of appearance or defence, in, **21,** 847
liberty to apply, when granted, **21,** 849, 850
notice of, service of, **8,** 675; **21,** 852, 853
partnership, in case of, **22,** 45—47
firm, against, **22,** 46, 47
partner, against, **22,** 45, 47
execution in case of, **14,** 11; **22,** 55
personal property not affected by, **18,** 221
personal representative, against, assets *in futuro*, in case of, **14,** 331, 332
creditor's rights in, **14,** 217, 218, 248
default, by, effect of, **14,** 332
priority of, **14,** 248, 249
remedy of plaintiff after, **14,** 332
petition of right, in, **10,** 34
possession of land, for, effect of, **24,** 329, 330
enforcement of, by writ of possession, **18,** 559
post-dated, when may be, **18,** 204
prize court, of, **17,** 422; **23,** 291
probate action, in, **14,** 177, 210, 213
quashing of, **18,** 212—216
recovered, nature of defence of, **13,** 334, 335
referee, on decision of, **1,** 490, 491
appeal from, **1,** 491, 492
registration of, **14,** 248, 257; **18,** 220, 221
City of London, Court of, **8,** 548
county court, of, **8,** 547, 548
Admiralty cause, in, **1,** 137; **8,** 547 n.
what included, **8,** 547
Ireland, in, against surety, **15,** 513 n.
recovered before July, 1901, to secure preference in administration, **14,** 248
warrant of attorney, entered up under, **21,** 90
Yorkshire, in, **14,** 70
res inter alios acta, judgment *in rem*, when admissible in evidence as not being, **13,** 341
judgment *inter partes* is, as against all other persons, **13,** 343
res judicata, judgment *in rem* as, **13,** 327—331, 342, 343
judgment *inter partes* as, **13,** 330—332, 343—348

JUDGMENT—*continued.*
res judicata—continued.
judgment recovered, defence of. *See* JUDGMENT RECOVERED.
no bar to another action, when, **13,** 349, 354—359
reversal of, appeal, on, **18,** 218
revivor of remedy under, **19,** 192
satisfaction of, **18,** 221
service of, **18,** 207—209
notice in lieu of, **18,** 208
notice of, **18,** 208
set-off, in case of, **25,** 488, 517, 518
setting aside of, **18,** 212—216
appeal, on, **18,** 218
clerical or accidental mistakes, **18,** 213, 214
consent judgment, in case of, **18,** 217
default, by, **18,** 214—216
fraud, obtained by, **18,** 216, 217
fresh evidence, on, **18,** 217
interlocutory applications, in case of, **18,** 218
vacation orders, in case of, **18,** 218
specific performance, for, form of, **27,** 85
contract to buy shares, of, **27,** 73
nature of, **27,** 3
relief after, application for, **27,** 96—98
summary, **18,** 190—194; **19,** 602—607. *See* SUMMARY JUDGMENT.
summons. *See* JUDGMENT SUMMONS.
trial, at, **18,** 197—203
before, **18,** 194—197
trover, in, **27,** 916, 917
unsatisfied, cause pending while, **13,** 62 n.
variation of, appeal, on, **18,** 218
warrant of attorney, on, **18,** 190
wife, against, effect of, **16,** 410, 419, 439

JUDGMENT BY CONSENT,
appeal from, **18,** 190
bankrupt, against, as condition of discharge, **2,** 249, 250
proof for, **2,** 200
receiving order may be refused on, **2,** 57
bankruptcy notice may be founded on, when, **2,** 27
compromise by, **23,** 166, 167
corporation, against, **8,** 359; **13,** 327
defendant in person, against, **18,** 188
defendant not appearing, **18,** 188
estoppel in case of, **13,** 327, 357
execution on, when void against creditors, **14,** 7
fraud, prevention of, in case of, **18,** 188
matrimonial cause, unavailable in, **16,** 484
oppression, prevention of, in case of, **18,** 188
practice in case of, **18,** 188
receiver of company, motion for appointment of, on, **5,** 386
setting aside of, **18,** 217, 218

JUDGMENT CREDITOR,
administration of estates, priority in, of, **13,** 35, 36
arrears of interest recoverable by, **19,** 100
when prior incumbrancer in possession, **19,** 102
bankruptcy notice, issue of, by, **2,** 25, 26
bankruptcy petition by, **2,** 34—39
building society, petition for winding up, by, **3,** 395
charging order, rights under, of, **14,** 107, 109
company, of, winding-up petition by, **5,** 398, 399; **14,** 12

JUDGMENT CREDITOR—*continued.*
composition approved by, effect of, **2,** 83, 84
elegit, writ of, issue of, by, **14,** 62, 63
death after, **14,** 64
possession of land under, rights in case of, of, **14,** 61, 71; **18,** 220
execution, issue of, by executor of, **14,** 7 n.
fieri facias, writ of, issue of, by, **14,** 37, 38
death after, **14,** 41
garnishee order absolute, rights under, of, **14,** 100
garnishee proceedings, rights as to, **14,** 90, 91; **18,** 473. *See* ATTACHMENT OF DEBTS.
goods, judgment debtor, of, cannot be received from sheriff in satisfaction by, **14,** 56
purchase of, by, **14,** 56
mortgage, foreclosure of, when necessary, party to action for, **21,** 146, 282
redemption of, by, **21,** 141, 146
marshalling of assets in case of, **21,** 304, 305
rights under, of, **21,** 146, 147
partnership, of, rights, equity, in, **13,** 39
receiver appointed, where, **22,** 79 n.
personal representative, of, rights against deceased's goods, **14,** 217, 218
railway company, of, receiver and manager, right to, **23,** 765, 766; **24,** 344
rights of, **14,** 13, 14; **23,** 764—768
receiver, application for appointment of, by, **24,** 349
appointment as, of, **14,** 124; **24,** 360, 364, 374
appointment of, at instance of, **24,** 344, 349, 356, 358, 366
nomination of, by, **24,** 364
rights after appointment of, **24,** 382, 383
rights as against, **24,** 380
venditioni exponas, writ of, issue of, by, **14,** 60, 61

JUDGMENT DEBT,
assignment of, Judicature Act, under, **4,** 368
chose in action, as, **4,** 362
enforcement of, assignee, by, **4,** 373
imprisonment, by. *See* IMPRISONMENT FOR DEBT.
interest upon, from what date running, **18,** 206
recovery of arrears of, **19,** 100, 102 n.
partnership, of, payment of, receiver, by, **22,** 79 n.
priority of, over mortgage, **21,** 346
right to receive, when arising, **19,** 89

JUDGMENT DEBTOR,
charging order, when not made against, **14,** 104
extent of, on interest of, **14,** 103
debts due to, mode of ascertaining, **14,** 90
elegit, writ of, issue of, death after, **14,** 64
land taken under, of, **14,** 68
recovery of, **14,** 72, 73
equity of redemption, of, liability of, to execution for debts, **21,** 146, 147
examination of, as to means, **2,** 340. *See* DISCOVERY IN AID OF EXECUTION.
execution, effect on, of death of, **14,** 15, 41
fieri facias, writ of, issue of, after death of, **14** 41, 218
effect of, on goods of, **14,** 42, 43
payment after seizure under, by, **14,** 56
purchase at sale under, by, **14,** 56
seizable property under, of, **14,** 44—53. *See* FIERI FACIAS (Writ of).
tender after seizure under, by, **14,** 56
garnishee order *nisi*, effect of, on, **14,** 96—98

JUDGMENT DEBTOR—*continued.*
giving time to, effect of, **15,** 557 n.
goods on person of, exempt from seizure, **14,** 41
imprisonment of, for non-payment of debt, **2,** 338—340. *See* IMPRISONMENT FOR DEBT.
payment by, effect of, **2,** 273
receiver, appointment of, of property of, **14,** 118—122

JUDGMENT IN COUNTY COURT,
defined, **8,** 533
accounts and inquiries, under, **8,** 540—542. *See* ACCOUNTS AND INQUIRIES.
administration action, in, **8,** 534, 546, 547
appeal from, practice as to, **8,** 607—610. *See* COUNTY COURT APPEAL.
assets *quando acciderint,* of, **8,** 546
Bills of Exchange Act, 1855, under, **8,** 538
certificate of, application for, **8,** 536
deed ordered by, preparation of, **8,** 535
default summons, on, **8,** 465, 466, 537
delivery of, to bailiff, **8,** 537
divorced woman, against, **8,** 535
ejectment action, in, **8,** 534, 568
enforcement of, **8,** 550—570; **14,** 128. *See* EXECUTION OF JUDGMENT OR ORDER (County Court).
entry of, **8,** 418, 535
equitable matters, in, **8,** 536
estoppel by, **8,** 534; **13,** 335, 337
executor, by or against, **8,** 546, 547
finality of, **8,** 534
garnishee summons, on, **8,** 574
injunction, inclusion of, in, **8,** 533
instalments, when payable by, **8,** 539, 540
interest, does not carry, **8,** 535
land, relating to, **8,** 534
married woman, against, **8,** 535
partition action, in, **21,** 861, 862
payment into court in case of, **8,** 539
personal representative, against, **14,** 333
proof of, **13,** 549
registration of, **1,** 137; **8,** 547, 548
sale of property, for, **8,** 536, 537
service of, on solicitor, **8,** 537
time for payment under, **8,** 539, 540
widow, against, **8,** 535

JUDGMENT IN CRIMINAL PROCEEDINGS,
arrest of, **9,** 375; **18,** 742
delivery of, **9,** 376
drawn up, when, **9,** 377 n.
entry of, **9,** 377
outlawry, of, **9,** 432
respite of, **9,** 375
setting aside of, **9,** 377, 434
vacation of, **9,** 377

JUDGMENT IN PERSONAM,
defined, **13,** 330
Admiralty, in, action *in rem,* no bar to, **13,** 328
contested action, in, **1,** 122—124
default of appearance, in, **1,** 107
default of defence, in, **1,** 107
enforcement of, **1,** 124
binding, on whom, **13,** 338
conclusiveness of, evidence, as, **13,** 542, 543
distinction between judgment *in rem* and, **13,** 338
estoppel of parties by, **13,** 343—348
evidence, admissibility in, of, **13,** 543

JUDGMENT IN PERSONAM—*continued.*
judgments included in, **13,** 330
privies to, classes of, **13,** 344, 345
representative of a class, by or against, effect of, **13,** 348
res judicata, plea of, in case of, **13,** 330, 331
third parties, effect on, of, **13,** 343

JUDGMENT IN REM,
defined, **13,** 327
adjudication order as, **13,** 329
Admiralty, in, agreement between parties equivalent to, **1,** 130
default of appearance, in, **1,** 99
default of defence, in, **1,** 100
enforcement of, **1,** 124, 137
entry of, **1,** 103
extent of, **26,** 617
foreign, effect of, **26,** 76, 617
minute of, **1,** 82 n., 103
possession, of, when made, **1,** 123
sale by court
after judgment, **1,** 123, 124; **26,** 626
before judgment, **1,** 92
binding, on whom, **13,** 338
conclusiveness of, criminal cases, in, **13,** 342, 343
evidence as, **13,** 542
strangers, against, **13,** 339, 340
conflicting, effect of, **13,** 361
consent, by, effect of, on strangers, **13,** 342
distinction between judgment *in personam* and, **13,** 338
effect of, **13,** 338; **18,** 219
enforcement of, **18,** 219
estoppel of parties by, **13,** 338—343
evidence, admissibility in, of, **13,** 341, 342, 542
examples of, **13,** 328, 329
maritime lien, in favour of, enforcement of, **26,** 622
extent of, **26,** 617
prize court, sentence of, as, **17,** 422
when obtainable, **1,** 48

JUDGMENT INTER PARTES, 13, 330; **18,** 177. *See* JUDGMENT IN PERSONAM.

JUDGMENT RECOVERED,
administration suit, in, no estoppel in certain cases by, **13,** 337
bill of exchange, on, joint contractor, of, no bar to action against others, **13,** 336
principal, for, no estoppel to action for interest, **13,** 337 n.
compromise ending in, estoppel, as, **23,** 167
contract, for breach of, subsequent actions for successive breaches not barred, **13,** 337
county court, in, fraudulent misrepresentation, for, estoppel, as, **13,** 335
damage, for, death, by, no bar to claim for damage to estate, **13,** 336 n.
person and property, to, test of right to second action, **13,** 337 n.
estoppel, as, claim for further sum for same cause, to, **13,** 334, 335
false imprisonment, for, no bar to subsequent action for malicious prosecution, **13,** 337, 338
husband or wife, against, when jointly liable, effect of, **13,** 335 n.
interlocutory, final effect of, **13,** 326 n., 334

JUDGMENT RECOVERED—*continued.*
joint debtor, against, leave to defend given to other, effect of, **13,** 336 n.
married woman, against, ante-nuptial debt, for, affecting liability of husband, **13,** 335 n.
nature of defence of, **13,** 334, 335
necessity of pleading, defence, as, **13,** 350 n.
principal or agent, against, barring action against other for same cause, **13,** 336
replevin, in, value of goods, of, bar to action for trespass to same goods, as, **13,** 337 n.
no bar to action for same trespass to land, **13,** 337 n.
restraining defendant from parting with shares, as bar to action for damages for detention, **13,** 335

JUDGMENT SUMMONS,
absconding debtor, against, **2,** 342
assignee of chose in action, issue by, of, **4,** 373
co-respondent, against, Debtors Act, under, **16,** 546
county court, in, administration order, enforcement by, **2,** 299, 343
appeal from order on, **2,** 344
form of, **2,** 342
hearing of, absence of debtor, in, **2,** 342
affidavit evidence, when admitted on, **2,** 342
costs of, **2,** 344
issue of, application for, **2,** 341
time for, **2,** 342
order on, **2,** 343, 344
rules as to, applicable in High Court, **2,** 341
service of, **2,** 342
transfer of proceedings, effect of, **2,** 343
High Court, in, appeal from order on, **2,** 341
county court rules applicable to, **2,** 341
hearing of, **2,** 341
evidence of means on, **2,** 341
issue of, **2,** 341
Mayor's Court, in, jurisdiction as to, **2,** 341; **20,** 297
rules as to, **2,** 341 n.
service of, **2,** 341 n.
receiving order on, effect of, **2,** 24, 25

JUDICATURE ACTS,
action, *defined*, under, **1,** 3; **19,** 82 n.
account, of, under, **20,** 540, 543
deceit, of, under, running of time in, **19,** 49 n.
form of, abolished by, **1,** 46
Admiralty
action, in relation to, summons for directions not necessary, **23,** 135
time for delivery of pleadings under, **1,** 107 n.
transfer of, **1,** 107 n.
appeals under, **1,** 63, 111, 125
coroner, office of, whether existing under, **8,** 232
Court, law of, applied to collisions at sea, under, **26,** 509, 510
Division jurisdiction under, **1,** 70, 77
matter, reference of, under, **1,** 127 n.
affidavit evidence in civil proceedings under, **13,** 544
affidavits, commissioners for oaths may take, under, **13,** 627
appeal under, costs, as to, **21,** 232; **23,** 194
consent order, from, **18,** 190
interlocutory order, from, **23,** 132

JUDICATURE ACTS—*continued.*
appeal under—*continued.*
interpleader matter, in, **17,** 616, 617, 618 n.
judge in chambers, from, **9,** 59
Probate Division, from, **14,** 158
arbitrator, appeals from, under, **1,** 481
award of, enforcement of, under, **1,** 486 n.
assessors, trial by judge with, under, **23,** 173 n.
assignee, action in his own name by, statement of claim in case of, **22,** 454
assignment, declaration of trust not an, under, **18,** 576 n.
bankruptcy petition founded on equitable judgment debt under, **2,** 42
barristers' right of exclusive audience preserved under, **2,** 372 n.
bill of exceptions abolished by, **9,** 134
bond, assignment of, under, **3,** 97
Bristol Courts of Tolsey and Pie Poudre, application to, **9,** 148
cause or matter, *defined* under, **11,** 39, 40
criminal. *See* criminal, *infra.*
depositions available in any, under, **13,** 548
election petition not a, within, **12,** 429 n.
Central Criminal Court, constitution of, under, **9,** 87
High Court, as branch of, under, **9,** 55, 88
certiorari, appeal from grant or refusal of, under, **10,** 189
practice as to, previous to, **10,** 170 n., 200 n., 211 n.
remove indictment, to, **9,** 349; **10,** 155
chambers, proceedings in, under, **23,** 126, 128
Chancellor of the Exchequer, judicial functions of, abolished by, **7,** 102
Chancery Division, business assigned to, under, **9,** 60; **13,** 61
rules as to trial in, **23,** 172
vendor and purchaser summons in, **25,** 389
charity jurisdiction vested in Chancery Division by, **4,** 265, 294 n., 330 n.; **6,** 476
chose in action, assignment under, **4,** 367—374; **7,** 500
absolute, must be, **4,** 367, 370
attorney, power of, effect on absolute assignment of, **4,** 370
bankruptcy notice, assignee cannot issue, **4,** 373
bond, of, **3,** 97
building contract, rights under, **3,** 267, 268, 269
charge, must not be by way of, **4,** 367, 370
conditional assignment, **4,** 370
date of, wrongly stated in notice, **4,** 372
deed, of, **10,** 422, 424, 428 n.
equities, is subject to all, **4,** 367, 373, .374; **13,** 64
form of, **4,** 371
freight, of, **26,** 299, 302
general effect of, **4,** 367, 368, 373; **13,** 64, 103
interpleader in case of dispute, **4,** 374
mortgage, by way of, **13,** 103 n.; **21,** 77, 174
mortgage debt, of, **21,** 77, 174
motive immaterial, **4,** 371
notice of, **4,** 367, 372, 376; **25,** 378
payment into court by debtor, **4,** 374
policy of assurance, of, **17,** 543, 560, 584
priority of, **4,** 372
rent, of, **18,** 473 n.
reverter to assignor, **4,** 373
seal under, **4,** 371

JUDICATURE ACTS—*continued.*
chose in action—*continued.*
signature of agent, whether necessary, **4,** 371
transfers all
legal rights, **4,** 373
remedies, **4,** 373
rights to sue, **4,** 373
what assignments are within the Act, **4,** 370—372
what choses are within the Act, **4,** 368, 369
writing, must be in, **4,** 367, 371, 372
collisions at sea, law applicable to, under, **26,** 509, 510
not applicable since Maritime Conventions Act, 1911, **26,** 517 n.
contract, assignable under, how far, **7,** 495, 500, 501
specialty, discharge or variation of, by parol contract under, **7,** 334 ; **10,** 389 n., 464 n.
time not of the essence of, under, **3,** 190 ; **7,** 413 ; **13,** 154 ; **25,** 152 n.
copyright, injunction to restrain infringement of, under, **8,** 163 n., 166 n.
costs, discretion as to, under, **23,** 176 *et seq.*
previous enactments as to, repealed by, **23,** 178
counterclaim, provisions as to, of, **13,** 62 ; **25,** 504, 505, 506, 507
county courts, application to, of, **8,** 432, 433, 434, 444, 445, 550, 569 ; **10,** 180 n. ; **17,** 204, 628
County Palatine courts, jurisdiction of, partially transferred to High Court, under, **6,** 401 n. ; **9,** 121 n., 125 n.
court, *defined*, under, **18,** 177 n.
Court of Appeal, constitution of, under, **9,** 64
jurisdiction of, under, **9,** 63, 64
procedure in, under, **23,** 192—194, 202
Court of Probate, transfer of jurisdiction of, under, **9,** 62 ; **11,** 6 ; **14,** 152
criminal cause or matter under, **5,** 312 n., 317 n. ; **7,** 322 ; **10,** 73, 74, 124 ; **18,** 746 ; **23,** 193
attachment for contempt as a, **16,** 559
illegal distress as a, **11,** 187 n.
Public Health Act, 1875, proceeding under, not a, **24,** 93
custody of children, High Court has powers of Court of Chancery as to, under, **17,** 105 n.
customs of the City of London, judicial notice of, **13,** 486
declaration of trust not an assignment under, **18,** 576 n.
deeds, equitable rules applied to, under, **7,** 334 ; **10,** 389 n., 414 n., 416 n., 464 n.
deposit account, assignment of, under, **1,** 589
discovery, effect upon, of, **11,** 38, 65
probate and admiralty actions, in case of, **11,** 42
matrimonial causes, rules inapplicable to, **11,** 41
district registrars under, **9,** 69, 70 ; **23,** 110 ; **26,** 728
district registries under, **23,** 110
judicial notice of seals of, **13,** 496
Divisional Court, appeals to, under, **9,** 59
special cases from justices heard by, under, **18,** 655
Divorce Division, jurisdiction of, under, **16,** 468
powers conferred on, under, **16,** 584. *See also* matrimonial cause ; probate etc., *infra.*
rules made for, under, **16,** 468
election commissioner, oath of, under, **12,** 464
qualifications of, under, **12,** 138
JUDICATURE ACTS—*continued.*
equity, jurisdiction in, effect upon, of, **13,** 61—65
error, proceedings in, abolished by, **9,** 134 n.
evidence, rules for, under, **13,** 419 n.
express trust, action for breach of, not barred under, **19,** 161, 164 ; **28,** 202
fieri facias, seizure under, equitable rule conferring legal title on debtor, in case of, **14,** 50
fire policy, assignment of, under, **17,** 543
freight, assignment of, under, **26,** 299, 302
gifts under Gifts for Churches Acts, powers of High Court to reduce, under, **3,** 435
guarantee, equity, rules of, applied to, **15,** 507, 508, 546, 553 n.
surety's action to cancel, under, **15,** 545 n.
habeas corpus, issue of writ of, in vacation under, **10,** 56 n.
High Court of Justice
constituted under, **9,** 52—54
court of record, as, under, **9,** 10 n.
judge of, exercises coroner's jurisdiction under, **8,** 212, 232 n.
order of, lunacy order as to costs is not an, **19,** 460 n.
inferior courts, appeals from, under, to Divisional Court, **10,** 189 n.
application to, of, **9,** 132 ; **17,** 627
information by Attorney-General as action under, **1,** 3 ; **4,** 318 n.
injunction, bill of exchange, to restrain action on, prior to, **17,** 212, 236 n.
distress, to restrain, under, **11,** 208
grant of, under, **9,** 54 ; **11,** 333 n. ; **12,** 540 ; **16,** 451 ; **17,** 202, 203, 212, 233, 236 n. ; **18,** 733, 734 ; **22,** 80
interlocutory, granted under, **11,** 333 n. ; **18,** 734 n.
new powers as to, conferred on Divorce Division, by, **16,** 584
prohibition, in lieu of, under, **10,** 154
restraint of future working of mine by, under, **20,** 538
insolvent estates, administration of, under, **2,** 272
interim manager appointed under, **24,** 426 n.
interpleader proceedings under, **17,** 581, 592, 584
assignment, in case of, **17,** 584
inferior courts, in, **17,** 627, 628
judges, appointment and qualifications of, under, **6,** 318 n., 378 n. ; **9,** 62
oaths of, on appointment taken before Lord Chancellor, under, **7,** 24
salaries and pensions of, under, **24,** 744 n., 745 n.
tenure of office of, under, **6,** 318 n., 378 n. ; **9,** 62
judgment, *defined*, under, **18,** 177 n.
criminal cause, in, **7,** 322 n.
extension of, under, **6,** 291, 293
judicial office, degree of serjeant not essential to, under, **2,** 359
qualifications for, settled by, **2,** 381
King's Bench Division, coroners, jurisdiction over, of, **8,** 253
courts of gaol delivery and oyer and terminer as branches of, under, **9,** 87, 267 n.
criminal jurisdiction of, under, **7,** 296 ; **9,** 266
treasons out of the realm, in case of, **9,** 276 n.
Crown side appeals under, **10,** 123
Lancaster, appeal from Chancery Court of, provision as to, **9,** 122

JUDICATURE ACTS—*continued.*
legitimacy, petition for declaration of, under, **6,** 275 ; **16,** 501
libel, power to restrain publication of, under, **18,** 733 n.
life policy, assignment of, under, **17,** 560, 561
local courts, provisions as to, of, **9,** 131, 132
Lord High Chancellor, Lord Keeper included in office of, under, **7,** 63
Lords Commissioners may exercise powers of, under, **7,** 55 n., 63
position of, as High Court judge under, **7,** 22, 56 n., 57, 62 n.
powers of, under, **7,** 62
lunacy, in, **19,** 412
lunacy, appeal from orders in, under, **9,** 95, 96
mandamus, interlocutory order for, under, **6,** 70 n. ; **10,** 104
matrimonial cause, appeal in, under, **16,** 557
no appeal from decree absolute, **16,** 558
evidence in, oral, under, **16,** 531
Matrimonial Causes Acts incorporated in, **16,** 468
Mayor's Court, jurisdiction as to counterclaims in, under, **20,** 288
transfer from, under, **20,** 301
merger, equitable rules as to, applied under, **13,** 146 ; **18,** 553 ; **21,** 318 ; **24,** 332 n., 333 n., 511
mortgage debt, assignment of, under, **21,** 77, 174, 177 n., 181
mortgagor, action by, on covenants for possession, under, **18,** 559 n., 596 n. ; **21,** 161, 162
right of re-entry, how affected by, **18,** 535 n., 559 n. ; **21,** 162
right to rent, how affected by, **21,** 161
mortgagor in possession, action in own name by, under, **21,** 188
notice to quit by, under, **18,** 451 n.
right of distress preserved by, **11,** 129 n.
parties, rights of, not altered by, **13,** 65 n.
partition actions under, **21,** 835, 836
party, *defined* under, **11,** 44 n.
patent action, reference of, under, **22,** 221
pleading, *defined* in, **22,** 419 n.
necessary averments in, under, **22,** 422
system of, previous to, **22,** 420 n., 448 n., 449 n., 459 n.
waiver of previous pleas by subsequent defence under, **22,** 450 n.
pleadings, abolition of formal, by, **7,** 418 n.
prize matters assigned to Probate, Divorce, and Admiralty Division by, **23,** 285
Probate, Court of, jurisdiction of, transferred under, **9,** 62 ; **11,** 6 ; **14,** 152
Probate, Divorce, and Admiralty Division, judges and officials of, under, **16,** 463
proceeding, meaning of, under, **1,** 5, 445 n.
prohibition, writ of, abolished as regards High Court and Court of Appeal by, **10,** 141 n.
injunction in lieu of, under, **10,** 154
motion for, under, **10,** 152 n.
protector of settlement, Chancery Division as, under, **25,** 692
Public Health Act, 1875, case stated under, appeal on, under, **24,** 93 n.
quarter sessions jurisdiction suspended during assizes by, **9,** 268
receiver, application to appoint, under, **24,** 343
appointed under, just or convenient, when, **14,** 123, 201 ; **21,** 850 ; **22,** 77 ; **24,** 341, 344 n., 348

JUDICATURE ACTS—*continued.*
receiver—*continued.*
appointed under—*continued.*
Probate, Divorce, and Admiralty Division, in, **24,** 342
property not formerly liable to execution, not made in respect of, **14,** 117
ejectment action against, whether restrainable since, **24,** 379 n.
new powers as to, in Divorce Division, under, **16,** 584
practice as to appointing, previous to, **14,** 202 n.
rules under, **9,** 65. *See* RULES OF THE SUPREME COURT.
set-off, right of, enlarged by, **25,** 487, 488, 489—492, 500
sittings in lieu of legal terms under, **27,** 436
solicitors, commissioners for oaths, as, under, **26,** 859 n.
jurisdiction over, under, **26,** 828
specific performance, remedy by, under, **27,** 4, 5, 77
damages, power to award, with or without, **27,** 106
stay of proceedings under, **23,** 156 ; **26,** 812 n.
compromise, in case of, **23,** 168
Supreme Court of Judicature, constitution of, by, **9,** 51
Official Solicitor of, under, **9,** 71
solicitors of, under, **26,** 708 n., 723
transfer of actions under, **23,** 158
treason, bail in case of, provisions as to, **9,** 246
trusts, execution of, under, **28,** 179
waste, legal right to commit equitable, abolished by, **24,** 176 n. ; **25,** 603
winding up, stay of, under, **5,** 533 n.

JUDICIAL COMMITTEE OF PRIVY COUNCIL,
Admiralty Court, appeal from, **1,** 59, 125, 139, 141 ; **9,** 28, 48—50
affidavit for use before, **9,** 47
appeal to, leave to, provisions for, **9,** 33, 34, 45 ; **10,** 580
non-prosecution of, effect of, **9,** 40, 41
restoration of, **9,** 41
setting down, time for, **9,** 44
withdrawal of, **9,** 40, 49
appearance in, appellant, by, **9,** 36, 41
respondent, by, **9,** 37, 41, 42, 49
Australia, appeal from, **10,** 583, 584
Canada, appeal from, **10,** 582, 583
case, form of, for, **9,** 43
lodging of, with, **9,** 43
signing of, by counsel, **2,** 378 ; **9,** 43
case notice, service of, **9,** 43
caveat, entry of, against petition, **9,** 39
Channel Islands, appeal from, **1,** 141, 142 ; **9,** 31 ; **10,** 579
Cinque Ports, appeal from Court of, **1,** 139 ; **9,** 28, 50
colonial court, appeal from, **1,** 141 ; **6,** 401, 402 ; 426, 427 ; **7,** 55 ; **9,** 28, 30, 31, 50 ; **10,** 579, 580
commune forum, as, British Dominions, of, **27,** 126 n.
constitution of, **9,** 27, 28
copyright, powers in regard to, **8,** 163 ; **9,** 29, 30
costs in cases before, **9,** 40, 41, 43, 46, 47 ; **26,** 767
counsel's right of audience before, **2,** 371, 417

JUDICIAL COMMITTEE OF PRIVY COUNCIL—*continued.*
criminal cases, appeal in, **9,** 30 ; **10,** 581
death of party, effect of, **9,** 48
divorce, appeal as to, **10,** 580
East Indies, appeal from, **10,** 579
ecclesiastical suit, appeal in, **6,** 394, 402 ; **9,** 29, 48, 49 ; **11,** 383, 511
archbishop's court, from, **11,** 510
Church Discipline Act, under, **11,** 529
Clergy Discipline Act, under, **11,** 525
prohibition in case of, **11,** 515
Public Worship Regulation Act, under, **11,** 531
endowed school, jurisdiction as to schemes for, **9,** 33 ; **12,** 104, 105 n., 110
evidence in appeals before, **9,** 45 ; **10,** 580, 581
Foreign Jurisdiction Act, appeal under, **9,** 32
hearing before, **2,** 417 ; **9,** 44—46
attendance of parties at, **9,** 38
delay in, effect of, **9,** 39
new points entertained at, when, **9,** 45
procedure at, **9,** 44, 45
summons to, **9,** 38
in formâ pauperis, appeal, **9,** 34, 35 ; **10,** 580
costs in respect of, **9,** 46
defence in case of, **9,** 42
India, appeal from, **9,** 36 n., 50 ; **10,** 604, 605, 607, 610
judgment of, form of, **9,** 45, 46 ; **10,** 579
jurisdiction of, extent of, **7,** 54, 55 ; **9,** 29—33 ; **10,** 579—584
origin of, **9,** 28
Lord Chancellor as member of, **7,** 63
members of, **7,** 63 ; **9,** 27, 28
resignation of, **9,** 28
officers of, **9,** 50, 51
Orders in Council regulating practice and procedure of, **9,** 30, 33, 41, 42, 48, 50 ; **10,** 581
petition of appeal to, counsel, hearing of, on, **9,** 39
form of, **9,** 42
refusal of, by registrar, **9,** 40
service of, **9,** 39
setting down of, **9,** 38
special leave to appeal, for, **9,** 34
withdrawal of, **9,** 38, 39
costs upon, **9,** 40
practice and procedure in, **9,** 33—50 ; **10,** 579
Prize Court, appeal from, **6,** 401, 402 ; **9,** 28, 48, 50 ; **23,** 287, 290, 291
re-argument ordered before, when, **9,** 45
record, preparation of, for, **9,** 35—37
reference to registrar by, **9,** 37, 45, 49, 51
security for costs in, **9,** 49 ; **10,** 580
solicitors practising before, rules for, **9,** 47, 48
South Africa, appeal from, **10,** 584
special case, submission of, **9,** 36, 37

JUDICIAL NOTICE, **13,** 427, 484—497
almanack, of the, **13,** 492 ; **27,** 432 n.
animals, of nature of, **13,** 495
business, of some matters of, **13,** 495
children, of mischievous nature of, **13,** 495
colonial law, of, taken by colonial court, **13,** 485 n.
colonial or foreign law, not taken of, **13,** 487 ; **27,** 202
common law, of, **13,** 484
Ireland, in, of prevalence of, **13,** 485
counsel's opening as to matters receiving, **2,** 409

JUDICIAL NOTICE—*continued.*
counties and county divisions, of, **13,** 494
custom, of, **13,** 445 484
City of London, of, certified by City Recorder, **10,** 237 ; **13,** 486
local, of descent, **10,** 237 ; **13,** 486
Borough English, **10,** 237 n. ; **24,** 155
gavelkind, **10,** 237 n. ; **11,** 15 ; **24,** 153
ecclesiastical law, of, **11,** 355 ; **13,** 485
English law, of every branch of, **13,** 485
factories and workshops, regulations as to, of, **14,** 482
fog signals, of difficulty of hearing, **26,** 411
foreign
ruler, of status of, **13,** 493
State, of existence, title, and limits of, **13,** 493
geography, of facts of, **13,** 492, 493, 494
gestation, of usual period of, **13,** 495
Home Government, officers of State, and proceedings in Parliament, of the, **13,** 492
honour policy, of former invalidity of, **13,** 487 n.
illegality
appearing in court's own records, of, **13,** 487
covenant in restraint of trade, of, **27,** 582
law merchant, of, **10,** 259, 273, 450 n. ; **13,** 485 ; **27,** 227
nautical facts, of, **26,** 398
notorious facts, of, **13,** 494, 495 ; **28,** 457 n.
petty sessional divisions, of, quarter sessions of county, by, **13,** 494
practice and procedure, of rules of, **13,** 486, 487
rights and duties, legal and equitable, of all, **13,** 484
Scottish law, of, House of Lords, by, **13,** 485
seals, of official, **13,** 495, 496
signatures, of, official, **2,** 317 n. ; **5,** 559 ; **13,** 497
solicitors' privileges and obligations, of, **13,** 487
statutes, of, **13,** 427, 485, 525 ; **27,** 115 n., 201
time, of local variations of, **13,** 492
usage, of, **10,** 272—274
former rule, **10,** 273 n.
instances, **10,** 273
merchants, of, **10,** 450 n.
particular, frequent proof, after, **10,** 273, 450 n.
Stock Exchange, on, **27,** 227
unreliable, **10,** 273 n.
war, of state of, **13,** 493

JUDICIAL OATH. *See* OATH.

JUDICIAL POWERS,
protection in exercise of, **6,** 416 ; **18,** 678—682 **23,** 323— 337
administrative acts, in case of, **23,** 325
commissioners of taxes, of, **23,** 325 n.
consul, of, **23,** 325 n.
coroner, of, **8,** 256 ; **23,** 325
county court judge, of, **8,** 414, 415
courts-martial, of members of, **23,** 325 n. ; **25,** 92
ecclesiastical commission, of members of, **11,** 613, 614 ; **23,** 325 n.
essentials to, **23,** 324, 325
extra-judicial acts, in case of, **23,** 326
habeas corpus proceedings, in case of, **6,** 379 ; **23,** 331
juror, of, **18,** 266 ; **23,** 323 n.
Law Society, of committee of, **23,** 325 n. ; **26,** 852
limits of, **23,** 325—331

JUDICIAL POWERS—*continued.*
protection in exercise of—*continued.*
magistrate, of, **6,** 416; **19,** 556—559, 646 n.; **23,** 321, 326 332—334; **27,** 882
ministerial acts, in case of, **23,** 319, 325, 326
quasi-judicial powers, in case of, **23,** 326, 334—337
reasons for, **23,** 324
select committee, of members of, **21,** 782; **23,** 325 n.

JUDICIAL PROCEEDINGS,
false oath taken apart from, misdemeanour, **9,** 497; **12,** 531
perjury, indictment must allege false oath in, **9,** 493
must be in course of, **9,** 490; **12,** 531
proof of, **13,** 542—553
award as, **13,** 545
bankruptcy, in, **13,** 551
county court, in, **13,** 549, 550
crime, in respect of, **13,** 550
House of Lords, of, **13,** 551
inferior courts, of, **13,** 552
judgment as, **13,** 542, 543
record of High Court as, **13,** 548, 549; **23,** 323
report by public officer as, **13,** 545, 546
verdict as, **13,** 544

JUDICIAL SEPARATION,
adultery as
bar to decree of, **16,** 494
ground for, **16,** 469, 477, 500
alimony, husband's liability for failure to pay, **16,** 424; **24,** 499
payable under, **16,** 563; **24,** 499
separate property, is not, **16,** 391 n.
appeal from grant or refusal of decree of, **16,** 558, 562
bestiality, attempted, as ground for, **16,** 469, 477
child, custody of, discretion of court as to, **6,** 265; **16,** 521, 544, 577; **17,** 111
legitimacy of, presumption as to, **2,** 427; **16,** 479
maintenance and education of, powers of court as to, **16,** 569, 577; **17,** 116
ward of court, power of court to make, **16,** 577; **17,** 146, 147
chose in action of wife, effect on, of, **16,** 334
collusion as a bar to decree for, **16,** 489
commencement of proceedings for, **16,** 497
condonation, effect on, **16,** 490
connivance as a bar to decree for, **16,** 487
costs of proceedings by wife for, **16,** 429
covenant not to molest in separation deed, effect on, of petition for, **16,** 445
cruelty as
bar to decree of, **16,** 486, 496
ground for, **16,** 469, 473, 500
curtesy, estate by the, effect on husband's right to, **16,** 334, 346, 370; **24,** 188
decree of, appeal from grant or refusal of, **16,** 558
bar to suit for divorce, as, **16,** 486
clergyman, against, certificate of, to be sent to Bishop of London, **16,** 552
preferment declared vacant by bishop, on, **11,** 523
divorce proceedings after, **16,** 498
finality of, **16,** 544
foreign decree of divorce after, effect of, **16,** 595

JUDICIAL SEPARATION—*continued.*
decree of—*continued.*
limited effect of, **16,** 595
reversal of, **16,** 562
deed of separation, bar to decree of, as, **16,** 486
effect on provisions of, **16,** 450
delay, effect of, in suit for, **16,** 492
desertion as
bar to decree of, **16,** 496
ground for, **16,** 469, 481, 500
domicil in case of, **6,** 264, 265
dower, effect on right to, **16,** 448; **24,** 195, 196
grounds for, **16,** 469, 481, 500
intestacy of husband, wife's share to property upon, after, **11,** 18
jurisdiction, foreign domicil, in case of, **6,** 264, 265; **9,** 15
legitimacy of children, effect on presumption as to, **2,** 427; **16,** 479
misconduct abroad, effect of, on petition for, **6,** 264
personal estate of wife, effect on husband's right, to, **11,** 16; **16,** 346
petition for, amendment of, **16,** 502, 503
conversion of, into petition for divorce, **16,** 502, 503
grounds of, **16,** 469, 481, 500
pledging husband's credit, effect on wife's right as to, **16,** 423, 424
power of appointment, joint, of wife and husband, effect on, **16,** 388; **23,** 67, 68
property of wife acquired during separation, disposal of, **16,** 321, 345, 346
covenant to settle after-acquired, effect on, **25,** 551
disposition of, after, **6,** 264; **16,** 321, 379
effect on, of, **16,** 321, 346, 347, 370
residence within jurisdiction required for, **6,** 264
restraint on anticipation, effect on, **16,** 347, 370
sodomy, attempted, as ground of, **16,** 469, 477
torts of wife, effect on husband's liability for, **16,** 437
unnatural offence, attempt to commit, as ground for, **16,** 469, 477

JUDICIAL TRUSTEE,
appointment of, **14,** 141; **28,** 69, 209, 210
administration of deceased person's property for purposes of, **14,** 141, 322; **28,** 209 n.
charity, for, **4,** 268; **28,** 209 n.
county court jurisdiction as to, **8,** 660, 661
Public Trustee as, **28,** 213
audit of accounts of, provision for, **28,** 212
banking account, separate, to be kept by, **28,** 211
cesser of office of, order for, **28,** 210
deposit of trust documents at bank by, **28,** 211
directions by the court, right to, **28,** 211
discharge of, **28,** 210
fees paid by, how defrayed, **28,** 211
inquiry by the court into administration of fund by, **28,** 211
officer of the court, as, **28,** 69 n.
removal of, **28,** 210
remuneration of, **28,** 212
forfeiture of, **28,** 212
personal representative, who is, **14,** 322, 323
security by, when to be given, **28,** 210, 211
suspension of, **28,** 210
trust property, statement of, to be furnished by, **28,** 211
vesting of, in, **28,** 210

JULIAN CALENDAR,
former regulation of year by, **27,** 433 n.

JUNCTION,
erection of signals and conveniences, in case of, **23,** 684, 685
light railways, and, how to be made, **23,** 685 ; **27,** 826 n.
railways, between, construction of, **23,** 684
powers of companies as to, **23,** 684

JUNIOR COUNSEL,
defined, **2,** 387
King's counsel, in relation to, **2,** 388, 389, 409
note of evidence, duty to take, **2,** 410
opening of pleadings by, **2,** 409
refusal of brief with insufficient fee, **2,** 406

JURA REGALIA,
bona vacantia, right to, is one of the, **7,** 108, 209, 210 ; **11,** 28
Chester, county palatine of, in, **6,** 400
Durham, county palatine of, in, **6,** 400 ; **7,** 216, 217 ; **11,** 31
Lancaster, county palatine of, in, **6,** 400 ; **7,** 217—219 ; **11,** 31
prerogative rights included in, **1,** 76, 366 n. ; **6,** 372, 444 ; **7,** 108, 209, 210, 216 ; **23,** 276
Queen Consort, of, **6,** 366
treasure trove as one of the, **6,** 372 ; **7,** 108 ; **8,** 247 ; **9,** 521

JURAT,
affidavit, in, form of, **13,** 626
Channel Islands, courts of, in, **10,** 575
Court of Brotherhood, Cinque Ports, in, **9,** 129

JURISDICTION OF ENGLISH COURTS. *See* CONFLICT OF LAWS.
defined, **9,** 13
act of state outside, **7,** 66 n. ; **23,** 309
administration proceedings, in, **13,** 10, 30—38 ; **14,** 333—335
objection to the, **14,** 335
originating summons, on, **14,** 334, 335
Admiralty, in, **1,** 59—62. *See* ADMIRALTY JURISDICTION.
county court, of, **1,** 127
agreement, by, **6,** 182 ; **27,** 851 n. *See* consent, *infra*.
appellate, **9,** 14, 59, 60. *See* APPEAL.
area, as to, **9,** 16, 17
assets within, judgment in administration action not limited to, **14,** 338
bankruptcy, as to, **2,** 6—8 ; **9,** 56. *See* BANKRUPTCY.
borough courts, of, **9,** 129—132. *See* LOCAL COURTS OF RECORD.
boundaries, as to, **3,** 115—118. *See* BOUNDARIES.
boundaries of land out of the, agreement as to, **3,** 110
building society, as to. *See* BUILDING SOCIETY.
Central Criminal Court, of, **9,** 88, 89. *See* CENTRAL CRIMINAL COURT.
chambers, exercised in, **2,** 310 ; **23,** 126, 127. *See* CHAMBERS (Judge of High Court) ; JUDGE IN CHAMBERS ; MASTER IN CHAMBERS.
Cinque Ports Courts, of, **1,** 139, 140 ; **9,** 127, 128

JURISDICTION OF ENGLISH COURTS—*continued.*
colonial
governor, over, **10,** 531, 566 n.
land, petition of right to, none in respect of, **6,** 201
matters, as to, **10,** 578—584
appellate, **10,** 579—584
civil, **10,** 578, 579
criminal, **10,** 579
Common Pleas, former Court of, in, **9,** 53 n.
company, as to. *See* COMPANY.
conflict of laws, in case of, **6,** 181, 182, 232, 233
consent cannot give, **6,** 182 ; **9,** 13
consent to exercise of, **6,** 182 ; **9,** 13, 14 ; **27,** 851 n.
county court, in, **8,** 434, 435, 539, 580
summary, in case of indictable offences, **9,** 81 ; **19,** 581—583
contracts, as to, **6,** 232, 233. *See* CONTRACT.
copyright, foreign author's, protection of, under, **8,** 139
co-respondent, as to, **6,** 264 ; **16,** 507
costs, as to, High Court, in, **23,** 176—178
county court, of. *See* COUNTY COURT JURISDICTION.
Court of Claims, of, **9,** 117
criminal, **9,** 55, 265—276. *See* CRIMINAL JURISDICTION.
Criminal Appeal Court, of, **9,** 91, 92, 432 *et seq.* *See* COURT OF CRIMINAL APPEAL.
divorce, as to, **6,** 262 ; **9,** 15 ; **16,** 462. *See* DIVORCE ; DIVORCE DIVISION PRACTICE.
domicil as affecting, husband and wife, in case of, **6,** 182
Durham Chancery Court, of, **9,** 125, 126
ecclesiastical courts, of, **11,** 512—515. *See* ECCLESIASTICAL COURTS.
equitable. *See* EQUITABLE JURISDICTION
excess of, examples of, **23,** 328, 329
judge, by, **23,** 328
magistrates by, for, **23,** 332, 333
remedy for acting in, **9,** 15 ; **10,** 146. *See* PROHIBITION.
extent of, **9,** 16
felonious act abroad resulting in death within the realm, in case of, **9,** 289, 571
foreign, **13,** 66
British courts, of, **6,** 448—454
country, to restrain act in, by injunction, **17,** 204
immovables, as to, **1,** 51 ; **6,** 182, 205
trusts relating to, enforceable under, **6,** 204
land, as to, **1,** 50, 51 ; **13,** 65, 66 ; **27,** 163, 851
foreclosure, as to, **13,** 65
trespass to, in respect of, **6,** 200, 251 ; **9,** 16 ; **27,** 851
will disposing of, none as to, **13,** 66 ; **28,** 558
law imposing penalties, none in respect of, **6,** 182
mortgage, in case of, **6,** 205
revenue law, none in respect of, **6,** 182
rights, over, **6,** 181, 182, 222, 232, 233 ; **13,** 66
ship, over, **1,** 64, 70—73, 82 ; **6,** 252 n. ; **9,** 276 ; **26,** 67, 68, 544
county court, of, **1,** 129 n. 130
sovereigns, as to, **6,** 182
Foreign Jurisdiction Act, appeals under, **6,** 450 ; **9,** 32
foreigners, over, **6,** 251 n. ; **9,** 273, 276 n. ; **27,** 155 n.

JURISDICTION OF ENGLISH COURTS—*continued.*
forest courts, of, **9,** 111
general principles of, **6,** 181, 182
habeas corpus, as to. *See* HABEAS CORPUS.
High Court, of, appellate, **9,** 59, 60. *See* APPEAL.
original, **9,** 54—57. *See* HIGH COURT OF JUSTICE.
House of Commons, of, **9,** 24; **21,** 681, 682
House of Lords, of, appellate, **9,** 22; **21,** 643—650. *See* HOUSE OF LORDS (Court of Appeal).
original, **9,** 19—22; **21,** 650—654. *See* HOUSE OF LORDS.
in personam, **1,** 51; **6,** 181
inferior courts of record, of, **8,** 432—434; **9,** 11, 131, 132. *See* COUNTY COURT JURISDICTION; COURT OF RECORD; INFERIOR COURTS.
statutory provisions regarding, to be strictly construed, **27,** 154
superior courts, and, distinctions between, **9,** 11, 12
injunction, to grant, **13,** 46—51; **17,** 202—205. *See* INJUNCTION.
irregular proceedings within, protection of, **23,** 331
jactitation of marriage, as to, **6,** 266; **16,** 469. *See* JACTITATION OF MARRIAGE.
Judicial Committee of Privy Council, of, **9,** 28—33. *See* JUDICIAL COMMITTEE OF PRIVY COUNCIL.
judicial separation, as to, **6,** 264, 265; **9,** 15; **16,** 469
justices of, **19,** 559—561, 563. *See* JUSTICES.
Lancaster Chancery Court, of, **9,** 121, 122
land abroad. *See* foreign, *supra.*
title to, none in case of, **1,** 51; **6,** 200; **9,** 16
legitimacy under foreign law, as to, **6,** 272
limitations as to area, **9,** 16
local actions, as to, **1,** 50, 51; **6,** 251
local courts of record, of, **9,** 129—132. *See* LOCAL COURTS OF RECORD.
lunacy, in, **9,** 94—96; **19,** 412—415. *See* LUNACY.
magistrate, stipendiary, of, **19,** 546, 547, 561. *See* STIPENDIARY MAGISTRATE.
manslaughter. *See* murder, *infra.*
Mayor's Court, of, **20,** 286—288, 291, 301. *See* MAYOR'S COURT.
military courts-martial, of, **9,** 102—104. *See* COURT-MARTIAL.
murder
abroad, in case of, **9,** 277
by person in military service, **9,** 88, 289, 290; **25,** 44 n., 91 n.
high seas, on, in case of, **9,** 90
naval
courts, of, **1,** 117; **9,** 108, 109; **26,** 662. *See* NAVAL COURT.
courts-martial, of, **9,** 98, 99. *See* COURT-MARTIAL.
nullity of marriage, as to, **6,** 265; **9,** 15; **16,** 470—472
objection to the, appearing on face of proceedings, **10,** 146
matters involved by, **9,** 12; **23,** 330
neglect to take, **10,** 148
prohibition refused, where none apparent, **10,** 147
plea of, **10,** 149
criminal matter, in, **9,** 355

JURISDICTION OF ENGLISH COURTS—*continued.*
objection to the—*continued.*
trade union agreement, in case of, **27,** 621. *See* plea, *supra.*
original, **9,** 14
originating summons, on, **14,** 335; **23,** 186, 187, 189—191
oversea, in offences, **9,** 16, 56, 90, 128, 273, 274, 275, 276, 289, 376, 523, 525
partition action, in, **13,** 40; **21,** 834, 835
personal actions, as to, **1,** 35—45, 48; **9,** 16. *See* ACTION.
petty sessions, of, **16,** 171; **19,** 560, 561, 563. *See* PETTY SESSIONS.
piracy
jure gentium, in case of, **9,** 273, 523 n., 524
under commission of foreign prince, in case of, **9,** 525
plea to the. *See* objection, *supra.*
prerogative of Crown, as to, **6,** 372
prize cases, in. *See* PRIZE LAW.
Admiralty, in. *See* ADMIRALTY JURISDICTION.
probate, in regard to, county courts, of, **8,** 644—646; **14,** 153
derivation of, **9,** 15; **14,** 151
grant of probate or administration *durante absentiâ*, where representative out of the, **14,** 198
want of, presumption of validity not affected by, **28,** 629
will disposing of foreign land, none as to, **13,** 66; **28,** 558
prohibition, in case of, absence of, **9,** 14; **10,** 142, 146
agreement, excluded by, **10,** 148
erroneous assumption, in case of, **10,** 144
excess, in case of, **9,** 13, 14; **10,** 141, 142, 144 n.
acts to decide whether, evidence as to, in case of, **10,** 144, 145, 146
objection to, appearing on face of proceedings, **10,** 146
neglect to take, effect of, **10,** 148
not apparent on face of proceedings, effect of non-disclosure, **10,** 147
plea raised by, as to, **10,** 149
partial excess, in case of, **10,** 144, 145
restraint by, of unauthorised, by, **9,** 14
protection for acts within, **23,** 327, 328, 333
quarter sessions, of courts of, **9,** 85—87. *See* QUARTER SESSIONS.
Railway and Canal Commission, of, **9,** 218, 219; **23,** 753—764
canals, as to rates and charges for use of, **23,** 790, 791
exclusive, **23,** 754
subjects of, **9,** 218
real actions, as to, **1,** 32—35; **9,** 16. *See* REAL ACTION.
receiver, appointment of, as to, **24,** 341, 345, 346. *See* RECEIVER, appointment by the court.
restitution of conjugal rights, as to, **6,** 265; **9,** 15; **16,** 499. *See* RESTITUTION OF CONJUGAL RIGHTS.
sale of land, as to, **25,** 313, 314. *See* SALE OF LAND.
service out of. *See* SERVICE OUT OF THE JURISDICTION.
sheriff, of, **9,** 118; **25,** 793. *See* SHERIFF'S COURT.
criminal, obsolete, **9,** 118

JURISDICTION OF ENGLISH COURTS—*continued.*
shipping casualties, to inquire into. *See* SHIPPING CASUALTIES.
statutes affecting, construction of, **27,** 154
subject-matter, as to, **9,** 14—16
submission by foreigner to, **6,** 182, 251, 262
summary jurisdiction, courts of, **9,** 75—82. *See* SUMMARY JURISDICTION.
survey, court of, **9,** 107
territorial limits of, **1,** 50, 51
territorial waters, in offences in, **9,** 17, 276
testamentary matters, as to, **9,** 15. *See* probate, *supra.*
torts
abroad, in case of, **6,** 248—251; **9,** 17 n.; **27,** 851, 872
high seas, on, in case of, **6,** 251, 252
land abroad, in respect of, **6,** 250, 251; **27,** 851
transitory actions, as to, **1,** 51; **6,** 251
treasons
on high seas, in case of, **9,** 90
out of the realm, in case of, **6,** 353 n.; **9,** 276, 289
unauthorised, prohibition in case of exercise of, **9,** 14; **10,** 146. *See* PROHIBITION.
validity of marriage in England, to determine, **6,** 271
visitatorial. *See* VISITATION (ecclesiastical); VISITATION IN LUNACY; VISITOR (charities).
waiver cannot give, **9,** 13
war, in time of, **6,** 402, 403; **23,** 308; **25,** 42, 43
witness, order to examine, outside the, **13,** 611, 613

JUROR (CIVIL CASES).
affirmation in lieu of oath, may make, **9,** 362 n.; **18,** 253
alien as, **1,** 309; **18,** 231
army, members of, exemption of, from service as, **18,** 232; **25,** 97
asylum, exemption of officers of, from service as, **18,** 232
book, Mayor's Court, for, **18,** 263
preparation of, **18,** 235, 236
clergy, exemption of, from service as, **11,** 556; **18,** 231
clerk of assize, duty of, where attendance not required, **18,** 239
contempt of court
by, **7,** 296
in respect of a, **7,** 291; **8,** 615; **9,** 501; **18,** 267
convict, disqualification of, as, **18,** 230
coroner privileged from serving as, **8,** 251
coroner's jury, on, **8,** 259—263. *See* JURY (Civil Cases).
county court, in, default of attendance, penalty for, **8,** 522
summoning of, **8,** 521; **18,** 263
death of, effect of, **18,** 254
embracery of or by, **1,** 41; **7,** 296; **9,** 489, 490
evidence, who gives, must take an oath before doing so, **13,** 592
fees payable to, **18,** 264, 265
views, in respect of, **18,** 265
fines imposed on, enforcement of, **18,** 269
Sewers Act, 1833, under, **25,** 787 n.
householders, qualifications of, as, **18,** 229 *et seq.*
illness of, effect of, **18,** 254

JUROR (CIVIL CASES)—*continued.*
knowledge of facts by, when should be stated, **8,** 265; **18,** 256
Mayor's Court, London, in, fees of common, **18,** 265
fine for non-attendance by, **18,** 267
misconduct of, effect of, **7,** 296; **18,** 254, 255, 267
non-appearance of, effect of, **18,** 267, 268
notice to be sent to, when not required, **18,** 239
oath of, **18,** 226 n., 240, 253
coroner's inquest, at, **8,** 262, 263
county court, in, **8,** 522
panel. *See* PANEL (Jury).
names of jurors entered in, **18,** 239
personation by, effect of, **18,** 267
precept, names and addresses attached to, **18,** 240
privilege attaching to, **18,** 266
service as, disqualifications from, **18,** 230
exemptions from, **18,** 230, 231, 232
extent of, **18,** 265, 266
objection to, **9,** 362
qualifications for, **18,** 229, 230
record of, duty of sheriff to keep, **18,** 266
relief from, after service, **18,** 265, 266
special, **18,** 260, 261
summoning of, **18,** 236—240; **25,** 809
assizes, to the, **18,** 237, 238; **25,** 806, 809
coroner, by, **8,** 259
county court, to, **8,** 520—523; **18,** 263
High Court of Justice, to the, **18,** 237; **25,** 809
Inclosure Act, under, **4,** 551
lunacy, in, **18,** 244
quarter sessions, to, **18,** 238; **19,** 631; **25,** 806
sessions, county and borough, to, **18,** 238; **19,** 631; **25,** 806 n.
workmen's compensation, in case of, **20,** 152
summons, service of, upon, **18,** 239
costs of, **18,** 239
withdrawal of, counsel's authority as to, **2,** 398
without leave, effect of, **18,** 267

JURY,
The title JURIES *is contained in Vol. XVIII., pp.* 225 *et seq.*

JURY (CIVIL CASES),
For jury in criminal cases see CRIMINAL PROCEEDINGS; GRAND JURY; PETTY JURY.
defined, **18,** 226
admiralty cause or suit, in, **1,** 4, 136
assessment, of, procedure in regard to, **18,** 228, 244—263
associate, default of, in regard to summoning of, **18,** 269
calling the, procedure as to, **18,** 246
challenge of. *See* CHALLENGE.
clerk of the peace in relation to. *See* CLERK OF THE PEACE.
common. *See* COMMON JURY.
compulsory purchase, for assessment of compensation on, **6,** 86. *See* ASSESSMENT, compulsory acquisition of land.
coroner, of, challenge, none in case of, **18,** 241 n.
disagreement of, **8,** 271
disqualification from service on, **8,** 260
exemptions from service on, **8,** 261, 262
failure to attend, effect of, **8,** 260, 261; **18,** 267
finding of, as evidence, **19,** 410
knowledge of facts by person summoned, **8,** 265

JURY (CIVIL CASES)—*continued.*
coroner—*continued.*
number of, **8,** 262 ; **18,** 227
oath or affirmation of, **8,** 262, 263
payment of, **18,** 265
qualification for, **8,** 261
summoning of, **8,** 239, 259—263 ; **18,** 237
swearing of, **8,** 263
viewing body by, **8,** 263, 264
corrupt practice at election, trial for, by, **12,** 536
county court, in, **1,** 136 ; **8,** 520—523 ; **18,** 263
actions for possession of land, tried by, **8,** 437
admiralty cause, in, **1,** 4, 136
challenge to juryman, **8,** 522, 533
deposit payable for, **8,** 521
equitable actions, in, **8,** 521, 522
exemptions from service on, **8,** 522
liability to serve on, **8,** 522
new trial, at, **8,** 548
notice of demand for, **8,** 521
notice to jurymen where action settled, **8,** 522
number of jurymen, **8,** 522
payment into court, must not be informed of, **8,** 533
procedure with, **8,** 533
summons to jurymen, **8,** 521
verdict must be unanimous, **8,** 533
criminal proceedings, in. *See* CRIMINAL PROCEEDINGS ; GRAND JURY ; PETTY JURY.
discharge of, disagreement, on, **9,** 374
grounds, for, **18,** 254—256
verdict, after, effect of, **18,** 258, 259
Divorce Division, in, **16,** 528, 529, 542—544, 560. *See* DIVORCE DIVISION PRACTICE.
election court, in, trial by, **12,** 536
escheat, on inquisition of, **10,** 36
exemptions from service on, **18,** 230—233
food, unwholesome, in cases as to, **15,** 42
functions of, **18,** 227, 228. *See* JUDGE, jury, when sitting with.
grand. *See* GRAND JURY.
inquiry and presentment, of, generally, **18,** 240, 241
interpleader issue, in trial of, **17,** 610, 612, 619, 638
issue and assessment, of, when required, **18,** 244, 245
issues, several, may be tried by, **18,** 259
judge, when sitting with, functions of. *See* JUDGE.
lists, cities, boroughs, and towns, in, **18,** 236
preparation of, City of London, in the, **18,** 236 ; **20,** 429 n. ; **25,** 809
cost of, by whom borne, **18,** 235, 236
counties, in, **18,** 233
duty of overseers as to, **18,** 233, 234
publication of, **18,** 234
revised, delivery to clerk of the peace of, **18,** 235
revision of, at special petty sessions, **18,** 234 ; **19,** 570
local courts of record, of, **9,** 135
London County Council, exemption from service of members of, **18,** 231, 232
lunacy inquisition, on, findings of, admissibility as evidence of, **19,** 410
insanity, question of, for, **19,** 409, 410
numbers of, **19,** 420
provisions as to, **18,** 244 ; **19,** 420
matrons, of, functions of, **9,** 375 ; **11,** 11 n.

JURY (CIVIL CASES)—*continued.*
Mayor's Court, London, in, summoning of, **18,** 263 ; **25,** 809
trial with, **18,** 263 ; **20,** 294, 295
view by, **18,** 264
misdirection of, as ground for new trial, **23,** 204
numbers of, **18,** 226, 227, 252
deficiency in, how made up, **18,** 252, 253
lunacy inquisition, on, **19,** 420
opinion, expression of, by, before verdict, effect of, **18,** 255
overseers, penalty for defaults of, in relation to, **18,** 269
panel of, **18,** 239, 245. *See* PANEL (Jury).
payment of, **18,** 264, 265. *See* JUROR, fees.
penalties, officers of the courts, imposed upon, for defaults, **18,** 269
petty. *See* PETTY JURY.
presentment by, proceedings before Commissioners of Sewers, in case of, **25,** 785, 786
public duties of, classes of, **18,** 227, 228
qualification for, **18,** 229, 230, 261
quarter sessions, summoning to, **18,** 238 ; **19,** 631 ; **25,** 806
reswearing of, when not necessary, **18,** 259
retirement of, **9,** 374
separation of, not permitted, when, **18,** 256
service on, **18,** 229—232, 265, 266. *See* JUROR.
sheriff in relation to, **18,** 268 ; **25,** 806—809. *See* SHERIFF.
special, costs occasioned in trial with, **18,** 262. *See* SPECIAL JURY.
special verdict, civil case, in, **18,** 257, 258
matrimonial cause, in, **16,** 529
summoning of, **18,** 236—240 ; **25,** 809. *See* JUROR.
summoning officer, declaration by, of, **18,** 239
swearing of, **18,** 253. *See* JUROR, oath.
trial by, bankruptcy, in, **2,** 310, 315
right to, when exists, **19,** 588 ; **23,** 171, 172
rules as to, **23,** 172, 173
varieties of, **18,** 228, 229
verdict of, **18,** 228, 255—258. *See* VERDICT.
viewing by, **8,** 528 ; **9,** 369 ; **13,** 509 ; **18,** 245, 246 ; **23,** 144
fees in case of, **18,** 265
withdrawing case from, barrister, authority of, as to, **2,** 410, 411
words spoken in office by, privileged, **18,** 678

JUS
accrescendi, defined, **24,** 203
coparcenary, in case of, **24,** 210
joint tenancy, in case of, **24,** 203
commune, Church of Rome, of, **11,** 376
disponendi, defined, **25,** 181 n.
liturgicum, archbishops and bishops, of, **11,** 406 n., 659 n.
mariti, non-separate property of wife, in, **11,** 16 ; **14,** 232 ; **16,** 322, 341 ; **24,** 183—189. *See* NON-SEPARATE PROPERTY OF MARRIED WOMAN.
separate property of wife, in, **14,** 232 ; **16,** 345. *See* SEPARATE PROPERTY OF MARRIED WOMAN.
patronatus, process instituted by bishop, **11,** 586, 588
representationis, borough English land descending to daughter by, **11,** 15
spatiandi vel manendi, open space, in regard to, rights of inhabitants as to, **21,** 579, 580

JUS—*continued.*
tertii, bailment, in, **1,** 562 ; **13,** 324, 408 ; **27,** 869
interpleader, in, **3,** 63 ; **17,** 613, 614
misrepresentation, rescission of contract due to, in proceedings for, **20,** 750, 751
right to set up, **17,** 613
trespass to goods, in action of, **27,** 870
trespass to land, in action of, **27,** 859
trover and detinue, as a defence in, **27,** 896 n., 914

JUST ALLOWANCES,
administration action, in account in, **14,** 339 n.
county court, on taking account in, **8,** 544
mortgagee's accounts, in, **21,** 240
receiver, in case of, **24,** 400, 405
redemption action, in, **21,** 154

JUST AND EQUITABLE,
dissolution of partnership by court, as applied to, **22,** 94
winding up by the court, as applied to, **5,** 395, 397, 398

JUST OR CONVENIENT,
injunction by interlocutory order granted when, **17,** 202, 203
receiver, appointment of, as applied to, **24,** 348

JUSTICE,
administration of, offences relating to, **9,** 489—502
parliamentary disqualification because of connection with, **21,** 660, 661
protection of persons in course of, **18,** 678—682. *See* JUDICIAL POWERS.
course of, agreement tending to pervert the, **7,** 398, 399
Crown may not interfere with, **6,** 378, 400
natural, foreign proceedings contrary to, effect of, in England, **6,** 270, 288
observance of, in expulsion from club, **4,** 416
source of, Sovereign as, **6,** 399—404

JUSTICE SEAT,
Court of, a court of the royal forests, **7,** 183 ; **9,** 114

JUSTICES. *See also* COMMISSION OF THE PEACE.
acquittal, certificate of, duty of justices to furnish, **19,** 601, 602
affidavit by, as to decision under review, **10,** 114
affiliation proceedings before, **2,** 443—454. *See* AFFILIATION PROCEEDINGS.
appointment of, **18,** 69, 70 ; **19,** 535, 536, 548
boroughs, for, **19,** 536, 540—547
counties, for, **19,** 538—540
disqualifications for, **19,** 550—556. *See* disqualification, *infra.*
London, in, **19,** 536, 548
presumption as to, **13,** 443
arbitration, matters referred to, by, appeals, **19,** 649
order for statement of special case, **1,** 465, 466
powers in regard to, **1,** 451, 459, 460, 473, 476—481
reference under order, in case of, **1,** 438, 439, 481—492
written submission, in regard to, **1,** 445, 474
arrest, privilege from, **25,** 818

JUSTICES—*continued.*
Attorney-General, criminal information by, against, **19,** 557
bail, liability for refusing, **9,** 325 n. ; **23,** 326
power to accept or refuse, **9,** 246 n., 319, 323—325 ; **14,** 414 ; **19,** 574, 596, 600
bakers acting as, in bread offences, **15,** 53
bastard, proceedings in respect of, before, **2,** 443—454. *See* AFFILIATION PROCEEDINGS.
bias of, allegation of, justices' duty on, **18,** 54 ; **19,** 555
burden of proof of, **19,** 555 n.
disqualification in case of, **18,** 54 ; **19,** 551—555 ; **27,** 638
borough, **19,** 540—545. *See* JUSTICES (Borough).
bribery of, **9,** 484
case stated by, **19,** 650—657
caution of accused person by, **9,** 316 ; **19,** 584
certificate of, highway, creation of, in case of, **4,** 564, 565
stopping or diversion of, **16,** 75, 76
licence for sale of beer etc., on transfer of, **18,** 19
renewal of, where grantee guilty of corrupt practice at election, **12,** 485
railway, as to error in deposited plans of, **23,** 649
subscription of capital in compulsory purchase, in regard to, **6,** 63
certiorari, writ of, against. *See* CERTIORARI (Writ of).
committal for trial by justices not removable, **10,** 160, 173
orders made by justices, to remove, **10,** 160, 171
Cinque Ports, of, **9,** 128 ; **19,** 302 n., 541
civil jurisdiction of, **19,** 573, 575
claim of right, jurisdiction ousted by, **10,** 194, 195 ; **19,** 597 ; **23,** 722
clergy, appointment of, as, **19,** 550 n., 636
clerk of the peace, annual return by, of, **19,** 537
disqualified as, **19,** 551
clerk to. *See* JUSTICES' CLERK.
committal, jurisdiction as to, **2,** 449 ; **11,** 223, 227 ; **19,** 602, 604, 610 ; **23,** 334
compensation, compulsory acquisition of land, jurisdiction in case of, **6,** 81, 104 ; **23,** 733
licence for intoxicating liquors, jurisdiction as to, **18,** 37, 46, 68—70
complaint to, articles of the peace, by, **19,** 634, 635
costs of, **11,** 226, 227 ; **21,** 573
distress, in case of, **11,** 221—227
duty in regard to, **16,** 147 ; **19,** 572 ; **28,** 295, 296
how and by whom made, **19,** 590—593
liability for acting on, beyond jurisdiction, **27,** 882 n.
non-appearance of complainant, effect of, **19,** 596
compulsory acquisition of land, assessment in case of, by, **6,** 69, 77, 78, 95, 104
coroner as, **8,** 219, 251 ; **19,** 551
corrupt practices by, **18,** 63 ; **19,** 558
election, at, **12,** 471, 485, 525
corruption of, **9,** 484 ; **19,** 558 ; **23,** 351
county. *See* JUSTICES (County).
county court action against, **23,** 334
county court judge as, **8,** 415 ; **19,** 538
county court jurisdiction, objection to, by, **8,** 490, 491

JUSTICES—*continued.*
criminal information against, grounds for, **19,** 557—559
criminal proceedings before, **9,** 311—328, 399. *See* CRIMINAL PROCEEDINGS.
disqualification to be or act as, **19,** 550—555; **24,** 60, 65
bankruptcy, by, **2,** 88; **19,** 551
bias, by, **18,** 54; **19,** 551—555; **27,** 638
corrupt practice, by, **12,** 471, 525, 528; **19,** 551
crime, by, **19,** 551
felony, by, **9,** 428, 429; **19,** 551
interest, by, **15,** 53; **19,** 551—555
liability when disqualified, penalty, **18,** 53, 54
profession, by, **19,** 550, 551
statute, by, **19,** 555, 556
treason, by, **9,** 428, 429; **19,** 551
distress warrant, in regard to. *See* DISTRESS WARRANT.
ecclesiastical persons as, **19,** 538
Ely, Bishop of, as, **19,** 538
ex officio, who are, **9,** 84; **19,** 537, 538
excise officer or trader disqualified as, **19,** 556; **24,** 740
execution of criminal, may be present at, **25,** 825 n.
Eyre, in, appointment and duties of, **4,** 474 n.; **7,** 183, 185; **9,** 114, 115
false imprisonment, action for, against, **27,** 879 n., 882
food, condemnation of, by, **15,** 38
inquest taken by, **8,** 264
interest of, dispute in, duty in case of, **19,** 551—553
subject-matter of compensation for purchase of land, in, **6,** 77, 78
judicial powers, protection in exercise of, **23,** 332—334
jury service, how far exempt from, **18,** 231, 232
justice's clerk disqualified as, **19,** 551
land tax commissioners, entitled to act as, **18,** 313
licence, grant of, by, **18,** 21—47, 62—68. *See* JUSTICES' LICENCE.
licensing, **18,** 47—50. *See* JUSTICES (Licensing).
London, jurisdiction in, **19,** 561, 562; **20,** 426
lunatic, pauper, jurisdiction in regard to, **19,** 488—499, 507, 508. *See* PAUPER LUNATIC; RECEPTION ORDER; REMOVAL OF PAUPER.
private patient, as, jurisdiction in regard to, **19,** 499—505. *See also* LUNATIC, judicial authority; RECEPTION ORDER.
malicious prosecution, non-liability to action for, **19,** 672
order by, burial of corpse, for, **3,** 549
committal for disobedience to, **11,** 223, 225
distress, for, disobedience to, **11,** 225
drawing up, relation back to date of pronouncement, **11,** 225 n.
repair of ruinous building, for, **23,** 431
ouster of jurisdiction of, by claim of right, **10,** 194, 195; **19,** 597; **23,** 722
penalty, power to reduce, **19,** 603
petty sessions, sitting in, **19,** 565—571. *See* PETTY SESSIONS.
polling district, division of, by, **12,** 308, 309
prison visiting committee of, provisions as to, **23,** 232—234
quarter sessions, sitting in, **19,** 563. *See* QUARTER SESSIONS.

JUSTICES—*continued.*
quorum of, **9,** 82 n.; **19,** 536 n.
Railway Clauses Act, jurisdiction under, **23,** 732, 733
recruits, attestation of, before, **25,** 41
removal from office of, how effected, **19,** 550
removal of pauper, jurisdiction in regard to, **22,** 590—606. *See* PAUPER LUNATIC; RECEPTION ORDER; REMOVAL OF PAUPER.
remuneration of, **19,** 550
royal forests, of, powers and jurisdiction of, **7,** 182
search warrant, issue of, by, **9,** 310
solicitor as, **19,** 551
special case stated by. *See* SPECIAL CASE.
special sessions, in, **19,** 568—571. *See* SPECIAL SESSIONS.
summary jurisdiction of, **19,** 571—610. *See* SUMMARY JURISDICTION.
tenure of office of, **19,** 549
trader subject to excise laws as, **19,** 556; **24,** 740
warrant of arrest, issue of, by, **9,** 290—310; **19,** 564, 565. *See* WARRANT OF ARREST.
witness, as, **19,** 555

JUSTICES (BOROUGH),
appointment of, **19,** 536, 540—547
Cambridge, Vice-Chancellor of, as, **19,** 538
county justices as, **19,** 544, 545
disqualification to act as, **19,** 550—556
jurisdiction of, **19,** 630
petty sessions, in, **19,** 561
quarter sessions, in, **19,** 563
licensing, powers in regard to, **18,** 34. *See* JUSTICES' LICENCE.
mayor of borough as, **9,** 84; **19,** 309, 310, 538
oaths of office of, **19,** 543, 549
petty sessions, jurisdiction at, **19,** 561
polling district settled by, **12,** 308, 309
powers transferred to, **19,** 371, 372
precedence of, **19,** 543, 544
qualification for, **19,** 543
quarter sessions, jurisdiction at, **19,** 563
recorder of borough as, **19,** 538, 544
separate commission of peace, boroughs which have, **19,** 541, 542
petition for, **7,** 84; **19,** 301
stipendiary magistrate as, **19,** 538

JUSTICES (COUNTY),
appointment of, **19,** 538, 539
borough justices, as, **19,** 544, 545
chairman, county council, of, as, **9,** 84; **19,** 342, 538
district council, of, as, **9,** 84; **19,** 538
disqualification to act as, **19,** 550—556
Durham, Bishop of, as, **19,** 538
London, jurisdiction in, **19,** 562; **20,** 426
oaths of office of, **19,** 539, 540, 549
petty sessions, jurisdiction at, **19,** 559, 560
precedence of, **19,** 540
qualification of, **19,** 539
quarter sessions, jurisdiction at, **19,** 563
sheriff disqualified as, **9,** 84; **19,** 551; **25,** 804
York, Archbishop of, as, **19,** 538

JUSTICES (LICENSING). *See* JUSTICES' LICENCE.
alteration of premises, power to order, **18,** 33, 34
appeal, disqualification to act on, **18,** 81
area of jurisdiction of, **18,** 21, 34, 35
waterside district, in, **18,** 157

JUSTICES (LICENSING)—*continued.*
borough, in, who are, **18,** 34, 35
Cinque Ports, in, who are, **18,** 35
county, in, who are, **18,** 34
discretion of, to grant or refuse licence, **18,** 62—64
disqualifications to act as, **18,** 53, 54
objections, after raising, **18,** 45
licence, power to grant, **18,** 16, 17
London, in the City of, **20,** 426
mandamus to, **10,** 91; **18,** 86
meetings of, **18,** 21—23. *See* GENERAL ANNUAL LICENSING MEETING; SPECIAL SESSIONS.
procedure of, **18,** 35—38
special case, power to state, **18,** 87

JUSTICES IN EYRE,
appointment and duties of, **4,** 474 n.; **7,** 183, 185; **9,** 114, 115

JUSTICES' CLERK,
accounts to be kept by, **11,** 223; **19,** 615, 616
appointment of, **19,** 547, 611
barrister, appointment of, as, **2,** 383
club register, duty to keep, **4,** 432
deputy of, provisions as to, **19,** 614
duties of, **19,** 614—616
justice, effect of appointment as, **19,** 551
licensing, disqualification of, **18,** 54
fees payable to, **18,** 38
notice of licensing meeting to be given by, **18,** 22, 23
register to be kept by, **18,** 102—104
qualification and disqualification as, **19,** 612
register to be kept by, **19,** 615
salary and fees of, **19,** 613, 614
security book to be kept by, **19,** 616
solicitor, appointment of, as, **19,** 612
tenure of office of **19,** 612

JUSTICES' LICENCE,
defined, **18,** 7, 16
adjournment of application for, **18,** 23, 38, 44—46
agent to sell intoxicating liquors, licence in case of, **18,** 110, 111, 115
alteration to premises in case of, **18,** 32
annual value of premises for purpose of, **18,** 57—60
appeal to quarter sessions, **9,** 86; **18,** 78—87; **19,** 639, 650
aggrieved person, by, **18,** 78, 79
costs in case of, **18,** 83—85
justices disqualified on, **18,** 81
mandamus in respect of, **18,** 86
mortgagee, by, **21,** 189
notice of, **18,** 79, 80
procedure on, **18,** 81—83
recognisances in case of, **18,** 80, 81
time and place of, **18,** 79
applicant for, attendance of, at hearing, **18,** 37, 42, 43
character of, **18,** 63, 64
notice of opposition to, **18,** 44
removal of, status of, **18,** 26
renewal of licence, rights of, **18,** 25, 63, 64
transfer of licence, position as regards, **18,** 27—30, 42
application for, **18,** 36, 37, 39—47
second, when may be made, **18,** 40
beer, in regard to. *See* BEER.

JUSTICES' LICENCE—*continued.*
bias of justices in regard to, **18,** 53, 54
justice as witness in case of, **19,** 555
test of, **19,** 554, 555
billiards, for, grant and renewal of, **19,** 569; **27,** 424, 425
police, power of, as to, **22,** 502
black beer, in respect of, **18,** 16
brewer disqualified to act in regard to, **18,** 53
burden of proof as to existence of, **18,** 109
canteen, in respect of, **18,** 106
certiorari in case of, **10,** 171, 172; **18,** 86
chairman has no casting vote on application for, **18,** 36
chief constable, notice of application served on, **18,** 41
child, for performance by, in public, **17,** 153, 154
cider or perry, in respect of, **18,** 6, 15; **24,** 655. *See* CIDER.
Cinque Ports, in, who may grant, **18,** 35
classes of, **18,** 7, 8
club, in respect of, **4,** 429, 430
compensation in relation to, **18,** 68—77. *See* COMPENSATION; COMPENSATION AUTHORITY; COMPENSATION FUND.
conditions attached to, by justices, **18,** 30, 67, 68
confirmation of, **18,** 50—52
borough, in, **18,** 51
county, in, **18,** 50
notice of application for, **18,** 41
procedure on, **18,** 52
death of licensee, effect of, **18,** 28, 49, 50
discretion of justices to grant or refuse, **18,** 62—64
disqualification of
persons, as regards, **18,** 51, 53, 56, 57
premises, as regards, **18,** 59—62
drinking on premises contrary to, offence by, **18,** 116, 117
duration of, **18,** 20, 31, 32
early closing, nature of, **18,** 91
evidence, application for grant, on, **18,** 36, 37
confirming authority, before, **18,** 52
excise licence, how far condition precedent to, **18,** 12, 13, 14, 16, 116; **24,** 651, 653
extent of, **18,** 16, 32, 33
fairs, for sale of liquor at, **18,** 100, 101
fees payable in respect of, **18,** 38
forfeiture of, **18,** 32, 108, 120, 155, 156
forgery of, **18,** 56, 129, 130
form of, **18,** 36, 105
grant of, **18,** 21—38
different kinds of, **18,** 23—31
justices qualified for purpose of, **18,** 34, 35
procedure on, **18,** 35—38
provisional, **18,** 30, 31. *See* provisional grant, *infra.*
holder of, *defined,* **18,** 118
conviction of, effect on grant of, **18,** 56, 103
drunkenness, duty as to prevention of, **18,** 118
licensed premises. *See* LICENSED PREMISES.
licensing district, *defined,* **18,** 21
London, City of, a borough for, **18,** 22
mandamus in respect of, **18,** 43, 45, 86
medicine, in respect of spirits in, **18,** 16
meetings for granting, **18,** 21—23. *See* GENERAL ANNUAL LICENSING MEETING; LICENSING COMMITTEE; SPECIAL SESSIONS.
monopoly value, conditions attached to secure, **18,** 67
music and dancing, for, **27,** 422, 423. *See* MUSIC AND DANCING LICENCE.

JUSTICES' LICENCE—*continued.*
name of holder of, to be affixed on premises, **18,** 130
nature of, **18,** 16
new, *defined,* **18,** 24
confirmation of, **18,** 50
grant of, **18,** 24
notice of
application for, **18,** 39—43
accuracy in, **18,** 41
advertisement of, **18,** 39, 40
affixing to premises, **18,** 41
contents of, **18,** 40, 41
defective, where, **18,** 40
different kinds of licences, as to, **18,** 40
service of, **18,** 40, 41
time, calculation of, as to, **18,** 40
general annual licensing meeting, **18,** 22. *See* GENERAL ANNUAL LICENSING MEETING.
opposition to application for, **18,** 43—47
objections to grant of, provisions as to, **18,** 45
refusal to hear at adjourned meeting, **18,** 43
off licence. *See* OFF LICENCE.
opposition to, notice of, **18,** 43—47
owner, to, disqualification of premises, on, **18,** 59
passenger ship, in respect of, **18,** 105
police, notice to, by applicant for, **18,** 40, 41
premises covered by, **18,** 32, 33. *See* LICENSED PREMISES.
privileged bodies exempt from, **18,** 8—10
production of, duty as to, **18,** 129
protection order, **18,** 47—49. *See* PROTECTION ORDER.
provisional grant of, **18,** 30, 31
confirmation of, **18,** 31
duration of, **18,** 32
notice of application for, **18,** 41
renewal of, **18,** 25, 31
races, for sale of liquor at, **18,** 100, 101
railway
refreshment rooms, in respect of, **18,** 95; **23,** 698
restaurant car, in respect of, **18,** 106; **23,** 698
register of, **18,** 102—104
convictions to be entered on, **15,** 46; **18,** 103
correction of, **18,** 102, 103
division of, **18,** 104
entries in, convictions, of, **18,** 103
duties of justices as to, **18,** 36
election offences, of, **12,** 485
evidence, as, **18,** 104
inspection of, **18,** 104
owner's name to be inserted in, **18,** 102, 103
removal of, *defined,* **18,** 25
appeal to quarter sessions in case of refusal, **18,** 78
application for, **18,** 25, 26
conditions, whether attachable to order for, **18,** 68
confirmation of, **18,** 50
notice of application for, **18,** 41, 42
objections to, **18,** 26
provisional order for, **18,** 31, 42
repeated applications for, regulations to prevent, **18,** 30
status of applicant for, **18,** 26. 63, 64
renewal of, **18,** 24, 25. *See* RENEWAL OF JUSTICES' LICENCE.
repayment of excise duty on expiration of, **24,** 629

JUSTICES' LICENCE—*continued.*
sale without, offence of, agent, by, **18,** 110, 111
ale, of, dealt with summarily, **18,** 109
excise licence, holding of, no defence to, **18,** 109
licensed premises, on, **18,** 108
proof of, **18,** 108, 109
punishment for, **18,** 108
servant, by, **18,** 110
wife, by, **18,** 111
second application for, when may be made, **18,** 40
six-day, nature of, **18,** 24, 90, 91
special case in regard to, **18,** 87; **19,** 651 n.
spirits, when necessary for sale of, **18,** 14; **24,** 670
spruce beer, whether necessary for sale of, **18,** 16
temporary, **18,** 47
pending appeal, **18,** 49
theatre, in respect of, **18,** 106, 107
transfer of, **18,** 26—30. *See* TRANSFER OF JUSTICES' LICENCE.
trustee in bankruptcy, power of, to hold, **18,** 49
wine, for retailer of, when necessary, **18,** 14, 15; **24,** 681, 683

JUSTIFIABLE HOMICIDE,
detention of prisoner, in case of, **9,** 586
execution of criminal, in case of, **9,** 575, 586
larceny, in regard to attempted, **9,** 587
necessity, in case of, **9,** 587
prevention of crime, in case of, **9,** 586
simple assault, in regard to, **9,** 587
violent assault, in case of, **9,** 586, 587
woman, in case of attempted rape upon, **9,** 587

JUSTIFICATION,
absence of, right of action arising out of, **27,** 492
act of God, by. *See* ACT OF GOD.
act of State, by. *See* ACT OF STATE.
animals, offences against, for, **1,** 395—397; **15,** 227, 228
arrest, for, **9,** 296, 307; **22,** 497; **23,** 320; **27,** 879, 880
assault, for, **9,** 609; **17,** 114; **20,** 126, 276; **27,** 498 n., 875, 876
defence of property, in case of, **27,** 875, 877 n.
confinement of person, for, **12,** 124; **17,** 107; **27,** 883, 884
corporal punishment, for, **27,** 876. *See* CORPORAL PUNISHMENT.
criminal libel, in, distinguished from civil libel, **18,** 606, 738
plea of, **18,** 743, 744
ignorance as, **9,** 238; **27,** 194
intention as relevant to, **27,** 469, 656, 657
acts done in pursuance of duty, as to, **27,** 470
capacity in which tortfeasor acts, **27,** 469
conflict of duties, in case of, **27,** 469, 470
immateriality of intention, **27,** 470
libel and slander, in, costs of unsuccessful plea of, **18,** 676
defence of, **18,** 605, 606, 669—677
affirmative plea in, **18,** 669
confession and avoidance by, **18,** 670
embarrassing plea in, **18,** 674
innuendo, as to, **18,** 671
particulars as to, sufficiency of, **18,** 673, 674; **22,** 457
separate plea in, **18,** 670
specially pleaded, must be, **18,** 673, 674; **22,** 448 n.
extent of justification, **18,** 671—673

JUSTIFICATION—*continued.*
libel and slander—*continued.*
failure to prove, effect of, **18,** 723
fair comment, distinguished from, **18,** 710, 711
partial justification, when permitted, **18,** 671, 672
proof of, as to, **18,** 675, 676
rumours etc., insufficient, **18,** 675
sense of words used, in the, **18,** 671
severance to be made by defendant in partial justification, **18,** 672
markets, for holding rival, **20,** 46
master of ship, for deviation by, to save life, **26,** 95
moral or religious duty no ground of legal, **27,** 469 n.
particular cases, in, **27,** 499. *See also* TRESPASS.
poundbreach, as to, **1,** 385; **11,** 194
property, acts done in defence of, **9,** 609; **27,** 498, 862, 870, 875, 908
rescue, of, **1,** 385; **11,** 194, 209
sureties, of, in what cases required, **14,** 209
tort, as defence to action of, **21,** 463—480, 562—564; **27,** 492—501, 869—871
act of God, **21,** 467—471; **27,** 493—495
act of State, **27,** 495
bankruptcy, as to, **27,** 502, 503
common employment, **20,** 132—134; **27,** 499
consent, as to, **27,** 500
contributory negligence, as to, **21,** 445—454; **27,** 501
ignorance, as to, **27,** 870
leave and licence, as to, **27,** 500, 860, 870, 871
negligence, as to, **21,** 463—480; **27,** 496
nuisances, as to, **21,** 525, 562—564
privilege, defamation cases, in, **27,** 500. *See* PRIVILEGE IN DEFAMATION.
property, protection of, **27,** 497—499, 862, 870, 875, 908
relation of parties, in case of, **27,** 499. *See* CORPORAL PUNISHMENT.
release, as to, **13,** 164; **27,** 500
self-defence, as to, **21,** 479; **27,** 498, 870
Statute of Limitations, as to, **27,** 501, 502, 871
statutory authority, as to, **21,** 404, 464—467; **27,** 495—497
corporations, in case of, **8,** 388, 389
defences created by statute, **1,** 24; **11,** 205; **21,** 562—564; **23,** 343; **27,** 497
injury resulting from performance of statutory duty, **23,** 312, 313; **27,** 496
negligence, in case of, **21,** 378, 404, 464—467; **23,** 313; **27,** 496
nuisances, in case of, **21,** 516—524, 529, 562—564
railways, in case of, **23,** 723, 724
volenti non fit injuria, application of maxim, to, **20,** 120; **27,** 501
waiver, as to, **13,** 165; **27,** 196, 500, 912, 915
trade, interference with another in his, of, **1,** 11; **27,** 656, 657, 659, 660
trespass to land, for, **27,** 861, 862
trespass to the person, for, **27,** 879—885
judge issuing illegal warrant, as to, **27,** 883
magistrate acting in judicial capacity, as to, **27,** 882
military forces, as to, **27,** 883
ministerial officer, acts of, as to, **23,** 319; **27,** 882
naval forces, as to, **27,** 883
preservation of peace, act done for, **27,** 876
sheriff arresting person under civil process, as to, **27,** 883

JUVENILE COURTS,
exclusion of public from, **17,** 178
provisions under Children Act, 1908, as to, **17,** 178
trial of adults in, **17,** 178

JUVENILE OFFENDERS,
association with adult prisoners, prevention of, **17,** 176, 178
criminal capacity of, **9,** 239, 240
detention, provision of places of, **9,** 422; **17,** 176, 177; **19,** 581
discretion of justices as to procedure at trial of, **19,** 580
indictable offences by, triable summarily, **19,** 580
parent or guardian must attend court at trial of, **17,** 177; **19,** 580, 589
punishment of, **17,** 177; **19,** 581
reformatory, may be sent to, **9,** 421 n.; **12,** 72; **19,** 581
trial of, **17,** 178
whipping of, **19,** 581

JUVENILES,
choice of employment by, power of local education authority as to, **28,** 882
smoking by, automatic machines containing cigarettes used by young persons, **17,** 175
search of boys for tobacco etc., **17,** 175
tobacco, sale of, to young persons, **17,** 175
seizure of, in possession of young person, **17,** 175

KEDAH,
administration of, **10,** 524

KEEPER,
boarding-house, of, **17,** 305
liability in respect of property of guests, **18,** 339 n.
no obligation to receive guests, **17,** 308
position of, **17,** 305,
common lodging-house, of, **17,** 316; **23,** 510
death of, widow's rights, **23,** 511
effect of conviction of, **23,** 513
registration of, **23,** 510, 511
residence in lodging-house of, **23,** 514
inn, of. *See* INNKEEPER.
livery stables, of, **17,** 317. *See* LIVERY STABLE-KEEPER.
place of public entertainment, of, liability of, **27,** 423 n.
prison, of, duties of. *See* PRISON OFFICERS.
records and enrolments, of, Land Revenue Office, at, **7,** 137. *See* LAND REVENUE RECORDS AND ENROLMENTS.
restaurant, of, liability of, for guest's goods, **17,** 316 n.
restrictive covenant affecting, **27,** 588
warehouse, of. *See* WAREHOUSE KEEPER.

KEEPING,
betting-house, prohibition of, **9,** 549; **15,** 294
what constitutes, **9,** 550; **15,** 294
disorderly house, offence of, **9,** 541—545; **27,** 422, 423; **18,** 136—138; **21,** 541. *See* DISORDERLY HOUSE.
gaming-house, offence of, **9,** 545; **15,** 289. *See* GAMING-HOUSE.
goods, of, effect of, as to conversion, **27,** 894
house, act of bankruptcy by, **2,** 22, 23

KEEPING—*continued.*
peace, binding over to keep the, **9,** 412—414
security for the keeping of the, **9,** 414; **19,** 633—635
place for music and dancing, what amounts to, **27,** 416

KELANTAN,
administration of, **10,** 524

KENT,
custom of gavelkind in, **11,** 15; **24,** 151—153. *See* GAVELKIND.
juror, relief of, after service at Central Criminal Court, **18,** 265

KEY,
church, of, custody of, **11,** 469
delivery of a, effect of, **15,** 413, 432; **22,** 405
entry by turning, distress, as to, **11,** 164
execution of process, as to, **25,** 813
surrender by handing over of, **18,** 549

KIDNAPPING,
children, of. *See* ABDUCTION.
Pacific Islanders, of, **9,** 527, 528
slaves, of, **9,** 526. *See* SLAVE; SLAVE TRADE; SLAVERY.

KILDERKIN,
contract to deliver, effect of, **28,** 469 n.

KILN,
offence of using, near highway, **27,** 275

KIN,
next of. *See* NEXT OF KIN.

KINDRED. *See* FAMILY; NEXT OF KIN; RELATIONS.

KING. *See also* SOVEREIGN.
absence abroad of, procedure in case of, **7,** 9 n.
action against, immunity from. *See* ACTION.
appearance in court, as to, **7,** 71
arrest
by, **9,** 296
immunity from, **6,** 408, 409; **25,** 817
in presence of the, privilege from, **6,** 409; **25,** 816
ships of King exempted from, **1,** 71; **26,** 533, 560, 561
assault on the, **6,** 358; **9,** 459
Cabinet
meeting, attendance at, of, **7,** 45
relations with, **7,** 44—49
cestui que use, as, **6,** 495
chattels, recovery of, by, **10,** 4. *See* LATIN INFORMATION.
child of, born abroad, nationality of, **1,** 303
Church, as head of, **6,** 391, 392; **7,** 64; **11,** 380—383
member of, **6,** 325; **11,** 381
command of, no justification for illegal act, **6,** 382
compassing death etc. of, treason by, **6,** 346—348; **9,** 451
Consort, Queen. *See* QUEEN, Consort.
copyholder, as, **6,** 494
coronation of, **6,** 326—328
oath of, at, **6,** 324, 338, 339, 373; **11,** 381 n.

KING—*continued.*
corporation sole, is, **6,** 479; **8,** 305
criminal liability, exemption from, of, **6,** 374; **9,** 244
daughters of, provision for, **7,** 271, 272
death of, effect of, **6,** 375; **11,** 30
distress not leviable against, **6,** 409
enemies of the, adherence to, acts constituting, **6,** 349; **9,** 454, 455
estates
belonging to, as to, **6,** 364; **7,** 273—277
vested in, restrictions as to, **6,** 364
estoppel has no application to, **6,** 410; **13,** 403 n.
evidence, when giving, oath of, **13,** 592
execution, not liable to, **6,** 409
executor, appointment as, of, **6,** 495; **14,** 139
full age attained by, when, **17,** 44
incapacity of, procedure in case of, **6,** 376; **7,** 9
income tax, exemption in respect of, **16,** 642
infant as, procedure in case of, **6,** 375; **17,** 55
infants, jurisdiction over, delegation to Lord Chancellor of, **6,** 375, 475; **17,** 47
inhabited house duty in respect of private estate of, **17,** 191
judicial authority, supreme, **6,** 318, 399, 401, 404, 486; **11,** 382
King can do no wrong, application of maxim, **6,** 374, 382; **23,** 307, 308
King never dies, application of maxim, **6,** 325, 375
lands acquired by, vesting of, **7,** 217; **8,** 374
layman, a, **11,** 381 n.
levying war against the, **9,** 452—454
lunatics, care of, **6,** 375, 475
members of family of. *See* ROYAL FAMILY.
minority of, not in legal contemplation, **6,** 364; **17,** 44; **28,** 534 n.
prerogative of, **6,** 371. *See* PREROGATIVE.
regnant, as to, **6,** 363
Royal
Household. *See* ROYAL, Household.
Standard as personal flag of, **6,** 362
Sovereign, cannot create another, **6,** 455, 485
style and titles of, **6,** 360, 361; **7,** 217, 218
tolls, exemption from, **7,** 118; **16,** 64, 65
trustee, as, **6,** 494; **11,** 30
witness, competency as, **9,** 401 n.; **13,** 570 n.
writ will not lie against the, **1,** 17; **7,** 412, 413; **23,** 116

KING'S
Bench. *See* KING'S BENCH.
Bench Division. *See* KING'S BENCH DIVISION.
champion, duties of, at coronation, **6,** 336
chaplain, appointment of, **11,** 652 n.
privilege from arrest of, **11,** 652
coroner and attorney, appointment of, **8,** 229, 230
functions of, **8,** 229
counsel, Chancery Division, in, **2,** 388, 389, 408
initials as acknowledgment of receipt of fee, **2,** 391
juniors, relation to, **2,** 388, 389
fees, as regards, **2,** 406
opening of case, as regards, **2,** 409
precedence of, **2,** 387
retainer of, right to brief under, **2,** 404, 405
right of audience of, **2,** 388
silks, as, **2,** 387
special fee on circuit, **2,** 408
courts, classification of, **9,** 9
harbour-master, duties of, **7,** 90; **28,** 388, 389

KING'S—*continued.*
household, coroner of the, jurisdiction etc. of, **8,** 230, 231
licence, alienation in mortmain made by, **8,** 367; **24,** 330, 331
marshal, certificate of, as evidence, **13,** 476
peace, extent of, **9,** 571
printer, Acts of Parliament and official documents proved by copies printed by the, **13,** 525
printing rights of, **8,** 173; **23,** 226
Proctor, admiralty, in, **1,** 71; **7,** 79
matrimonial causes, in. *See* KING'S PROCTOR (Matrimonial Causes).
Regulations. *See* KING'S REGULATIONS.
Remembrancer. *See* KING'S REMEMBRANCER.
shilling, origin of the, **25,** 19 n.
ship. *See* KING'S SHIP.
speech, opening of Parliament, on, procedure as to, **21,** 696
prorogation of Parliament, on, procedure as to, **21,** 700

KING'S BENCH,
control and supervision of inferior courts by Court of, **9,** 11
error, appeal by proceedings in, **9,** 13
history of Court of, **9,** 52 n.
jurisdiction, original inherent, of, **9,** 52 n.

KING'S BENCH DIVISION,
action in, commencement of, **23,** 99
appeals from and to. *See* APPEAL.
applications in, **23,** 128—130
attachment in, **7,** 308, 310
application for, how made, **14,** 7 n.
costs, as to, **7,** 318
effect of, **7,** 316
personal service necessary, **7,** 314
business assigned to, **9,** 61
cause lists kept in, **23,** 130 n.
chambers, proceedings in, **23,** 126—130. *See* CHAMBERS; JUDGE IN CHAMBERS; MASTER IN CHAMBERS.
committal in, practice as to, **2,** 341; **7,** 310, 316; **17,** 295
constitution of, **9,** 61
counsel, hearing of, in, **2,** 409—414
county court, remission of action to, **8,** 438, 439; **17,** 607; **23,** 151. *See* REMITTED ACTION.
criminal
jurisdiction of, **9,** 55, 266
offences triable in, **9,** 55, 289
Crown side of, proceedings on, **10,** 35—213
certiorari, **10,** 152—213. *See* CERTIORARI (Writ of).
escheat, inquisitions of, **10,** 35—39. *See* INQUISITION.
habeas corpus, **10,** 39—77. *See* HABEAS CORPUS (Writ of).
mandamus, **10,** 77—128. *See* MANDAMUS.
prohibition, **10,** 141—152. *See* PROHIBITION.
quo warranto, **10,** 128—140. *See* QUO WARRANTO.
scire facias, **10,** 35. *See* SCIRE FACIAS (Writ of).
discovery in, before defence, discretion as to allowing, **11,** 50
divisional courts of. *See* DIVISIONAL COURT.
appeals to, from what courts, **8,** 607—615; **9,** 59, 133. *See* APPEAL.
equitable jurisdiction of, **13,** 61—65

KING'S BENCH DIVISION—*continued.*
injunction in, affidavit in support of, practice as to filing, **17,** 280
application for, **17,** 274
dissolution of, application as to, **17,** 297. *See* DISSOLUTION.
interim, granting *ex parte* of, summons to continue order until trial in, **17,** 277
judge in chambers, in. *See* JUDGE IN CHAMBERS.
judges of, number of, **9,** 61
judgment, entry of, in, **18,** 199
jurisdiction of, **9,** 55, 61, 266
Lord Chief Justice as president of, **9,** 61
masters of the, **9,** 66, 67. *See* MASTER IN CHAMBERS.
jurisdiction of, **9,** 67; **23,** 128. *See* MASTER IN CHAMBERS.
motion for judgment in. *See* MOTION.
orders of, as to drawing up of, **18,** 203, 204
petition of right in, **10,** 30. *See* PETITION OF RIGHT.
practice in. *See* PRACTICE AND PROCEDURE.
receivers, appointment of, **24,** 342, 344
revenue side of, proceedings on, **10,** 4—35
diem clausit extremum, **10,** 18; **21,** 61
English information, **10,** 20—26. *See* ENGLISH INFORMATION.
extents, **10,** 14—18. *See* EXTENT.
Latin information, **10,** 4—14. *See* LATIN INFORMATION.
scire facias, **10,** 18, 19
summary proceedings, **10,** 19, 20
summary judgment in, **18,** 190—194; **23,** 134, 135. *See* ORDER XIV.
taxation of costs in the, **26,** 793
trial of action in, proceedings at, **2,** 409—413 **18,** 197; **23,** 171—175

KING'S LYNN,
Guildhall Court of, jurisdiction etc. of, **9,** 179

KING'S PROCTOR (MATRIMONIAL CAUSES),
appearance by, **16,** 555
Attorney-General, direction of, before intervention by, **7,** 79; **16,** 552, 553
bankruptcy petition by, in respect of costs, **2,** 36
costs in case of intervention by, **7,** 79; **16,** 553, 555, 556
recovery of costs by, **16,** 583, 584
security for costs, not liable to give, **16,** 523
discovery of documents, exempt from giving, **11,** 42; **16,** 526
functions of, **7,** 79; **16,** 552—556
intervention by, *decree nisi*, after, **7,** 79; **16,** 552—556
before, **7,** 79; **16,** 552
plea of, **16,** 553

KING'S REGULATIONS,
Army, for the, **25,** 37 *et seq.*
Parliamentary authority for, **25,** 42
power to make, **25,** 37
soldiers bound by, **25,** 42
Church of England chaplains, as to, **11,** 483 n., 649; **25,** 7
Navy, for the, **25,** 5, 11 *et seq.*
courts-martial, as to, **25,** 11 *et seq.*
navigation of King's ships, as to, **26,** 408, 449
right to reproduce, **8,** 173 n.

KING'S REMEMBRANCER,
conveyance under writs of extent by, **10,** 16
department of, **10,** 4
affidavits, filing of, in, **13,** 629 n.
duties of, pyx, at trial of the, **6,** 469—472
Supreme Court, in, fines imposed, as to, **25,** 823
recognisances forfeited, as to, **25,** 823
senior master of King's Bench Division as, **9,** 66

KING'S SHIP,
defined, **25,** 4, 97 n.; **26,** 375 n.
action *in rem* inapplicable to, **1,** 71; **26,** 560
Board of Trade tug not a, **26,** 375 n.
coaling transport included in term, **25,** 97 n.; **26,** 375 n.
consular officer's duty in respect of, **6,** 436
entering, Official Secrets Act, contrary to, **7,** 31; **9,** 480
keeping of returns of births and deaths on, **24,** 436, 437, 458
liability, captain, of, for negligence of lieutenant, **26,** 525 n.
collision, for, **1,** 71; **26,** 408, 533
marriage on, **6,** 260; **25,** 98
proof of, **19,** 314
registers relating to, keeping of, **24,** 436, 437, 454
navigation of, regulations for, **26,** 408, 449
registration of, Merchant Shipping Acts, under, **25,** 4; **26,** 16
salvage by, claims for, **1,** 75, 76; **26,** 569
setting fire to, **9,** 773

KINGS OF ARMS,
functions etc. of, **21,** 353; **22,** 288

KINGSTON-ON-THAMES,
local courts of, jurisdiction etc. of, **9,** 170

KINGSTON-UPON-HULL,
lease of lands in, registration of, **18,** 401
local courts of, **9,** 169

KINSMAN. *See* NEXT OF KIN.

KIRBY-IN-KENDAL,
local court of, **9,** 171

KITCHEN AND REFRESHMENT ROOMS COMMITTEE,
House of Commons, appointment by, of, **21,** 685

KITE,
flying, offence of, **27,** 284, 287

KNACKER. *See* KNACKER'S YARD.
defined, **23,** 56 n., 565
establishment in London, restrictions as to, **23,** 565
licence of, **1,** 412, 413; **23,** 553, 558
cancellation of, **23,** 558
duration of, **23,** 558
grant of, **23,** 558
name to be fixed on premises by licensee, **23,** 559
offences by, penalties for, **23,** 561—563
register of animals to be kept by, **23,** 561
registration of premises of, **23,** 553, 554

KNACKER'S YARD. *See* KNACKER.
defined, **23,** 558, 569 n.
arrest of suspected persons bringing animals to, **23,** 560
attendance of inspector at, on notice by occupier, **23,** 559
bye-laws as to, enforcement by metropolitan borough councils, **20,** 406
local authority, by, **1,** 23, 556
constable, powers of, with regard to, **23,** 560
felonies relating to, **23,** 561
hides, destruction or concealment of, misdemeanour, **23,** 561
horses, sound or useful, penalty for killing, **23,** 561
inspection of, constable, by, **23,** 560
entries in book, **23,** 560
local authority, by, **1,** 412, 413; **23,** 559
licence for, **1,** 412, 413; **23,** 558, 568, 569. *See* KNACKER.
penalties in respect of keeping, **23,** 559, 560
prohibition by inspector of slaughter, **23,** 560
register of licences of, provision for keeping, **23,** 558
urban districts, in, **23,** 554
seizure of animals suspected to have been stolen, **23,** 560
time for killing or flaying at, **23,** 561

KNIGHT SERVICE,
abolition of, by statute, **24,** 148
conversion of ,into socage tenure, **24,** 147, 148
grand serjeanty, distinguished from, **6,** 328
tenure in chivalry by, form of, **24,** 140

KNIGHT'S FEE, 7, 150, 151; **24,** 140 n.

KNIGHTHOOD,
bachelor, order of knights, **22,** 287
creation of, **6,** 455; **22,** 285, 286
dignity of, **22,** 285, 286
Garter, of, precedence of, **22,** 286
garter and collar of, are heirlooms, **24,** 240
Lord-Lieutenant of Ireland, authority of, to confer, **22,** 286, 287
oath on assuming dignity of, **7,** 25
orders of, **22,** 286, 287
right of holder of dignity of, to prefix of Sir, **22,** 285

KNOCK-OUT,
at auction, **1,** 512

KNOWLEDGE. *See also* IGNORANCE; INFORMATION; NOTICE; SCIENTER.
acquiescence, necessary to constitute, **13,** 167, 169, 170, 396 n.
agent, of, animal, as to vicious disposition of, **1,** 373
estoppel by reason of, **1,** 215, 216; **13,** 386; **17,** 570
fire insurance, as to, **17,** 533
interrogatories answered having regard to, **11,** 108
life insurance, as to, **17,** 549
marine insurance, as to, **17,** 407
principal, is knowledge of, **1,** 373; **13,** 84, 85, 385, 386; **25,** 496
bankruptcy, of, marriage settlement, effect on, **15,** 82
carnal. *See* CARNAL KNOWLEDGE; RAPE; SEDUCTION.

KNOWLEDGE—*continued.*
contributory negligence, as affecting doctrine of, **21,** 449, 450
conversion, immaterial to, **27,** 889
creditor, of, as to intending surety, effect of, **15,** 506
defects, of, acquiescence, does not imply, **3,** 204; **13,** 170 n.
goods, in, of buyer, effect as regards warranty, **25,** 164
title, of, by purchaser, effect of, **25,** 301, 465
evidence of, **13,** 84, 88, 448, 453. *See* NOTICE.
food, unwholesome, as to giving of, **15,** 35, 39, 84
food and drug offences, in case of, materiality of, **15,** 17, 18, 19 n., 20 n.
gaming or betting, suffering or permitting, in case of, **15,** 291
gift, dangerous nature, of, **15,** 427
not necessary for passing property to donee, **15,** 418
guarantor, of, presumption as to, **15,** 444 n.
inference of, examples of, **13,** 448
insurer, of, presumption as to, **15,** 444 n.
subsequent acceptance of premiums, estoppel where, **13,** 388
interrogatories to be answered in accordance with, **11,** 108
medical practitioner, of, degree required, **20,** 332
implied undertaking as to, **20,** 330, 331
mistake known to one party but not disclosed to the other, effect of, **25,** 485
nature of, conveyed to public mind, importance of, as to validity of patent, **22,** 148, 149
negligence, as affecting, **21,** 361, 362
patent, validity of, as affecting, **22,** 142, 146—149
prior publication, **22,** 146
public access to, what may be, **22,** 146
quantum imparted, when sufficient, **22,** 148, 149
pernicious, gift for disseminating, **4,** 123
pleading, allegation in, of, **22,** 427
presumed, of rights, **13,** 170 n.
principal, of, agreement of agent without, effect of, **25,** 489 n.
ratification as affected by want of, **15,** 113, 114
representee, of, **20,** 726, 727, 747
sale of goods, in case of, unfitness, of, **15,** 4 n.
warranty, effect as regards, **25,** 164
salvor's duty to show reasonable degree of, **26,** 577
settlor, of, in case of self-protective settlement, importance of, **25,** 568, 569
sheriff's officer, of, in notice to sheriff, **25,** 830
surety, of, as to irregularities of creditor, **15,** 549
effect of, **15,** 556, 560
trade names, as to infringement of, **27,** 745
underwriter, of, effect of, **17,** 405, 410, 411
undue influence, as affecting, **15,** 420
will, setting aside of probate of, on ground of want of, **14,** 178
withholding, amounts to fraud, when, **13,** 24

KNOWN CHANNEL,
defined channel, distinguished from, **28,** 424
water flowing in, rights of riparian owner, **28,** 424, 425

LABEL,
acid, when to be labelled poisonous, **20,** 385
coffee mixtures, for, **15,** 63

LABEL—*continued.*
food or drugs, adulteration, notice of, by means of, **15,** 24
contents of label, when a sufficient notice of mixture, **15,** 24
false description by label, a distinct offence, **15,** 25
injurious abstraction, notice of, by means of, **15,** 23
injurious to health, notice when adulteration is, effect of, **15,** 18
inner label, notice on, insufficiency of, **15,** 25 n.
warranty on label, as a defence, **15,** 27
infringement of, fraud not necessary, **27,** 710
margarine, on, rules as to, **15,** 56, 58
milk imported in impoverished state, on, **15,** 65, 66
passing off by imitation of, **27,** 765, 767
order for delivery up of labels, **27,** 772
proprietary medicines, duty paid on, by means of, **20,** 380; **24,** 619
exemptions from duty, **20,** 378, 379; **24,** 619, 620
offences in regard to, **20,** 380, 381
rates of duty, **20,** 377 n., 378 n.; **24,** 619 n.
trade mark, placing word, on, so as to deceive, effect of, **27,** 716 n.

LABOUR. *See* EMPLOYMENT; WORK.
The title WORK AND LABOUR *is contained in Vol. XXVIII., pp.* 857 *et seq.*
casual. *See* CASUAL, employment.
coal mines, in, hours and conditions of, **20,** 594
contract for, **28,** 860—874. *See* WORK AND LABOUR.
contribution by third party as affecting partnership, **22,** 6
disputes. *See* DISPUTE, employer and workman; LOCK-OUT; PICKETING; STRIKE.
exchange. *See* LABOUR EXCHANGE.
hard. *See* HARD LABOUR.
lien acquired by, **1,** 547
market, state of, as factor in workmen's compensation, **20,** 232
troubles about. *See* DISPUTE, employer and workman; LOCK-OUT; PICKETING; STRIKE.
workhouses, in, provision for, **22,** 561

LABOUR EXCHANGE,
defined, **20,** 407; **28,** 878
arrangements with employers as to contributions with, **28,** 895, 896
authorities which may establish and maintain, **28,** 880
Board of Trade, powers of, as to, **27,** 513; **28,** 878
employer's duties relating to health insurance, assumption of, by, **28,** 917
unemployment insurance duties, performance by, **28,** 896
establishment of, **28,** 878
metropolitan boroughs, by, **20,** 407; **28,** 880
false statement to obtain work from, **28,** 879
juvenile applicants, regulations for, **28,** 879 n.
object of, **28,** 878
regulations as to, power of Board of Trade to make, **28,** 878, 879
travelling expenses advanced to workpeople, **28,** 879

LABOURER. *See also* WORKMAN.
agreement for hire of, not liable to stamp duty, **20,** 78
bankruptcy, preferential claim of, in, **2,** 218
companies, preferential claim of, in winding-up, **5,** 517
cottage, erection of, for, improvement to land, as, **18,** 286
franchise qualification of, **12,** 168 n.
small holdings and small dwellings of, **26,** 680—692. *See* SMALL HOLDING.

LABOURERS' DWELLINGS,
acquisition of, for public purposes, Local Government Board consent to, **12,** 569

LACE,
carrier, liability of, as to, **4,** 23, 24
factories, employment of males above sixteen in, **14,** 504
rating of machinery taken into account in, **24,** 29
merchant, restraint of trade of, **27,** 587 n.
wages, regulation of rates, **27,** 518 n.
warehouses, *defined,* **14,** 440

LACHES,
account, defence to partner's action for, **22,** 72
re-opening of, effect as to, where fraud recently discovered, **13,** 171 n.
acquiescence, chiefly constituted by, **13,** 169
annuity, recovery of arrears, effect on, **24,** 526
Attorney-General, by, **27,** 191 n., 195 n.
bar to relief by, **13,** 168—174
breach of trust, as bar to proceedings for, **13,** 172; **28,** 202
cancellation of document, as a defence to action for, **13,** 53
change of defendant's position, as affected by, **13,** 169, 171, 174
class, by, less readily imputed, **13,** 169 n.
company, claim by, director in respect of acts *ultra vires,* against, **13,** 169 n., 172 n.
transferor of shares to infant, against, **17,** 61
compromise of action, setting aside, affected by, **23,** 169
conduct of plaintiff amounting to, **13,** 169, 170
confidential relationship, in enforcing remedy in case of, **15,** 114
considerations upon which doctrine founded, **13,** 169
conveyance, claim to set aside, circumstances considered, **13,** 171
impeachable by reason of position of parties, with regard to, **15,** 114
creditor, of, effect on surety's liability of, **15,** 558—561. *See* SURETY.
delay alone may constitute, **13,** 171
disability, effect of, **13,** 170
divorce proceedings, in bringing, **16,** 492
doctrine of, application of, **13,** 172
dower, right to, barred by, **24,** 197
equitable defence of, **13,** 168—174
equitable relief, grant of, notwithstanding, **13,** 49
refusal of, on ground of, **13,** 168—174
expenditure by defendant allowed by plaintiff knowingly, **13,** 171
family arrangements, on setting aside of, **14,** 543
fidelity of another person, if entitled to rely on, not bound to inquire until suspicious, **13,** 171

LACHES—*continued.*
following assets barred by, **13,** 173
fraud, in case of, **13,** 171, 175 n.
fraudulent conveyance, in case of, **15,** 89
gift, avoidance of, how far a bar to, **13,** 174; **15,** 420, 421
guardian and ward, as to claims between, **13,** 172
infant not barred by, **13,** 170; **17,** 62
injunction, how far a bar to relief by, **13,** 169; **17,** 210, 211
breach of covenant, in case of, **17,** 248, 249
copyright, in case of infringement of, **8,** 166
interlocutory, **13,** 169; **17,** 210, 221
mandatory, **17,** 216, 217, 248
nuisance on highway, in case of, **16,** 159
waste, to prevent, **17,** 233
King, by, **6,** 374—410; **15,** 560
knowledge of right presumed where the facts are known, **13,** 170 n.
lease, in applying for, when possession under agreement, **13,** 174 n.
legal right, no bar to, unless abandonment can be shown, **20,** 514
letters without prejudice as excusing, **13,** 558
lien, maritime, as affecting rights on, **1,** 72; **26,** 580
lunacy, during, no acquiescence can be imputed, **13,** 170
married woman, in case of, **13,** 170
matrimonial causes, in, **16,** 491—493
mining property, as to rights under, **20,** 513, 514, 548, 549
misrepresentation, when defence to action for, **5,** 135; **13,** 174 n.; **20,** 752
mistake, money paid under, in case of, **21,** 31
until discovered or reasonable means of doing so, no bar, **13,** 170 n.; **21,** 28, 438
mortgagee, claim by, to follow assets, how affected by, **13,** 173
right to foreclosure lost by, **21,** 300
sale by, claim to set aside, how affected by, **13,** 173; **21,** 254
nature of, **13,** 169; **15,** 558—561
notice to treat, effect on, **6,** 68
officer of court, of, **15,** 560
partner, claim to share of profits by, effect on, **13,** 173; **22,** 63
defence to action for account by, **22,** 72
person entitled must be first ascertained, **13,** 170
poverty may be taken into consideration, **13,** 170; **16,** 492
probate or letters of administration, in obtaining, necessity for certificate of delay, **14,** 169
proof in solemn form, when right to, barred by, **14,** 174
prompt action required, where, a bar, **13,** 173 n.
receiver, refusal of, on ground of, **24,** 358
rectification, as bar to, mistake, in case of, **21,** 27
share register of company, of, **5,** 155
relief given in equity in respect of, when, **13,** 154
remainderman, not imputed to, until interest falls into possession, **13,** 170
omission to have fund secured, **13,** 170 n.
rescission, proceedings for, effect on, **13,** 174; **20,** 752
resistance, means of, lost through, **13,** 171
reversion, claim to set aside sale of, how affected by, **13,** 173, 174
shares, contract to take, claim for
rectification of register, **5,** 155
rescission, **5,** 131; **13,** 174

LACHES—*continued.*
sheriff, of, in interpleading, **17,** 600 n.
specific performance, a bar to, **6,** 206 ; **13,** 174 ; **25,** 408 ; **27,** 6
constructive abandonment of contract, as, **27,** 69, 70
lessee in possession, at suit of, **13,** 174 n. ; **18,** 380
marriage settlement, of, after death of husband, **25,** 547
mutuality as affected by, **27,** 11
negotiations prolonged no bar to, **20,** 548
waiver, as, **27,** 67
stale demands refused, **13,** 168
standing by while money spent, **13,** 171
statutory bar, no defence where there is, **13,** 168
sureties, affecting, **15,** 558—561
tenant for life, recoupment of deficiency of income out of existing fund, no bar to, **13,** 173 n.
trust, breach of, effect in a case of, **13,** 172 ; **28,** 200—202
cestui que trust, acquiescence by, **13,** 170, 172
constructive, relief after long acquiescence refused, **13,** 173
express, time apart from statute is no bar, **13,** 172
mining property, of, after long time and much expenditure, **13,** 174 n.
trustee, claims against, to set aside sales, **13,** 173 ; **28,** 170
improper sale by, property passed through various hands, reason for non-interference, **13,** 171
undue influence, in case of, **13,** 170 ; **15,** 114
waiver, evidence of, **13,** 165 n.

LADDER,
conveyance of, in Metropolis, regulation of, **27,** 272
metalliferous mines, in, regulations as to, **20,** 631
overturning of, with person on, an assault, **27,** 873 n., 877 n.

LADIES OF THE BEDCHAMBER,
change of Ministry as affecting, **7,** 107

LADY TEACHERS,
support of homes for, **4,** 110

LAGAN. *See* LIGAN.

LAITY,
punishment of, by ecclesiastical courts, **11,** 482 n.

LAKE,
access to, right of, riparian owner, of, **28,** 393
boundary line of land bounded by, **3,** 120
fisheries in, right of ownership of, as to, **14,** 581, 582
fishing in, inland, non-tidal, rights of Crown as to, **14,** 581
navigable, public, rights of, as to, **14,** 582
ownership of rights of, **14,** 581
right of, presumption as to, **14,** 582
ownership of, evidence as to, **13,** 452
soil of, principles applied, **28,** 399
public navigation rights in, collision regulations made by Orders in Council, **28,** 399, 400
creation of, **28,** 399
sewage, discharge of, into, **25,** 740

LAMBETH
conference, **11,** 360 n., 485 n., 486 n.
degrees, **11,** 387
leases in, granted by Duke of Cornwall, **7,** 253
quadrilateral, *defined*, **11,** 486 n.

LAMMAS LANDS,
defined, **4,** 477
balks and driftways in, whether part of the waste, **4,** 479
common of pasture over, number of animals, **4,** 477
persons entitled to, **4,** 477
when exercisable, **4,** 477 n., 478
division of, by balks and driftways, **4,** 479
inclosure of, **4,** 541, 542
lot meadows in, **4,** 478
shifting severalties in, **4,** 478
tithe rentcharge on, **11,** 752

LAMP,
church, in, bequest for, **4,** 122
coal mines, in, special rules, **20,** 621
safety, inspection of, **20,** 614, 615
cyclist to carry, **27,** 335
electric, brackets attached to buildings, provisions as to, **12,** 639, 642
public, charges in respect of, **12,** 639
erection of, **12,** 573, 574
supply of energy to, **12,** 592, 594
wilful extinguishing etc. of, **12,** 613 ; **27,** 284
gas, accidental injury to, **15,** 355 **16,** 123
extinguishing public, penalty for, **15,** 355 ; **27,** 284
governors for street lamps, supply of, **15,** 343
supply to, provision for, **15,** 342, 343, 385
undertaking, provision by, of, **15,** 325 n., 326, 329
wilful injury of, **12,** 613 ; **15,** 355 ; **27,** 284
overhanging metropolitan street, **16,** 207
public, **15,** 343. *See* electric ; gas, *supra*.
vesting of property in, **16,** 123

LAMP POSTS,
erection of, **12,** 642, 643 ; **15,** 308, 309. *See* LAMP.
gas undertaking, provision by, of, **15,** 325 n., 326
injuring, **12,** 613 ; **15,** 355
public, provision of, **15,** 385
vesting of property in, **16,** 123

LAMPERNS,
close season as to, provisions relating to, **14,** 616

LANCASHIRE,
bridges, expenses of maintenance of, in, **24,** 77
roads, cost of repairing, in, **16,** 125

LANCASTER,
County Palatine of. *See* LANCASTER, COUNTY PALATINE OF.
Duchy Chamber of. *See* LANCASTER, DUCHY CHAMBER OF.
Duchy of. *See* LANCASTER, DUCHY OF.
Duke of. *See* DUKE OF LANCASTER.
sheriffs for, appointment of, **25,** 794

LANCASTER, COUNTY PALATINE OF,
Chancery Court in, **9,** 120—124
appeals from, **5,** 550 ; **9,** 63, 122
building society, jurisdiction in respect of, **3,** 395
company, jurisdiction over, **5,** 392
constitution of, **9,** 120, 121
court of record, as, **9,** 9, 11
guardians, appointment of, by, **17,** 125 n.
injunctions restraining pending proceedings in, **17,** 261
judgments of, powers of enforcement of, **14,** 128
jurisdiction of, **9,** 121, 122 ; **27,** 743
lunacy, in, **9,** 122 n.
partition, in, **21,** 835
partnership of, as to, **22,** 89
patents, as to, **9,** 122
jury, summoning of, to, **9,** 122 ; **18,** 237 n.
lease, settled estates, of, **25,** 677 n.
renewal of infant's lease, power as to, **17,** 98
rules of, **9,** 123
Settled Land Acts, exercise of powers under, by, **25,** 633
vesting order on behalf of infant trustee, **17,** 83
Court of Pleas of, transfer of jurisdiction of, **9,** 53, 171
distinguished from Duchy, **7,** 218, 219
Chancellor of, **9,** 123
history of, **7,** 217
land outside, **7,** 219
officers of, income tax commissioners, as, **16,** 615
registration of lands of, **7,** 177
revenues of, **7,** 217—238 *See* LANCASTER, DUCHY OF.
seal of, **6,** 477, 493 ; **7,** 219
stamp on grant by, **6,** 493
wreck in, rights as to, **28,** 379

LANCASTER, DUCHY CHAMBER OF,
court of, jurisdiction of, **8,** 401 ; **9,** 120
situation of, **7,** 218

LANCASTER, DUCHY OF,
accounts of, **7,** 220
actions and suits relating to, prerogative rights in, **6,** 413 ; **7,** 76 n.
advowson, seal to pass, **7,** 219 n. ; **11,** 596 n.
usurpation of, **7,** 218
afforestation in, **7,** 227
Agricultural Holdings Acts, application of, **1,** 268, 270 ; **7,** 235, 236
allotments, expenses of improvements on, **7,** 230
sale for, **1,** 345
annexation of lands, **7,** 220
Attorney-General of, appointment and powers of, **7,** 76, 217
Crown represented by, **6,** 413 ; **7,** 220 n. ; **9,** 121, 124
information by, **7,** 76 ; **10,** 5 n., 21 ; **19,** 557 n.
intestacy, action in case of, **7,** 236
auditor, appointment and duties of, **7,** 220 n.
bank annuities, power to sell, for improvements, **7,** 229
Board of Agriculture, reference of dispute to, **7,** 226 ; **8,** 133
bona vacantia in, **7,** 217 n. ; **11,** 31

LANCASTER, DUCHY OF—*continued.*
burial ground or cemetery, grant for, **3,** 435, 437, 438
chamber of, **7,** 218 ; **8,** 401 ; **9,** 120
Chancellor and Council, general duties and powers of, **7,** 219—230, 233—238
Chancellor of, creation of office of, **7,** 217
ministry as including, **7,** 37
oath of allegiance required from, **7,** 24 n.
charge on lands, discharge of mortgage, after, **7,** 234
satisfaction of, out of purchase-money, **7,** 230
charter under seal of, cancellation of, **8,** 401
church or chapel, grants for, **7,** 223, 224, 228 n. ; **11,** 723
churchyard, grant for, **3,** 435 ; **7,** 223, 224
commission of sewers, direction of, **7,** 237
commons, inclosure of, **4,** 554 n. ; **7,** 199
prescription for rights of, **6,** 485 ; **11,** 345
regulation of, consent to, **4,** 611
conveyance by or to, forms of, **7,** 221, 235
coparcenary, manor held in, **8,** 133
Copyhold Act, 1894, application of, **7,** 197, 236
copyholds in, **7,** 148 n., 197. *See* enfranchisement, *infra.*
coroners in, appointment of, **8,** 216, 234
removal of, **8,** 228, 251
corporation, power to create, **7,** 219 n.
county court judges in, appointment of, **7,** 61 ; **8,** 414
County Palatine distinguished from, **7,** 218, 219
land outside, escheat of, **7,** 219
property within or without, powers as to, **7,** 220
courts of, **7,** 218 ; **8,** 401 ; **9,** 120
creation and history of, **7,** 217, 218
cursitor of, **7,** 220 n. ; **9,** 124
disability, agreement with persons under, **7,** 234
division and inclosure, expenses of, **7,** 229, 230
easements, grant of, **7,** 197
prescription for, **6,** 485
ecclesiastical patronage of, **11,** 570, 575, 576, 584, 596 n.
enfranchisement of copyholds in, contract for, **7,** 224, 225
dispute as to consideration, **7,** 226 ; **8,** 133
enrolment of, **7,** 238
expenses charged by tenant for life on land, **7,** 225
fees on, **7,** 226
leases, protection of, **7,** 225
payment and application of purchase-money on, **7,** 228, 230
powers of, **7,** 222 ; **8,** 133
stamp duty on, **7,** 226
tenant for life, by, **7,** 225, 226
enrolment, certificate of, **7,** 224
grants of land for ecclesiastical purposes, of, **7,** 223, 224
instruments affecting land, **7,** 238 ; **25,** 441
proof of original document after, **7,** 238
sale, on, **25,** 441
time for, **7,** 221, 238 ; **25,** 441
escheat, land within Duchy, of, **7,** 219 ; **11,** 26
procedure in, **10,** 37—39
exchange, enrolment of, **7,** 238
payment for equality of, **7,** 227
powers of, **7,** 222, 226, 227
survey on, **7,** 226
extent of, **7,** 218
fairs or markets, powers as to, **7,** 219 n.

LANCASTER, DUCHY OF—*continued.*
fee farm grants and rents, **7,** 148 n., 224, 227, 230
ferries, sale of, **7,** 223
fines, right to, **7,** 219
fisheries, sale of, **7,** 223
foreshore abutting on lands of, disputed claims to, settlement of, **7,** 144
protection of Crown rights on application for registration of title to, **7,** 113, 177
title to, **28,** 364
forest rights within, sale of, **7,** 223
gamekeeper, purchaser's power to appoint, **7,** 223 n.
glebe, grant for, **7,** 224
grants by, ecclesiastical purposes, for, **7,** 223, 224, 228 n.; **11,** 723
formalities for, **7,** 219, 221
seal for, **6,** 477; **7,** 219
improvement, consent required before making, **7,** 236
payment of expenses of, **7,** 229, 230
inclosure of land in, **7,** 199
information in High Court, proceeding by, **7,** 77; **10,** 4, 21; **19,** 557 n.
intestacy, practice as to, **7,** 236; **14,** 187, 193
investments, powers to make, **7,** 228—230, 231 n.
sale of, **7,** 229
transfer of, **7,** 228, 229
justices of the peace, appointment of, **6,** 401 n.; **9,** 121 n.
King's Field or Fee in Derbyshire as part of, **20,** 639
King's privilege in regard to, **7,** 217, 218; **28,** 364 n.
land tax redemption, contract for, **7,** 228
powers in respect of, **7,** 237; **18,** 322
sale for, **7,** 222
lease, building purposes, for, **7,** 231, 232
counterpart lease, provision for, **7,** 232
enfranchised land, in case of, **7,** 225
enrolment of, **7,** 238
fine or premium on, **7,** 232
gardens, yards, and curtilages, for, **7,** 231, 233
grant of, **7,** 231—234
protection of, on enfranchisement, **7,** 225
re-entry, right of, **6,** 496
renewal of, **7,** 233, 234
repairing or rebuilding, **7,** 231, 232
reversion or expectancy, in, **7,** 231, 232
small holdings or allotments, for, **7,** 234; **26,** 679
tenant for life of enfranchised land, by, **7,** 225
lessee, liability of, when land tax redeemed, **7,** 229
payment of mortgage interest by, **7,** 234
protection of, **7,** 221
light, prescriptive right to, **6,** 485
literary and scientific institutions, grant to, **7,** 222; **19,** 200
magistrates, removal of, **19,** 557 n.
management of lands and revenues, **7,** 219, 220
manors, enfranchisement in, **8,** 129, 133
power to hold, **8,** 3, 4
sale of manorial rights, **7,** 223
markets, sale of stalls in, **7,** 223
military purposes, lands for, **7,** 202, 222, 234, 237
mills, sale of, **7,** 223
mines and minerals, sale of, **7,** 222
minority of King, grants during, **7,** 218, 273

LANCASTER, DUCHY OF—*continued.*
mortgage of land in, agreements for discharge of, **7,** 234
charge of money for satisfaction of, **7,** 234
distraint for interest payable as rent, **7,** 234
interest on, payment by lessee, **7,** 234
officers of, **7,** 220 n.; **9,** 124
Postmaster-General, sale to, **7,** 222; **22,** 636
powers and privileges, demise of, **7,** 233
prerogative rights in, **6,** 413; **7,** 218, 273; **28,** 364 n.
prescriptive claim in respect of land of, **6,** 485; **11,** 345
purchase of lands by, **7,** 234, 235
rates and taxes in, **7,** 237
Receiver-General, appointment and duties of, **7,** 220—223, 228; **18,** 322; **26,** 553
receipt for purchase-money, **7,** 228
registration of title to lands in, **7,** 113, 177
rents, abatement of, **7,** 233 n.
payment of, **7,** 220
purchase-money from sale of, application of, **7,** 230
reservation by leases, **7,** 231—233
sale of, **7,** 224, 230
residence of ministers, grants for, **7,** 224
revenues of, annual, payment out of, **7,** 236
exception from surrender by Crown, **7,** 110
payment of, **7,** 22
possession of, **7,** 218
powers in respect of, **7,** 217—238
reverter, right of, **7,** 222
sale by, allotments, for, **1,** 345
assurance on, enrolment of, **25,** 441
form of, **7,** 221
castle or gaol property, of, **7,** 223
court houses, of, **7,** 223
Defence Acts, for purposes of, **7,** 222
intermixed property, of, **7,** 223
local sanitary authority, to, **7,** 221
powers of, **7,** 221
Public Health Act, for purposes of, **7,** 221
purchase-money, payment and application of, **7,** 221, 223, 228, 230
redemption of land tax, for, **7,** 222
remote property, of, **7,** 223
rents, of, **7,** 224, 230
tithes, of, **7,** 223
undivided share, of, **7,** 223
seal of, **6,** 477; **7,** 219; **8,** 401
Secretary of State for War, sale to, **7,** 222
vesting of lands in, **7,** 202
small holdings, lease or sale of land for, **7,** 234; **26,** 679
solicitor to, appointment and duties of, **7,** 77 n., 220 n., 236; **14,** 187, 193
stalls in fairs and markets, sale of, **7,** 223
statutes applicable to, **7,** 235—237
stipendiary magistrates, appointment of, **19,** 546 n.
Surveyor-General of, duties of, **7,** 226
tenant's liability for waste, **7,** 231, 232
timber, allowance to lessees, **7,** 227, 228
sale to owners in fee farm, **7,** 227
tithes, power to sell, **7,** 222, 223
title of Sovereign to, **7,** 217, 218
tolls, sale of, **7,** 223
Town Gardens Protection Act, 1863, application of, **7,** 208
Treasury, control by, **7,** 220, 222, 223

LANCASTER, DUCHY OF—*continued.*
underlessee, liability of, for land tax redeemed, **7,** 229
Vice-Chancellor, appointment, duties, and powers of, **7,** 220 ; **9,** 122, 124
waste, sale of, **7,** 220, 223
wreck, title to, **7,** 212 ; **26,** 552, 553

LAND. *See also* IMMOVABLES ; REAL PROPERTY ; SOIL.
defined, **20,** 504 ; **24,** 156, 157
Accumulations Act, 1892, for purpose of, **22,** 374
assurances, for purpose of, **18,** 411, 412
Conveyancing Act, 1881, in, **24,** 157
Fines and Recoveries Act, by, **24,** 468
increment value duty, for purpose of, **24,** 549
Inheritance Act, 1833, in, **11,** 3 n.
Interpretation Act, 1889, in, **11,** 7 n. ; **24,** 157 ; **27,** 128
Judgments Act, 1864, for purpose of, **14,** 71
Lands Clauses Acts, for purpose of, **6,** 15 ; **24,** 157
leases, for purpose of, **18,** 340, 411, 412
lighting rate, for purpose of, **24,** 100
Mortmain and Charitable Uses Acts, in, **4,** 124, 125 ; **24,** 157
Post Office Act, 1908, for purpose of, **22,** 634 n.
Public Health Acts, for purpose of, **23,** 428 n. ; **25,** 731 n.
Real Property Limitation Acts, under, **19,** 106
redemption of land tax, for purpose of, **18,** 329
Settled Land Acts, in, **24,** 157 ; **25,** 625
Telegraph Acts, for purpose of, **27,** 351
Waterworks Clauses Act, 1847, in, **28,** 275 n.
Yorkshire Registries Acts, in, **24,** 304 n.
abstract of title to. *See* ABSTRACT OF TITLE.
access to. *See* ACCESS.
accretion to. *See* ACCRETION.
accumulation of income for purchase of, **22,** 371—375
acquisition of. *See* ACQUISITION OF LAND.
advowson included in term, when, **4,** 125 n. ; **11,** 3 n., 564 n. ; **19,** 106 ; **28,** 703, 704
agent. *See* LAND AGENT.
agent's powers to execute deeds relating to, **1,** 154, 155
agricultural. *See* AGRICULTURAL LAND.
air, right to passage of, over neighbour's, **11,** 326 ; **20,** 592
aircraft, trespass by passage of, **27,** 848 n.
alienation of. *See* ALIENATION ; ASSURANCE ; CONVEYANCE OF LAND ; GRANT.
allodial, **24,** 138 n.
allotments, for, **1,** 331—361. *See* ALLOTMENT OF LAND.
alluvion, formation by, **3,** 119, 120 ; **7,** 116 ; **28,** 362. *See* ACCRETION.
annuity charged on. *See* ANNUITY.
arable land, originally restricted to, **24,** 156 n.
assets for payment of debts, as, **13,** 34, 35 ; **14,** 245, 246
assurance of, **24,** 286—308, 318. *See* ASSURANCE ; CONVEYANCE OF LAND ; GRANT.
bargain and sale, by, **10,** 364 ; **24,** 293
capacity to make, **24,** 298
common law, at, **10,** 361 ; **24,** 290—293
corporation, to, **8,** 367—371 ; **11,** 773, 774 ; **24,** 166 n.
deed of grant, by, **24,** 294. *See* GRANT.

LAND—*continued.*
assurance of—*continued.*
exchange, by, **24,** 295—297. *See* EXCHANGE OF LAND.
form and contents of, **24,** 301 ; **25,** 413—415, 421—433
lease and release, by, **24,** 294
parties to, **25,** 415—421
statute, under, **24,** 293 ; **25,** 414
auction of, **25,** 289
auctioneer's authority, conditions of sale, as to, **1,** 509
contract, to sign, **1,** 504
deposit, to receive, **1,** 503
purchase-money, in regard to, **1,** 503
conditions of sale, **1,** 509 ; **25,** 319—341. *See* CONDITIONS OF SALE.
description of property, **25,** 318, 319
conditions as to, **25,** 328—332. *See* MISDESCRIPTION.
lots, sale in, **25,** 337, 349, 431. *See* LOTS, SALE IN.
baronetcy as, under Settled Land Acts, **22,** 283 n.
Bedford Level, in, registration of deeds affecting. *See* BEDFORD LEVEL.
boundaries of. *See* BOUNDARIES.
buildings as, **18,** 340, 412 ; **23,** 428 n. ; **24,** 157, 304 n.
canal included in definition of, **24,** 100
certificate. *See* LAND CERTIFICATE.
charge on. *See* LAND CHARGE.
acknowledgment under statutes of limitation in respect of, **19,** 92—96, 103, 104. *See* ACKNOWLEDGMENT UNDER STATUTES OF LIMITATION.
agreement for, when no lien arises in respect of, **19,** 25
Crown debt as, **14,** 70 ; **21,** 346
deceased person, of, whether payable out of rest of estate, **14,** 288—290 ; **21,** 302
discharge out of capital money of settlement, **25,** 646
equitable mortgage, by. *See* EQUITABLE MORTGAGE.
interest on, **21,** 115 n. ; **23,** 84, 85
judgment, when, **14,** 70, 72 n. ; **18,** 220, 221
enforcement of, **13,** 93 n. ; **18,** 220
land tax, is subject to, **18,** 309
redemption, in respect of, **18,** 325, 326
limitation of actions in respect of, **19,** 77, 82 *et seq.* *See* MONEY CHARGED ON LAND.
matters relating to, assignment to Chancery Division, **13,** 61
merger of, **21,** 318—326. *See* MERGER.
mortgage, by way of. *See* MORTGAGE.
registered. *See* REGISTERED CHARGE ON REGISTERED LAND.
registration of, **18,** 297 ; **21,** 346 ; **25,** 360, 361
road, cost of making, raised by, **18,** 285
specifically devised, when presumption against, **14,** 291
unascertained, on, effect of, **13,** 93
charitable purposes, for. *See* CHARITY.
chattels in relation to. *See* CHATTELS, land.
coal mines included in property other than, for purpose of lighting rate, **24,** 100
colleges, rights and powers of. *See* COLLEGE.
Commissioners. *See* LAND COMMISSIONERS.

LAND—*continued.*
common and commonable, **4,** 473—482. *See* COMMON.
company, limit of holding by, **4,** 138; **5,** 78, 79, 334, 335; **18,** 342
compulsory
hiring of. *See* COMPULSORY, hiring.
purchase of. *See* COMPULSORY PURCHASE OF LAND.
context may restrict meaning of, **20,** 504
contract for sale of. *See* SALE OF LAND.
conveyance of. *See* ASSURANCE; CONVEYANCE OF LAND; GRANT.
co-owners of. *See* CO-OWNER.
copyhold. *See* COPYHOLD.
corporations, rights and powers of. *See* CORPORATION.
covenants relating to. *See* COVENANT.
covered with water, demise of, **18,** 412
rating of, **24,** 86
sewers in, through, or under, power to make, **25,** 731 n.
creditors, conveyances to defraud. *See* FRAUDULENT CONVEYANCE.
Crown, belonging to. *See* CROWN LANDS.
demesne. *See* DEMESNE LAND.
descent of. *See* DESCENT.
devise of. *See* DEVISE.
diluvion, effect of. *See* DILUVION.
docks included in property other than, for rating purposes, **24,** 100
drainage of. *See* DRAINAGE OF LAND.
easements included in definition of, **22,** 634 n.; **23,** 428; **26,** 686 n.
entry on. *See* ENTRY ON LAND; RIGHT OF ENTRY.
equitable interests in. *See* EQUITABLE ESTATES AND INTERESTS.
escheat of, **24,** 331, 332. *See* ESCHEAT.
estates in. *See* ESTATES IN LAND.
exchange of. *See* EXCHANGE OF LAND.
execution against, *elegit*, by, **14,** 61, 62. *See* ELEGIT.
sequestration, by, **14,** 79—89. *See* SEQUESTRATION.
farming purposes, used for. *See* AGRICULTURAL HOLDING; AGRICULTURAL LAND.
fencing of, duty of owner or occupier as to, **21,** 409, 410. *See* FENCE.
fixtures to. *See* FIXTURES.
flooding of. *See* FLOOD.
foreign country, in. *See* FOREIGN LAND; FOREIGN IMMOVABLES.
forfeiture of, **24,** 330, 331. *See* FORFEITURE.
franchise, ownership as qualification for, **12,** 157, 158. *See* OWNERSHIP FRANCHISE.
fraudulent conveyance of. *See* FRAUDULENT CONVEYANCE; VOLUNTARY CONVEYANCE.
freehold. *See* FREEHOLDS.
friendly societies, rights and powers of. *See* FRIENDLY SOCIETIES.
gavelkind tenure in. *See* GAVELKIND.
gift of, *inter vivos*. *See* GIFT; VOLUNTARY CONVEYANCE.
will, by. *See* DEVISE; GIFT BY WILL.
glass-houses in market garden as property other than, for rating purposes, **24,** 100 n.
glebe. *See* GLEBE.
gold mines excepted from definition of, duties on land values for purpose of, **24,** 549 n.
grant of. *See* GRANT.

LAND—*continued.*
hereditaments as, **6,** 15; **11,** 3 n., 7 n.; **19,** 106; **23,** 428; **24,** 157, 304 n.
hiring of. *See* COMPULSORY, hiring.
houses as, **11,** 7 n.; **24,** 157, 304 n.
improvement to. *See* IMPROVEMENT OF LAND.
inclosure of. *See* INCLOSURE OF COMMONS.
income tax on. *See* INCOME TAX.
increment value duty on. *See* INCREMENT VALUE DUTY.
infant, of. *See* INFANT.
injunction does not run with, **17,** 200
interests in. *See* ESTATES IN LAND; INTEREST IN LAND.
judgment a charge on, when, **18,** 220, 221
King as lord paramount of, **24,** 139
lammas. *See* LAMMAS LANDS.
land values duties. *See* LAND VALUES DUTIES.
larceny, not a subject of, **9,** 636
lease of. *See* LEASE.
forfeiture of. *See* FORFEITURE.
leasehold. *See* LEASEHOLD.
legacy charged on. *See* LEGACY.
legal estate in. *See* LEGAL ESTATE.
licence to enter or use. *See* LICENCE.
limitation of actions for recovery of. *See* LIMITATION OF ACTIONS FOR RECOVERY OF LAND.
limited owner of, powers of improvement by. *See* IMPROVEMENT OF LAND.
literary and scientific institutions, conveyance to, of, **19,** 197—201
manor as, **11,** 3 n.; **19,** 106
married woman, of. *See* MARRIED WOMAN; NON-SEPARATE PROPERTY OF MARRIED WOMAN; SEPARATE PROPERTY OF MARRIED WOMAN.
messuages as, **6,** 15; **11,** 3 n., 7 n.; **19,** 106; **23,** 428; **24,** 157
Middlesex, in, registration of deeds affecting. *See* MIDDLESEX DEEDS REGISTRY.
military purposes, for, **6,** 158; **25,** 99
mineral rights duty on. *See* MINERAL RIGHTS DUTY.
mines and minerals as, increment value duty, for purpose of, **24,** 549 n.
Railways Clauses Consolidation Act, 1845, in, **20,** 504 n.
registration of title, for purpose of, **20,** 554
money, regarded as. *See* CONVERSION IN EQUITY.
mortgage of. *See* MORTGAGE.
negligence by owners and occupiers of, **21,** 382—420. *See* NEGLIGENCE.
occupation of. *See* OCCUPATION.
occupier of. *See* OCCUPIER.
order affecting, registration of, **14,** 70; **18,** 220, 221; **21,** 346; **25,** 358, 387
vacation of, **18,** 222
Yorkshire, in, **14,** 70
owner of. *See* OWNER.
partition of. *See* PARTITION.
partnership property in. *See* PARTNERSHIP.
personal estate, as. *See* CHATTELS REAL; LEASEHOLD.
poor rate payable by occupier of, **24,** 3, 4
portion charged on, **23,** 83; **25,** 587, 591—593. *See* PORTION.
possession of. *See* POSSESSION.
powers in respect of. *See* POWER.
profits, pass by grant of, **18,** 412; **24,** 156
purchase of. *See* PURCHASE.

LAND—*continued.*
purchasers of. *See* PURCHASER; PURCHASER FOR VALUE.
conveyances to defraud. *See* VOLUNTARY CONVEYANCE.
railway line included in definition of, **24,** 100
rateable value of, **24,** 25—45. *See* RATEABLE VALUE.
rates, exempt from, **4,** 212, 213; **21,** 581; **24,** 6 n., 7 n.
recovery of, by action, **24,** 324—330. *See* REAL ACTION; RECOVERY OF LAND.
registration of title to. *See* REGISTRATION OF TITLE TO LAND (Land Transfer Acts).
registration of writ or order affecting. *See* REGISTRATION.
registry. *See* LAND REGISTRY.
rent of. *See* RENT.
rentcharge and rent as, **4,** 125 n.; **24,** 468, 469
restrictive covenants relating to. *See* RESTRICTIVE COVENANT.
revenue records and enrolments. *See* LAND REVENUE RECORDS AND ENROLMENTS.
reversion duty on. *See* REVERSION DUTY.
sale of. *See* SALE OF LAND.
settlement of. *See* SETTLED ESTATES ACT; SETTLED LAND; SETTLED LAND ACTS; SETTLED PROPERTY.
shack, **4,** 478, 479
silver mines excepted from definition of, duties on land values, for purpose of, **24,** 549 n.
small holdings of. *See* SMALL HOLDING.
socage. *See* SOCAGE.
societies dealing with. *See* BUILDING SOCIETIES; FRIENDLY SOCIETIES; INDUSTRIAL AND PROVIDENT SOCIETIES; LAND SOCIETIES.
soil, co-extensive meaning of, **20,** 504
specific performance of contracts relating to. *See* SPECIFIC PERFORMANCE.
subsidence of, causing. *See* SUBSIDENCE.
subsoil of. *See* SUBSOIL.
superfluous. *See* SUPERFLUOUS LANDS.
support by or to. *See* SUPPORT.
taxes on. *See* INCOME TAX; LAND TAX; LAND VALUES DUTIES.
tenements as, **6,** 15; **11,** 7 n.; **24,** 157, 304 n.
tenure of, **24,** 138—156. *See* TENURE.
tithe and tithe rentcharge included in definition of, **4,** 125 n.; **19,** 106; **24,** 100
title deeds of. *See* TITLE DEEDS.
larceny of, **9,** 637
title to. *See* TITLE TO LAND; TITLE TO LAND ON SALE.
registration of. *See* REGISTRATION OF TITLE TO LAND.
Transfer Act, 1897. *See* LAND TRANSFER ACT, 1897.
transfer of. *See* ALIENATION; ASSURANCE; CONVEYANCE OF LAND.
trespass on. *See* TRESPASS TO LAND.
undeveloped. *See* UNDEVELOPED LAND.
undivided share in, **19,** 106; **24,** 157, 304 n.
user of. *See* USER.
valuation of. *See* VALUATION.
value of. *See* VALUE.
voluntary conveyance of. *See* VOLUNTARY CONVEYANCE.
waste, encroachment by tenant upon, **18,** 561
presumption as to, **18,** 562
water, covered with, demise of, **18,** 412
included in term land, **25,** 731 n.

LAND—*continued.*
water—*continued.*
rating of, **24,** 86
sewers in, through, or under, **25,** 731 n.
water-main included in definition of, **24,** 100
writ affecting, registration of, *See* order, *supra.*
Yorkshire, in, registration of deeds affecting. *See* YORKSHIRE DEEDS REGISTRIES.

LAND AGENT. *See also* AGENT; ESTATE AGENT; HOUSE AGENT; STEWARD.
authority of, **18,** 372
commission, right to, **10,** 288
infant, doctrine of confirmation not applicable to lease on behalf of, **18,** 349 n.
notice to quit, authority to give or receive *See* AGENT.
remuneration of. *See* AGENT.
tenant, duty to ascertain fitness of proposed, **18,** 372
usage in profession of, **10,** 288

LAND CERTIFICATE,
custody of, registered chargee cannot require, **24,** 317 n.
deposit of, charge or lien by, **21,** 83, 84 n.; **24,** 318
evidence, as, **24,** 316 n.
issue and provisions relating to, **24,** 316, 317. *See* REGISTRATION OF TITLE TO LAND.
production of, application for registration, on, **24,** 317 n.
rectification of register, on, **24,** 323
sale by mortgagee, on, **24,** 317 n.
severance of registered land, on, **24,** 317 n., 318
transfer of freeholds, on, **24,** 318

LAND CHARGE. *See also* CHARGE; INCUMBRANCE.
defined, **25,** 360 n.
absolute order for improvement of land, under, **18,** 296—298
agricultural improvements, for payment to tenant for, **1,** 267; **25,** 647, 648
annuity as, **24,** 478; **25,** 359, 360 n.
arrangement with creditors, registration of deed of, **2,** 332
capital money may be applied in payment of, **25,** 646, 647
Crown debt or judgment as, **25,** 358 n.
demolition order by local authority, under, **23,** 530, 531
dower, priority over, **24,** 194
dowress liable for one-third of, **24,** 199
enfranchisement of copyholds, on, **8,** 122, 127
improvement of land, for, **25,** 361. *See* IMPROVEMENT OF LAND.
judgment as, **18,** 220, 221; **25,** 358 n.
Lancaster, on discharge of mortgage in Duchy of, **7,** 234
Land Drainage Acts, under, **18,** 301; **24,** 478
land tax, on redemption of, **18,** 325, 326
Middlesex Registry Act, 1708, exemption from provisions of, **25,** 442
nature of, **24,** 284
paving expenses of private street not registered as, **16,** 226
private improvement expenses, for, **23,** 381
provisional order for improvement of land, under, **18,** 296
Public Money Drainage Acts, under, **18,** 304, 305
rate or scot not included as, **25,** 360

LAND CHARGE—*continued.*
recognisance as, **18,** 220, 221; **25,** 358 n.
registration of, **2,** 332; **18,** 297; **21,** 346; **25,** 360, 361
rentcharges a, **24,** 476—478
searches for, how made, **25,** 360, 361
necessity for, on purchase of land, **25,** 357
tenant for life, payment by, **16,** 226; **25,** 620
Yorkshire Registries Acts, exemption from provisions of, **25,** 443

LAND COMMISSIONERS. *And see* BOARD OF AGRICULTURE AND FISHERIES.
Board of Agriculture, powers transferred to, **1,** 297
exchanges of charity lands under powers given to, **4,** 232 n.
Inclosure Commissioners, succession to powers of, **4,** 536
Tithe Commissioners, succession to powers of, **11,** 745 n.

LAND IMPROVEMENT. *See* IMPROVEMENT OF LAND.

LAND-LOCKED TENEMENTS,
easements of necessity appurtenant to, **11,** 254

LAND REGISTRY,
As to registration of title in Land Registry, see REGISTRATION OF TITLE TO LAND (Land Transfer Acts); *as to registered charges, see* REGISTERED CHARGE ON REGISTERED LAND.
assistant registrar in, eligibility for office of, **2,** 383; **26,** 728
certificate issued under seal of, **24,** 306
compulsory area of, **24,** 308, 309
conduct of business of, **24,** 309
default or delay by, **24,** 323
district
registrar of, eligibility for office of, **2,** 383; **26,** 728
registries, provision for, **24,** 308 n.
divisions of the register in, **24,** 309, 310
forged documents, effect of, **24,** 324
forms used in, power of registrar as to, **24,** 309
fraudulent entry in register of, **9,** 741
indemnity in case of error or omission at, **24,** 323, 324
index kept at, **24,** 303
inspection of register of, **24,** 310
insurance fund from fees of, **24,** 322
judgment, registration of writ, execution, or order for, **18,** 220, 221
land
certificate may be deposited in, **24,** 316
charges to be registered at, **25,** 360, 361
leases to be registered at, **18,** 402
lis pendens registered in, **18,** 221; **25,** 358, 359
maps used in, **24,** 310 n.
Middlesex, assurance on sale in, registered in, **25,** 441
Deeds Registry transferred to office of, **24,** 301; **25,** 441 n.
office of, **24,** 308 n.
official search in register of, **24,** 310
priority notice, lodgment of, at, **24,** 315
recognisance, registration of, **18,** 220
rectification of register at, **24,** 322, 323
registers, charge or lien created by entry in, **24,** 317
invalid stipulations on, **24,** 317
to be kept at, **24,** 309—312

LAND REGISTRY—*continued.*
registrar of, appeal from indemnity award of, **7,** 178 n.
eligibility for office of, **2,** 381
Middlesex Deeds Registry conducted by, **24,** 301
powers and duties of, **24,** 309. *See* REGISTRAR OF LAND REGISTRY.
registration in. *See* REGISTRATION OF TITLE TO LAND (Land Transfer Acts).
rentcharge, registration of, at, **24,** 476, 478
rules for, power to make, **24,** 309
searches to be made at, **25,** 357—363
stamp duties, duty of registrar to enforce payment of, **24,** 315 n.
unregistered interests, dealings with, off the land register, effect of, **24,** 320
means of protecting, **24,** 320

LAND REVENUE RECORDS AND ENROLMENTS,
accounts of office of, **7,** 138
auditors of land revenues of the Crown, transfer of duties of, **7,** 137 n.
bonds of receivers giving security, enrolment of, **7,** 175
deposit of duplicate documents in office of, **7,** 173
enrolment of documents in office of, **7,** 171—175
purchase of copyhold or customary lands, **7,** 194 n.
expenses of buildings and business of, provision for, **7,** 138
fees to be taken in office of, **7,** 138
enrolment of documents, for, **7,** 138, 172
keeper of, accounts to be delivered to, **7,** 141
appointment and duties of, **7,** 137, 138
certificates by, **7,** 139
Middlesex Registry Act, 1708, exemption from provisions of, **25,** 442
new office, provision for, **7,** 138 n.
office of, **7,** 137—139

LAND SOCIETIES. *See also* BUILDING SOCIETIES; FRIENDLY SOCIETIES.
For details such as the constitution, name, rules, meetings, membership, and registration of these societies, see INDUSTRIAL AND PROVIDENT SOCIETIES.
allotments, rules of societies taking land for, **17,** 12
allottee of, liabilities of, **17,** 6
ballot, legality of distribution by, **17,** 6
building societies, joint operations with, **17,** 5, 6
company, conversion into or from. *See* INDUSTRIAL AND PROVIDENT SOCIETIES.
co-operative, **17,** 5, 6
establishment of, **17,** 5 n.
existing societies, position of, **17,** 7
infant member of, contract for purchase by, **17,** 15
mutual, registration of, **5,** 45
objects of, **17,** 6
small holdings, rules of societies taking land for, **17,** 12

LAND SURVEYOR,
defined, **3,** 162. *See also* SURVEYOR.

LAND TAX.
The title LAND TAX *is contained in Vol. XVIII., pp.* 307 *et seq.*
abatement of, landowner entitled to abatement of income tax, when, **18,** 310
lands overcharged, when, **18,** 316, 317

LAND TAX—*continued.*
acquittances, what are, **18,** 320
almshouses, exemption of, from, **4,** 214; **18,** 311, 312
annuitants, deductions from, in respect of, **18,** 309, 310
apportionment of, when not allowed, **18,** 310
assessment of, **18,** 308, 309, 314—317, 320. *See* ASSESSMENT.
charitable institutions, exemption of, **4,** 214; **18,** 311, 312
collection of, **18,** 317—321. *See* COLLECTOR.
colleges and halls, exemption of, **4,** 214; **18,** 311
commissioners of, **9,** 219; **18,** 313. *See* LAND TAX COMMISSIONERS.
Commissioners of Woods, power of, to redeem, **7,** 178, 179; **18,** 322
companies, in respect of, **18,** 309
compulsory purchase, on, conditions as to, **6,** 16—18
coppice, liability of, to, **18,** 308
county, division of, for, **18,** 314
Crown, as debt to, **18,** 320
exemption from, **7,** 118, 119; **18,** 310
fee-farm rents payable to, right of deduction in respect of, **18,** 310
diplomatic immunity from, tenant entitled to, effect, **18,** 309
distress for, **11,** 218—221
action for trespass in respect of, when will lie, **18,** 319
illegal, in case of, **18,** 319
easements, whether liable to, **18,** 309, 310
ecclesiastical lands, in case of, redemption of, **18,** 327, 328
charge for, **11,** 760
exemption from, **18,** 310
statutory, effect of, **18,** 312
fairs, on profits of, default in payment, effect of, **18,** 319
stalls in, **20,** 40
fines, penalties, and forfeitures, proceedings for recovery of, **18,** 320
fire insurance companies, on profits of, **18,** 309
fisheries, on profits of, default in payment, **18,** 319
friendly society, exemption of, from, **15,** 162 n.
Hampstead waterworks, liability of shareholders of, **18,** 309
hereditaments liable to assessment to, **18,** 308
highway, in respect of, whether included in assessment of adjoining land, **16,** 52 n., 57 n.; **18,** 324 n.
hospitals, exemption in case of, **4,** 214; **18,** 311
insuper, returning arrears, enrolment of certificate, **18,** 320
Lancaster, Duchy of, redemption in, **7,** 222, 237
landlord, payable by, when occupier entitled to diplomatic immunity, **18,** 309
landowner exempt from, when exempt from income tax, **18,** 310
market tolls, on, **18,** 319; **20,** 38
Marylebone waterworks, on shares in, **18,** 309
occupier, payable by, **18,** 309
origin of, **18,** 308
penalties, proceedings for recovery of, **18,** 320
property upon which charged, **18,** 308
recovery of, **11,** 218; **18,** 319, 320
redemption of, **1,** 337, 350; **7,** 178—180; **18,** 321—330. *See* REDEMPTION OF LAND TAX.
registration at Land Registry, whether capable of, **24,** 311

LAND TAX—*continued.*
rent, deductions from, in respect of, **11,** 158; **18,** 309, 310, 477
subsequent dealings with land do not affect liability to, **18,** 312
surplus, provision for, **18,** 321
tenant, paid by, right of deduction from rent, **11,** 158; **18,** 309, 310, 477
Thames waterworks, liability of shareholders in, **18,** 309
time for payment of, **18,** 318
tithes, on, effect of default in payment of, **18,** 319
tolls, on, default in payment of, effect, **18,** 319
extent of exemption from, **18,** 309
unoccupied lands, on, **18,** 319
woodlands, on, **18,** 319

LAND TAX COMMISSIONERS,
appeals heard by, **18,** 317
appointment of, **9,** 219; **18,** 313
assessment by, **13,** 529 n.; **18,** 313—317
assessor, appointment of, by, **18,** 314, 315
clerk of, **18,** 314, 323
collectors, appointment of, by, **18,** 317
defence of actions against, by, **18,** 320
determination of disputes by, **9,** 219; **18,** 312, 317
distress under authority of, **11,** 218, 219
power to commit in default of sufficient, **18,** 319
divisions of county made by, **18,** 314
general commissioners for income tax, appointment of, by, **9,** 219; **16,** 613
hospitals, determination of amount of charge in case of, **18,** 312
interest, disqualification for, **9,** 219
meeting of, **18,** 313, 314
penalties, unqualified, on, **18,** 313
powers of, **9,** 219; **18,** 314—321
protection of, **18,** 313
qualification of, **18,** 313
Cinque Ports, for, **18,** 313

LAND TRANSFER ACT, 1875,
Chancery Division, opinion of senior judge in case under, **17,** 96

LAND TRANSFER ACT, 1897,
administration of assets under, **13,** 37
applications to court under, assigned to Chancery Division, **23,** 191
assent to devise of real estate, **14,** 265; **28,** 583
assurance of land for charitable uses under, **4,** 129
contingent remainder, effect on vesting of, **22,** 314
copyholds and customary freeholds, devolution of, **8,** 89; **14,** 136, 238; **23,** 10; **28,** 583 n.
Crown is not bound by, **7,** 178
debts, effect of trust for payment of, **14,** 254
indemnity on registration of title, provision for, **24,** 322—324
Law Society, representation of, on Advisory Committee on Rules under, **26,** 710
real representative, no provision made for, **14,** 139 n.
realty, powers of personal representatives in respect of, **14,** 238; **23,** 10
provision for devolution of, **14,** 136, 139 n., 238; **28,** 583
rectification of register under, **24,** 322—324
registration of land under. *See* REGISTRATION OF TITLE TO LAND (Land Transfer Acts).

LAND VALUES DUTIES,
defined, **24,** 549
appeals in respect of, **24,** 582—586
county court, to, **24,** 586
further appeal from, **24,** 586
procedure on, **24,** 586
court of appeal, to, **24,** 585, 586
high court, to, **24,** 584, 585
assizes, hearing at, **24,** 584
conditions of, **24,** 584
further appeal, **24,** 585, 586
procedure on, **24,** 585
security for duty claimed, **24,** 585
House of Lords, to, **24,** 585, 586
referee, to, **24,** 582
appearance of parties at hearing, **24,** 584
conditions of appeal, **24,** 583
constitution of court, **24,** 583
decision of, **24,** 584
duties of Commissioners as to giving effect to decision of, **24,** 584
grounds of appeal, **24,** 582
notice of, **24,** 583
place of hearing, **24,** 584
procedure, **24,** 584
who may bring, **24,** 583
basis of taxable increment, **24,** 549
increment value duty, **24,** 557—570, 581. *See* INCREMENT VALUE DUTY.
kinds of, **24,** 549
limited owners, rights of, to charge land in respect of, **24,** 553
minerals, in case of, **24,** 552, 579—581. *See also* INCREMENT VALUE DUTY; MINERAL RIGHTS DUTY.
mortgagee, right of, to add to his security, **24,** 553
nature of, **24,** 549
owner, *defined* for purposes of, **24,** 554 n.
returns to be made by, for purposes of valuation, **24,** 554
referee, appeals to, in respect of, **24,** 582—584. *See* appeals in respect of, *supra*.
duties of Commissioners as to giving effect to decision of, **24,** 584
form of decision of, in case of appeal, **24,** 584
selection of, **24,** 583
reversion duty, **24,** 571—574. *See* REVERSION DUTY.
site value, *defined*, **24,** 550
deductions from, **24,** 551
tenant for life, right of, to charge land with, **24,** 553
total value, *defined*, **24,** 550
trustee, right of, to charge land with, **24,** 553
undeveloped land duty, **24,** 575—579. *See* UNDEVELOPED LAND DUTY.
valuation for purposes of, **24,** 553—557
agricultural, provisions as to, **24,** 553
appeal against, **24,** 583
area unit, **24,** 555
book, **24,** 555
field book, **24,** 556
forms and notices, validity of, **24,** 555 n.
gross value, *defined*, **24,** 556 n.
how carried out, **24,** 553
identification number, **24,** 555
objections to, by owners, **24,** 556
office, head, for England and Scotland, **24,** 557
officers, **24,** 555

LAND VALUES DUTIES—*continued.*
valuation for purposes of—*continued.*
particulars as to, duty of Commissioners to give, **24,** 557
provisional, **24,** 556
service of, **24,** 556
purposes of, **24,** 553
records to be kept by Commissioners, **24,** 557
return of, to head office, **24,** 557
returns by owners, penalty for default in making, **24,** 555
provisions as to, **24,** 554, 555
separate parcels, of, **24,** 554
settlement of final, **24,** 556
substituted value, right of owners as to, **24,** 556, 558 n.
valuers, **24,** 556
values to be shown, **24,** 553

LANDING,
animals, of, Board of Agriculture as controlling, **1,** 424, 427
unlawful, how dealt with, **1,** 432
cargo. *See also* CARGO, discharge of; landing.
consignee having failed to take delivery, right of, **26,** 279, 280
delivery into lighters etc., or, right of consignee to choose, **26,** 269
lien of master as affected by, **26,** 280—283
prohibited by port authorities, consignee's failure to discharge ship owing to, **26,** 273, 274
salvage service by, **26,** 557
emigrants unfit for voyage, of, by emigration officer, **26,** 343
foreshore, on, nature and limit of right of, **28,** 392, 393
goods, customs regulations as to, **24,** 588
insurance risk as terminated by, **17,** 385—387
place. *See* LANDING PLACE.
public navigation rights do not include right of, **28,** 392, 399
river bank, on, nature and limit of right of, **28,** 392, 399
stage not a vessel, in connection with collision action, **26,** 14 n.
steerage passenger at wrong port, liability of master on, **26,** 347

LANDING PLACE,
ferry owner, liability of, to provide, **14,** 559
need not own, **14,** 556
presupposes right of way to, **14,** 556
rates payable in respect of, in connection with, **14,** 563, 564; **24,** 9
Thames Conservancy, powers of, as to, **28,** 410

LANDLORD. *See also* LESSOR.
The title LANDLORD AND TENANT *is contained in Vol. XVIII., pp.* 331 *et seq.*
For parties to and parcels in leases, see LEASE; *for tenancies generally, see* TENANCY FOR YEARS, YEARLY TENANCY *etc.; for dealings with leaseholds, see* LEASEHOLDS.
defined, **18,** 335—340
Agricultural Holdings Act, under, **1,** 259
Allotments etc. Crops Act, 1887, under, **1,** 357
County Courts Act, 1888, s. 186, under, **8,** 437
acceptance of assignee as tenant by, **13,** 324; **18,** 581, 582

LANDLORD—*continued.*
account by, for reversion duty, **24,** 571
acknowledgment under the Limitation Acts to, as to land or rent, **19,** 131—133. *See* ACKNOWLEDGMENT UNDER STATUTES OF LIMITATION.
administrator of, right of, to rent as against execution creditor, **11,** 176 n.
admission by tenant cannot restrict right of, **13,** 460
advance, premature payment of rent as, **18,** 471
recovery of rent payable in, **1,** 256; **11,** 123, 148; **18,** 470, 487. *See* ADVANCE.
agent of, bailiff to distrain, authority of, **1,** 167; **11,** 162, 187 n.
contract for lease, for, **1,** 155; **18,** 371
executing a lease, deed necessary, **1,** 154; **10,** 394
house agent, authority of, **18,** 371, 372
notice to quit, for purpose of, **18,** 451—453
ratification of acts of, by true reversioner, **1,** 177
rent collector, authority of, **1,** 167
steward or land agent, authority of, **1,** 167; **18,** 372
agreement by, collateral to agreement for lease, **18,** 373
lease, for, **18,** 366—383. *See* AGREEMENT.
reduction of rent, for, **18,** 467
agricultural holding, in case of. *See* AGRICULTURAL HOLDING.
alterations in premises, **17,** 239
part performance of agreement for lease, **18,** 376; **27,** 34 n.
analyst, agricultural. *See* ANALYST.
annoyance, advertisement is not, in business neighbourhood, **18,** 518
restriction on causing, **18,** 515, 516
appeal by, bankruptcy, against order in, giving leave to disclaim, **2,** 303
interpleader proceedings, in, **17,** 639
apportionment of rent, **18,** 482—485. *See* APPORTIONMENT, rent.
appraiser of distress before sale, cannot act as, **11,** 171 n.
arbitration between tenant and, agreement constituting submission, **1,** 440 n.
agricultural holding, as to, **1,** 263—266; **8,** 625—631
allotments, as to, **1,** 357
mining, as to, **20,** 567
arrears of rent. *See* ARREARS.
assessments, liability under covenant to pay, **18,** 492. *See also* ASSESSMENT.
assignee of rent without reversion, rights of, **18,** 473
assignee of reversion of, **18,** 595
covenants enforceable by. *See* COVENANTS, running with the land.
rent, rights as to, **11,** 127, 151; **18,** 473
assignee of tenant, rights against, **18,** 588—592. *See* ASSIGNEE, lessee.
attornment to, **18,** 335, 336, 595. *See* ATTORNMENT.
away going crop. *See* crops, away - going, *infra.*
bankruptcy of tenant, **1,** 275, 276; **2,** 209; **18,** 600. *See* BANKRUPTCY, lease, lessee.
disclaimer by trustee of tenant. *See* DISCLAIMER.

LANDLORD—*continued.*
bankruptcy of tenant—*continued.*
distress for rent, effect on. *See* DISTRESS FOR RENT.
forfeiture on, **1,** 275; **2,** 88, 149, 150; **18,** 530, 542, 543
proof in, **2,** 209, 221, 222; **11,** 171
breach of covenant, rights in case of. *See* BREACH OF COVENANT.
building lease, position under, **18,** 567, 568. *See also* BUILDING LEASE.
business, covenant restricting, **18,** 516—519. *See* RESTRICTIVE COVENANT.
receiver of, application for, **24,** 428
cattle, distress upon. *See* CATTLE.
commencement of tenancy, **1,** 240; **18,** 456
in futuro, **18,** 457, 459; **24,** 265
lease for lives, in, **18,** 459
company winding up, in, proof by, **5,** 514
compensation to, for breach of covenant in forfeiture proceedings, **18,** 540, 541, 581
order in case of malicious damage to property, **19,** 578
surface damage, for, by mining, **20,** 573—575
tenant, to, as to agricultural holding. *See* COMPENSATION.
charity lands, **4,** 224, 225
consent to assignment by tenant, **18,** 579
arbitrary or unreasonable withholding, **18,** 579
conditions of, **18,** 579
fine not payable, **18,** 579
form of, **18,** 580
refusal of, ground of, **18,** 580
tenant forgetting to ask for, **18,** 580
contract, relationship is based on, **18,** 335, 387
costs of, forfeiture proceedings, in, **18,** 544—546
negotiations for lease, **18,** 403
preparation of lease, **18,** 402, 403
recovery of possession in county court, **8,** 592
actions for, irregularity in, **8,** 582
co-tenants, should join in suing, **18,** 343
county court jurisdiction as to recovery of possession, **8,** 436—438. *See* RECOVERY OF LAND.
covenants. *See* COVENANT IN LEASE.
breach of. *See* BREACH OF COVENANT.
bill-posting station, use of external walls by tenant as, **18,** 517 n.
heating apparatus off the premises, liability for, **18,** 528
implied. *See* IMPLIED COVENANT.
quiet enjoyment, for. *See* QUIET ENJOYMENT.
renewal, for. *See* RENEWAL OF LEASE.
crops, away-going, **1,** 242, 244, 247; **18,** 566
covenant as to, **1,** 249; **18,** 564
custom of the country as system of, **1,** 242—247; **18,** 563, 564, 566
distress on, **1,** 254, 255, 258; **11,** 179
cultivation, covenant as to, **1,** 243, 246; **18,** 364. *See* COVENANT IN LEASE.
delivery up of possession to, by tenant, **18,** 556, 557
demand of possession by, against tenant at will, **18,** 436
determination of term, **18,** 530—556
at will, **18,** 436
disclaimer, by, **18,** 553, 554. *See* DISCLAIMER.
merger, by, **18,** 552, 553
surrender, by, **18,** 546—552. *See* SURRENDER.

LANDLORD—*continued.*
distress for
rent, **11,** 119—210; **18,** 485. *See* DISTRESS FOR RENT.
royalties, **20,** 565
double value, action for, holding over, in case of, **18,** 554—556
removal of distress by tenant, for, **11,** 190, 191
drainage expenses, rights as to, **18,** 477, 478. *See also* DRAIN.
emblements, **1,** 282, 283; **18,** 565, 566. *See* EMBLEMENTS.
encroachment of tenant, effect of, upon, **4,** 533—535; **18,** 561, 562
entry by, for repairs, **18,** 513, 514
forcible, effect of, **18,** 557, 558. *See* FORCIBLE ENTRY.
view of state of holding, for, **1,** 243, 295; **18,** 513, 514
estoppel between tenant and, **13,** 324, 325, 402—406; **18,** 336, 473. *See* ESTOPPEL.
exceptions and reservations in lease, generally, **18,** 427 *et seq.* *See* LEASE.
execution creditor, right against, **14,** 174—180. *See* EXECUTION OF JUDGMENT OR ORDER.
fences, no liability to repair by, **3,** 128, 130; **18,** 515
fire, destruction of premises by, **13,** 27 n.; **18,** 481, 520—523. *See* FIRE.
insurance, **18,** 521—522. *See* FIRE INSURANCE.
reinstatement of premises. *See* FIRE INSURANCE.
fittings for gas etc., distress on, **11,** 141; **15,** 335; **28,** 317
fixtures, **18,** 416—426. *See* FIXTURES.
flat, of, **18,** 570, 571. *See* FLAT.
flood, rights in case of. *See* FLOOD.
forfeiture by, **18,** 537—539; **20,** 565, 566. *See* FORFEITURE.
game, rights and liabilities as to, **1,** 277; **15,** 216—225; **18,** 433, 434. *See* GAME.
general district rate, liability for, **24,** 84
general sewers rate, no indemnity to tenant for, **24,** 106
germens, waste in case of, **1,** 296; **18,** 430
growing crops. *See* GROWING CROPS.
hay and straw covenants, **1,** 247, 275; **18,** 564
head lease, covenant to observe covenants of, **18,** 408, 409
highway rate, liability as owner for, **16,** 90, 91; **24,** 96, 97. *See* HIGHWAY RATE.
holding over, effect of, **1,** 241, 242; **18,** 435, 436. *See* HOLDING OVER.
house, conditions and warranties of fitness of, **18,** 502—504, 569, 570; **21,** 383 n.
impositions, liability to pay, **18,** 491, 493
improvements, liabilities as to. *See* IMPROVEMENT; IMPROVEMENT OF LAND.
income tax, position in regard to, **16,** 632—634; **18,** 476, 477. *See also* INCOME TAX.
increment value duty on grant of lease, **24,** 558—560, 562, 563
infancy of, **17,** 97—100; **18,** 348—352
inhabited house duty. *See* INHABITED HOUSE DUTY.
injunction against, **11,** 208; **17,** 244 n., 253 n.
injunction at instance of, breach of covenant, against, **1,** 251; **17,** 235—249; **18,** 498. *See* BREACH OF COVENANT.
mine, as to working of, **20,** 563, 564
waste, against, **17,** 245; **18,** 497, 498, 500

LANDLORD—*continued.*
interpleader between tenant and, **13,** 58; **17,** 588
appeal in county court by, **17,** 639
claim for rent, none by sheriff in respect of, **17** 588
execution creditor, in case of, **17,** 588
fraud between execution debtor and, **17,** 588
payment to, by sheriff, where goods seized are not tenant's, **17,** 589
land tax, position as to, **18,** 477, 490. *See* LAND TAX.
lease, capacity to grant. *See* LEASE.
other matters relating to. *See* LEASE.
licensed premises, maintenance of licence of, **18,** 571—573
tied-house covenants, how affecting, **18,** 573, 574
limitation of actions by, arrears of rent, as to, **19,** 97—100
land or rent, to recover, **19,** 126—129
local authority, costs of works by, **16,** 216, 217; **18,** 477, 478
lock-up shop, of, not liable for tenant's goods at night, **18,** 339 n.
lodger, rights against, **18,** 339, 340
minerals, rights over, exhaustion of, **18,** 482; **20,** 566
royalty, payment of, **20,** 560, 561. *See* ROYALTY (Mining).
working of, rights as to, **20,** 562—564
mortgagee as, mortgagor, of, **11,** 127; **18,** 336; **21,** 158, 197
notice to tenants to pay rents to, **21,** 195
negligence, liability for, as between tenant and, **21,** 382, 385
non-repair of premises, liability for, **18,** 501 *et seq.*; **21,** 383, 384. *See* REPAIRS TO LEASEHOLDS.
notice, forfeiture, before, **18,** 540, 541. *See* FORFEITURE.
repairs, requiring, under covenant to repair on notice, **18,** 510
Small Tenements Recovery Act, under, **18,** 560
to quit. *See* NOTICE TO QUIT.
nuisance, liability for, to third parties, **18,** 504, 505; **21,** 556, 557
rights on covenant against causing, **18,** 516. *See* NUISANCE.
option, determination of lease, as to, **18,** 393
devisee, passing to, **18,** 393, 394
release of, **18,** 394
purchase of reversion, **18,** 390—393. *See* OPTION TO PURCHASE.
renewal of lease, **18,** 393
outgoings, liabilities to pay, **18,** 491, 493
pillars for support, rights as to, **20,** 563
possession, delivery of, to tenant, **18,** 335—337
recovery of. *See* RECOVERY OF LAND.
resumption of, for purpose specified in lease, **18,** 459
poundbreach, action for, by, **11,** 193—195
privity between tenant and, **13,** 344; **18,** 592
proof of relationship of tenant and, **13,** 444
quiet enjoyment. *See* QUIET ENJOYMENT.
rates and taxes, in relation to, **11,** 158; **18,** 488 *et seq.* *See* RATES.
damages in action for non-payment of, **18,** 490 n.
rebuilding, covenant for, **18,** 390, 508, 509
receiver whether a landlord, **11,** 175 n.; **18,** 358; **24,** 386

LANDLORD—*continued.*
re-entry by. *See* RE-ENTRY.
registration of underlease with, **18,** 400
renewal of lease. *See* RENEWAL.
rent, generally, **18,** 464—488. *See* RENT (reserved).
paid to wrongful claimant as affecting rights of, **19,** 128, 129
repairs by. *See* REPAIR TO LEASEHOLDS.
reversion of. *See* REVERSION.
set-off as between tenant and, **25,** 500
sporting rights, of, **15,** 216—218; **18,** 575
superior, *defined*, Law of Distress Amendment Act, 1908, under, **11,** 146
action against, by under-tenant, lodger etc. for illegal distress, **11,** 147
compulsory acquisition of estate of, effect on tenant of, **6,** 33, 34
distress by, **11,** 143—148
under-lessor's duty to his tenant, **11,** 143; **18,** 526 n.
notice by, to under-tenant or lodger as to future payment of rent, **11,** 147
payment of rent due to, avoidance of distress, for, **11,** 146, 157 n.
mesne tenant, how far bound, **19,** 127, 129
registration of assignment or underlease with, **18,** 400
support, liability for withdrawal of, to third parties, **20,** 581
surrender to and by. *See* SURRENDER.
suspension of rent, **18,** 479—482. *See* RENT (reserved).
taxes, covenant to pay, **18,** 490 *et seq.*
tenancy, incidents of, monthly. *See* MONTH, tenancy by.
quarterly, notice to quit in case of, **18,** 445
weekly, notice to quit in case of, **18,** 445, 447
year to year, from. *See* YEARLY TENANCY.
years, for. *See* TENANCY FOR YEARS.
tillage, compensation for, **1,** 245, 246; **18,** 566
customary system of, **18,** 564
devolution of liability for, **1,** 246
timber, right to, of, **1,** 295, 297; **17,** 244 n.; **18,** 430
title of, tenant estopped from disputing, **13,** 373, 374; **18,** 336
trees and underwood, right to, **1,** 295—297; **17,** 244 n.; **18,** 429—433
usages between tenant and, **10,** 257
use and occupation, action for, **18,** 486—488
legal title necessary, **18,** 487
measure of damages, **18,** 487
waiver by, of
breach of covenant, **18,** 519, 537—539
forfeiture, **18,** 537—539
notice to quit, **18,** 454, 455
waste, right as to, **18,** 496—501. *See* WASTE.
water rate, liability for, **18,** 492
yearly tenancy, in case of. *See* YEARLY TENANCY.

LANDRAIL,
game, as, **15,** 208, 230 n., 231 n., 247
poaching by day for, **15,** 229
warren, as fowl of, **15,** 215

LANDS CLAUSES ACTS,
defined, **6,** 12; **12,** 549
administrator, sale by, under, **6,** 57, 58
agreement, purchase of land by, under. *See* ACQUISITION OF LAND, agreement.

LANDS CLAUSES ACTS—*continued.*
Allotments Act, 1887, incorporated with, **1,** 344
allotments, purchase of land by agreement for, under, **1,** 344—350; **6,** 168
ancient monument, purchase of, under, **21,** 604
Baths and Washhouses Acts, incorporated with, **23,** 491
charity trustees, purchase of land from, under, **4,** 218—220; **6,** 57, 58
common, acquisition of, under, **4,** 494, 495; **6,** 19, 138—142
compulsory purchase of land under, **25,** 313. *See* COMPULSORY PURCHASE OF LAND.
construction of, **6,** 14—16
definitions in, **6,** 14, 15
easements extinguished under, **11,** 283
grouping of clauses in, **6,** 13
Land Drainage Act, 1861, incorporation in, **25,** 783
Light Railway Commissioners, incorporation in order of, **27,** 829
limitation of action to recover land taken under, **19,** 111
mandamus to enforce rights under, **6,** 70, 82; **10,** 84
notice to treat under, **6,** 62, 64—66. *See* NOTICE TO TREAT.
prescribed, *defined*, in, **6,** 14
promoters under. *See* PROMOTERS OF UNDERTAKINGS.
Public Libraries Act, 1892, incorporated with, **23,** 586
railway, incorporation certificate for making, **23,** 625
special Acts, incorporation with, **6,** 12—16
provisions for access to, **6,** 18, 19
varying from, **6,** 15
superfluous land under, **6,** 26—31. *See* SUPERFLUOUS LAND.
undertaking, meaning of, in, **6,** 14
variation of provisions of, when not permitted, **27,** 829
works, meaning of, in, **6,** 14

LANDSLIP,
liability to repair damage to highway caused by, **16,** 98

LANGUAGE,
contempt of court shown by, **7,** 283. *See also* WORDS.
contract, of. *See also* CONSTRUCTION OF CONTRACTS.
foreign, as indicating law intended to govern, **6,** 241
interpretation of, **7,** 510
usage as affecting, **7,** 511, 512; **10,** 264
mistake in, what constitutes, **13,** 22
unintelligible or ambiguous, effect of, **7,** 518
copyright as created by expression of ideas in, **8,** 143, 146
deeds may be in any, **10,** 378
foreign, evidence of meaning of document in, **13,** 430, 489
libel in, innuendo required in case of, **18,** 648
translation, proof required as to, **18,** 649
translation from. *See* TRANSLATION.
will in, **28,** 630, 634
instruments, of, extrinsic evidence to vary, **10,** 444

LANGUAGE—*continued.*
interrogatories, of, should be as plain as possible, **11,** 107
offensive or obscene, bye-laws dealing with, **4,** 63; **23,** 391 n.; **27,** 279, 280
statutes dealing with, **27,** 284, 287
offer in doubtful, performance as accepting, **7,** 349
statutes, of. *See also* CONSTRUCTION OF STATUTES.
imposing taxation, construed strictly, **27,** 180
in pari materiâ, construction of, **27,** 139, 181
ordinary meaning attached to, **27,** 134, 147
penal, construed strictly, **27,** 177
presumption that language not meaningless, **27,** 149
private, construed strictly, **27,** 184
qualities required in, **27,** 207—209
remedial, construed literally, **27,** 153
trust, creation of, effected by what, **28,** 12
will, of. *See also* CONSTRUCTION OF WILLS.
ambiguous, rational disposition preferred to capricious in case of, **28,** 669
relatives preferred to strangers in case of, **28,** 670, 671
conflicting, reconcilement of, **28,** 654
foreign property, disposing of, in English, canons of construction in case of, **28,** 661
intention of testator to be ascertained from, **28,** 627
ordinary meaning to be given to, if possible, **28,** 662
technical, need not be, **28,** 652
translation of, evidence admissible for, **28,** 634

LAPSE,
benefice, of. *See* LAPSE OF PATRONAGE.
gift by will, of. *See* LAPSE OF GIFT BY WILL.
patent, of, **22,** 181
restoration after, **22,** 182, 183
patronage, of. *See* LAPSE OF PATRONAGE.
time, of. *See* LAPSE OF TIME.

LAPSE OF GIFT BY WILL,
defined, **28,** 607
charge on property as affected by, **28,** 607, 617
charitable bequest, of, **4,** 156—160, 198; **28,** 618
cy-près doctrine as applied to prevent, **4,** 156, 157, 161, 190
class gifts, of, **28,** 614—616. *See* CLASS GIFT.
codicil confirming to deceased legatee does not prevent, **28,** 578, 607
covenant, gift in pursuance of, subject to, **25,** 544; **28,** 608
debt, bequest of, to creditor, subject to, **28,** 608
estate tail, devise of, how far subject to, **28,** 610
exonerated gift, effect of, **14,** 287
future date, gift to take effect at, how far subject to, **28,** 612
issue of testator, devise by, to parent who survives, subject to, **28,** 612
devise to, not subject to, **28,** 610, 611
joint tenants not subject to, **28,** 613
moral obligation, legacy to discharge, not subject to, **28,** 608
personal representatives of legatee, legacy to, not subject to, **28,** 609
personalty, of bequest of, effect of, **28,** 617
power of appointment, application to, **28,** 607, 608, 620
general, child, to, not subject to, **28,** 612
residuary devise as taking effect on, **23,** 40

LAPSE OF GIFT BY WILL—*continued.*
power of appointment—*continued.*
partial, where aggregate appointment exceeds sum available, effect of, **23,** 42
prevention of lapse by appointment to personal representatives, **23,** 40; **28,** 608
residue after gift of fixed shares, appointment of, **23,** 40, 41
special, in case of, **28,** 612, 626
residuary devise does not take effect on, **22,** 360 n.; **23,** 40; **25,** 573 n.; **28,** 612, 626
realty, devise of, effect of, **28,** 616, 617
residue, of share of, effect of, **14,** 281; **28,** 678
selection, of right of, effect of, on gift of unselected property, **28,** 532
settled shares, bequest of, how far subject to, **28,** 612, 613
statutory exceptions from, **28,** 610 *et seq.*
substituted gifts, what words amount to, so as to prevent, **28,** 608, 609, 751 n.
tenants in common, gift to, subject to, **28,** 613
trusts, of, engrafted on absolute gift, no lapse of absolute gift on, **28,** 674

LAPSE OF PATRONAGE,
action of *quare impedit* after, **11,** 587
archbishop's right on, **11,** 590
bishop, right of, on, **11,** 426, 487, 587, 590
see of, vacated, where, **11,** 593
collation by bishop on, **11,** 400, 426, 587, 590
conditions of, **11,** 426, 590
Crown, to, **11,** 575, 590, 592, 593
presentation notwithstanding, effect of, **11,** 592, 593
time begins to run for purpose of, when, **11,** 591, 592
vested in several, **11,** 571, 572

LAPSE OF TIME. *See also* DELAY; LACHES; TIME.
acquiescence, effect on, of, **13,** 169 n., 173
consent inferred from, **13,** 169
disclaimer by trustee after, when possible, **28,** 84
discovery, in regard to, **11,** 83
gift, avoidance of, after, **15,** 420, 421
incriminating answers of witness, in regard to, **11,** 83; **13,** 575
limitation of action by. *See* LIMITATION OF ACTIONS.
criminal prosecution, in case of, **9,** 294, 456, 471, 473, 536
election petitions, in case of, **12,** 412—414
limitation of time for various purposes in case of. *See* LIMITATION OF TIME.
mistake, rectification in case of, as affected by, **21,** 27, 28
partnership, dissolution of, by, **22,** 86
peerage, in regard to claim to, **22,** 274
possession *de facto* converted into full ownership by, **22,** 400
specific performance, when a bar to, **27,** 67—69
statutory right, effect on, of, **27,** 196
trade marks as protected by, **27,** 718
warrant for arrest as affected by, **9,** 308

LARCENY. *See also* STEALING; THEFT.
defined, **9,** 627
abandoned goods not subject of, **9,** 641
animal, of carcase or skin of, **1,** 369
confinement, kept in, **1,** 369
dead wild animal, of, **1,** 371

LARCENY—*continued.*
animal—*continued.*
dogs and cats not subjects of, **1,** 368, 394, 405
domestic animal, of, **1,** 368, 369
rabbits in warren, in case of, **15,** 239
reclaimed animal, of, **1,** 370
wild animal subject of, when, **1,** 370, 371; **9,** 641
animus furandi as constituent of, **9,** 628
arrest, Larceny Act, 1861, under, **9,** 300 n., 301 n., 303 n., 306 n.
asportation in case of, **9,** 630, 644
bailee, by, **1,** 529; **9,** 631—632
of goods in possession of, by owner, **9,** 635
beneficial owners, by one of several, **9,** 635
bill of exchange, of, **2,** 511, 512, 513
cabdriver, of takings of, **27,** 302 n.
chose in action not the subject of, **9,** 641
clerk, by, **9,** 644
club member, by, **4,** 407
coal, of, from mine, **9,** 638
cockles, of, **14,** 591
compound, *defined*, **9,** 627
consent as a defence in, **9,** 239
constituents of offence of, **9,** 628—630
conviction for, effect on title under Factors Act, **27,** 903 n.
corpse cannot be subject of, **3,** 553; **9,** 640
crops, growing, of, **9,** 637, 638
deer, of, **15,** 262
document of title to goods, of, **9,** 637, 642, 643
dog not subject of, at common law, **1,** 394
domestic animal, of, **1,** 368
eggs, game birds, of, **15,** 214 n., 239, 260
wild birds, of, **15,** 214
electricity, of, **9,** 644; **12,** 614
embezzlement, distinguished from, **9,** 632 n., 650
jury may convict of, on indictment for, **9,** 649
evidence in, **9,** 649
false pretences, distinguished from, **9,** 684, 688, 689
prosecution for, bars trial for, **9,** 692, 693
finder of chattel guilty of, when, **1,** 529; **9,** 630, 631
fish subject of, when, **9,** 641 n.; **14,** 589, 590
fixtures, of, **9,** 639, 640
fraud, obtaining goods by, as, **9,** 633, 634, 688
fraudulent appropriation of property constitutes, **9,** 658, 659
friendly society, from, **15,** 127
fruit, of, **9,** 637, 638
game, of, **15,** 212, 213, 229 n., 239
receiving in case of, **15,** 260
gas, of, **9,** 643; **15,** 354 n., 356
prepayment meter, from, **15,** 340
horse, of, innkeeper's lien in regard to, **17,** 326
sale in market overt, effect of, **20,** 54
slaughter prohibited in case of, **23,** 560
husband and wife, as between, **9,** 634
indictment for, **9,** 645—648. *See* INDICTMENT.
infant, by, as bailee, **9,** 631
insurance against, **17,** 512
intention to redeliver goods, how far a defence in, **9,** 629
joint owner, by, **9,** 635
kinds of, **9,** 627
land not subject of, **9,** 636
mail bags, of, or from, **9,** 644, 645
marine policy, under, **17,** 444
minerals, of, from mine, **9,** 639; **20,** 540
mistake, of goods delivered by, **9,** 636

LARCENY—*continued.*
mussels, of, at common law, **14,** 591
ore, of, from mine, **9,** 638
owner of goods, by, **9,** 635
oysters, of, **14,** 591
partner, by, **9,** 635
pawn-ticket, of, **22,** 251 n.
person, from the, **9,** 664
plants, roots etc., of, **9,** 638
poacher, when committed by, **15,** 213
post office, from, **9,** 644, 645
promissory note, of, **2,** 511
property, *defined*, **9,** 636 n., 684 n.
belonging to no one is not subject of, **9,** 640
stolen goods, in, **25,** 198
public ornaments, of, **9,** 639
public servant, by, **9,** 644
punishment for, **9,** 627, 628
record of, **9,** 643
restitution of stolen property, order for, **9,** 684—688
revesting of property in owner, **9,** 686; **25,** 198
servant, by, **9,** 644, 650
ship, on. *See* THEFT.
subjects of, **9,** 636—645
tenants, by, **9,** 639, 640
title deeds, of, **9,** 637
treasure trove not subject of, **9,** 640
trees, of, **9,** 637, 638
trespass, in case of, **27,** 845, 846
trick, by, **9,** 633
trustee, misappropriation by, not amounting to, **9,** 656
valuable security, of, **9,** 641, 642
value of some sort essential to, **9,** 636
vegetable produce, of, **9,** 637, 638
venue in, **9,** 281, 288, 627 n., 649 n.
water as subject of, **9,** 643; **28,** 323
will, of a, **9,** 642
wreck, of, **9,** 640, 641
yarn, of, **9,** 644

LARD,
butter, sold as, to prejudice of the purchaser, **15,** 19
warranty on sale of, what amounts to, **15,** 27 n.

LARKS,
warren, as birds of, **15,** 215

LASCARS,
accommodation for, **26,** 15 n.
agreements with, **26,** 43
destitute, return of, **26,** 56
employment of, as seamen, provisions as to, **26,** 43
list of, penalty for failure to show, **26,** 43

LAST DAY,
period of time, in, included, when, **27,** 440, 446
excluded, when, **27,** 448

LAST PLACE OF ABODE,
affiliation proceedings, for purposes of, **2,** 446, 447
service of summons at, **19,** 594 n.

LAST WORD,
criminal cases, in, right to, **2,** 416; **7,** 73 n.; **9,** 368
law officer's right to, **2,** 411, 414, 416; **7,** 72

LATENT AMBIGUITY,
defined, **10,** 453, 454
charitable gift, in, **4,** 155, 159, 160, 162, 163
evidence admissible to explain, **4,** 155; **7,** 526; **10,** 453, 454; **13,** 428; **17,** 528; **21,** 6, 7, 25
will, in case of, **28,** 634 n., 639—641, 643—646

LATENT DEFECT,
carrier of passengers, liability of, in respect of, **4,** 45; **21,** 366
charterparty, exception in, of, **26,** 115
employer's liability in respect of accident caused by, **20,** 137
sale of goods, on, *caveat emptor* as applied to, **25,** 157
express warranty as affecting, **25,** 165
sale of land, on, *defined*, **25,** 297
caveat emptor as applied to, **25,** 297, 298
disclosure of, when necessary, **25,** 299; **27,** 46 n., 50, 51
misdescription, condition as to, does not apply to, **25,** 332

LATIN INFORMATION,
affidavit of property in, **10,** 13
appeal from judgment in, **10,** 12
appearance to, entry of, **10,** 10
appraisement, writ of, **10,** 12, 13
capias, writ of, **10,** 8, 9. *See* CAPIAS, WRIT OF.
classification of, **10,** 5, 6
commencement of proceedings, **10,** 8
confession by defendant in, **10,** 11
costs in, **10,** 12
debt, of, nature of, **10,** 7
delivery, writ of, condemnation of goods enforced by, **10,** 13, 14
devenerunt, of, nature of, **10,** 5
documents, admission of, in, **10,** 11
filing of, **10,** 10
form of, **10,** 10
hearing of, **10,** 11
in personam, nature of, **10,** 5—7
in rem, nature of, **10,** 5
intrusion, of, **10,** 5—7
judgment on, **10,** 7
pleadings in case of, **10,** 6
judgment, default, in, **10,** 10
trial, after, **10,** 12
nature and object of, **10,** 4, 5
notice of trial of, **10,** 11
pleading in, **10,** 11
practice on, **10,** 4—14
service of, **10,** 9, 10
subpœna, writ of, **10,** 8, 9. *See* SUBPŒNA (Writ of).
trial of, **10,** 11
witnesses in, **10,** 11

LAUNCESTON,
local court of, **9,** 171

LAUNCHING,
vessel, of, warnings to be given in respect of, **26,** 484

LAUNDRY,
drainage and ventilation of, provisions as to, **14,** 452 n., 461
infected clothes, penalty for sending, to, **23,** 451
non-textile factory, as, **14,** 437

LAUNDRY—*continued.*
overtime employment in, provisions as to, **14,** 498, 501
women, hours of employment of, in, **14,** 501, 504

LAVATORY,
provision of. *See* SANITARY CONVENIENCE.

LAW,
appeal on point of, **8,** 601, 603, 604
British dominions, of, proof of, **13,** 487, 488, 490, 491
canon, **11,** 377—380. *See* CANON LAW.
civil. *See* CIVIL LAW.
colonies, in, **10,** 565—578. *See* COLONIES.
common. *See* COMMON LAW.
constitutional. *See* CONSTITUTIONAL LAW.
Crown in relation to, **6,** 399—417
custody of the. *See* IN CUSTODIA LEGIS.
ecclesiastical. *See* ECCLESIASTICAL LAW.
equity, in relation to. *See* EQUITY.
false statement of, prospectus, in, **5,** 129, 133
representation, when amounting to, **20,** 668, 669
foreign. *See* CONFLICT OF LAWS; FOREIGN LAW.
ignorance of. *See* IGNORANCE OF THE LAW.
lords. *See* HOUSE OF LORDS (Court of Appeal).
mistake of. *See* MISTAKE.
operation of. *See* OPERATION OF LAW.
point of. *See* POINT OF LAW.
presumption of. *See* PRESUMPTION.
questions of. *See also* POINT OF LAW.
misrepresentation, in relation to, **20,** 668, 669, 687, 702, 705, 707, 714, 717, 732
municipal election petition, reservation of, at, **12,** 489, 517
parliamentary election petition, reservation of, at, **12,** 459, 517
statute. *See* STATUTE.

LAW COURTS. *See* COURT.
NOTE.—*For matters relating to a particular court, see under main word denoting such court.*
offices open, when, **27,** 436
origin of, **9,** 8
sittings of, **27,** 435, 436
vacations at, **27,** 436

LAW LIST,
solicitor's right to practise, as evidence of, **26,** 721

LAW MERCHANT,
assignment under, **4,** 397; **7,** 496
bills of exchange, as to, **2,** 459; **4,** 397; **10,** 259 n.
bills of lading, as to, **10,** 259 n.; **26,** 146
characteristics of, **10,** 259, 260
judicial notice of, when taken, **2,** 459, 564; **10,** 256, 259, 260; **13,** 485, 486
origin of, **2,** 459; **10,** 259
sale of goods, application to, of, **25,** 281, 282
usage of merchants, distinguished from, **10,** 259
variation of, by usage, **10,** 255

LAW OFFICERS OF THE CROWN.
See ATTORNEY-GENERAL; SOLICITOR-GENERAL
acceptance of office by, re-election to House of Commons upon, **7,** 75, 76
admissions by, effect of, **7,** 73
appointment of, by letters patent, **7,** 21, 72
Comptroller of Patents, advice to, by, **7,** 75; **22,** 168
appeal from, to, **22,** 178

LAW OFFICERS OF THE CROWN—*continued.*
Durham, County Palatine of, for, **7,** 72, 76
duties and position of, **7,** 71—79
House of Lords, summons to, **7,** 6 n., 73
indictments, right to enter *nolle prosequi* on, **7,** 74
King represented in Courts by, **7,** 71
Lancaster, Duchy of, for, **7,** 72, 76
ministry, members of, **7,** 75
peerage claim, reports on, by, **7,** 73 ; **22,** 278
public, representatives of, as, **7,** 71, 73
rights, party to assertion of, **7,** 73
exceptions as to, **7,** 73

LAW REPORTS,
abbreviations used. *See Table of Abbreviations at commencement of each volume.*
copyright in, **8,** 146
evidence of the facts therein stated, whether, **13,** 475
libel, how far privileged in actions for, **18,** 694—698
trade by publishing and sale of, **27,** 510 n.

LAW SOCIETY
admission as solicitor by, **26,** 719
appeal, committee's decision on solicitor's conduct, from, **26,** 855
charter of incorporation of, **26,** 707, 708
Clerk of the Petty Bag Office, duties of, exercised by, **26,** 709
commission for oaths, application for, to, **26,** 858, 859
entry of, with, **26,** 860
committees upon which entitled to be represented, **26,** 709, 710
duties of, **26,** 709
examination for admission as solicitor, management of, by, **26,** 716—719. *See* EXAMINATION.
inquiry into solicitor's conduct by, **26,** 852—854
magisterial inquiry, precedence of, over action by, **26,** 849
management of, **26,** 708, 709
meetings of, **26,** 709
membership of, provisions as to, **26,** 708, 709
officers of, appointment of, **26,** 708, 709
origin of, **26,** 707, 708
practising certificate of solicitor, appeal against refusal of renewal, **26,** 722
issue of, by, **26,** 721
renewal of, by, **26,** 721, 722
protection afforded to, in respect of proceedings, **23,** 325 n.
readmission as solicitor by, **26,** 720
registrar of solicitors, duties of, exercised by, **26,** 709
registration of articles with, **26,** 713
unqualified person acting as solicitor, powers in case of, **26,** 856

LAW STATIONER,
employment of, by solicitor, **26,** 836, 857

LAY CORPORATION,
defined, **8,** 304 ; **11,** 801
ecclesiastical corporations distinguished from, **8,** 304 ; **11,** 801
examples of, **8,** 304, 305
lay rectors as, **11,** 801, 802
universities as, **11,** 801

LAY DAYS,
defined, **26,** 121, 122
berth of ship stated, effect on, of, **26,** 127
charterer's right to make use of, **26,** 124, 125, 128
charterparty, stated in, effect of, **26,** 121, 122, 124, 126
saved at port of loading, as to, **26,** 126

LAY IMPROPRIATOR,
defined, **11,** 717, 801, 802
cure of souls when a benefice in hands of, provision for, **11,** 717
grants of ecclesiastical property to, **11,** 717, 801
lay rector as, **11,** 717, 801, 802
chancel of church, repair of, liable for, **11,** 482, 513, 802
property held by, when ecclesiastical property, **11,** 718
right to chief seat in chancel, **11,** 802
monuments or tablets, erection of, by, **11,** 541
tithes, rateable for, **24,** 17, 18
trespass, action for, by, **11,** 730 n.

LAY READER,
office and status of, **11,** 480

LAY RECTOR. *See* LAY IMPROPRIATOR.

LAY VICAR,
defined, **11,** 435

LE ROY LE VEULT,
assent of Crown to Act of Parliament signified by **21,** 725 ; **27,** 115 n.

LEA RIVER. *See* LEE CONSERVANCY BOARD

LEAD,
deposit works, *defined,* **23,** 405 n.
mine, black lead, offence to steal from, provisions as to, **9,** 638
Crown rights as to, **7,** 117
Derbyshire, custom relating to, in. *See* DERBYSHIRE LEAD MINES.
valuation of, for rating purposes, **24,** 43
poisoning, Workmen's Compensation Act, under, **20,** 162, 164 n., 165 n.

LEADING QUESTION. *See* EXAMINATION OF WITNESS.

LEAP YEAR,
computation of days in, **27,** 433
occurrence of, **27,** 432, 433

LEASE.
For dealings with leases and leaseholds, see LEASEHOLD. *For the respective rights of landlord and tenant, see* LANDLORD ; TENANT. *For tenancies apart from tenancies created by leases, see* TENANCY.
defined, **18,** 341 n., 366
Conveyancing Act, 1881, under, **18,** 540 n.
Finance (1909-10) Act, 1910, under, **24,** 558 n.
absolute owner, by, **18,** 341
administrator of deceased's estate, by, **14,** 299 ; **18,** 347, 348
admissibility in evidence of, boundaries, as to, **3,** 146
customs of manor, as to, **8,** 10
value, as to, **13,** 515

LEASE—*continued.*
agent, by, **1,** 154, 155 ; **18,** 371, 372
agreement for. *See* AGREEMENT.
distinguished from, **18,** 366—369
agricultural holding, of, colleges of Oxford, Cambridge, and Durham Universities, by, **12,** 93
compensation for improvements under. *See* COMPENSATION.
covenants in. *See* COVENANT IN LEASE.
disclaimer of, **1,** 275, 276
incumbent of benefice, by, **11,** 761, 762 ; **26,** 679
penalties in, provision for, **1,** 249, 250
Settled Estates Act, 1877, under, **18,** 365 ; **25,** 677
tenancy under. *See* AGRICULTURAL TENANCY.
universities of Oxford, Cambridge, and Durham, by, **12,** 93
alien, by and to, **1,** 307, 309 ; **18,** 341 n.
alteration in, before execution, **18,** 395 n.
ancient, admissibility as evidence of value, **13,** 515
appurtenances, of house with, **18,** 412, 413
assignee of lessee under. *See* ASSIGNEE.
assignment of. *See* LEASEHOLD.
assurance within meaning of Mortmain and Charitable Uses Act, as, **8,** 367 n. ; **18,** 342 n.
attestation of, **18,** 395 n.
avoidance of, charity lands, of, **4,** 227, 228
infant on coming of age, by, **18,** 348
bankruptcy, disclaimer in. *See* disclaimer in bankruptcy, *infra.*
effect of. *See* BANKRUPTCY.
forfeiture on, **1,** 275 ; **2,** 88, 149, 150 ; **18,** 530, 542, 543
right of re-entry on, **2,** 92, 93
benefice, of, **11,** 615
best rent, estimation of, **2,** 268
mining lease, under, **25,** 657
power of leasing, for purpose of, **18,** 363 ; **23,** 75, 77, 78
Settled Estates Act, 1877, under, **25,** 677
Settled Land Acts, under, **18,** 359 n. ; **25,** 654, 655
bill of sale, as, **3,** 15, 16
borough council, by or to, **19,** 318
building, **11,** 762 ; **18,** 567, 568. *See* BUILDING LEASE.
building society, by or to, **18,** 342
burial ground, of closed unconsecrated, **3,** 530, 531
superfluous land, of, by burial board, **3,** 462
Cambridge University, by, **4,** 228 ; **18,** 366
canal, of, to railway company, **23,** 786
canal tolls, of, **23,** 785, 786
capacity to grant and take, **18,** 341—365
cattle, of, **18,** 341 n.
charitable corporation, by, **4,** 226
to, option to purchase within rule against perpetuities, **4,** 175
charity, by and to, **4,** 127—129, 131, 223—231 ; **18,** 342. *See* CHARITY.
sanction of Charity Commissioners in case of, **4,** 229, 231, 313 ; **20,** 534
chattels, of, **18,** 341 n.
Settled Land Acts give no power to grant, **25,** 659 n.
church property, of, **11,** 760—764
building purposes, for, **11,** 762—764, 794
corporations which may not grant, **11,** 762 n., 793

LEASE—*continued.*
church property—*continued.*
deed, when required to be made by, **10,** 364, 367
Ecclesiastical Leases Act, 1842, under, **11,** 761, 762
mining purposes, for, **11,** 794
provisions of Ecclesiastical Leasing Acts as to, **11,** 762 n., 763 n.
small holdings, for, **26,** 679
clear yearly rent, *defined,* **25,** 307 n.
collateral agreement or representation, effect of, **10,** 447 n. ; **18,** 373 ; **27,** 21 n.
colleges in Oxford, Cambridge, and Durham, by, **4,** 228 ; **12,** 93 ; **18,** 366 ; **20,** 534
commencement of tenancy, **18,** 456, 457
future date, at, **18,** 457, 459
Commissioners of Woods and Forests, by and to, **7,** 159, 161—168, 203 ; **18,** 347
Commissioners of Works, by, **7,** 136
common, of rights of, **4,** 492 ; **18,** 341 n.
company, to and by, **18,** 342, 343, 361
compensation for tenant's improvements, provisions for, **1,** 258—263 ; **18,** 541, 566, 567. *See* COMPENSATION.
completion of, **18,** 394—403
concurrent, **18,** 404, 405
condition in, **18,** 462, 463, 530, 531 ; **25,** 339, 655—657, 676, 677
confirmation of, by remainderman, **24,** 292 n.
consent necessary, copyhold or leasehold property, **18,** 383
Ecclesiastical Commissioners, by. *See* ECCLESIASTICAL COMMISSIONERS.
not obtained, specific performance in case of, **18,** 364 n.
consideration for, reference in deed to, **18,** 386
construction of, circumstances considered in, **18,** 413 n.
duration of tenancy, as to, **18,** 434—464. *See* duration of, *infra.*
lessor, against, **18,** 461 n.
mines, as to, **20,** 557—559
premises included in demise, as to, **18,** 411—434
rent, as to, **18,** 470—482. *See* RENT (Reserved).
contents of, **18,** 386—390
contract for. *See* AGREEMENT.
convicts, by and to, **9,** 428 ; **18,** 341 n.
co-owners, by, **18,** 343, 344
coparcener, by, **18,** 343
copyhold, of, **18,** 344—346
assignment by lessee, effect of, **18,** 346
court may authorise licence for, **25,** 678
custom, by, **18,** 344
licence necessary for, **8,** 52—54 ; **18,** 345, 383 ; **25,** 658, 678
life tenant may grant licence for, **25,** 658
lord of manor, by, **8,** 76
powers in respect of, **18,** 344, 345 ; **25,** 658, 678
registration in Middlesex and Yorkshire, **18,** 401 n.
statements in, as evidence of custom of manor, **8,** 10
Cornwall, of land in Duchy of, **7,** 251—253 ; **26,** 679. *See* CORNWALL, DUCHY OF.
corporations, by and to, **8,** 371, 375, 376 ; **11,** 794 ; **18,** 346, 347

LEASE—*continued.*
costs of preparation of, liability for, **18,** 402, 403
counterpart of, **18,** 394—396; **25,** 655. *See* COUNTERPART.
county council, by or to, **19,** 364
small holding, for, by limited owners to, **26,** 679
court, by authority of, **18,** 365, 366
infant's land, of, **17,** 100
Settled Estates Act, 1877, under, **18,** 365, 366; **25,** 676—678
Settled Land Acts, under, **25,** 642
covenants in. *See* COVENANT IN LEASE.
breach of. *See* BREACH OF COVENANT; FORFEITURE.
implied. *See* IMPLIED COVENANT.
quiet enjoyment, for. *See* QUIET ENJOYMENT.
renewal, for. *See* RENEWAL OF LEASE.
restrictive. *See* RESTRICTIVE COVENANT.
running with the land. *See* COVENANT, running with the land.
title, for, **10,** 480; **18,** 527. *See* COVENANTS FOR TITLE.
creation of, requisites of, **13,** 426; **18,** 383—385
Crown lands, of, **7,** 163—168; **18,** 347; **26,** 679. *See* CROWN LANDS.
Crown mines, of, **7,** 203; **20,** 534
custom affecting, copyhold, in case of, **8,** 47; **18,** 344, 345
custom of the country, in case of. *See* CUSTOM OF THE COUNTRY.
settled property, in case of, **25,** 657, 677
date of, **18,** 386, 459 n.
dean and chapter, by, **11,** 760
deed necessary for, **4,** 492; **10,** 367—371; **18,** 384; **25,** 654
Ecclesiastical Leases Act, 1842, under, **10,** 367
effect of lease not by, **4,** 492; **18,** 385
ferry, in case of, **14,** 558
fishery, in case of, **14,** 583, 584
Leasing etc. Act (Ireland), 1855, in demise under, **10,** 369
life or lives, in demise for, **18,** 460
profit à prendre, in case of, **4,** 492; **11,** 341
Settled Estates Act, 1877, under, **25,** 676
Settled Land Acts, under, **25,** 654
sporting rights, on demise of, **18,** 575
demise, covenants implied by word, **10,** 480; **18,** 525—527
words of, **18,** 387
derivative, *defined*, **25,** 307 n.
underlease distinguished from, **25,** 307 n.
determination of, **18,** 458
disclaimer, by, **18,** 553, 554. *See* disclaimer in bankruptcy, *infra*.
forfeiture, by, **18,** 530—546. *See* FORFEITURE.
merger of term, by, **13,** 148 n.; **18,** 552, 553
surrender, by, **18,** 546—552. *See* SURRENDER OF LEASE.
dignity, none of a, **18,** 341 n.
directors of a company, by or to, in own names, **18,** 343 n.
disclaimer in bankruptcy, **1,** 275, 276; **2,** 191—196; **18,** 553, 554
agricultural lease, of, **1,** 275, 276
appeal against, does not lie, **2,** 303
leave of court required, when, **2,** 193, 296
notice of, **2,** 193
proof against estate, right of, **2,** 209, 232
small bankruptcy, in case of, **2,** 296

LEASE—*continued.*
disclaimer in bankruptcy—*continued.*
surety for rent, effect on, **15,** 566
vesting order in case of, **2,** 195, 196
distress, landlord's power of. *See* DISTRESS FOR RENT.
dower, by tenant in, **24,** 199; **25,** 675, 676
duplicate, executed in, **18,** 394, 395
duration of, **18,** 434—464
indefinite time, for, giving freehold interest, **18,** 459 n.
term not defined, specific performance in case of, **27,** 27
Durham University, by, **4,** 228; **18,** 366
mines, of, **12,** 93; **20,** 534
dwelling-house, of, warranty in case of, **18,** 502, 503, 569
easements, express lease of, **11,** 245; **18,** 341
impliedly included in demise, **11,** 290; **18,** 414—416
Settled Land Acts, under, **25,** 653
stamp duty, liable to, **11,** 275
Ecclesiastical Leases Act, 1842, under, **11,** 761, 762
education authority, by local, **12,** 21
educational charitable trusts, of land held on, **4,** 231
entry under, **18,** 335, 404, 529; **24,** 265, 294 n.
assignee, by, **18,** 598 n.
legal personal representative, by, **18,** 598
equitable claim to grant of, **13,** 97 n.; **18,** 385; **27,** 15
Judicature Act, 1873, effect of, **13,** 62, 63 n.
estoppel, creation or establishment by, **13,** 373, 402—406; **18,** 336, 357 n. *See also* ESTOPPEL, landlord, lessee, lessor, tenant.
Eton College, by, **4,** 228; **12,** 98 n.; **18,** 366; **20,** 534
evidence of. *See* EVIDENCE; EXTRINSIC EVIDENCE.
exceptions and reservations in, generally, **18,** 427—429
game, of, **15,** 216 n., 217—219; **18,** 433, 434
trees, of, **1,** 296; **18,** 431—433; **27,** 850 n.
execution of, **18,** 394—396. *See also* EXECUTION OF INSTRUMENT.
executors, by, **14,** 299; **18,** 347, 348
probate, before, **18,** 348
extrinsic evidence to explain parcels in, **18,** 411
fair, of, **20,** 13, 14
farm, of. *See* agricultural, *supra*.
what included in, **18,** 412 n.
ferry, of, **14,** 558
fine on grant or renewal of. *See* FINE (Lease, in relation to).
fishery, of, **4,** 492; **14,** 583
flat, of, **18,** 570, 571. *See also* FLAT.
foreshore, of, **7,** 145. *See also* FORESHORE.
forests, of royal, **7,** 186
forfeiture of, **13,** 153; **18,** 530—546. *See* FORFEITURE.
franchise, of, **18,** 341
franchise tolls, of, **20,** 13, 14
fraudulent misrepresentation, infant obtaining by, **17,** 66
friendly societies, by or to, **15,** 169; **18,** 348
furnished house, of, **18,** 569, 570
future, **18,** 405. *See* FUTURE LEASE.
creation of *interesse termini* by, **18,** 405, 406
perpetuities, effect of rule against, **18,** 405 n.; **22,** 316

LEASE—*continued.*
glebe lands, of, **10,** 364, 367; **11,** 760—764; **26,** 679. *See also* church property, *supra.*
goods, of, **18,** 341
Greenwich Hospital, of mines belonging to, **20,** 534
guardian of infant, by, **11,** 130; **17,** 58, 99, 132; **18,** 351
appointed by infant, **17,** 58
court, appointed by, **11,** 130
nature, by, **18,** 351 n.
nurture, for, **18,** 351 n.
socage, in, **11,** 130; **17,** 132; **18,** 351 n.
statutory, **11,** 130; **18,** 351
testamentary, **17,** 132; **18,** 351
guardian of infant, to, **17,** 98
habendum in, life or lives, in demise for, **18,** 461
years, in demise for, **18,** 456, 457
herbage, of, **18,** 340 n.
hereditaments, confined to corporeal and incorporeal, **18,** 341 n.
interpretation of term, **18,** 413
highway, of land adjoining, presumption of inclusion of part of highway, **3,** 122—124; **16,** 52, 53
house, of, what included in, **18,** 412
husband, by, of non-separate property of wife, **18,** 354—356; **25,** 676
illegal or immoral purpose, for, **18,** 515
improving. *See* IMPROVING LEASE.
incorporeal hereditament, of, how made, **4,** 492; **18,** 384
informal, effect of, **4,** 492; **18,** 385
increment value duty, assessment of, **24,** 560, 561
charge of, **24,** 558—563
incumbent, by, **10,** 367; **11,** 760—764; **26,** 679. *See* ECCLESIASTICAL LEASES.
indorsements on, effect of, under Settled Land Acts, **25,** 655
industrial societies, by or to, **17,** 20
infant, by, **17,** 99; **18,** 348, 349
to, effect of, **17,** 97; **18,** 352
fraudulent misrepresentation, obtained by, **17,** 66, 98 n.
renewal of, **17,** 98
infant's property, of, **17,** 49, 99—101; **18,** 348—352. *See also* guardian of infant, *supra.*
contingently entitled, where infant is, **18,** 351
court, by direction of, **17,** 100, 101
liability under, **17,** 98
renewal, by way of, **17,** 100, 101
repudiation of, **17,** 99; **18,** 349
Settled Estates Act, 1877, under, **17,** 100; **18,** 351
Settled Land Acts, under, **17,** 99, 100; **18,** 350, 351
surrender of, **17,** 98
interesse termini created by. *See* INTERESSE TERMINI.
invalid, effect of, **4,** 492; **18,** 385
joint tenant, by one, **24,** 205
renewal to one, where other is infant, **17,** 99
joint tenants, by, **18,** 343
Lancaster, in Duchy of, **7,** 231—234; **26,** 679. *See* LANCASTER, DUCHY OF.
land, what is included in description, **18,** 411
landlord, rights and duties of. *See* LANDLORD; LESSOR.
last day of, how computed, **27,** 447
lease and release, assurance of land by. *See* LEASE AND RELEASE.

LEASE—*continued.*
Leases Act, 1849, validation under, **18,** 364, 365 n.
Leasing Powers Act etc. Ireland, 1855, under **10,** 369, 400
lessee, rights and duties of, during tenancy. *See* LESSEE; TENANT; TENANT FOR YEARS; YEARLY TENANT.
who may be, **18,** 341—366. *See the word hereunder denoting the particular class of person.*
lessor, rights and duties of, during tenancy. *See* LANDLORD; LESSOR.
who may be, **18,** 341—366. *See the word hereunder denoting the particular class of person.*
library authority, by, **4,** 228; **23,** 586
licence distinguished from, **18,** 337
licensed premises, of, **18,** 571—574
life or lives, for, **18,** 459—461
covenant for renewal, effect of, **18,** 461
creation of, **18,** 460
form of, **18,** 461
in futuro, cannot be made to arise, **18,** 459
nature of interest created by, **12,** 148; **18,** 459, 460; **24,** 163 n.
one of named lives not in being, **18,** 461 n.
specific performance in relation to, **10,** 377, 378; **18,** 460; **27,** 15 n., 27
tenant under, not subject to Settled Land Act, 1882, **18,** 459 n.; **25,** 628
live stock, of, **18,** 341 n.
lunatic, by or to, **18,** 353
committee or *quasi*-committee, powers of, **19,** 446, 447
form of execution by, **19,** 447 n.
jurisdiction of court in authorising, **19,** 446, 447
lunatic asylum, for, **19,** 481
manor, of, **18,** 341
mansion-house, of, on settled land, **25,** 641
market rights, of, **20,** 13, 14, 14 n.
married woman, by, **18,** 353—356
feme sole, as, under Married Women's Property Act, **18,** 353
Fines and Recoveries Act, under, **18,** 354
life interest, of, **18,** 354, 355
non-separate property, of, **16,** 376; **18,** 354
power, by exercise of, **18,** 354
restraint on anticipation, of property subject to, **16,** 365; **18,** 355
separate use, where land held for, **16,** 378; **18,** 353, 354
Settled Estates Act, 1877, under, **18,** 354
Settled Land Acts, under, **18,** 354, 355
statute, apart from, **18,** 355, 356
tail, as tenant in, **18,** 354 n.
married woman, to, **18,** 356
merger of, **18,** 552, 553
messuage, of, **18,** 412
mill, rooms in, with supply of power, **18,** 341 n.
mines, of, **20,** 555—570. *See* MINING LEASE.
misdescription in, **18,** 411
ferry, in demise of, **14,** 558
mistake in, rectification of, **18,** 411; **21,** 13
mortgage, created before, effect of, **11,** 127; **21,** 160—162
mortgagee, by, mortgagor concurring, **18,** 358; **21,** 162
not under statutory power, **18,** 358

LEASE—*continued.*
mortgagee—*continued.*
possession, in, **3,** 15, 16; **18,** 357; **21,** 163, 164, 198
receiver, after appointing, **18,** 163 n., 198; **21,** 198
mortgagor, by, estoppel of mortgagee or tenant under, **18,** 357; **21,** 165
express modification of statutory power, under, **21,** 123
mortgagee, to, **21,** 144
with concurrence of, **18,** 358; **21,** 162
not under statutory power, **11,** 128; **18,** 357, 358; **21,** 164—166
power in mortgage, under, **21,** 163
specific performance in respect of, **27,** 40 n.
statutory power, under, **11,** 128; **18,** 356; **21,** 163
counterpart delivered to mortgagee, **21,** 164
mortgagee's rights, effect on, **21,** 164
ultra vires, rights of tenant under, **21,** 164—166
municipal corporation, by, **19,** 318
nature of, **18,** 335, 366
office in administration of justice, of, **18,** 341 n.
open space under Open Spaces Act, 1906, for, **21,** 585
option contained in, Commissioners of Woods and Forests, exercise by, **18,** 394
conditions of, **18,** 394
Crown lease, exercise in case of, **18,** 394
determination of lease, for, **18,** 393, 394
mining lease, in, **20,** 566
persons who may exercise, **18,** 393, 394
purchase, of, **18,** 390—392. *See* OPTION TO PURCHASE.
release of, **18,** 394
renewal, of, **18,** 393
time of essence in case of, **7,** 414
Oxford University, by, **4,** 228; **18,** 366
parcels in, **18,** 411—434; **20,** 556, 557
parish charity property, of, **4,** 230
patent, of, prohibited conditions in, **22,** 193
penalty clause in, construction of, **1,** 249; **18,** 469, 470; **27,** 17
perpetuity, in, effect of, **18,** 458
personal representative, by, **14,** 299
pleasure ground under Public Health Acts, for, **21,** 587
possession in respect of, **18,** 337
construction as lease or agreement, effect on, **18,** 368, 369
part performance of agreement, as, **18,** 376, 377; **27,** 31, 33, 35 n.
recovery of, **18,** 558—561. *See* RECOVERY OF LAND.
Postmaster-General, by and to, **22,** 634—636
power to grant, in settlement, **18,** 361—365; **23,** 74—79. *See* POWER OF LEASING.
præ and *post* fines, of, **7,** 162
profit à prendre, of interest in, **11,** 342; **18,** 341
profits and commodities, of land with, may pass ferry, **14,** 558
profits of land, of, **18,** 412
public-house, of, **18,** 571—575
pur autre vie generally, **18,** 459—461. *See* ESTATE PUR AUTRE VIE.
quarries in Forest of Dean, of, **20,** 650
railway, of, by railway company, **23,** 711, 712
railway company, by, Board of Trade's certificate, when necessary to, **23,** 711
covenants to be included, **23,** 711

LEASE—*continued.*
railway company—*continued.*
effect of, **23,** 712
reasonable facilities, provision of, **23,** 712
railway rolling stock, of, **18,** 341 n.
receiver, by, effect of, **11,** 130; **18,** 358; **24,** 394
cannot purchase or take without leave, **24,** 397, 398
recreation ground, for. *See* open space, pleasure ground, *supra.*
rectification of, **18,** 411 n.; **21,** 13
re-entry under. *See* RE-ENTRY.
registered land, of, notice as a protection for, **24,** 320, 321
registration of, **18,** 400—402
Bedford Level, in, **18,** 401; **24,** 307
copyhold land, in case of, **18,** 401 n.
land registry, at, **18,** 402; **24,** 308, 311, 314, 315
Middlesex, in, **18,** 401; **24,** 302
superior landlord, with, **18,** 400
York city, not required in, **18,** 401 n.
Yorkshire, in, **18,** 401; **24,** 304
release, enlargement of estate by, **24,** 292, 294
renewal of. *See* RENEWAL OF LEASE.
rent under. *See* RENT (Reserved).
repairing, under Settled Estates Act, 1877, **18,** 365; **25,** 677
repairs under. *See* REPAIRS TO LEASEHOLDS.
repudiation of, for breach of warranty of fitness, **18,** 502, 503
rescission of, **20,** 743 n., 744 n.
reservation in, **18,** 427. *See also* exceptions, *supra.*
game, of rights in respect of, **15,** 216—219
operating as regrant, **18,** 428
rent etc. of, **18,** 428, 465, 467
shooting rights etc. of, **15,** 216—218; **18,** 428, 429, 433, 434
sporting, of exclusive right of, **15,** 221
restrictions in, on use of premises, **18,** 515—519
restrictive covenant in, **18,** 515—519. *See* RESTRICTIVE COVENANT.
reversion on. *See* REVERSION ON LEASE.
rolling stock, of, on railway, **18,** 341 n.
royalties reserved by. *See* ROYALTY (mining).
school site, of, **12,** 118, 119
sealing of, when necessary. *See* deed, *supra.*
settled land, of, **18,** 358—366
chattels to devolve with, of, **25,** 659 n.
court, by authority of, under Settled Estates Act, 1877, **18,** 365
power, under a, **18,** 361—365
Settled Estates Act, under, **10,** 370; **18,** 351, 365; **25,** 675—678. *See* SETTLED ESTATES ACT.
Settled Land Acts, under, **10,** 371; **18,** 358—361; **25,** 653—657. *See* SETTLED LAND ACTS.
capital money in respect of, application of, **25,** 644—651. *See* CAPITAL MONEY UNDER SETTLED LAND ACTS.
sheriff entitled to see, **11,** 177
small holdings, of land for, **26,** 679
compulsory hiring of land for, **26,** 682
renewal of, **26,** 684
solicitor's remuneration for preparing, **26,** 763
sporting, **15,** 219 n.; **18,** 575
rights, reservation of, in, **15,** 216—219, 221 n.; **18,** 428 n., 429
stallage in street market, of, **20,** 14 n.

LEASE—*continued.*
stamp duty on. *See* STAMP DUTY.
statements in, effect of, under Settled Land Acts, **25,** 655
Statute of Frauds, effect of, **18,** 384
Statute of Enrolments, not within, **24,** 294
subject-matter of, what is capable of being, **18,** 340, 341
superfluous land, of, **6,** 31
surety, to, by way of indemnity, **15,** 445 n.
surrender of, **18,** 546—552. *See* SURRENDER OF LEASE.
tenancy under. *See* TENANCY; TENANCY FOR YEARS.
tenant by the curtesy, by, Settled Estates Act, under, **25,** 676
Settled Land Acts, under. *See* SETTLED LAND ACTS.
tenant for life, by, apart from statute or power, **18,** 359, 360; **24,** 178
compensation for improvements, representatives' charge for, on death, **14,** 226
contract of prior tenant for life, under, **25,** 654
mining, **20,** 523, 524, 529
Settled Estates Act, under, **25,** 675, 676. *See* SETTLED ESTATES ACT.
Settled Land Acts, under, **10,** 371; **18,** 358—361; **25,** 653—657. *See* SETTLED LAND ACTS.
specific performance in relation to, **18,** 361 n., 364
tenant for life, inability to demise to, **25,** 670 n.
tenant for years determinable with life, by, Settled Estates Act, 1877, under, **25,** 675, 676
Settled Land Acts, under. *See* SETTLED LAND ACTS.
tenant in tail, by, **18,** 360
express powers, under, **18,** 361
Fines and Recoveries Act, under, **18,** 360
Settled Estates Act, 1877, under, **18,** 360
tenants in common, by, **13,** 373 n.; **18,** 343
term of years under. *See* LEASEHOLD; TERM OF YEARS.
tolls, of, **18,** 341 n., 384 n.
canal company, by, **23,** 785, 786
trade unions, by or to, **18,** 348; **27,** 631, 632
tramway, of, by local authorities, **27,** 804, 805
trustees, by, **18,** 361; **25,** 687, 688; **28,** 145
absence of express power, in, **18,** 361 n.
charity, of. *See* CHARITY, lease.
co-trustee, to, **28,** 171
deceased tenant for life, to fulfil contract of, **23,** 56
unfurnished premises, of, **18,** 502
university, by, **4,** 228; **12,** 93; **18,** 366; **20,** 534
user, restrictive covenants as to, in, **18,** 515 *et seq.*
verbal, when may be made, **18,** 383
void, acquisition of title by entry under, **19,** 113
confirmation of, on grant under a power, **18,** 365
tenant for life, lease granted by, **18,** 360
entry under, effect of, **18,** 435; **19,** 113
operation as agreement, where want of form only, **18,** 385
payment of rent, effect of, **19,** 124
tenancy at will created by, on entry, **18,** 435
ward's land, of. *See* guardian of an infant, *supra.*
warranty of fitness on, **18,** 502
waterworks, of, by local authority, **28,** 258
wife, by or to, **18,** 353—356

LEASE—*continued.*
Winchester College, by, **4,** 228; **12,** 98 n.; **18,** 366; **20,** 534
working classes, of houses for, **18,** 503
writing necessary for, when, **18,** 384
years, for. *See* TENANCY FOR YEARS.

LEASE AND RELEASE,
assurance of land by, **24,** 293, 294
common law, operating under the, **24,** 294 n.
corporation, as assurance to, **24,** 294 n.
entry, avoidance of necessity for, **24,** 294
release alone, statutory substitution of, **24,** 294 n.
Statute of Uses, operating under, **24,** 294

LEASEHOLD. *See also* CHATTELS REAL.
administration of deceased's estate, in case of, **18,** 598, 599
administrator of intestate owner, conflict of laws as to choice of, **6,** 218 n.
adverse possession, effect of, **19,** 156
liability of person obtaining, under covenants of lease, **18,** 589; **19,** 156
rights to enforce covenants against land, **19,** 156
apportionment of rent on sale, **25,** 431, 452. *See also* APPORTIONMENT.
compulsory purchase, on, **6,** 147, 148
assignee of, acceptance by lessor of, **14,** 306; **18,** 581, 582
administrator of lessee as, **14,** 306; **18,** 598
attornment by, **18,** 595. *See* ATTORNMENT.
company as, **11,** 173 n.
consent to assignment by, not required, **18,** 592
duty of, to perform covenants, **18,** 588 n., 592
executor of lessee as, **14,** 306; **18,** 598
forfeiture, relief from, **18,** 545
franchise qualification of, **12,** 154, 155
indemnity to lessee by, **7,** 466; **18,** 592—594; **20,** 562; **25,** 431
justices' licence, transfer of, **18,** 28, 29
lessor, without consent of, **18,** 581
liability of, **18,** 581, 588—594
breach of negative covenants in, **18,** 590, 591
covenants, under, **18,** 584
lessee, to, **18,** 592—594
options exercisable by, **18,** 393
part of premises, of, **18,** 590
proof against, in bankruptcy, **2,** 209
reassignment, liability after, **18,** 592
rent, liability in respect of, **18,** 590, 592, 593
representative of, liability and duty of, **14,** 306, 307
limitation of, **14,** 307
sale of property, indemnity on, **25,** 431
who is liable as, **18,** 589
assignment of, **18,** 575—594
adjoining lessee's covenants, with benefit of, **18,** 591
agreement for, writing necessary for, **10,** 419
18, 582
company, to, **11,** 173 n.
consent to, **18,** 579, 580
copyhold lands, of, **18,** 346
covenants against, **18,** 576—578; **25,** 431. *See also* COVENANT IN LEASE.
covenants for title in, **18,** 461; **25,** 431
covenant running with land, on, effect, **7,** 504; **18,** 584—588. *See* COVENANT, running with land.
deed necessary to give legal interest, **18,** 582

LEASEHOLD—*continued.*
assignment of—*continued.*
distress, right of, how affected by, **11,** 127, 133 n., 173 n.
equitable, effect of, **13,** 64 n.
execution debtor, by, postponement as against sheriff, **14,** 44 n.
executor, by, **14,** 306; **18,** 599
form of, **18,** 582—584
infant, to, **17,** 97
involuntary, effect of, **18,** 577
licence permitting, **18,** 580, 581
rights of purchaser as to, **25,** 431, 432
lots, on sale in, **25,** 431
mode of, **18,** 582—584
parcels, description of, in recitals, **25,** 431
part only of demised premises, of, **25,** 431
pauper, to, **2,** 194 n.; **14,** 306 n.; **18,** 592
recitals in, **25,** 430
registered land, of, **18,** 583; **24,** 319; **25,** 432
registration of, deeds registries, in, **18,** 583, 584; **24,** 302, 304
Land Transfer Acts, under, **18,** 583; **24,** 308—324
superior landlord, with, **18,** 400
rent reserved on, **11,** 124; **18,** 469
representative of deceased assignee, by, **14,** 306
restrictions on, **18,** 576—578; **25,** 431. *See also* COVENANT IN LEASE.
sale, on, **18,** 575—584; **25,** 430—432
subsequent purchaser, impeachment by, **15,** 94
trade, with benefit of covenant in restraint of, **27,** 562
assignor of, distress on goods of, **11,** 133 n.
indemnity of, express, **18,** 593; **20,** 562; **25,** 431
implied, **7,** 466; **18,** 592, 593
nature of, **4,** 365
trustee in bankruptcy, on sale by, **2,** 120, 121
lessor's rights against, **18,** 592
surety for assignee, is not, **15,** 442
bankrupt, after-acquired property of, **2,** 165; **18,** 600
disclaimer by trustee of. *See* DISCLAIMER.
powers and rights of, **2,** 165
vesting in trustee of, **2,** 155, 156, 165; **18,** 600
not a breach of covenant against assignment, **2,** 88; **18,** 577
bankruptcy, purchaser for value without notice, effect on, **2,** 165
sale by trustee in, **2,** 120, 121
bequest of, **18,** 577; **28,** 517
assent to, by representative, **14,** 265. *See also* ASSENT.
before date of demise, **28,** 517 n.
death of testator, as at, **28,** 517 n., 691, 692 n.
disclaimer of onerous, **28,** 600 n.
specific legatee need not bring debt into account, **14,** 268
vesting of gift of freeholds and leaseholds together, **28,** 811
building schemes as to, enforcement of provisions of, **18,** 591
Charitable Uses Acts, application of, **4,** 125 n.
chattels real, as, **11,** 3, 4 n.; **22,** 388; **24,** 137 n., 138, 163, 164. *See* CHATTELS REAL.
company or corporation, of, effect of dissolution on, **5,** 568; **8,** 401; **11,** 25
surety for payment of rent discharged by, **5,** 568; **15,** 565, 566
vesting order where company is trustee, **11,** 25

LEASEHOLD—*continued.*
compulsory acquisition of, **6,** 58, 147—150
short unexpired terms, in case of, **6,** 149, 150
conditions of sale in case of, **25,** 340
conflict of laws, position under, **6,** 196, 219, 220
conveyance of, **25,** 430—432
county court jurisdiction where title in question, **8,** 430, 431
creditors, alienations impeachable by, **15,** 79 n., 81
devise, application of word, to bequest of, **28,** 508 n.
real estate, of, does not generally pass, **24,** 163 n.; **28,** 703
devolution of, on death, **11,** 6; **14,** 230; **18,** 598
discharge of incumbrances on, in administration of deceased's estate, **14,** 288, 289
disclaimer of. *See* DISCLAIMER.
elegit, writ of, extends to, **2,** 273
equitable interest in, involves no liability on covenants, **13,** 97 n.
estate tail
cannot be created in, **24,** 266, 267
construction of, as absolute interest, **24,** 267
executory limitations of, **22,** 413; **24,** 266
franchise, as qualification for county, **12,** 154, 155
gift of, incomplete, not upheld by way of trust, **15,** 429 n.
hereditament, as, under County Courts Act, **8,** 431; **24,** 159 n.
highway, dedication of, **16,** 35
Howe v. *Dartmouth*, application of rule in, **25,** 611. *See also* HOWE *v.* DARTMOUTH.
immovables, as, **6,** 196. *See also* IMMOVABLES.
insurance policy to replace value of, validity of trust to keep up, **22,** 380
investment on, capital money under Settled Land Acts, of, **25,** 647
security of, by trustee, **28,** 134
lands, included in will as, **28,** 702, 703
legacy duty, excepted from payment of, **13,** 239
lex loci rei sitæ, subject to, **6,** 196; **27,** 163 n.
life or lives, for, **18,** 459—461
assignment of, with covenant as to validity, **18,** 461
devise of, **28,** 517 n.
real estate, as, **24,** 163 n.
married woman, as non-separate property of, husband's rights, **14,** 232, 233; **16,** 323, 324
contingent interest, **16,** 324
creditors of husband, rights of, **16,** 325
dispositions by husband or wife, **16,** 376; **18,** 355, 356
equitable interest in, **16,** 324
estate duty in case of wife surviving, **13,** 195
joint tenancy in, **16,** 324
reversionary interest in, **16,** 324
testamentary disposition by husband, **16,** 324
trustee in bankruptcy, rights pass to, **16,** 325
mortgage of, **21,** 126—128
building society, to, **3,** 364; **21,** 313 n.
declaration of trust on subdemise, **21,** 127
discharge of, **21,** 313
fixtures, rights as to, **21,** 128
investment on, by trustees, **28,** 134
renewal of lease, effect of, **21,** 127
sub-demise, by, **21,** 126—128
mortgagee by assignment, liability of, on covenants, **13,** 97; **21,** 127
origin of the tenure, **24,** 146

LEASEHOLD—*continued.*
partition of, **13,** 40 ; **21,** 836, 837
partners, purchase by, as evidence of duration of partnership, **22,** 23
perpetuities, application of rule against, **22,** 312
personal property, as, **11,** 3 n. ; **22,** 388 ; **24,** 163
descent and distribution, for purpose of, **11,** 3, 4 n.
probate and administration, for certain purposes of, **14,** 163
succession duty, provision as to, **13,** 263
personal representatives of deceased owner, devolution on, **11,** 6 ; **14,** 230 ; **18,** 598
disclaimer by, **18,** 598 n.
entry into possession by one of several, effect of, **14,** 306, 307
indemnity to, on distribution, unnecessary, **18,** 599
liability of, when entering into possession, **14,** 306 ; **18,** 598
pleading by, in action on lease, **18,** 598 n.
statutory protection of, on sale of, **14,** 255 ; **18,** 599
sued as assignees or as representatives, **18,** 599
probate duty in respect of, **13,** 306, 309, 314
mortgage debt, deduction of, **13,** 314
purchaser of, inquiry as to payment of debts on sale by executor, **14,** 237 n.
subsequent, right of, to impeach prior conveyance, **15,** 94, 96
registered transfer of, **24,** 319
renewed lease, under. *See* RENEWAL OF LEASE.
rent, bequest of, apart from reversion, **28,** 699
rentcharge charged on, nature of, **24,** 465, 467, 468, 474
repairs of. *See* REPAIRS TO LEASEHOLDS.
reversion duty, amount recoverable from leaseholder, **24,** 573
reversion to. *See* REVERSION ON LEASE.
sale of, abatement of price, where vendor's interest misdescribed, **25,** 330
agreement for, writing necessary, **18,** 582
assignment on. *See* assignment, *supra.*
conditions in case of, **25,** 340
disclosure of facts by vendor, **25,** 304—306
freehold title cannot be called for, **25,** 343
inspection of documents containing covenants, **25,** 305
licence of lessor, failure to obtain, **25,** 432
lots, in, how effected, **25,** 431, 432
misdescription of premises, **25,** 329 n., 330
non-disclosure by vendor, effect of, in, **27,** 51 n.
onerous covenants, with, **25,** 305 ; **27,** 51 n.
receipt for rent as proof of performance of covenants, **25,** 340
title to be shown, **25,** 343
trust for, executed by way of underlease, **23,** 73 n. ; **28,** 150 n.
vendor, performance of covenants by, up to giving possession, **25,** 371
settlement of, **25,** 530
acquired under Settled Land Acts, **25,** 651
adjustment of outgoings between parties interested, **25,** 615—617
income, tenant for life's right to, **25,** 611
lease containing onerous covenants, in case of, **25,** 530
marriage articles, by, **25,** 541
renewable, **25,** 699—703
voluntary under 27 Eliz. c. 4, where not, **15,** 96

LEASEHOLD—*continued.*
sub-lease of. *See* UNDERLEASE.
succession duty, real property for purpose of, **13,** 213 n., 263
successive interests in, creation of, **22,** 413 ; **24,** 266
tenant for life of, inducement to, not to sell, what is, **25,** 638 n.
outgoings, adjustment of rights as to, **25,** 615
permissive waste, liability for, **25,** 607
remainderman and, adjustment of rights to income, **25,** 611 ; **28,** 30. *See* HOWE *v.* DARTMOUTH.
outgoings, **25,** 615
tenure, nature of, **24,** 147
origin of, **24,** 146
trust of, **22,** 413 ; **24,** 266
new lease taken by trustee, effect of, **13,** 155
trustee, estate of, in, **28,** 95
underlease of. *See* UNDERLEASE.
will, bequest in. *See* bequest, *supra.*
conflict of laws as to, **6,** 219, 220

LEATHER,
dresser, bye-laws as to, **23,** 563 n.
manufacture, criminal offences by workmen, **20,** 127, 128

LEAVE. *See also* CONSENT ; LICENCE ; SANCTION.
appeal, to. *See* APPEAL.
Attorney-General, of, to take proceedings, **23,** 101. *See* ATTORNEY-GENERAL.
court, of, amendment of pleadings, for, **22,** 438, 439 ; **23,** 139
claims in action for recovery of land, for joinder of, **23,** 109
defence to specially indorsed writ, to enter, **18,** 191—194
conditional, **18,** 193
unconditional, **18,** 192, 193
discontinuance of action, for, **23,** 159, 160
distress, to levy, on company in liquidation, **11,** 173
further defence, to enter, **22,** 450
receiver, when required in case of. *See* RECEIVER.
removal of ward of court, for, **17,** 147
Settled Land Acts, for exercise of powers under, **25,** 640
licence, and. *See* LEAVE AND LICENCE.

LEAVE AND LICENCE. *See also* LICENCE.
assault, in case of, effect of, **27,** 874 n.
consent, pleading of, **27,** 874 n.
design, infringement of, **27,** 743
detinue, **27,** 913
duty, authorised departure from, **27,** 500
poaching offence, **15,** 230, 231
tort, **27,** 500, 913
trespass, goods, to, **27,** 870
land, on, **27,** 860
trover, **27,** 913

LECTURE,
assignee of, *defined,* **8,** 151
church, in, endowment for, provision for change of building, **11,** 646
hour for, fixing of, **11,** 645
copyright in, *defined,* **8,** 140, 143

LECTURE *continued.*
copyright in—*continued.*
college, in, **8,** 151
infringement of, penalty for, **8,** 151
notice to magistrate for securing, **8,** 151
publication for purposes of, *defined,* **8,** 139
report of lecture, rights as to, **8,** 151
manuscript, right to, of, **8,** 137
printing or publishing, without permission of author, penalty for, **8,** 151
proprietary right of author in, **8,** 137
university, school, college, delivery in, of, rights in, **8,** 139, 151, 152

LECTURER,
holy orders, in, bishop may extend duties of, **11,** 646
incumbent, consent of, required to appointment of, **11,** 645
status of, **11,** 645
Workmen's Compensation Act, whether within, **2C,** 154 n.

LECTURESHIP,
support of, is charity, **4,** 111

LEE CONSERVANCY BOARD,
flood works on the river, approval of, by, **20,** 398
jurisdiction of, **28,** 440 n.
Metropolitan Water Board, appointment of members to, by, **28,** 331
supply of water from, **28,** 336
works on the river, London County Council's powers as to, **20,** 397, 398

LEEDS,
lord mayor, title conferred, **19,** 309 n.
University, charitable assurances, exemption from restriction on, in case of, **12,** 92 n.
charter of, **12,** 96, 97
General Medical Council, representative on, of, **12,** 91 n.
medicine, qualifying examinations in, held by, **12,** 91 n.
women, for, **12,** 91 n.
solicitor, service under articles, time for, under degree of, **26,** 711 n., 712 n.

LEEMAN'S ACT,
bank shares, application to, of, **5,** 615, 616; **27,** 258, 262, 263
contract for sale or purchase of, requirements as to, of, **27,** 262
gaming in, application to, of, **27,** 258
broker, defence to action by, when, **5,** 615, 616; **27,** 262, 263
position of, under, **27,** 262
Stock Exchange custom in relation to, **27,** 258, 262, 263

LEET COURT. *See* COURT LEET.

LEEWARD ISLANDS,
courts of, **10,** 555
Government of, **10,** 503 n., 504 n., 526

LEG-IRONS,
restraining of convict in, power to order, **23,** 232

LEGACY. *See also* BEQUEST; GIFT BY WILL.
defined, **13,** 233; **28,** 508, 704
abatement of, **13,** 70; **14,** 275—277
demonstrative, **14,** 277
direction in will to pay immediately, effect of, **14,** 275
dower, in lieu of, where no real estate, **14,** 276
equitable doctrine of, foundation of, **13,** 70
free of legacy duty, duty added for purpose of, **14,** 276
rules relating to, **14,** 275, 276
satisfaction of debt, when in, **14,** 276
specific legacy, of, **14,** 277
widow, to, **14,** 276
accretions to, rule as to, **14,** 275
accumulation, direction for, where interest absolutely vested, **14,** 264
additional, effect on first gift of, **28,** 794
ademption of, **13,** 135; **28,** 602—605. *See* ADEMPTION.
admission of assets to pay, **14,** 326—328
charitable legacy, for payment of, **4,** 349
costs of action to recover legacy, extends to, **14,** 327
effect of, **14,** 327, 328
part payment not an admission of ability to pay in full, **14,** 327
submission to arbitration as, **14,** 327
what constitutes, **14,** 326, 327
agreement to leave a, **7,** 366; **28,** 514
work done, for, effect of, **14,** 306; **28,** 871
alien, in favour of, **1,** 307; **28,** 535
alienation, determinable on, **28,** 774, 775, 840
allotment, bequest in aid of, **4,** 110
alternative, **28,** 608, 609, 728—730, 801 n.
conditions attaching to, effect of, **28,** 733—735
failure of, **28,** 735
annuity, for purchase of, rights of legatee, **14,** 262, 263; **24,** 480
included in term, **24,** 470, 480, 507; **28,** 704 n.
satisfaction of, by, **16,** 448
application of the term in ordinary sense, **28,** 508, 704
appropriation to satisfy, **14,** 302—304. *See* APPROPRIATION.
arrears of interest in respect of, **14,** 275; **19,** 97, 99, 100
assent to, **14,** 265—268. *See* ASSENT.
assignee of, liability of, **4,** 389
assignment, whether an, **18,** 577
attachment, whether subject to, **14,** 92
bankrupt legatee, payment to, prior to trustee's intervention, is good, **14,** 265
body of deceased, of, validity of, **3,** 405; **15,** 409
building socieities, of shares of, **3,** 357
charity, to, **4,** 143, 156, 157, 191, 200, 206, 207
ademption of, **4,** 143
duty on, **4,** 206, 207
interest on, **4,** 200
lapse of, **4,** 156, 157, 191
cyp-rès doctrine applied to prevent, **28,** 618
marshalling in favour of, **4,** 152, 153; **13,** 145, 146
uncertain, *cy-près* doctrine applied to, **29,** 643 n.
chose in action, as a, **4,** 362, 364
classes of, **14,** 261
condition, on, notice of condition need not be given by executor, **14,** 262; **28,** 592 n. *See also* CONDITION, gift, will.

LEGACY—*continued.*
condition—*continued.*
requiring claim to be made for, **28,** 593 n.
subsequent, performance of, **28,** 595
condition for payment of, property subject to, enforcement in equity, **13,** 149
conditional devise of lands to secure payment of, **28,** 527
consumables, of, **15,** 408; **22,** 414; **28,** 24 n., 528, 774 n.
contingent, duty on, how chargeable, **13,** 247, 253
executor's duty as to, **14,** 263, 272, 303
interest on, **14,** 272, 274
legatee's rights in case of, limitation of, **14,** 263
maintenance out of, **14,** 272; **25,** 684
vesting in case of, **28,** 811—822
corpus and income in single gift, of, vesting of, **28,** 815
county court jurisdiction as to, **8,** 445
covenant, after-acquired property, to settle, falling within, **25,** 554 n.
provide money at or after death, to, *primâ facie* does not amount to, **13,** 142
creditor may follow, **14,** 279, 280
currency for payment of, **6,** 212, 213, 231
debt, amounting to satisfaction of, when interest payable, **14,** 274
may be retained out of, **13,** 163; **14,** 268; **15,** 505
debtor, to, debt must be brought into account, **2,** 214; **13,** 163; **14,** 268, 269; **15,** 505; **25,** 498
forgiven recoverable debt amounts to, **13,** 234
debts, direction to pay, whether constitutes a, **13,** 234
liability for payment of, **13,** 37; **14,** 292, 293
demonstrative, *defined,* **14,** 261
abatement of, with general legacies, **14,** 277
advantages of, **14,** 261
descriptions of property, meaning of, **28,** 710
devise of land included in term, **28,** 704
different instruments in, given to same person, effect of, **28,** 785
direction to pay, as charge on real estate, **14,** 237
disclaimer of. *See* DISCLAIMER, gift, of.
distress, secured by power of, payment by lessee of party liable, **11,** 157 n.
double, presumption against, **13,** 129 n.
dower, in lieu of, interest on, **14,** 274
priority of, **14,** 276
duty in respect of, **13,** 232—304. *See* LEGACY DUTY.
equitable assignment of, equities available against assignee, **4,** 389
estate duty on, marshalling in relation to, **13,** 37 n.
executor, discharge by, on payment of duty, **13,** 252
express trustee, held as, by, limitation of proceedings for recovery of, **14,** 264; **19,** 85
purchase by, effect of, **14,** 323
trustee, when becomes, of, **19,** 86, 167; **28,** 60, 61, 83
executor, to, **14,** 270, 271
attached to office of, **14,** 271
duty and abatement, liable to, **14,** 271
right of retainer does not extend to a, **14,** 271
executors or administrators of deceased person, to, **28,** 609

LEGACY—*continued.*
failure of, grounds of, **14,** 262; **28,** 601—605
forcigner, children of, to, **6,** 274, 275
freebench, in lieu of, interest on, **14,** 274
future date, payable at, interest on, **14,** 274
quia timet action to secure, **13,** 52
general, interest on, **14,** 273
pecuniary, when fund subject to general power available for, **23,** 30
specific distinguished from, **14,** 261
gift *mortis causâ* satisfied by, **15,** 434
gift over in connection with, **28,** 606, 607, 804—809, 830—833, 846—849. *See* GIFT OVER.
husband and wife, to, **16,** 354
income of, for maintenance, interest in case of, **14,** 273
infant, to, capacity to take, **15,** 405; **17,** 76
discharge for, how obtained, **14,** 271, 272; **17,** 76; **28,** 541 n.
domicil as affecting payment of, **6,** 235; **14,** 272
executor, to, when interest payable, **14,** 273
executor's duty as to, **14,** 272
guardian, discharge by, **17,** 131 n.
interest, when payable, **14,** 273; **17,** 120
maintenance, for, interest in case of, **14,** 273
payment by executor, father, to, **14,** 271, 272; **17,** 76
person other than guardian, to, **17,** 76
receipt, valid, cannot be given by, **14,** 271; **17,** 76
relationship to testator, effect of, **14,** 273; **17,** 120
insufficiency of estate to pay all legacies in full, refunding, **13,** 160; **14,** 278
interest on, **14,** 273, 274. *See* INTEREST ON MONEY.
interim maintenance, gift of, effect of, as to vesting, **28,** 816
in addition to, whether distinct or not, **28,** 816
land, charged on. *See* real estate, *infra.*
lapse of, **28,** 607—618. *See* LAPSE OF GIFT BY WILL.
limitation of action in respect of, **14,** 264; **19,** 85, 86, 89—91
disabilities, as to, **19,** 97
executor-trustee, against, **14,** 265
express trust, in case of, **14,** 264, 265; **19,** 85
legatee-executor, in case of, **19,** 91
real estate, when charged on, **14,** 265; **19,** 85
when time begins to run, **19,** 89—91
married woman, to, condition of separation, on, **16,** 320
debt due to testator from, when, **14,** 269
disclaimer of, **28,** 599 n.
marshalling of, **4,** 152, 153; **13,** 145, 146. *See* MARSHALLING.
mixed fund, charged on, vesting of, **28,** 822
payment out of, **14,** 287, 291
where liable to conversion, **13,** 109 n.
money, absolute bequest of, effect of directions as to enjoyment, **14,** 263
effect of, **28,** 705
mortgage, of, effect of, **21,** 183
parent and child, to, payment of, **17,** 76
payment of, **14,** 262—265
bankrupt legatee, to, **14,** 265
contingent, security for, **14,** 263
currency for, conflict of laws, **6,** 212, 213, 231
foreign currency, in, **6,** 232
rate of interest on, **6,** 232

LEGACY—*continued.*
payment of—*continued.*
mixed fund, out of, **13,** 109 n.; **14,** 287, 291
no time fixed for, interest, **14,** 273, 274
overpayment, **14,** 278
personal estate, primarily out of, **14,** 290
realty, when payable out of, **14,** 287, 291
time for, **14,** 262
vesting distinguished from, **28,** 810
pecuniary, coupled with appointment of executor, **23,** 30
executors, to, presumption as to beneficial enjoyment of residue, **11,** 29
limitation of action for, **19,** 85, 90
payment of, general rule as to, **14,** 290; **23,** 30
suit for, by legatee, **13,** 31, 32; **14,** 266, 337; **19,** 90
policy of life insurance, of, effect of, as to bonuses and additions, **17,** 560
postponed, with interim gift of interest, contingency causing postponement of vesting of, **28,** 815 n.
power of appointment, absolute, subject to, duty chargeable, **13,** 247, 248
priority of, **14,** 275, 290 *et seq.*
professional business, power to charge for, constitutes a, **13,** 235; **14,** 322
real estate, charged on, effect of, **14,** 290
limitation of action for, **14,** 265; **19,** 85
no time fixed for payment of, carries interest from death, **14,** 274
satisfaction without payment, **13,** 250
tenant for life's duty, **25,** 618
vesting of, **28,** 821
payment out of, **14,** 291
succession duty on, **13,** 296
realty may be included in, **28,** 704
recovery of, assent, after, **13,** 31; **14,** 266
limitation of time for. *See* limitation of action, *supra.*
pecuniary legacy, of, **13,** 31, 32; **14,** 266, 337
refunding, **13,** 160; **14,** 278—280. *See* REFUNDING.
remuneration for work done, as, **20,** 86 n.
republication of will as affecting, **28,** 578, 579
residuary gift is not a, **28,** 704 n.
residue, bequeathed out of share of, failure of, **14,** 281
restraint as to residence, whether void, **27,** 559 n.
retainer of, what amounts to a, **13,** 250
reversionary, claim to, when time begins to run against, **19,** 90, 91
satisfaction of, advance in lifetime, by, **13,** 128 n.
legacy duty on, **13,** 249
portion, by, **13,** 129—134; **24,** 496
effect of codicil on, **28,** 581 n.
subsequent gift, by, **13,** 133
without payment, **13,** 250
services, for, effect of failure of, **14,** 306; **28,** 871
set-off against legatee of debt owed to the testator, **13,** 163; **14,** 268; **15,** 505; **25,** 498
settled estate, charged on, tenant for life, duty of, as to, **25,** 618
settlement on legatee of, construction of direction as to, **25,** 541
upon same trusts as in case of a fund already settled, **25,** 708
solicitor-executor, to, authority to charge professional costs amounts to a, **14,** 322
specific. *See* SPECIFIC LEGACY.

LEGACY—*continued.*
substituted, conditional gift, when following, **28,** 794, 795
original gift, effect on, **28,** 794
succession duty payable where legacy charged on real estate, **13,** 264
surety, to, rights of representative as to, **15,** 505
tenant for life, costs of proceedings, where liable for, **14,** 349, 350
interest, when liable for, **25,** 618
two legacies given by same will to same person, effect of, **28,** 784
vested, interest on, when defeasible, **14,** 274
payment of, effect of postponement of, **14,** 264
vesting of, canons applicable to, **28,** 797 *et seq.*
life estate, where postponed to a, **28,** 814
maintenance of legatee, where provision made for, **28,** 816
mixed fund, where charged on, **28,** 821, 822
personal estate, where payable out of, **28,** 810
real estate, where charged on, **28,** 820, 821
wasting of personal estate until insufficient to pay, effect of, **14,** 290, 291
will or testamentary instrument, every gift by, is a, **13,** 233
work performed in expectation of, right to remuneration for, **28,** 871

LEGACY DUTY,
Act of 1796, how far still in force, **13,** 232
administration action, court provides for duty in, **13,** 254, 258, 301
administrator, payment by, **13,** 252
annuity, on, **13,** 251
direction to pay free of, **13,** 240 n.
gross value, rule for determining, for purpose of, **13,** 245
interest in, ceasing by death before four years' payments due, **13,** 242
legacy given to purchase, on, **13,** 250
payment of duty, effect of, **13,** 252
payable out of another legacy, where, valuation of, **13,** 246
repayment of duty on, where determined on any contingency other than death, **13,** 262
appeal, Inland Revenue Commissioners, from, **13,** 261 n.
appointment by will under limited power in marriage settlement, in case of, **13,** 242
assessment of property not reduced into money for purpose of, **13,** 261
benefits accruing from time to time, how charged, **13,** 246
capital sum raisable out of land liable to, **13,** 235
certificate of Commissioners of Inland Revenue that none payable, friendly society, in case of, **15,** 152
charge on the particular property liable, **13,** 257
charitable bequest, on, **4,** 206, 207
collection of, **13,** 249—258
Inland Revenue Commissioners, duty of, **13,** 249
stamps, by, **13,** 249; **24,** 706
Commissioners of Inland Revenue, duties of, in regard to, **13,** 249, 255—262; **15,** 152
compounding of, Commissioners may agree to, **13,** 258
conditional gift, on, **13,** 233
confidential gift, to apply in particular manner, ultimate objects of bounty not legatees, **13,** 237

LEGACY DUTY—*continued.*
contingent legacy, by whom duty payable, **13,** 253
how charged upon, **13,** 247
corporations liable to, **8,** 378
covenant, legacy in satisfaction of, **13,** 234
Crown debt, as a, **13,** 252
death, legatee, of, **13,** 236, 237
testator or intestate, of, after 30th April, 1909, rate applicable, **13,** 243
death duty, as a, **13,** 180
debts, direction to pay, does not render them liable to, **13,** 234
direction to pay interest on, interest liable to, **13,** 234
forgiveness of, when liable to, **13,** 234
deductions, what are allowed, **13,** 249
discharge of person liable, **13,** 256
disclaimer of legacy, effect of, **13,** 244
when not allowed, **13,** 237
discretion of trustees as to amount of benefit, effect of, **13,** 237
domicil of testator or intestate, payment of duty dependent upon, **13,** 238
donatio mortis causâ is subject to, **13,** 233 ; **14,** 224
estate duty, commutation of, **13,** 224, 225
estates *pur autre vie*, on, **13,** 235, 236
in real property in this country, though owner domiciled abroad, **13,** 238
exceptions from the charge of, **13,** 239, 240
executor, agent's misappropriation, liable for, **13,** 254
gift to, subject to, **13,** 234
liability of, **13,** 252
distribution after notice to Commissioners, after, **13,** 256
executor de son tort, as, **14,** 150
power of appointment, in case of exercise of, **13,** 252
particulars by, in case of retainer to own use, **13,** 255
payment of duty by, admission of assets, **14,** 326
payment or delivery of legacies on payment of duty accrued, **13,** 252
penalty for neglecting payment within fourteen days of retainer to his own use, **13,** 259
exemptions from, **13,** 239, 240, 242
estate duty paid, where, **13,** 239, 243
false statements in relation to, punishment, **13,** 260
foreign personal property, on, where testator domiciled in this country, **13,** 238
free of duty, gift, added legacy is also free, **13,** 241
directions as to payment free from, what will amount to, **13,** 240 n., 241 n., 242 n.
out of what property duty payable, **13,** 258
friendly society payment, on, **15,** 152
funds in court, on, **13,** 258
gift, child, to, or other issue who predeceases testator, forms property of dead legatee, **13,** 237
executors and trustees, to, subject to, **13,** 234
indefinite part of a legacy, of, in trust for another, liability to legacy duty of sums applied, **13,** 237
mortis causâ, in case of, **13,** 233 ; **15,** 435
personal estate, out of, liable to, **13,** 233
predeceasing legatee, to, or his representatives, on, **13,** 237
trustees, to, for benefit of person chosen by them, such person is a legatee, **13,** 236

LEGACY DUTY—*continued.*
heirlooms, when trustees liable for duty on, **13,** 253
imposition of, extent of charge, **13,** 232
interest on, how computable, **13,** 259
intestacy, payable on, **13,** 232, 235, 236
joint tenancy, legacies given in, how treated, **13,** 238, 247
leaseholds deemed real estate for purposes of, **13,** 235
legacy, *defined*, for purposes of, **13,** 233
compounded for, duty chargeable, **13,** 249
payable from time to time, in case of, **13,** 250
legatee, *defined*, for purposes of, **13,** 236
chosen by trustees, liability of, **13,** 236
entitled to sum to be fixed by trustees, liability of, **13,** 237
liability of, **13,** 252—254, 256
payment of duty by, to agent of the executor who misappropriates, **13,** 254
predeceasing testator, effect of, **13,** 237
refusing to accept legacy after duty deducted, **13,** 260
lighthouse tolls not subject to, **13,** 235
limitation of liability for, **13,** 256
marriage of legatee to person liable to lower rate of duty, effect of, **13,** 244
money
applied under direction in will for payment of, not subject to, **13,** 240
appointed by will under limited power in marriage settlement does not pay, **13,** 242
mortgage debt, on, **13,** 235
national interest, objects of, **13,** 240, 252
nature of, a stamp duty, **13,** 249
non-payment after assessment, proceedings by Commissioners, **13,** 261
overpayment of, interest payable by executor to legatee, **13,** 259 n.
refunding, **13,** 261
partial interests, on, **13,** 251
particulars of legacy retained by executor, **13,** 255
partnership, foreign real property as asset of, on, **13,** 238
interest in, duty on, **13,** 235
payment of, **13,** 249—258
admission of assets, as amounting to, **14,** 326, 327
entry in Commissioners' books, as evidence of, **13,** 255
interim distribution of estate, on, **13,** 250
legatee, by, to agent who misappropriates, executor cannot recover from legatee, **13,** 254
time for, **13,** 249—252
without deduction, right of recoupment, **13,** 253, 254
payment of debts, when constitutes a legacy, **13,** 234
penalty, altering receipts, for, **13,** 260
duty not paid within time after date of receipt, **13,** 259
false swearing, for, **13,** 260
mistakes in amount paid, for, **13,** 259
non-presentation of receipt or discharge for stamping, **13,** 259
remission of, to persons offending who discover the other offenders, **13,** 260
waiver of, by Commissioners, **13,** 260
personal estate subject to, what property included in, **13,** 235, 236

LEGACY DUTY—*continued.*
personal property directed to be applied in purchase of realty, on, **13,** 248
policy of insurance under Customs Annuity and Benevolent Fund not liable to, **13,** 242
power of appointment
exercised by will, in case of, **13,** 238, 242
legacy subject to limited power, on, **13,** 247
legacy with general, on, **13,** 248
predeceasing legatee, persons entitled to legatee's personal estate must pay, **13,** 237
probate, revocation of, and administration granted, effect on rate of, **13,** 244
proceedings as to, **13,** 260, 261
account, for, as required by Commissioners, **13,** 261
order in, where legatee refused to accept legacy after deduction of duty, **13,** 260
professional person as executor or trustee and empowered to charge, effect of, **13,** 235
profits of testator's business carried on by executors, gift out of, chargeable, **13,** 233
property, local situation of, for purposes of, **13,** 238
not reduced into money, assessment of, for purpose of, **13,** 261
out of which paid, **13,** 256, 257, 258
rates of, **13,** 242—244
administration substituted for probate, if, **13,** 244
determination of, **13,** 242, 243, 244. 245
disclaimed legacy falling into residue, in case of, **13,** 244
disputed will, where compromise of, **13,** 244, 245
exceptions as to the 1 per cent. duty, **13,** 243, 244
marriage of legatee to person liable to lower rate, **13,** 244
revocation of probate and administration issued instead, in case of, **13,** 244
receipt, stamped, to be given on payment of, **13,** 255, 256
penalty for paying or receiving legacies without, **13,** 259
production of, to friendly society, **15,** 152
recovery of, **10,** 19; **13,** 261
where legacy satisfied without deducting, **13,** 253, 254
remission of, **13,** 182, 258
repayment of, grant made void, where, **13,** 262
overpayment, in case of, **13,** 261, 262
residue, intestacy, under, is chargeable with, **13,** 235
unconverted valuation, **13,** 261
retainer of legacy, payable on, **13,** 250
Royal Family, gifts to, exemption from, **13,** 242
satisfaction of legacy without payment, payable on, **13,** 250
secret trust, when legacy subject to, **13,** 237
settled articles sold or in possession of person having an absolute interest, by whom payable, **13,** 253
solicitor-executor, power to charge costs, liable to, **14,** 322
specific legacy, on, persons in succession, given to, **13,** 240, 251
valuation, **13,** 241
stamp duty, as a, **13,** 249
succession, intestacy, on, liable to, **13,** 232, 235, 236
legacy to persons in, on, **13,** 246, 247, 251

LEGACY DUTY—*continued.*
sums applied from time to time, on, **13,** 250
temporary or partial interests, on, **13,** 251
testamentary instrument, what is, for purposes of, **13,** 236
testator, date of death of, effect of, **13,** 232, 243
domicile of, effect of, **13,** 238
transmission of interest, when payable on, **13,** 236
trustees, where liable to, **13,** 253
valuation, annuities, of, **13,** 245
benefits from time to time, **13,** 246
contingent legacies, **13,** 247
deductions followed, **13,** 249
general rule as to, **13,** 245
gross value, determination of, **13,** 245
legacies
compounded for, **13,** 249
contingency, subject to a, **13,** 247
joint tenancy, in, **13,** 247
powers of appointment, subject to, **13,** 247
succession, given in, **13,** 246
personalty to be laid out in land, of, **13,** 248
property not reduced to cash, mode of, **13,** 261
residuary personal estate, of, **13,** 249
will, gifts by, subject to, **13,** 233, 244, 245

LEGAL ADVICE. *See* ADVICE; BARRISTER.
trustee not protected by, when, **28,** 125, 141

LEGAL ADVISER,
foreign, legal professional privilege of, **11,** 73 n.
witness, when a, may remain when witnesses ordered out of court, **13,** 593

LEGAL AID,
Criminal Appeal Act, 1907, under, **9,** 440
Poor Prisoners' Defence Act, 1903, under, **9,** 318 n., 352
trade union, provision for, in rules of, legality of, **27,** 629, 630

LEGAL AID SOCIETY,
privileged communications, **11,** 77 n., 80
reports to, not privileged, **11,** 80

LEGAL ASSETS,
defined, **13,** 34; **14,** 245
equitable distinguished from, **13,** 33—35; **14,** 244—247
payment of debt with notice of one of higher degree, effect of, **14,** 244, 245
priority, creditors in regard to, of, **14,** 247—251
Crown debts, of, **14,** 247
recognisance, of debts due on, **14,** 249
record, of debts of, **14,** 248
specialty and simple contract debts, of, **14,** 249
statutory preferences, of, **14,** 249—251
voluntary bonds, of, **3,** 89; **14,** 247; **15,** 425, 426
property appointed under a power is, **14,** 223

LEGAL CONTINGENT REMAINDER. *See* CONTINGENT REMAINDER.

LEGAL CUSTODY,
goods, of. *See* IN CUSTODIA LEGIS.
prisoner, of, **23,** 244, 251; **27,** 881 n.
civil process, in case of, **25,** 816
escape from, sheriff's liability, **25,** 820
illegal warrant, gaoler's liability in case of, **27,** 881

LEGAL ESTATE,
absence of, prior equity prevails in, **13,** 79
alienee obtaining, protection of, **13,** 82 ; **25,** 377
copyholds, in, devolution of, **8,** 86 ; **11,** 6
customary freeholds, in, descent of, **11,** 14
descent of, generally, **11,** 7 *et seq.* *See* DESCENT.
devolution of, on death, **11,** 4—7 ; **14,** 136, 238
copyholds, **8,** 86 ; **11,** 6 ; **14,** 136, 238
mortgage estates, **11,** 5 ; **14,** 233 ; **21,** 182—185
partnership property, **11,** 6, 7 ; **14,** 221 ; **22,** 55 ; **25,** 420
trust estates, **11,** 5 ; **14,** 233 ; **28,** 100, 101
estoppel, passing by, how far a protection, **13,** 82 n.
mortgage, in case of, **21,** 118
franchise, bare legal estate no qualification for county, **12,** 147
fraud in obtaining, effect of, **13,** 82
getting in, after proceedings commenced to establish priorities, **13,** 83
mortgagee, by, **13,** 84 n. ; **21,** 328, 329, 330—332
notice at time of, immaterial, **13,** 83
purchaser from trustee, by, **13,** 83
where no notice of priorities on purchase, **13,** 82, 83
grant of, deed required for, **10,** 367 ; **15,** 410 ; **24,** 294
incorporeal hereditament, in, escheat of, **11,** 24
lessor obtaining, effect of, **18,** 336 n.
merger of equitable estate in. *See* MERGER.
mortgage of. *See* LEGAL MORTGAGE.
mortgage registered in Middlesex, in case of, **21,** 335
mortgagee, best right to call for the, with, **21,** 327
getting in by, **13,** 84 n. ; **21,** 328, 329, 330—332
obtaining, extent of protection given to, **13,** 81, 83 ; **21,** 169, 329
notice to, by subsequent mortgagor does not give priority, **13,** 80 ; **21,** 334 n.
position of, **21,** 327, 328
title deeds, right to, **21,** 204
satisfied, holding the, with notice of trust is trustee, **13,** 83, 84 ; **21,** 331
limited interest of, in the, **21,** 331, 332
statutory power of sale, with, right of, to convey the, **21,** 248, 249
trust, with notice of, position of, **13,** 83, 84 ; **21,** 329, 330, 331
vested in, effect of, **21,** 169
mortgagor
acquiring the, subsequently to mortgage, estoppel, **21,** 118
estopped from setting up want of, in mortgagee for purpose of distress, **11,** 127 ; **21,** 118
right of, to prefer subsequent equitable mortgagee by conveying, **21,** 330
outstanding. *See* getting in, *supra ;* sale of land, *infra.*
priorities where, **13,** 79
rents and profits, right of qualified heir to, **11,** 11, 12
partition action, in, owner of, as necessary party to the action, **21,** 841
partnership property, in, devolution of, **11,** 6, 7 ; **14,** 221 ; **22,** 55 ; **25,** 420
perpetuities, where held subject to the rule against, **22,** 312, 313

LEGAL ESTATE—*continued.*
possession of, generally, **13,** 81, 82 ; **21,** 327—330. *See also* getting in, mortgagee, mortgagor, *supra.*
power to appoint the, seisin must attend, **23,** 5
powers operating under the Statute of Uses, when ineffectual on the, **23,** 6
priority given by, **13,** 81—84 ; **21,** 327—333
pur autre vie, descent of, **11,** 12
purchaser for value without notice, effect of possession as regards, **13,** 79—84
appointment under power, in case of, **23,** 61
protection of, by, **13,** 82
trustee holding upon express trust, from, **13,** 81, 82
purchaser of, with notice of trust becomes trustee, **13,** 83 ; **28,** 87, 88
qui prior est tempore, potior est jure, when rule departed from, **13,** 79
receiver, when legal estate no protection against, **24,** 357
registered charge, effect as regards, **21,** 338, 339
registered land, in case of, dealings off the register as affecting, **21,** 338 ; **24,** 320
sale of land, in case of, abstracting of documents affecting, necessity for, **25,** 346, 347
assignee of vendor obtaining, **25,** 377
condition of sale aiming at getting in, **25,** 336, 337
persons holding, must convey, **25,** 415—417
trustee, in, concurrence of beneficiaries, **25,** 347
trustee, **25,** 416, 417
vesting of, by court, **25,** 314, 315
Statute of Uses, effect of, on the, **24,** 273, 274
title deeds, right to, is in the owner of the, **21,** 204 ; **24,** 239
trust affecting, nature of, **13,** 84
subsequent purchaser, for, **13,** 81
trust estates do not depend upon, **28,** 41
trustee, right of, to call for the, **28,** 100
transfer to, not necessary to constitute trust, **28,** 20
vesting in, of the, **28,** 94, 98—100
appointment of new trustees, on, **28,** 102, 105
vesting of, order of the court, by, on sale, **25,** 314, 315
Yorkshire Registries Act has no effect as regards, **25,** 377 n.

LEGAL MEMORY,
defined, **4,** 484 ; **10,** 222, 223 ; **11,** 260

LEGAL MORTGAGE,
defined, **21,** 73, 74 ; **24,** 283
agreement to give, **13,** 93 ; **21,** 75, 76, 83, 84
costs of obtaining, mortgagee's right to, **21,** 239
deed necessary for, **21,** 118
dismissal of action for redemption of, effect of, **21,** 155
equitable charge extinguished by taking, **21,** 326
extent of estate conveyed by, **21,** 118
fixtures comprised in, **21,** 119
freeholds, of, form of, **21,** 112, 113, 117, 118
postponement of, on ground of conduct, **13** 80 ; **21,** 342—345
provisions to be inserted in, **21,** 75, 76
stamps chargeable on, **21,** 184—186

LEGAL PERSONAL REPRESENTATIVE. *See* ADMINISTRATOR; EXECUTOR; PERSONAL REPRESENTATIVE.

LEGAL POSSESSION. *See also* POSSESSION.
defined, **22,** 391, 392
documents, discovery and inspection of, as affecting the right to, **11,** 85
lost property, of, may remain in owner, **22,** 392
servant, may be in, **22,** 392
stolen property, of, may be in thief, **22,** 392

LEGAL PROCEEDINGS. *See* ACTION; PLEADING; PRACTICE AND PROCEDURE; PROCEEDINGS.

LEGAL PROCESS. *See* PROCESS (Legal).
defence, as, to action of trespass, **27,** 862, 870, *See also* EXECUTION OF JUDGMENT OR ORDER.
payment of money under compulsion of. *See* PAYMENT, compulsory.
seizure under colour of, measure of damages, **27,** 869 n.

LEGAL PROFESSION. *See* BARRISTER; SOLICITOR.

LEGAL TENDER,
agent, by and to, **7,** 421
bank notes, Bank of England, of, as, **1,** 574; **7,** 419
of English banks other than, are not, **1,** 574, 575, 576; **7,** 420
Irish, whether, **1,** 576
Scottish, whether, **1,** 575
bill, none by, **7,** 420
cheque, none by, **7,** 420
coin, in, **6,** 461, 462; **7,** 419
debt, in discharge of, requisites of, **7,** 418, 419
tender of balance after set-off, effect of, **7,** 419
money, of, contract, in performance of, **7,** 417, 418
payment of, requisites of, **6,** 462, 463; **7,** 418, 419, 420
production of, necessary to constitute, **6,** 463; **7,** 419
when dispensed with, **7,** 420
negotiable instrument, none by, **7,** 420
requisites of, **6,** 462, 463; **7,** 418, 419, 421
time as affecting, **7,** 420
unconditional, must be, **7,** 420

LEGALITY,
implied representations of, **20,** 674

LEGATE,
notarial powers of, **21,** 497
public minister, as, **6,** 428

LEGATEE. *See also* LEGACY.
defined, **28,** 508
action by, **13,** 31, 32
administration, for, must be for benefit of all, **14,** 337
assent, after, **13,** 31; **14,** 266
covenant for payment in mortgage deed, on, **21,** 267, 268
limitation of time for, **14,** 264; **19,** 85. *See* LEGACY, limitation of action.

LEGATEE—*continued.*
alienation by, **28,** 41, 772, 773
attestation of will by, **14,** 322; **28,** 537, 556, 580
balance due to, assignment of, **4,** 369
bankruptcy of, discretionary power given to trustees determined by, **23,** 66 n.
executor's right of retaining debt, effect on, **2,** 214, 215; **14,** 269
payment to legatee without notice of, effect of, **14,** 265
before named, description as, effect of, **28,** 689 n.
codicil of will attested by, confirmation of, **28,** 556, 580
contribution by, to creditor's claim, **14,** 280
costs in action by, when paid as between solicitor and client, **14,** 352
creditor, right of, against, where estate distributed out of court, **14,** 279, 280
debt or bond, of, cannot sue in own name, **28,** 523
debtor to estate, must account for debt, **2,** 214; **14,** 268, 269; **15,** 505; **25,** 498
deceased, gift to executors of, effect of, **28,** 609
disclaimer by. *See* DISCLAIMER.
executor, admissions of, are evidence against, **13,** 460
foreclosure action by, **21,** 278
fraudulent, may be declared a trustee for the intended beneficiary, **13,** 13
legacy duty, liability for, **13,** 232—261. *See* LEGACY DUTY.
legacy payable *in futuro*, rights in case of, **14,** 302, 303
life donee of chattel, as, liability of, **28,** 529
mortgage, of, rights of, **21,** 183
mortgagees, remedies against, **21,** 270, 271
mortgagor, of, right to tack against, **21,** 333
payment of legacy to, **14,** 262, 273, 274, 280, 291. *See* LEGACY.
postponed gift to, or his executors or administrators, special construction of, **28,** 730
predeceasing testator, intestacy caused by, **11,** 19 n.
proof by, in bankruptcy, **2,** 210
redemption of mortgage by, **21,** 140, 141
refunding by, **13,** 160; **14,** 278—280. *See* REFUNDING.
release by testator of debt due to, election, **13,** 119 n.
representations by, for obtaining legacy, enforceable against, **13,** 75
residuary. *See* RESIDUARY LEGATEE.
set-off against, costs, of, **14,** 329 n.
debt due to testator, of, **2,** 214, 215; **14,** 268, 269; **15,** 505; **25,** 498
trust, taking subject to secret, **13,** 75; **28,** 21, 22
universal, administration granted to, **14,** 137

LEGATINE CONSTITUTIONS, 11, 377 n.

LEGATION,
distress on goods of, **11,** 133
secretary of, immunity of, **6,** 430, 431
notarial powers of, **21,** 497

LEGES POSTERIORES PRIORES CONTRARIAS ABROGANT,
effect of principle, **12,** 546 n.; **27,** 114 n., 166 n.

LEGES SILENT INTER ARMA,
colonies, application to, **10,** 560

LEGISLATION. *See* BILL IN PARLIAMENT; STATUTE.
Cabinet initiates important, **7,** 41
colonial legislature, of. *See* COLONIES, laws of.
nomenclature of, **10,** 541
Crown necessary party to, **6,** 388
future, statute cannot control, **27,** 114
Order in Council, by. *See* ORDER IN COUNCIL.
Parliament, by, **21,** 702—765
parties necessary to, **6,** 317

LEGISLATIVE ASSEMBLY,
defined, **10,** 535. *See* COLONIES.

LEGISLATIVE INSTITUTIONS,
Crown colonies, grant of, to, **6,** 386

LEGISLATURE, 10, 535. *See* COLONIES; CROWN COLONY; PARLIAMENT.
act authorised by, cannot be wrongful, **23,** 312
functions of, **6,** 317

LEGITIMACY. *See also* BASTARD; ILLEGITIMATE CHILDREN.
baptism, entries in register of, as proof of, **13,** 537
children, of, how determined, **11,** 19
conduct of parents, evidence of, on question of, **2,** 430, 431
conflict of laws as to, **6,** 231, 272—275; **11,** 10, 20 n.
country of birth, law of, in relation to, **6,** 224, 272—274; **11,** 10, 19
declaration of, appeal as to, **16,** 559
collusion in obtaining, **2,** 435
conditions for, **2,** 434; **6,** 275; **16,** 315
conflict of laws as to, **6,** 275
costs of, **2,** 434
effect of, **2,** 435; **16,** 315, 316
infant, application by, for, **2,** 434
petition for, **2,** 433, 434; **16,** 315, 501
costs on, **2,** 434, 435
procedure for, **2,** 434; **16,** 316
who may apply for, **2,** 433
degrees of affinity, prohibited, immaterial as regards, **16,** 284
determination of, **2,** 431
Act of Parliament, by, **2,** 431, 432
Chancery Division, in, **2,** 433
death, after, **2,** 432
Divorce Division, in, **2,** 433—435. *See* declaration of, *supra.*
justices, by, **2,** 433
King's Bench Division, in, **2,** 432, 433
peerage claims, in, **2,** 432; **22,** 282
Divorce Division, in, practice as to, **2,** 433—435
Legitimacy Declaration Act, under, **2,** 433—435; **16,** 315. *See* declaration of, *supra.*
not determined on proceedings to vary settlement, **16,** 575
petition for declaration as to, **2,** 433, 434; **16,** 315, 501
domicil, decided by law of, except as to real estate in England, **2,** 436; **6,** 274; **11,** 19, 20; **13,** 243 n.
friendly society, relations to support a claim must be legitimate, **15,** 124
incest, immaterial in offence of, **9,** 618
pedigree, matters of, declaration as to, **13,** 469, 470 n
perpetuation of testimony, suit for purpose of, **13,** 45, 46

LEGITIMACY—*continued.*
presumption of, **2,** 427, 428—431; **13,** 504; **16,** 479
child born more than nine months after separation order, in case of, **16,** 479
effect on, judicial separation, of, **2,** 427
evidence in rebuttal of, **2,** 428—431; **13,** 504—505; **16,** 479
status, as a question of, **6,** 272; **11,** 19
subsequent marriage, effect of, **2,** 435, 436; **6,** 273
succession, in relation to, chattels real, in case of, **6,** 273
personal estate, in case of, **2,** 437; **6,** 274; **11,** 19, 20
real estate, in case of, **2,** 437; **6,** 273; **11,** 10
will, indications in, of treatment of illegitimate as legitimate persons, **28,** 737, 738

LEGITIMATION,
Act of Parliament, by, **2,** 435
death duties, effect on, **2,** 437 n.; **13,** 243 n., 283 n.
subsequent marriage, by, **2,** 436
conflict of laws as to, **6,** 231, 272—275
English law, how far recognised, by, **6,** 273; **11,** 10, 20
nationality of parents, how affecting, **2,** 436
peerage, effect as regards, **22,** 283
requisites for, **2,** 436, 437
Scots law, recognised in, **11,** 10
succession to personalty, how affected by, **2,** 437; **6,** 224, 273; **11,** 19, 20
succession to realty, effect on, of, **2,** 437; **6,** 273; **11,** 10

LEICESTER,
local court of, **9,** 171

LENDER,
bottomry bond, on, risk undertaken by, **26,** 71. *See* BOTTOMRY.
contract of commodatum, in, **1,** 540. *See* COMMODATUM; LOAN.
dangerous goods, of, liability of, **21,** 409
loan in consideration of share of profits, as to, **22,** 12, 13. *See* PARTNERSHIP.

LENGTH,
measures of, **28,** 468. *See* MEASURE; MEASUREMENT; WEIGHTS AND MEASURES.

LEOMINSTER,
local court of, **9,** 172

LESSEE. *See also* OCCUPIER.
For matters concerning the tenant of land for the time being, see TENANT FOR YEARS; YEARLY TENANT; QUARTERLY TENANT; WEEKLY TENANT, *as the case may be.*
defined, Conveyancing Act, 1881, **18,** 540 n.
administrator of, as, assignee, **14,** 306; **18,** 598
adverse possessor not liable on covenants as, **19,** 156
assignee of. *See* ASSIGNEE.
assignment, mode of, **18,** 582, 583. *See* LEASEHOLD.
attornment by, change of landlord, on, **18,** 335, 595; **24,** 289, 293
estoppel of tenancy, whether creating, **13,** 405; **18,** 336. *See* estoppel, *infra.*

LESSEE—*continued.*
attornment by—*continued.*
mistake, under a, **13,** 405 ; **18,** 336 n.
payment of rent, by, **13,** 405 ; **18,** 336 n., 473, 474
bankruptcy of. *See* BANKRUPTCY.
building lease, position under, **18,** 567, 568
costs of execution of lease payable by, **10,** 283 ; **18,** 402, 403
counterpart of lease, execution of, by, **18,** 395
covenants in lease, by. *See* COVENANT IN LEASE.
encroachment by, benefits lessor, **18,** 561, 562
entry by, **18,** 404
action by lessee before, **18,** 529
assignment of right of lessee of, **18,** 404
death of lessor or lessee before, **18,** 404
necessity for, to secure benefit of lease, **18,** 335, 404 ; **24,** 265
release to tenant before, **18,** 404
void lease, under, **18,** 435 ; **19,** 124
estoppel, by, **13,** 373
limited owner, from, **18,** 361
mortgagor, from, **13,** 403 n. ; **21,** 164, 165
estoppel of, **13,** 373, 402—406. *See also* ESTOPPEL, tenant, of.
agent for unnamed landlord, against, **18,** 336 n.
alteration of landlord's title, not as to, **13,** 404 n.
assignment by landlord, after, **13,** 402 n., 404, 405
defective title of lessor, notwithstanding, **18,** 336 n.
demise by way of assignment, after, **13,** 406
determination of landlord's title, effect of, **13,** 403
distress, as to lessor's right of, **13,** 406
by submission to, **13,** 406 ; **18,** 337 n.
eviction under paramount title, effect of, **13,** 404
landlord mortgagor, as against, **21,** 164, 165
landlord's title, as to, **13,** 402, 405 ; **18,** 336
leases by deed, not confined to, **13,** 402
mutuality between lessor and, **13,** 325
new lease from original lessor, effect of, **13,** 375, 405 n. ; **18,** 549
payment of rent, effect of, **13,** 405 ; **18,** 336 n., 473, 474
possession, acceptance of, by, **13,** 404 ; **18,** 336
surrender of, when necessary, **13,** 404
who are bound by, **13,** 402, 403
executor, of, as assignee, **14,** 306 ; **18,** 598
forfeiture by. *See* FORFEITURE.
holding over by, distress for rent, effect on landlord's right of, **11,** 121, 150, 151
effect of, **18,** 435, 436
notice to quit, whether waived by, **18,** 455
tenancy, as creating, **18,** 441, 443
trespass arising from, **27,** 849
lessor's title, restriction of right to call for, **18,** 382
rights where lessor cannot make title to whole property, **18,** 380
limitation of actions against, arrears of rent, for, **19,** 97, 113, 114
covenant to pay rent, in case of, **19,** 77, 97
landlord, after death of, or alienation by, **19,** 114, 115
reversioner, by, **19,** 119, 122
void lease, where possession taken under, **19,** 113

LESSEE—*continued.*
occupation lease, under, **18,** 356, 357 ; **21,** 163 ; **25,** 677
outgoings
payable by, **18,** 489—496
rent payable free of all, **18,** 490 n.
persons capable of being. *See* LEASE.
possession, action to recover against, **18,** 558, 559. *See* RECOVERY OF LAND.
acts of landlord not amounting to taking, **18,** 543
adverse claims for, duty as to, **18,** 559
apportionment of rent on partial loss of, **18,** 484, 485
change of, essential to surrender by operation of law, **18,** 548
condition precedent to action for breach of covenant for quiet enjoyment, **18,** 529
damages for non-delivery up of, **18,** 556, 557. *See* holding over, *supra.*
date of giving up, how expressed in notice to quit, **18,** 449, 450
delivery of, when effecting a surrender, **18,** 549
entry into, as evidence of part performance, **18,** 376, 377
eviction from, effect, **18,** 485
exclusive, what will be sufficient to give, **18,** 337
inability to take, effect, **18,** 485
summary proceedings to recover, **18,** 559—561
unauthorised agreement, obtaining under, **18,** 372
preparation of lease, liability for costs of, **18,** 403
representative of, liability of, **14,** 306 n. ; **18,** 598
solicitor of, remuneration of, **26,** 763 n.
working, *defined* under Finance (1909-10) Act, 1910, **24,** 570 n.

LESSONS,
Divine service, at, omission of words from, **11,** 661
table of, **11,** 658, 659

LESSOR.
For matters which concern the landlord for the time being, see LANDLORD.
defined, Conveyancing Act, 1881, **18,** 540 n.
Finance (1909-10) Act, 1910, **24,** 559 n.
appeal in bankruptcy by, order giving leave to disclaim, against, **2,** 303
assets, right to follow, of, **14,** 255
assignee of lease, liability of, to, **18,** 588 *et seq.*
bankruptcy of lessee. *See* BANKRUPTCY.
counterpart of lease, costs of, payable by, **10,** 283 ; **18,** 403
loss of, inspection of lease by, **18,** 396
covenants of, **18,** 523 *et seq.* *See* COVENANT IN LEASE.
estoppel in favour of. *See* ESTOPPEL, tenant, of ; LESSEE.
estoppel of, acceptance of rent, by, **13,** 324, 403 ; **18,** 537
assignee of, **13,** 403, 405
power, when lease made under, **18,** 361
repudiating lease, from, **13,** 403
subsequent acquisition of title, in case of, **13,** 373, 374
tenant's title, as to, **13,** 389 n., 403
transfer of tenancy, after, **13,** 403 n.
furnished house, of, condition as to fitness, **18,** 569

LESSOR—*continued.*
immoral or illegal use of premises, knowledge of intended, **18,** 515
increment value duty payable by, **24,** 558. *See* INCREMENT VALUE DUTY.
insurable interest of, for purpose of fire insurance, **17,** 523, 524
liability of, after assignment of reversion, **18,** 597
pending completion of lease, **18,** 371, 378—381; **20,** 519
mineral rights duty payable by, **18,** 579. *See* MINERAL RIGHTS DUTY.
option to purchase interest of, **18,** 390—392
recovery of possession by, **18,** 556—561. *See* RECOVERY OF LAND.
reversion duty payable by, **24,** 571, 575. *See* REVERSION DUTY.
reversion of. *See* REVERSION ON LEASE.
solicitor of, remuneration of, **26,** 763
title of, investigation of, **18,** 381—383
unfurnished house, of, no implied warranty as to fitness for habitation, **18,** 502

LET RIGHT BE DONE,
meaning of, **10,** 31

LETTER. *See also* MAILS; POSTAL PACKET.
defined, for postal purposes, **22,** 630
acceptance by, **7,** 352
application for shares, of, **5,** 173
offer made by, of, time for, **7,** 353; **13,** 556
affidavit of documents, scheduled to, referring to letter not scheduled, **11,** 63
anonymous, when privileged, **11,** 76 n., 77 n.
banker, to, for advance on goods outstanding, whether bill of sale, **3,** 19
bequest by, an incomplete gift, **15,** 429 n.
box. *See* LETTER BOX.
carriage of. *See* MAILS; POSTAL PACKET.
canal boat, by, **22,** 632, 633
common carrier, by, **22,** 632
monopoly of, **22,** 631—633, 660
offences and penalties relating to, **9,** 644, 645, 684; **22,** 632, 633, 659—664
persons forbidden to carry, **22,** 632, 633
Post Office regulations and liability as to. *See* POSTAL PACKET.
Postmaster-General not liable for negligence or dishonesty during, **23,** 322 n.
private persons, by, **22,** 632
private vessel, by, **22,** 632
privileged person, of, **22,** 641, 660
railway company, by, **4,** 70, 71; **22,** 633, 651, 653; **23,** 700
sea, by, **22,** 631 n., 632, 654, 655; **26,** 354, 355 n. *See* MAIL SHIP.
shipowner's letters, **22,** 632, 655, 656, 660
carrier, offences by, **22,** 663, 664
confidential, marked, admissibility in evidence, **8,** 138; **13,** 557—559
contract by, **7,** 351, 352—354; **18,** 371; **25,** 290
acceptance in case of, **7,** 351, 352; **25,** 290
evidence that contract not intended by, **7,** 372 n.
settlement, for, **25,** 536 n.
convict in penal servitude, of, provisions as to, **23,** 264
copyright in, **8,** 137, 138
credit, of. *See* LETTER OF CREDIT.
crime, accusing of, **9,** 666
date of, evidence of, **13,** 557

LETTER—*continued.*
deceased person, of, copyright in, **8,** 138
delivery of, proof of, **13,** 556; **18,** 661
demanding money by threatening, **9,** 664, 665
destruction of, Post Office employee, by, **9,** 645
devisee, by, not admissible as to testator's intentions, **28,** 649 n.
express, **22,** 643
failure to answer, as admission of contents, **13,** 458
hypothecation, of, **3,** 18
indication, of, accompanying circular notes, **1,** 626
interference with, master of ship, by, **22,** 662, 663
larceny of. *See* theft, *infra.*
libellous, posting of, offence, **22,** 644
publication of, accidental, **18,** 660
postcard, in case of, **18,** 661
postmark as *primâ facie* evidence of, **18,** 661 n.
licence, of, nature and object of, **2,** 326
registration of, **2,** 329—332
lunatic in institution, of, notices as to, **19,** 516
master of ship, duty of, to receive, **22,** 654, 655
liability of, for illegal carriage, **22,** 660, 661; **26,** 354, 355
non-delivery, liability for, **22,** 655
opening, penalty for, **22,** 662
memorandum within Statute of Frauds, as, **7,** 368, 369 n.; **15,** 465 n., 466
offences as to, carriage of, in relation to, **22,** 631—633, 654, 655; **26,** 355 n. *See* theft, *infra.*
obscene etc., sending through post, **9,** 539; **22,** 644
opening, **9,** 488; **22,** 663
master of ship, by, **22,** 662
privileged person's letters, in case of, **22,** 660
refusal to deliver up, **22,** 661, 662, 663; **26,** 355 n.
shipowners', in case of, **22,** 660
officer of customs, right of, to search ship for illegal carriage of, **22,** 655
opening of, injunction restraining, **17,** 269, 270
offence, as, **9,** 488; **22,** 6
Secretary of State, by order of, **7,** 69
pleading, not a, **22,** 422
reference in, to, **22,** 427
postal packet, included in the term, **22,** 630 n.
posting of, irrevocable, **2,** 482
proof of, **13,** 556
postman, effect of handing to, **5,** 309; **7,** 353; **13,** 557 n.
power executed by, **23,** 27
prejudice, written without, **13,** 557—559. *See* WITHOUT PREJUDICE.
prejudicial to the addressee, admissibility in evidence, **13,** 558
prisoner, of, provisions as to, **23,** 236, 256
when awaiting trial, **23,** 245
private, marked, admissibility in evidence, **8,** 138; **13,** 557
persons, carried by, **22,** 632
ship, carried by, **22,** 632, 641
privileged, when, **11,** 76
privileged person, of, **22,** 641; **25,** 97, 98
offences relating to, **22,** 660
publication of, **8,** 138; **27,** 905 n.
libel, in case of, **18,** 660
when restrained, **8,** 138
receipt of, transmission by post as evidence of, **5,** 309; **18,** 661
registered, **22,** 642, 643
retention of, by Post Office employee, offence of, **22,** 661, 662

LETTER—*continued.*
return of, in case of non-delivery, **22,** 644
royal forces, postal privileges of persons in, **22,** 641, 660; **25,** 97, 98
Secretary of State, from, admissibility in evidence, **13,** 476
power of, to open, **7,** 69
servant's character, as to, property in, **20,** 124
theft of, course of transmission, in, **9,** 645
mailbag, from, **9,** 645
private letter-box, from, loss falls on sender, **2,** 482
Post Office employee, by, **9,** 645
valuable security, containing, by Post Office employee, **9,** 645
theft of valuable security from, **9,** 645
threatening, burn house, rick etc., to, **9,** 791
extortion, for purpose of, **9,** 664—666
trover in respect of, **27,** 905 n., 911 n.
unpublished, rights in, **8,** 138. *See also* UNPUBLISHED WORKS.
unsealed, presumption as to, **13,** 441, 448
wife, of, proof of child's illegitimacy, **16,** 479
without prejudice, written, **13,** 557—559
wrongful detention of, right to sue for, **27,** 905 n.

LETTER BOX,
injuring, offence of, **22,** 666
posting in private, no delivery by, **2,** 482
unauthorised, maintaining, offence of, **22,** 666

LETTER OF CREDIT,
defined, **1,** 623
banker, liability of, **1,** 623, 624
criminal offences as to. *See* VALUABLE SECURITY.
documents, forwarding of, as condition of accepting bill, prescribed by, **1,** 624, 625
effect of, **1,** 623
forgery of, **9,** 719
general, **1,** 623
not negotiable, **1,** 624
open, **1,** 623
party claiming, must act within terms of, **1,** 624
possession, effect of, as evidence, **1,** 624
set-off by banker against holder of, **25,** 498
shipping documents, usually granted as against, **1,** 623
special, **1,** 623
stamp duty, liable to, as bill of exchange, **2,** 570 n.
exempt from, when, **2,** 580

LETTER OF HYPOTHECATION, 3, 18

LETTER OF INDICATION,
accompanying circular notes, **1,** 626

LETTER OF LICENCE,
nature and object of, **2,** 326
registration of, **2,** 329—332

LETTERPRESS,
copyright in, **8,** 142. *See* COPYRIGHT.

LETTERPRESS PRINTING WORKS,
defined, **14,** 439

LETTERS,
administration of. *See* LETTERS OF ADMINISTRATION.
with will annexed. *See* LETTERS OF ADMINISTRATION WITH WILL ANNEXED.

LETTERS—*continued.*
close, writs under the Great Seal closed up, **7,** 16, 17
denization, of. *See* LETTERS OF DENIZATION.
dimissory, object of, **11,** 551
marque, of. *See* LETTERS OF MARQUE.
missive, bishops nominated by, **6,** 395, 396, 398; **11,** 396
orders, of, issued by bishop to person ordained, **11,** 552
patent. *See* LETTERS PATENT.
request, of. *See* LETTERS OF REQUEST.
testimonial, of candidate for ordination, **11,** 550

LETTERS OF ADMINISTRATION.
See also ADMINISTRATION OF DECEASED'S ESTATE; ADMINISTRATOR.
abroad, deceased domiciled, in case of, **14,** 182, 193
granted by a British court, admissibility of, **13,** 553
sealing of, **6,** 454
person residing, for use of, **14,** 203
property left, in case of, not granted here, **14,** 165, 182
active service, estates of persons dying on, exempt from duty, **13,** 311; **25,** 96
ad colligenda bona, grant of, **14,** 204
ad litem, grant of, **14,** 205
affidavit, Inland Revenue, for, **13,** 213, 215, 225; **14,** 165—167, 169
application for, affidavit relative to, **14,** 169, 193
county court registrar, to, **8,** 623, 624; **14,** 193 n.
delay in making, effect of, **14,** 169
notice to Crown of, when required, **14,** 189
registries, at, **14,** 165
small estates, in case of, **8,** 623, 624; **14,** 166, 193 n.
attorney, to, grant of, **14,** 203, 204
bastard's estate, in respect of, **11,** 27
bona vacantia, in respect of, **7,** 209; **11,** 30; **14,** 186
bond required of administration, **14,** 206, 207. *See* ADMINISTRATION BOND.
building society, member of, in case of, **14,** 191
cæterorum, grant of, **14,** 215
cestui que trust, grant to, **14,** 206
civil servant, in case of, **14,** 191
colonial grant of, recognition of, **10,** 559; **13,** 553; **14,** 173, 174
resealing of, **14,** 173, 174
committee, in absence of, to whom granted, **14,** 200
to, intestacy of lunatic, in case of, **14,** 200
conflict of laws with reference to, **6,** 235
Cornwall, Duchy of, in, grant to nominee of Prince of Wales, **14,** 188
corporation, to, grant of, **8,** 357
creditor, to, grant of, **14,** 188, 189
conditions in, **14,** 207
Crown, nominee of, to, in what case, **11,** 30; **14,** 186, 187
notice to, creditor desiring grant, by, **14,** 187, 189
cum testamento annexo. *See* LETTERS OF ADMINISTRATION WITH WILL ANNEXED.
de bonis non, grant of, **11,** 31; **14,** 195—197
death of person entitled to, when presumed, **14,** 190
discovery of subsequent will or codicil after, effect of, **14,** 214

LETTERS OF ADMINISTRATION—*continued.*
discretion of court as to grant of, **14,** 189, 190, 205
distress prior to grant of, **11,** 130
district registrar's jurisdiction with regard to, **14,** 165
domicil, English grant does not follow law of, **6,** 235
domicil of deceased not conclusively proved by, **13,** 554
double grants of, **14,** 171 n.
durante absentiâ, grant of, **14,** 198, 199
durante dementiâ, grant of, **14,** 199—201
durante minore ætate, **14,** 197, 198
administrator's liability to account, **14,** 198
guardian, to, grant of, **14,** 197
infant as next of kin, in case of, **17,** 51
infant distinguished from minor, **17,** 44
limit of grant, **14,** 198
preferences amongst next of kin, **14,** 197, 198
effect of grant of, **11,** 5, 6 n.; **14,** 210—213; **28,** 629
evidence, as, **13,** 553, 554
domicil of deceased, of, **13,** 554
intestacy of deceased, of, **14,** 210, 212
executor *de son tort*, to, grant of, **14,** 148, 151
executor excluded by, **14,** 210
exemption from, cases of, **14,** 190—193; **25,** 96
foreign grant of, generally followed by English courts, **14,** 182
when not followed by English courts, **6,** 235
fraudulently obtained, revocation in case of, **14,** 213
sureties' liability in case of, **14,** 210
friendly society, member of, in case of, **14,** 192; **15,** 154
fund in court, in case of, **14,** 193
general grants of, **14,** 182—193
guardians, to, pauper's estate, in respect of, **3,** 543; **19,** 495; **22,** 570 n.
heir-at-law, to, grant of, **14,** 186
husband, death of, effect of, before taking out, **16,** 326, 327
granted to, wife's personal estate, of, **14,** 183, 232; **16,** 326
passed over, in what cases, **14,** 183
industrial or provident society's member, in case of, **14,** 192; **17,** 19
infant domiciled abroad, no grant to, **6,** 235
Ireland, in, grant of, **14,** 172
joint grant, when made, **14,** 185, 190, 235
jurisdiction to grant, basis of, **14,** 151, 165, 182
Lancaster, Duchy of, grant to solicitor of, **14,** 187
life policies, holders of, domiciled abroad, **14,** 193
limited grant of, **14,** 203—206, 215
loan society, member of, in case of, **14,** 191
lunatic's estate, in respect of, **14,** 200; **19,** 457, 458, 495
married woman's estate, in respect of, **14,** 183, 232; **16,** 326
method of obtaining, **14,** 193
mistake in, effect of, **14,** 214
naval service, estate of person dying in, exempt from duty, **13,** 311; **25,** 96
grant unnecessary in case of, **14,** 191; **25,** 96
next of kin, to, **14,** 184—186
effect of grant, **14,** 211
jointly with another entitled in distribution, to, **14,** 190
legitimacy of, in case of doubt as to, **14,** 189
oath of administrator, **14,** 193

LETTERS OF ADMINISTRATION—*continued.*
officers, as to small estate of, **14,** 191
Official Receiver, to, grant of, **2,** 104
pendente lite, grant of, **14,** 201—203
full payment of duty on, **13,** 215 n.
receiver may be appointed by court in, **14,** 201, 202; **24,** 353, 354
pensions, army, in respect of, **14,** 191
persons having prior right to, **14,** 182, 183
prize money, in respect of, **14,** 191
proof of, **13,** 553
Public Trustee, to, grant of, **14,** 188; **28,** 214
receiver, to, grant of, **14,** 190, 201, 202; **24,** 353, 354
relation back of, **11,** 6, 150 n.; **14,** 146, 147; **19,** 88, 122
renunciation of, **14,** 144
resealing of, **14,** 172—174
application for, **14,** 172
notice of, **14,** 174
certificate required in, **14,** 172
colonial grants, in case of, **14,** 173, 174
fees in case of, **14,** 172, 173
foreign grants, in case of, **6,** 454
Irish grants, in case of, **14,** 172
Scottish grants, in case of, **14,** 172, 173
revocation of, **14,** 213—217
effect of, **14,** 215—217
grounds for, **14,** 213—215
method of obtaining, **13,** 215
will without other disposition, in case of, **14,** 195
savings bank deposit, in case of, **14,** 192
when stamp duty not chargeable, **1,** 578
Scotland, in, grant of, **14,** 172, 173
seaman or marine, in case of, **14,** 190, 191; **25,** 96
small estate, in case of, **8,** 623, 624; **14,** 166, 190—193; **25,** 96
soldier, in case of, **14,** 191; **25,** 96
dying on active service, estate of, exempt from duty, **13,** 311; **14,** 191; **25,** 96
stranger, to, grant of, **14,** 189, 195
testamentary instrument merely revoking prior will not annexed to grant, **14,** 195
time of issue, **14,** 169
title, administrator, of, derived from, **11,** 5, 6 n.; **13,** 553; **14,** 146; **28,** 629
personal representative, of, as evidence of, **13,** 553, 554; **28,** 629
trade union, member of, in case of, **14,** 192
undertaker, to, grant of, **14,** 241
vesting of estate, **11,** 6; **14,** 146
void and voidable grants, **14,** 216
widow, to, grant of, **14,** 184
with will annexed. *See* LETTERS OF ADMINISTRATION WITH WILL ANNEXED.
Workmen's Compensation Act, 1906, not necessary in case of interest under, **20,** 217 n.

LETTERS OF ADMINISTRATION WITH WILL ANNEXED,
appointment under power, limited to, **14,** 206
corporation, nominee of, grant to, **14,** 139, 140
discharge for property, right to give, under, **14,** 223
domicil abroad, but English property, in case of, **14,** 158
evidence, as, construction of will, of, **14,** 158
validity of will, of, **14,** 158, 210

LETTERS OF ADMINISTRATION WITH WILL ANNEXED—*continued.*
execution of power not conforming to law of testator's domicil, in case of, **14,** 194
executor, nominee of, to, in what case, **14,** 190
postponed appointment of, in case of, **14,** 194
power to, to carry on testator's business, no authority to administrator, **14,** 294
gift by will, when necessary for, **28,** 512, 513, 629
grant of, discretionary, **14,** 194
follows the interest, **14,** 194
in what cases, **14,** 194
persons entitled to, **14,** 194, 195
renunciation of, **14,** 144
insolvent estate, in case of, **14,** 195
inventory in case of, **14,** 241
married woman's estate, in case of, **14,** 231, 232
real estate, in case of, **14,** 236
residuary legatee, to representative of, **14,** 195
residue, small, in case of, **14,** 195
stranger, to, grant of, in what case, **14,** 195
testamentary instrument merely revoking prior will not annexed, **14,** 195
time of issue of, **14,** 169

LETTERS OF DENIZATION,
alien, exercise of franchise by, through grant of, **12,** 140
grant of, discretion of Crown, at, **1,** 312
nature of, **1,** 312, 313
petition for, how made, **1,** 312

LETTERS OF MARQUE,
construction of term, **17,** 344 n.
cruising under, whether a deviation, **17,** 400 n.
disuse since 1856, **6,** 445

LETTERS OF REQUEST,
ecclesiastical courts, in, accused clerk in provincial court, for trying, **11,** 528, 529
suit in provincial court, for hearing, **11,** 508, 508 n.
evidence of witness abroad taken by, **13,** 611, 613
Admiralty action, issued in, **1,** 98
Divorce Division, in, when issued, **16,** 537

LETTERS PATENT,
Admiralty Commissioners appointed by, **7,** 21, 88
almshouse, for incorporation of trustees of, **12,** 149 n.
baronetcy created by, **22,** 283, 284
barony created by, **22,** 265, 266
barrister, precedence formerly granted to, by, **2,** 387
bishop appointed by, **6,** 396, 397, 398; **11,** 399, 491, 496
chancellor of diocese appointed by, **11,** 412, 413, 506
Chartered Companies Act, under, advertisement of application for, **5,** 753
colonial
bishop appointed by, **7,** 13 n.
bishopric created by, **11,** 484 n., 491 n.
governor appointed by, **6,** 423; **10,** 526
representative government granted by, **6,** 424
company incorporated by, **5,** 13, 14
corporations, privileges to, granted by, **5,** 751, 752
Crown grants made by, **6,** 476; **7,** 150
Customs Commissioners appointed by, **7,** 13 n.; **24,** 544, 545
dismissal from office conferred by, procedure, **7,** 22

LETTERS PATENT—*continued.*
enrolment of, Crown grants, in case of, **7,** 150, 174
estoppel by, **13,** 325, 349 n.
fees payable on grant of, **7,** 17 n., 18 n.
franchises and rights of property conferred by, **7,** 17
grants under, **6,** 476
incorporation of towns and other bodies by, **7,** 17
Indian
bishops appointed by, **7,** 13 n.
judges appointed by, **7,** 13 n.
Inland Revenue Commissioners appointed by, **7,** 13 n.; **24,** 544
inventions, for. *See* PATENT (Invention).
assignment of, deed necessary to, **10,** 364
Attorney-General, powers of, as to grant of, **7,** 75
sealed with the seal of the Patent Office, **7,** 61
judges of Court of Appeal appointed by, **7,** 13 n., 21
judges of High Court appointed by, **7,** 13 n., 21, 61; **9,** 62
law officers of Crown appointed by, **7,** 21, 72
Lord of Appeal in Ordinary created by, **9,** 23; **21,** 628
mortmain, licence in, grant of, by, **8,** 370
offices created and conferred by, **7,** 17
pardon by, no fee in respect of, **6,** 406 n.
peerage created by, **7,** 17 n.; **22,** 266, 267, 268
record, are matters of, **13,** 349 n.
sheriff, exemption from serving as, by, **25,** 792
shifting clause in, effect of, **22,** 268, 269
stage plays, for production of, **27,** 402, 403 n.
temporalities, in, **7,** 13 n.
titles or dignities conferred by, **6,** 455, 476; **7,** 17; **22,** 266—268
Treasury Commissioners appointed by, **7,** 21
treaties ratified by, **7,** 61
viscounty created by, **22,** 264

LETTING. *See* HIRE; LEASE.
agreement for, writing when required for, **18,** 372 n.
allotments, of superfluous land acquired for, **1,** 353, 354
building contract, of parts of, to sub-contractors, **3,** 276, 277
electric meters, of, **12,** 597
field gardens, of, **1,** 336—338; **4,** 593, 594
fishery, of, **14,** 583, 584
flat, of, **18,** 570, 571
fuel allotments, of superfluous land acquired for, **1,** 335
furnished house, of, **18,** 569, 570
gas meters, of, **15,** 334—336
lodgings, of. *See* LODGINGS.
monthly tenancy, for. *See* MONTHLY TENANCY.
parochial charity lands, of, **1,** 339—341
poor allotments, of, **1,** 333
quarterly tenancy, for. *See* QUARTERLY TENANCY.
small holdings, of superfluous land acquired for, **26,** 690
superfluous land under compulsory purchase, of, **6,** 31
underground dwellings, of, restrictions on, **23,** 505, 506
underlease, by. *See* UNDERLEASE.
weekly tenancy, for. *See* WEEKLY TENANCY.
yearly tenancy, for. *See* YEARLY TENANCY.

LEVANT AND COUCHANT,
defined, **4,** 450
appendant, in case of common, **4,** 451
appurtenant, in case of common, **4,** 453, 454
borough, common appurtenant for cattle which are within, **4,** 453
cattle which are, common of pasture for, **4,** 448—458
prescriptive right to *profit à prendre* limited to, **11,** 339
several rights of common for, **4,** 460 n.
commonable cattle, what are, **4,** 451
insufficiency of common, effect of, **4,** 451 n.
measure of right to common, as, **4,** 454, 455 n., 456
sans nombre, meaning of, **4,** 454
sole pasture, no limitation of rights to, **4,** 462, 463
stranger, on land of, **4,** 456, 461, 462
township, in, **4,** 453, 457 n.

LEVEL CROSSING,
approaches, provision for handrails or fences for, **23,** 662
Board of Trade regulations as to, **23,** 696
bridge instead of, Board of Trade may authorise, **23,** 661, 662
compulsory acquisition of land for, **23,** 661
expenses of construction of, **23,** 661
dangerous, railway scheme may be rejected in case of, **27,** 825
duties of railway company as to, **4,** 49; **21,** 372 n.; **23,** 662, 663, 696
fencing of, duty of company as to, **3,** 131
gate of, duty to shut and fasten, **23,** 694 n., 695, 696
erection of, **23,** 660
justices, consent of, when necessary for construction of, **23,** 662
light railway, of, cattle-guards substituted for gates in, **27,** 835 n.
lodge for gate-keeper at, provision of, **23,** 660
main road, over, provisions for safety at, **23,** 694, 696
negligence in statutory duties as to, **21,** 424 n.
persons
employed at, duty of, **23,** 694
injured on, liability as to, **4,** 49; **21,** 372 n.
using, duties of, **4,** 49; **21,** 413, 414; **23,** 695 n.
public carriage road, over, provisions for safety at, **23,** 694, 696
right of way over, **16,** 37
restricted dedication of, **16,** 47
road other than main or public carriage road, over, **23,** 662, 694, 695
rolling stock not to stand on certain crossings, **23,** 696
safety at, provisions for, **20,** 706 n.; **23,** 694, 695
shunting on, restrictions as to, **23,** 696
speed of trains passing, regulation of, **23,** 696
traffic, roadway over railway to be fit for, **23,** 661
tramway over, provision for construction of, **27,** 789
whistle, duty to, in a fog, **21,** 372 n.

LEVY,
Burial Acts, of separate rate for expenses under, **3,** 485, 486
compulsory, approved society, by, **28,** 969
distress, of. *See* DISTRESS.
execution, of. *See* EXECUTION OF JUDGMENT.
posse comitatus, of, **9,** 300 n.; **25,** 811
rates, of. *See* RATES.
trade union, by, legality of, **27,** 607 n.

LEVYING WAR AGAINST THE KING,
acts constituting, **6,** 347, 348; **9,** 452—454
compassing the King's death. as overt act evidencing, **9,** 452
conspiracy with the object of, **6,** 347; **9,** 453
constructive, **9,** 453
duress, effect of, **9,** 454
felony, conspiracy as, **9,** 457, 458
number of persons immaterial, **9,** 453
presence alone does not constitute, **9,** 453 n.
realm, acts must be done within, **9,** 452
rebels, by joining with, **9,** 454
riot, distinguished from, **9,** 453
risings which do not amount to, **9,** 453, 454
treason, as, **6,** 347, 348; **9,** 451—454

LEX CONTRACTUS,
defined, **25,** 111. *See* LEX LOCI CONTRACTUS.

LEX DOMICILII,
administration, grant of, does not follow, **6,** 235
application of, **6,** 220—227, 229
assignment, husband, by, depends on, **6,** 235
bankruptcy governed by, **6,** 234
contract, capacity as to, depends on, **6,** 233
in case of disabilities imposed by, **6,** 236
where not governed by, **6,** 254, 255 n.
divorce, jurisdiction as to, governed by, **6,** 262—264, 271 n.
husband and wife, succession between, depends on, **6,** 281
legitimacy determined by, **6,** 274
marriage, contract as to, capacity to enter into, is governed by, **6,** 234
dissolution of, rights of property on, depend on, **6,** 276 n.
essential validity of, governed by, **6,** 254
movables as affected by, depend on, **6,** 276
marriage settlement, capacity to enter into, depends on, **6,** 234, 279
movables, marriage, as affected by, when governed by, **6,** 276
succession to, governed by, **6,** 220, 224
will of, construed by, **6,** 230—232
validity of, governed by, **6,** 225—227
powers of appointment by will, execution of, governed by, **6,** 228, 229

LEX FORI,
defined, **13,** 420; **25,** 111
appeal, period for entering an, governed by, **6,** 307
bankruptcy, rights of creditors in, governed by, **6,** 278, 304
bill of exchange, inland, indorsed abroad, applies to, **2,** 562
validity of, applied to, **15,** 283 n.
choses in action, assignment of, in case of, **6,** 217, 218
construction, question of, decided by, **6,** 275 n.
contracts illegal by, not enforceable, **6,** 244; **15,** 283 n.; **21,** 51 n.
damages, assessment of, by, **6,** 248, 305
debt, assignment of, procedure as to, depends on, **6,** 245
attachment for, depends on, **6,** 304
evidence, questions as to, governed by, **6,** 307; **13,** 420, 490
Gaming Acts, as applied to, **6,** 244 n.; **15,** 276 n. 282 n.
judgment, execution after, depends on, **6,** 304
limitation, statutes of, when dependent on, **6,** 306

LEX FORI—*continued.*
procedure governed by, **5,** 762; **6,** 245, 302—304, 307; **13,** 490
process generally is governed by, **6,** 304
proof, mode of, governed by, **15,** 456
remedy, nature of, depends on, **6,** 304; **27,** 154
set-off regulated by, **6,** 306
Statute of Frauds applied by, **6,** 237
tort, as applied to, **6,** 250
high seas, committed on, governed by, **6,** 252
trial, method of, regulated by, **6,** 304

LEX LOCI,
judgments, foreign, in regard to, **6,** 284. *See also* LEX FORI.

LEX LOCI ACTUS, 6, 250 n.
tort, damages for, governed by, **6,** 250, 305
foreigner, against, governed by, **27,** 464 n.
trespass to the person, governed by, **6,** 248; **27,** 872

LEX LOCI CELEBRATIONIS,
marriage, in reference to, **6,** 253
forms and ceremonies of, governed by, **6,** 256, 257
statutory provisions as to, in regard to, **6,** 257, 258
validity of, in relation to, **6,** 253

LEX LOCI CONTRACTUS,
defined, **6,** 239 n.; **25,** 111
bills, notes etc. governed by, **2,** 512, 561, 562, 575
date of payment determined by, **2,** 563
carriage, through, governed by, **6,** 241, 242
conflict of laws as to, **2,** 561, 562; **3,** 101; **6,** 236—243
contract, form of, governed by, **6,** 236, 237, 279; **7,** 523
illegal, by, not actionable in England, **6,** 243
mercantile, capacity governed by, **6,** 234
proper law of, presumed to be, **6,** 239
debt, assignment of, validity of, depends on, **6,** 245
marriage, preliminaries to, depend on, **6,** 255, 256. *See also* LEX LOCI CELEBRATIONIS.
marriage contract, form of, governed by, **6,** 279
marriage settlement, interpretation of, depends on, **6,** 279
sale of goods, when governed by, **25,** 111

LEX LOCI REI SITÆ,
alienation of land, form of, governed by, **6,** 198, 199
assignment, immovable, of, determined by, **6,** 207—209, 213—216
movable, of, governed by, **6,** 213—216
judgment *in rem* as to, depends on, **6,** 215, 216
charge on foreign immovable depends on, **6,** 212, 213
contract relating to foreign immovable, capacity governed by, **6,** 233
depends on, **6,** 205, 206
form of, **6,** 237
equities as to foreign immovables, jurisdiction in case of, **6,** 203, 204
intestate succession governed by, **6,** 218
judgment *in rem* as to movable determined by, **6,** 215, 216
legitimacy, succession to real estate, for purposes of, depends on, **6,** 273

LEX LOCI REI SITÆ—*continued.*
lien against foreign immovable, when title acquired by, **6,** 203
limitation of actions with respect to foreign immovable determined by, **6,** 211, 306
marriage, immovables as affected by, depend on, **6,** 275, 276
marriage contract relating to land depends on, **6,** 277
mortgage, in case of, **6,** 205
pledge, as to, **6,** 214
prescription as to foreign immovable determined by, **6,** 211
property, nature of, determined by, **6,** 196, 197
sale of foreign immovable, proceeds of, determined by, **6,** 198
trusts declared of, as to, **6,** 198
settlement of land depends on, **6,** 277
stoppage *in transitu* governed by, **6,** 215
succession to immovable governed by, **6,** 218
wills of immovables determined by, **6,** 219, 220; **28,** 558

LEX LOCI SOLUTIONIS, 6, 240
bill drawn abroad and payable in England governed by, **2,** 478; **6,** 240
conflict of laws in application of, **6,** 243, 244
contract illegal by, not enforceable in England, **6,** 243, 244
contract made in one country and wholly to be performed in another depends on, **6,** 240
interest, payment of, depends on, **6,** 247

LEX MERCATORIA. *See* LAW MERCHANT.

LEX SITUS. *See* LEX LOCI REI SITÆ.

LIABILITY,
distinction between criminal and civil, **9,** 282; **27,** 466
limitation of. *See* LIMITATION.
particular persons, of. *See under specific headings in Index.*

LIBEL. *See also* DEFAMATION; DEFAMATORY STATEMENT.
The title LIBEL AND SLANDER *is contained in Vol. XVIII., pp.* 603 *et seq. For matters common to libel and slander, see* DEFAMATION.
action for. *See also* DEFAMATION.
amendment of pleading in, **18,** 645; **22,** 437
costs in, **18,** 615, 616, 676
agreement to indemnify against, **1,** 54; **15,** 453 n.
criminal prosecution, distinguished from, **18,** 606 n.
defamatory statements which will support, **18,** 618, 633. *See* DEFAMATORY STATEMENT.
particulars to be given in, **22,** 457
special damage need not be proved in, **18,** 609, 610, 633, 718
statement of claim, cause of action, disclosure of, **16,** 646, 647
falsity of words to be pleaded in, **18,** 608
innuendo, sufficiency of, **18,** 647
words to be set out, **18,** 643; **22,** 427 n.
trustee in bankruptcy may bring, **18,** 611, 612
agency in publication of, **18,** 662—664
alien friend may bring action of, **18,** 611
ambassador, on, **9,** 528
auditor's report, privilege for circulation of, **5,** 311

LIBEL—*continued.*
barrister, by, **2,** 380, 381; **18,** 678—682
Board of Trade, privilege for report by officer of, **5,** 437
burden of proof. *See* BURDEN OF PROOF, defamation.
character of plaintiff, evidence of, **13,** 454
civil and criminal, distinction between, **18,** 605, 606, 738
company, against, **5,** 311; **18,** 612, 613
liability of, **5,** 309—312; **18,** 617, 663
consolidation of actions for, **18,** 729
Constitution, on the, **9,** 463, 464
contempt of court by, **7,** 284, 285
copyright in, equity does not protect, **13,** 73 n.
corporation, against, **8,** 387, 390, 391; **18,** 612, 613, 617
county court, costs in, **8,** 495
High Court action remitted to, **8,** 442
jurisdiction not given to, **8,** 432
notice and particulars of defence in, **8,** 486, 487
payment into court in, **8,** 487, 495
criminal. *See* CRIMINAL LIBEL.
damages for, **10,** 324; **18,** 718—733. *See* DAMAGES; MITIGATION OF DAMAGES.
dead person, against, action will not lie for, **18,** 606
fair comment as a defence. *See* FAIR COMMENT.
form of matter constituting, examples of, **18,** 606 n.
husband's liability for wife, **18,** 617
innuendo in connection with, **18,** 645—652. *See* INNUENDO.
interrogatories in action for, **11,** 99—101
author, as to, **11,** 101
malice, for purpose of establishing, **11,** 100
original manuscript, as to, **11,** 101
publication, as to, **11,** 102
judge, on, **7,** 281 n., 284
justification as defence to action for, **18,** 669—677. *See* JUSTIFICATION.
limitation of action for, **19,** 52
literary allusion, in, innuendo required to explain, **18,** 651
malice in connection with. *See* MALICE.
married woman, liability of, **18,** 617
Medical Council, protection of General, **20,** 321
mitigation of damages, **18,** 724—728. *See* MITIGATION OF DAMAGES.
newspaper, in. *See* NEWSPAPER.
Official Receiver, privilege for report of, **5,** 430
personal attack in literary criticism, effect of, **18,** 708, 709
postcard, on, **13,** 495; **18,** 661, 693 n.
post office, regulations against sending through, **22,** 644
privilege as defence to action for, **18,** 677—699. *See* PRIVILEGE IN DEFAMATION.
prosecution for, arrest of judgment in, motion for **18,** 742
public interest as defence to action for, **18,** 703. *See* JUSTIFICATION.
publication of, **18,** 655—669. *See* PUBLICATION.
repetition of another person's statement, by, **18,** 664
seditious, **9,** 460—464
slander distinguished from, **18,** 609, 610
slang words explained by innuendo, **18,** 649, 650
special damage need not be proved, **18,** 609, 610, 614, 633, 718
subject-matter of literary criticism, agreement in regard to, **18,** 706

LIBEL—*continued.*
threat to publish, **9,** 569, 570
penalty for, **9,** 410 n., 668; **18,** 740
title, in respect of, **27,** 672—675. *See* SLANDER OF TITLE.
tort, as, **27,** 475
trade, affecting person in his, **27,** 675—681. *See* TRADE LIBEL.
truth as defence to action for. *See* JUSTIFICATION.
whole of publication containing, right of defendant to have read, **18,** 644
wife, in regard to a. *See* WIFE.

LIBEL (ECCLESIASTICAL),
pleading in civil suit by, **11,** 517

LIBERAM LEGEM,
incapacity for franchise, **12,** 141. *See also* OUTLAW.

LIBERTY,
apply, to. *See* LIBERTY TO APPLY.
conscience, of, in religious matters, recognition of, **11,** 367, 805, 806
personal, interference with, as a tort, **27,** 475. *See* MALICIOUS PROCEEDINGS, arrest.
wrongs to, as trespass to the person, **27,** 871, 878. *See* FALSE IMPRISONMENT.
religious worship, of, Act for, **11,** 368
restraint of personal, an imprisonment, **27,** 878
subject, of the, **6,** 319, 320
appeal in case of, **5,** 548; **23,** 193 n.

LIBERTY (FRANCHISE). *See also* FRANCHISE (Liberty).
merger of, **25,** 798
Sale of Food and Drugs Act, 1875, included in term county under, **15,** 6
writs, execution of, in, **14,** 23; **25,** 798, 799

LIBERTY TO APPLY,
county court proceedings, in, **8,** 536
implied in order which is not final, **18,** 182
reservation of, in final order, effect of, **18,** 182
when not implied in favour of plaintiff or defendant, **18,** 182

LIBERUM TENEMENTUM,
plea of, **27,** 860 n.

LIBRARIES. *See also* LITERARY AND SCIENTIFIC INSTITUTIONS.
charitable purpose, as a, **4,** 115, 119
Charity Commissioners, consent of, to grant of land for, **23,** 587
Commissioners under Public Libraries Acts, **23,** 585, 586
delivery of copies of books and newspapers to certain, **8,** 174; **19,** 213; **23,** 214
infected persons taking out books, liability of, **23,** 451
provision of, local authority, by, **23,** 581
public. *See* PUBLIC LIBRARY.

LIBRARY AUTHORITIES,
defined, **23,** 584, 585
accounts of, **23,** 595, 596
audit of, **23,** 595
inspection and extracts, when may be made, **23,** 596

LIBRARY AUTHORITIES—*continued.*
adoption of Act. *See* PUBLIC LIBRARY.
agreement to use other libraries, **23,** 582, 589, 590
borrowing powers under Public Libraries Act, **23,** 594
bye-laws by, for use and management of libraries etc., **23,** 591
combination of, **23,** 584
Commissioners for Public Libraries and Museums, **23,** 585, 586
constitution of, **23,** 585, 586
expenses of, **23,** 592, 593
grants by Board of Education towards, **23,** 594, 595
gymnasiums, provision of, by, **23,** 588
land, acquisition of, by, powers, **4,** 223; **23,** 586, 587, 588
appropriation of, by, **23,** 586, 587
leases of, by, **4,** 228; **23,** 589
sale or exchange of, **23,** 588
libraries, museums, science and art schools, provision of, by, **23,** 586
local education authority as, **12,** 15 n.
museums, provision of, by, **23,** 586, 588
powers and duties of, **23,** 584—591
regulation of institutions by, **23,** 589
science and art schools, provision of, by, **23,** 586
single library, agreement as to use of, **23,** 589

LICENCE,
agreement for, nature of, **18,** 338 n.; **20,** 569
aliens, for residence or trading by, **1,** 311, 312; **6,** 481; **17,** 430 n.
anatomy, to practise, **20,** 341
anchors and chain cables, for testers of, **27,** 545, 546
animals standing for hire, for proprietors, drivers and conductors of, **27,** 274
Apothecaries, of Society of, **20,** 346
architect, when required by, **3,** 160, 163
armorial bearings, excise licence for, **24,** 684, 685, 688, 689
royal licence for, **21,** 353; **25,** 698 n.
assignment, when capable of, **18,** 338, 339
auctioneer, of. *See* AUCTIONEER.
bank notes, for issue of, **1,** 573
bare, to enter on land, **20,** 568; **27,** 861. *See* LICENSEE.
bathing machines, for, **28,** 377
bill of sale, as, **3,** 6, 10—13, 34, 35, 259
billiards, for, grant of, **19,** 569; **27,** 424, 425
penalties in relation to, **27,** 425
powers of police as to, **22,** 502
bishop, by. *See* BISHOP.
Board of Trade, by, company, to, **5,** 15, 31, 77, 78, 334, 335
boats and craft, of, **20,** 411; **23,** 580, 581
building contract, effect of forfeiture and user clause in, **3,** 12, 252—259
burial, for, **3,** 467, 528, 562, 563; **8,** 271—273. *See* BURIAL.
cabs, for. *See* CAB.
carriages, for keeping, **24,** 689—692. *See* CARRIAGE.
chattels, to take possession of, **3,** 6, 10—13, 34, 35, 259
assignment of, **3,** 10—12
bankruptcy, effect of, **2,** 65, 155; **3,** 10 n.
chose in action, as, **4,** 365
tenancy not created by, **11,** 127 n.
children in public entertainments, of, **17,** 153

LICENCE—*continued.*
chimney-sweeper, for, **22,** 471
chose in action, when regarded as, **4,** 365
cinematograph exhibitions, for. *See* CINEMATOGRAPH EXHIBITION.
clubs, when required for sale of intoxicants in, **4,** 429—431; **24,** 673
coasting, exemption of certain yachts from, **26,** 661
commissionaires, for, **27,** 273, 274
common, to pasture stranger's cattle on, **4,** 500
common lodging-house in metropolis, of keeper of, **20,** 398; **23,** 513, 514
conductor, omnibus, of, **27,** 296—299, 302
tramcar, of, **27,** 293
conservators, issued by, for fishing, **14,** 597, 603, 605, 613, 614
convict released on, **9,** 415; **15,** 403; **23,** 258, 266, 267
Convocation, to, powers under, **11,** 394 n.
copyholder, to, **8,** 52—54, 62
defined, **8,** 52
alienation of right of, **8,** 53
annual value for assessments fixed by, **8,** 53; **25,** 658
assignment of benefit of, **8,** 53
conditional, **8,** 54
discretion of lord as to granting of, **8,** 54
fines upon, **8,** 26, 27, 53
forfeiture, effect on, **8,** 51; **18,** 345
leases, to grant, **8,** 52—54; **18,** 345, 383; **25,** 658, 678
mortgage, to grant, **8,** 53
operation and effect of, **8,** 52, 53
ratification of, by the lord, **8,** 54
revocation of, **8,** 54
sell or exchange, to, **8,** 27, 53
settled manor, in case of, **8,** 52; **25,** 658, 678
specific performance, enforced by, **8,** 54
steward, by, **8,** 54, 62
terms must be strictly observed, **8,** 53, 54
waste, to commit, **8,** 53
copyright, in case of, **8,** 161—163. *See* COPYRIGHT.
dancing, for, **27,** 415—419. *See* DANCING.
deed not required for grant of, **11,** 239
demise, distinguished from, **11,** 122; **18,** 337—339
design, to use registered, **27,** 743, 744
disinterment, for, **3,** 553, 555, 573; **11,** 732
dogs, for, **1,** 403—405; **15,** 253, 254; **24,** 686. *See also* DOG.
dramatic piece, to represent, **8,** 182
drawing, to use or copy, **8,** 192
driver, animals, of, **27,** 274
hackney and stage carriages, of, **27,** 296—298, 303, 304
motor car, of, **27,** 297, 320. *See* MOTOR-CAR.
omnibus, of licensed, **27,** 296
tramcar, of, **27,** 293
drugs, to sell, **20,** 379
drunkards, for retreat for habitual, **18,** 159, 160. *See* HABITUAL DRUNKARD.
easement, distinguished from, **11,** 239
ecclesiastical, admission to perpetual curacy by, **11,** 602
archbishop, granted by, **11,** 554; **16,** 288
banns, of chapel for publication of, **11,** 697
bishop, granted by, **11,** 602, 638. *See* BISHOP.
chapel, of, **11,** 646, 697
chaplain of public institution, for, **11,** 650, 651

LICENCE—*continued.*
ecclesiastical—*continued.*
churchwardens, copies to be transmitted to, **11,** 645
colonial clergy may officiate in England by, **11,** 554
curate to stipendiary, **11,** 555, 638—640, 645. *See* CURATE.
fees for licence on admission to perpetual curacy, **11,** 602
foreign clergy may officiate in England by, **11,** 554
marriage, for. *See* MARRIAGE LICENCE.
non-residence of incumbent, for, **11,** 610—612
plurality, to hold benefices in, **11,** 604
proprietary chapel, to minister of, **11,** 647
registration in diocesan registry, **11,** 645
residence of incumbent, as to, **11,** 611—613
solemnisation of marriage, of church, chapel, or place for, **11,** 697, 698; **16,** 299
unconsecrated building, for liberty to officiate in, **11,** 609
electricity, for supplying, **12,** 543, 544
emigrant runner, for, **26,** 352
employment agencies in London, for, **20,** 399; **28,** 881
engraving, to copy or reproduce, **8,** 202, 203
establishment, **24,** 685, 686. *See* ESTABLISHMENT.
excise. *See* EXCISE LICENCE.
explosives, for factory or magazine of, **14,** 364—376. *See* EXPLOSIVES; MAGAZINE (Explosives).
firework factory, for small, **14,** 375, 376
fishing, for, **14,** 613, 614. *See* FISHERY.
fixtures, to remove, after determination of tenancy, **18,** 426
game, for killing and taking of, **15,** 246—251; **24,** 694, 695. *See* GAME LICENCE.
game dealer, for, **15,** 254—262; **24,** 656, 657. *See* GAME DEALER.
gamekeeper, for, **15,** 241; **24,** 695. *See* GAMEKEEPER.
guns, for carrying, **15,** 252; **24,** 695. *See* GUN.
hackney carriages, for, **24,** 691, 692; **27,** 296, 297. *See* CAB.
hawker, of, **20,** 56—57; **24,** 657—659. *See* HAWKER.
heavy locomotives, for, **27,** 308
hoardings, for temporary erection of, **23,** 400
horse knacker and knacker's yard, for, **1,** 412, 413; **23,** 558, 559, 569. *See* KNACKER; KNACKER'S YARD.
metropolis, in, **20,** 399
indorsement on, hackney carriage driver or conductor, in case of, **27,** 302
motor-car driver, in case of, **27,** 329
innkeeper need not have, **17,** 306
insolvency, as authority to manage debtor's business in case of, **2,** 326, 329
interest in property, coupled with grant of, **18,** 339; **20,** 568; **27,** 861
intoxicating liquors, to sell, **18,** 8—17. *See* EXCISE LICENCE (Intoxicating Liquors).
confirmation of. *See* CONFIRMATION.
forfeiture of. *See* FORFEITURE.
protection order in regard to. *See* PROTECTION ORDER.
register of. *See* REGISTER.
justices', **18,** 16. *See* JUSTICES' LICENCE.
knacker, of. *See* KNACKER.

LICENCE—*continued.*
land, relating to, bankruptcy, may be revocable on, **3,** 252
bare licence to enter on land, effect of, **27,** 861
county court jurisdiction in actions as to, **8,** 438, 663
distress, no power of, **11,** 122
interest coupled with licence, in case of, **18,** 339; **20,** 568; **27,** 861
lease distinguished from licence, **11,** 121, 122; **18,** 337
nature of, **18,** 338, 339; **27,** 861
partial possession, in case of, **18,** 337
revocable, whether, **20,** 567, 568; **27,** 861
trespasser, as defence by, **15,** 230, 231; **27,** 860, 861, 868
landlord and tenant, as between, **18,** 337—340
lease distinguished from, **11,** 121, 122; **18,** 337
leave and licence. *See* LEAVE AND LICENCE.
lightermen on Thames, for, **20,** 411
literary copyright, in case of, **8,** 161—163
local taxation, powers of county councils as to, **19,** 351; **24,** 684—686
locomotives, for heavy, **27,** 307—309
lunatics, of premises for, **19,** 474—479. *See* LICENSED HOUSE (Lunatics).
male servant, for, **24,** 684, 685, 692—694; **25,** 97
marriage, **11,** 701—703. *See* MARRIAGE LICENCE.
mead, for sale of, **18,** 11, 12, 15, 113; **24,** 680, 683
messenger, for public, **27,** 273, 274
minerals, to search for, **20,** 567—570. *See* MINES.
mines, to work, **20,** 567—570. *See* MINES.
monopoly of trade distinguished from, **27,** 527
mortmain, in, **8,** 367, 369, 370; **24,** 330, 331. *See* MORTMAIN.
motor
bicycle, for, **24,** 690, 691 n.; **27,** 320
car, for, **24,** 690, 691. *See* MOTOR CAR.
music and dancing, **23,** 498; **27,** 403, 415—419. *See* MUSIC AND DANCING LICENCE.
name and arms, for use or change of, **21,** 352, 353; **25,** 697, 698
occasional. *See* OCCASIONAL LICENCE.
omnibus, for, **27,** 296, 300—302
painting, to use or copy, **8,** 192
passage broker, to, **26,** 350, 351
patent, to manufacture or work, **22,** 190—195. *See* PATENT.
pawnbroker, of, **22,** 248—249. *See* PAWNBROKER.
penal servitude, liberation of prisoner sentenced to, **23,** 258. *See* convict, *supra.*
petroleum, for keeping and hawking of, **23,** 573—577. *See* PETROLEUM.
photograph, to copy or use, **8,** 192
pilot boats, for, **26,** 393, 605
pilots, of, **26,** 600, 601, 604. *See* PILOT.
playing cards, to maker of, **24,** 633
pleasure boats and boatmen, of, **23,** 580, 581
poisons for agricultural purposes, for sale of, **20,** 385
Port of London Authority, powers of, **20,** 411
porter, for street, **27,** 273
print and publish, to. *See* PRINT AND PUBLISH.
prints, to reproduce, **8,** 202, 203
profit à prendre, distinguished from, **11,** 340
racecourse, when required for, **15,** 287; **20,** 394; **27,** 427

LICENCE—*continued.*
rateable occupation, may confer, **24,** 7
register of. *See* REGISTER.
religious orders, for entry into country by members of, **11,** 807
residence in hostile countries, for, **1,** 311
revoked, when it may be, **11,** 239; **18,** 338, 339; **27,** 861. *See* REVOCATION.
right of way, distinguished from, **16,** 40
royal arms, to use, **6,** 361, 362
royal forces, in regard to. *See* PRIVILEGE.
scaffolds, for temporary erection of, **23,** 400
seamen, to engage or supply, **26,** 43, 44
seizure of chattels, for, bankruptcy, determined by, **2,** 65
bills of sale, as, **3,** 11, 34, 35
building contract, under, **3,** 12, 252—259
chose in action, as, **4,** 365
hiring agreements, **1,** 556; **3,** 12, 13
not assignable, **1,** 556; **4,** 402, 403
shoeblacks, to, in metropolis, **27,** 274
sky-signs, for, **23,** 403
slaughter-houses, for, **23,** 555—557
spirits, to rectify or compound, **18,** 10; **24,** 641, 642
suspension of, hackney carriage driver or conductor, in case of, **27,** 302
motor-car driver, in case of, **27,** 329
sweets, for sale of. *See* SWEETS.
telegraphs, for exercise of powers in respect of, **27,** 358—360. *See* TELEGRAPH.
telephones, for exercise of powers in respect of, **27,** 372. *See* TELEPHONE.
temporary erection on or near highway, for, **23,** 400
theatres, for, **18,** 106, 107. *See* THEATRE.
tobacco, in respect of, **24,** 645—647, 663, 678—680; **27,** 541. *See* TOBACCO.
trading with enemies, for, **1,** 311, 312; **17,** 430 n.
tramway, in relation to, **27,** 809, 810. *See* TRAMWAY.
trespass to goods, as defence to action for, **27,** 870
university, in case of, private hall or hostel, for, **12,** 94 n., 95 n.
sale of wine, for, **18,** 9
theatre, for, **27,** 404
verbal, cannot be countermanded when acted upon, **11,** 277, 278
vivisection, for, **1,** 416
watermen on Thames, for, **20,** 411
wireless telegraphy, for exercise of powers in respect of, **27,** 359, 374, 375. *See* WIRELESS TELEGRAPHY.
wooden structures in metropolis, for erection of, **20,** 470 n., 488

LICENSED HOSPITAL (LUNATICS),
defined, **19,** 478
provisions and regulations as to, **19,** 478, 479
reports on patient in, **19,** 514, 515
visit to, Commissioners in Lunacy, by, **19,** 471
justices' visitor, by, **19,** 471

LICENSED HOUSE (LUNATICS),
defined, **19,** 474
alteration of premises, leave required for, **19,** 476
charges for licence, **19,** 474 n.
application of, **19,** 475
correspondence to patient in, provisions as to, **19,** 515, 516
duty on licence for, **19,** 474 n.; **24,** 706 n.

LICENSED HOUSE (LUNATICS)—*continued.*
inspection of house before grant of licence, **19,** 476
licensee, who may be, **19,** 475, 476
licensing authorities for purpose of, **19,** 474, 475, 570
medical practitioner in, provisions as to, **19,** 477
pauper lunatic, removal of, from, **19,** 521
regulations for management of, **19,** 477
report on patient in, **19,** 514, 515
residence of licensee in, necessity for, **19,** 476
restriction on licence, **19,** 474, 475
revocation of licence, **19,** 476
transfer of licence, **19,** 476
notices as to, **19,** 475 n., 476 n.
visit to, Commissioners in Lunacy, by, **19,** 466, 471
friend or relation of patient, by, **19,** 515, 516
justice's visitors, by, **19,** 468, 469, 471
medical visitor, by, **19,** 514
visiting committee, by, **19,** 471
voluntary boarder in, provisions as to, **19,** 477

LICENSED PREMISES,
defined, **18,** 8, 140
alteration in, appeal against order directing, **18,** 78
consent of justices to, **18,** 33
discretion of justices as to, **18,** 64
identity of premises after, **18,** 32, 33, 64
order of justices for, **18,** 33
annual value of, *defined,* **18,** 61
amount of, **18,** 57—60
communication of dwelling-house with shop, effect of, on, **18,** 58
compensation charge, for purposes of, **18,** 71 n.
conditions as to, **18,** 57, 58
cost of obtaining, liability for, **18,** 62
how ascertained, **18,** 58, 60, 61
railway refreshment-rooms, in case of, **18,** 60
arrest on, **9,** 303 n.
assignment of, transfer of licence on, **18,** 28, 29
betting on, **15,** 291, 295 n.; **18,** 138, 139
boundaries of, powers of justices to define, **18,** 33
bribery on, elections, at, **12,** 471, 485, 525
police officer, in relation to, **22,** 502
card-playing upon, offence, as, **18,** 139
closing hours for, **18,** 87—98. *See* CLOSING HOURS.
closing order in case of riot, **18,** 93, 129
co-owner of, payment of compensation to, **8,** 662, 663; **18,** 77
communication between, and unlicensed premises, **18,** 131, 132
compensation in respect of, **18,** 75—77; **25,** 608. *See* COMPENSATION; COMPENSATION AUTHORITY; COMPENSATION FUND.
compulsory purchase of, compensation on, **6,** 36
conviction for offence relating to, appeal against, **18,** 157
conviction of licensed holder of, effect of. *See* CONVICTION.
coroner's inquest on, **8,** 257
excise officer, entry of, upon, **18,** 133
exemption order, notice of, to be affixed outside, **18,** 131
extent of, for justices' licence, **18,** 61
goodwill of, **27,** 590 n., 591 n.
identity of, for justices' licence, **18,** 32
income tax, deduction for, **16,** 633
inhabited house duty in respect of, **17,** 185, 186
inland revenue office, entry by, upon, **18,** 134

LICENSED PREMISES—*continued.*
lease of, covenants in, **18,** 571—574
lessee of, cannot be licensing justice, **18,** 53
meetings on, county council election, at, **12,** 401 n.
mortgagee's rights in respect of, **21,** 120, 121
name of licensee to be painted or fixed on, **18,** 130, 131
occupier of, cannot be licensing justice, **18,** 53
offences relating to. *See* LICENSEE (Intoxicating Liquor).
owner of. *See* OWNER.
person found on, after closing hour, penalty in case of, **18,** 142, 143
petty or special sessions may not be held on, **19,** 567
police constable, powers of, in relation to, **18,** 120, 132—134, 143; **22,** 472
prisoner, conveyance of, into, **25,** 816, 817 n.
protection order to owner of, on conviction of licensee, **18,** 49
qualification of, for licence, **18,** 57—62
rating of, **24,** 41, 42. *See* RATEABLE VALUE.
deduction of compensation charge in case of, **24,** 30
receiver of, appointment of, **24,** 353
maintenance of licence by, **24,** 396
refusing to leave, penalty for, **18,** 141, 142
riot, closing order in case of, **18,** 93, 129
singing on, children, by, **17,** 152
structure of, alteration of, **18,** 33, 34
tied house. *See* TIED HOUSE.
unlicensed person selling on, liability of, **18,** 108
value of, for compensation purposes, **18,** 75

LICENSED VICTUALLER. *See* LICENSEE (Intoxicating Liquor).

LICENSEE,
defined, **21,** 391
bare, chattel lent gratuitously creates position of, **21,** 393
duty of grantor of licence in regard to, **21,** 392
guest as, **21,** 386 n.
invitee distinguished from, **21,** 385, 386, 390 n.
mineral search, in case of, **20,** 568
negligence of carrier in regard to, **21,** 387 n., 388 n.
negligence on part of, effect of, **21,** 394
peril to, in regard to, **21,** 392, 393
revocation of licence of, **20,** 568; **27,** 861
safety of, responsibility for, **21,** 392, 393
servant as, **21,** 392
visitor as, **21,** 392
who is, **21,** 385, 386 n., 392
exclusive licence granted to, **20,** 569, 570
land, in respect of, interest coupled with licence, in case of, **18,** 339; **20,** 568; **27,** 861
lessee distinguished from licensee, **18,** 337
partial possession, in case of, **18,** 337
revocable licence, in case of, **27,** 861
trespass, in case of, **27,** 861
liability of, guest, in regard to, **17,** 313, 314; **21,** 385—388
mere, who is a, **21,** 385 n., 386 n., 392
minerals, right to carry away, bare licence in case of, **20,** 568
irrevocability of licence, **20,** 567
position of licensee, **20,** 567
mines, in case of, grant coupled with licence, **20,** 568
licence under hand, **20,** 568

LICENSEE—*continued.*
mines—*continued.*
possession taken by licensee, **20,** 567, 568
profit à prendre as licence, **20,** 567, 568
verbal licence, **20,** 568
servant as, **21,** 392
injury caused by negligence of fellow-servant, in case of, **21,** 392

LICENSEE (INTOXICATING LIQUOR). *See also* EXCISE LICENCE (Intoxicating Liquor); JUSTICES' LICENCE.
administrator of, business carried on by, **18,** 49, 50
alteration of premises by, order for, **18,** 33, 34
compulsory purchase, not entitled to compensation on, **6,** 34
conviction of, **18,** 156—159
customer, power to refuse admittance and eject, **18,** 141, 142
disqualification of person as, **18,** 54—57
liability of, brothel, for permitting use of premises as, **9,** 542; **18,** 56, 138
child, allowing, to be upon premises, **17,** 172; **18,** 123
sale or delivery to, in respect of, **18,** 121, 122
closing hours, for infringing, **18,** 124—129. *See* CLOSING HOURS.
disorderly house, for keeping, **9,** 542; **18,** 136—138
drinking contrary to licence, in respect of, **18,** 116, 117
drunkenness, for permitting, **18,** 117—119
election offences, in respect of, **12,** 471, 485, 525; **18,** 103
gaming, for permitting, **15,** 288 n., 290, 291, 295; **18,** 138, 139
habitual drunkard, for supply of liquor to, **18,** 167, 168
liquor wrongfully upon premises, for having, **18,** 119—121
police, offences in relation to, for, **18,** 134, 135
refusal to admit, in case of, **18,** 132—134
Prevention of Crimes Act, under, **18,** 135, 136
production of licence, for offences as to, **18,** 129, 136
seditious meetings, in respect of, **18,** 134
standard measure, in case of sale not by, **18,** 123, 124
thieves, in respect of harbouring, **18,** 135

LICENSING (INTOXICATING LIQUOR),
appeal, quarter sessions, to, **9,** 86; **18,** 78—87; **19,** 639, 650
authority for, excise licences, for, **18,** 17, 18. *See* EXCISE LICENCE.
justices' licence, for, **18,** 34, 35. *See* JUSTICES (Licensing); LICENSING COMMITTEE.
committee, borough, in. *See* LICENSING COMMITTEE.
compensation in respect of. *See* COMPENSATION; COMPENSATION AUTHORITY; COMPENSATION FUND.
district, *defined,* **18,** 21, 22
justices. *See* JUSTICES (Licensing).
licence, grant of. *See* JUSTICES' LICENCE.
holder of. *See* LICENSEE (Intoxicating Liquor).
transfer of, **18,** 26—30. *See* TRANSFER OF JUSTICES' LICENCE.

LICENSING (INTOXICATING LIQUOR)—*contd.*
meeting of justices for. *See* GENERAL ANNUAL LICENSING MEETING ; SPECIAL SESSIONS.
offence, conviction for, effect of, Licensing Consolidation Act, under, **18,** 158, 159
proceedings by Commissioners of Customs in regard to, **18,** 156, 157
premises. *See* LICENSED PREMISES.

LICENSING COMMITTEE,
adjournment of, **18,** 22, 23
borough, in, **18,** 34, 35. *See also* GENERAL ANNUAL LICENSING MEETING.
special sessions, **9,** 86, 87 ; **18,** 21, 23. *See* SPECIAL SESSIONS.
time of, **18,** 21
transfer sessions, appointment of, **18,** 23

LICENTIATE. *See* APOTHECARY ; DENTIST ; ROYAL COLLEGE OF PHYSICIANS.

LICHFIELD,
local court of, **9,** 172

LIE. *See* FRAUDULENT MISREPRESENTATION ; MISREPRESENTATION.

LIEN.
The title LIEN *is contained in Vol. XIX., pp.* 1 *et seq.*
defined, **19,** 2
abandonment of, **19,** 28
guarantee given in consideration of, **15,** 462 n., 463 n., 464 n.
accountant, of, upon books of account, **19,** 13
agent, of. *See* AGENT.
agister does not possess, **1,** 387 ; **19,** 6, 7, 13 n.
anchor tester, of, **27,** 545
arbitrator, of, extent of, **1,** 472 ; **19,** 13
architect, of, upon plans and drawings, **3,** 308 ; **19,** 13
army agents, of, infant officer's property, on, **17,** 69
assigned, cannot be, **19,** 3
auctioneer, of, **1,** 515, 517, 519, 520 ; **19,** 13 ; **27,** 896 n.
award, on, **1,** 472
bailee, of. *See* BAILEE.
banker, of. *See* BANKER.
bankruptcy, in connection with. *See* BANKRUPTCY.
barrister entitled to, **2,** 393 ; **19,** 13
bill of exchange, on. *See* BILL OF EXCHANGE.
bill of lading, on. *See* BILL OF LADING.
bills of sale, in connection with. *See* BILL OF SALE.
bottomry, in respect of. *See* BOTTOMRY.
broker, of. *See* BROKER.
building contract, materials, in regard to, **3,** 165, 264—266
buyer, against. *See* BUYER ; SELLER ; VENDOR'S LIEN.
calico printer, of, **19,** 13
cargo, on. *See* CARGO ; SHIPOWNER.
carrier of goods, of. *See* CARRIER OF GOODS.
chain cable tester, of, **27,** 545
charterparty, under, **26,** 134, 135, 283 n., 285—287
chattels, on, **3,** 11 ; **19,** 2, 12—14 ; **22,** 398 ; **28,** 872. *See also* BAILEE.
classification of, **19,** 3

LIEN—*continued.*
club property, of committee and trustees on, **4,** 419, 420
coach-maker, of, upon carriage, **19,** 13
commissioner for taking acknowledgments, of, **19,** 13
company, in connection with. *See* COMPANIES.
compulsory purchase of land, costs of arbitration and award on, **6,** 86
construction of contract as to special, **1,** 547
contract, superseded by, **19,** 2
conversion, defence to action for, **27,** 913, 914
parting with goods subject to as, **27,** 899
conveyancer, of, **2,** 393 ; **19,** 13
co-owner, of, for improvements, **13,** 41 ; **19,** 20
costs, for, legal personal representative, of, **14,** 339 n.
solicitor, of. *See* SOLICITOR'S LIEN.
county court, jurisdiction of, **8,** 444, 504. *See* COUNTY COURT ACTION.
covenantee, of, under covenant to settle or charge specified property, **19,** 23 ; **25,** 547, 548
debt must be due to give, **19,** 3
defaulting executor, on beneficial interest of, **14,** 271 ; **19,** 24
delivery to third person to preserve, **19,** 3 n.
demand for too much, effect of, **19,** 28
demurrage, for, **26,** 134, 135, 279, 285. *See* DEMURRAGE.
detinue, as defence to action for, **27,** 913, 914
discharge of. *See* extinguishment, *infra.*
dyer, of, upon goods dyed, **19,** 13
enforcement of, **8,** 444 ; **19,** 25—28
engineer, of, for machinery supplied, **19,** 13
equitable. *See* EQUITABLE LIEN.
essential incidents of, **19,** 3
excise duties, in respect of, **24,** 737, 738
executor, of, **14,** 339 n.
expenditure on property of another, for, **19,** 19
extinguishment of, abandonment, by, **19,** 28
consignee's refusal to accept goods, effect on carrier's lien, **19,** 29
partnership lien, in case of, **19,** 32
possession, by loss of, **19,** 29
registered land, in case of, **19,** 31
sale, by improper, **19,** 29
security, by taking of, **19,** 28, 30, 31
seller's lien, in case of, **25,** 244—247
solicitor's lien, in case of. *See* SOLICITOR'S LIEN.
tender of amount due, by refusal of, **19,** 28
factor, of, **2,** 169
bankruptcy of principal as affecting, **2,** 170
general, **1,** 547 ; **19,** 7, 8, 9 n.
Factors Act, under, **25,** 259—262
farrier, of, upon horse, **19,** 13
fire insurance policy prohibiting assignment does not apply to, **17,** 529
foreign company, property of, in case of, **5,** 761 ; **6,** 307
fraud, effect of redelivery of goods induced by, **19,** 29 ; **26,** 288
freight, for. *See* FREIGHT.
fuller, of, upon cloth dressed, **19,** 13
garnishee order, priorities as against, **14,** 97 ; **26,** 825
general, *defined,* **19,** 7
bankruptcy, in, **19,** 7 n., 8, 10
contract, by, **19,** 9
excluded by, **19,** 5
discouraged in law, **19,** 7

LIEN—*continued.*
general—*continued.*
factor, of, **19,** 8, 9 n.
excluded, when, **19,** 5, 8
liquidation as affecting, **19,** 10
notice, by, **19,** 9, 10
particular lien may override, **19,** 9
particular lien not extended to, against strangers, **19,** 10
restraint of trade, whether in, **27,** 529 n.
usage as establishing, **19,** 7, 9
guardian, of, on discharge of infant's incumbrance, **19,** 20
horse, of breaker or trainer of, **19,** 13, 14
husband, of, incumbrance on wife's separate estate, on payment of, **16,** 403
payment of, **16,** 403
insurance premiums on wife's policy, on payment of, **16,** 399
purchase of property in wife's name, on, **15,** 417
hypothecation of cargo, postponement of charge by, **26,** 246
industrial society, on shares of members of registered, **17,** 30
infant, on property of, **17,** 69, 139 n.
injunction, right of holder to obtain, **17,** 252, 267 n.
innkeeper, of. *See* INNKEEPER.
insurable interest, as giving, **17,** 369, 524
insurance agent or broker, of, **17,** 351, 352; **19,** 7
interpleader in respect of, **17,** 596, 614
judicial, *defined,* **19,** 4
land, compulsory powers, acquired under, in case of, **19,** 16
covenant to convey, in case of, **19,** 25
sale of, in case of, purchaser's rights as to, **19,** 16—18; **25,** 410. *See* PURCHASER.
vendor's rights to, **25,** 366, 367, 368. *See* VENDOR'S LIEN.
life insurance policy, on. *See* LIFE INSURANCE POLICY.
life tenant, of, calls on shares, for payment of, **25,** 610
expenses in respect of renewal of lease, for, **25,** 701
remainderman, against, **19,** 20
limitation, effect of statutes of, **19,** 3, 14, 42, 84, 99; **26,** 821
loss of. *See* extinguishment, *supra.*
general rule as to, **19,** 28—32; **25,** 244
maritime. *See* MARITIME LIEN.
mercantile agent, of, **2,** 169. *See also* factor, *supra.*
miller, of, upon flour, **19,** 14
mortgage, distinguished from, **21,** 73
mortgagor or mortgagee, of. *See* EQUITABLE LIEN.
nature of, **19,** 3
negotiable instruments, on, banker, in case of, **1,** 623; **2,** 171
packer, of, usage as to, **10,** 282
parliamentary agent, of, **19,** 14
particular. *See* PARTICULAR LIEN.
partnership, in respect of. *See* PARTNERSHIP.
pawn, distinguished from, **22,** 235; **27,** 907 n.
person taking goods out of, at owner's request, **19,** 21
personal representative, of, not affected by order to pay into court, **14,** 339 n.

LIEN—*continued.*
pilotage dues, for, agents and consignees, rights of, **26,** 604 n.
owner, rights of, **26,** 285
pilot, rights of, **1,** 69
policy of life insurance, effect of deposit of, **17,** 559 n., 563
payment of premiums on, as creating, **16,** 399; **17,** 547 n., 563
possession, necessity for, **19,** 2, 6, 29; **22,** 396 n.; **26,** 288
ownership divorced from, in case of, **22,** 398
possessory, classification of, **19,** 3
ship, on, **26,** 621, 626, 627
printer, of, copies of book, on, **19,** 14
engravings, on, **19,** 12 n.
production of document cannot be refused on ground of, **13,** 581
purchaser's lien, **19,** 16. *See* PURCHASE.
railway company, of, cloak-room, articles in, on, **1,** 548; **4,** 94
food of animals carried, for, **4,** 40
goods carried as luggage, on, **4,** 42
refusal to deliver, in case of, **19,** 29
registered land or charge, on, **19,** 31; **24,** 318
release by creditors under composition deed as affecting, **2,** 336
remainderman, of, rents collected, in respect of, **25,** 618 n.
rentcharge, for securing, **24,** 474
sale, goods, in case of. *See* SALE OF GOODS; SELLER.
improper, as affected by, **19,** 29
land, of. *See* SALE OF LAND; VENDOR'S LIEN.
right of, does not confer, **19,** 3
security for debt, effect of taking, **19,** 28, 30
shares, on, company, by, **5,** 163 n., 168—170
ship, on, **26,** 621, 626, 627. *See* MARITIME LIEN.
shipmaster, of, cargo, over, for expenses, **26,** 231
general average, for, **26,** 246
passenger's luggage, over, for passage money, **26,** 329
shipowner, of, **26,** 283—288. *See* CARGO; FREIGHT; SHIPOWNER.
shipwright, of, upon ship, **19,** 14
solicitor, of. *See* SOLICITOR'S LIEN.
stallion, of owner of, **19,** 14
statutory, ship, on, **26,** 621, 626, 627. *See* STATUTORY LIEN.
solicitor, of, **26,** 823—827. *See* MARITIME LIEN; STATUTORY LIEN.
stockbroker, of, **27,** 238
sub-contractor, of, **19,** 12 n.
surety, of, **15,** 523; **24,** 423
tailor, of, upon clothes, **19,** 14
tenant in common, of, for expenditure on estate, **19,** 20
tenant in tail, effect of creation by, **24,** 260
tender of amount due, extinguishment by, **19,** 28
trespass, as defence to action for, **27,** 870 n.
trover, as defence to action for, **27,** 913, 914
trustees, of. *See* TRUSTEE.
vendor, of. *See* SELLER; VENDOR'S LIEN.
void agreement, effect of, **19,** 4
waiver of. *See* WAIVER.
warehousing, charge for, effect on, **4,** 13
trade, custom in, **10,** 282, 283, **19,** 7
waste by limited owner as giving rise to, **19,** 23, 24
West Indian estate, on, for advances, **19,** 22

LIEN—*continued.*
wharfingers, of, general, **1,** 547; **19,** 8 n.; **28,** 423. *See* WHARFINGER.
wife, of, on property purchased with her money, **16,** 404
workman, of, for labour expended, **1,** 561; **19,** 12—14
wrongful
disposal of goods subject to, effect of, **19,** 29; **27,** 899, 900
possession cannot give, **19,** 4

LIEUTENANT OF DOVER CASTLE,
duty in relation to Cinque Ports, **1,** 139

LIFE,
annuity. *See* ANNUITY; ANNUITANT.
belts, ships required to carry, **26,** 78 n.
boat. *See* LIFEBOAT.
buoys. *See* LIFE BUOYS.
covenant to serve for, effect of, **20,** 90
danger to. *See* DANGER; DANGEROUS; FENCE; MACHINERY; MINE.
estate. *See* LIFE INTEREST.
insurance. *See* LIFE INSURANCE; LIFE INSURANCE POLICY.
interest. *See* LIFE INTEREST.
lease for. *See* LEASE.
loss of. *See* LOSS.
peerage. *See* LIFE PEERAGE.
presumption of, evidence, in, **13,** 440, 500
salvage in regard to. *See* SALVAGE.
saving. *See* LIFE SAVING.
tenant. *See* TENANT FOR LIFE.

LIFE BUOYS,
fishing boats, sea, to carry, **14,** 629; **26,** 78
foreign emigrant ships to carry, **26,** 78
lights attachable to, to be carried by passenger ships, **26,** 336

LIFE INSURANCE,
defined, **5,** 621; **15,** 443; **17,** 543; **27,** 669 n.
agent, authority of, extent of, **1,** 153; **17,** 549, 550, 554 n., 560
estoppel of company by knowledge of, **17,** 549
false representation by, effect of, **17,** 513
notice of mortgage to, effect of, **4,** 385; **17,** 560
proposal accepted by, effect of, **17,** 549
ratification of contract made by, after loss, as to, **17,** 550
amount recoverable from insurers, **17,** 544, 547, 548
apportionment, annual sums, of, payable under settlement, as to, **25,** 613
assignment of policy. *See* LIFE INSURANCE POLICY, assignment of.
banker, by, debtor's life, on, **1,** 637
deposit of policy with, as to, **1,** 638; **17,** 563
equitable lien given by, **17,** 563
security, as, for advances, **1,** 637
bankruptcy, assignment of policy after, without notice, **17,** 562
debtor, of, policy vests in trustee of, **17,** 562
sale of policy by creditor, **15,** 562
effect of, on policy of, **1,** 638; **17,** 562
principal debtor, of, creditor and surety, effect on, of, **15,** 562
bill of sale, deposit of policy as collateral security for, effect of, **3,** 45

LIFE INSURANCE—*continued.*
bonus and addition, right to, **17,** 560; **25,** 532
Canadian Code as to, **17,** 545 n.
capacity of persons to enter into contract of, **17,** 548
children, of, **17,** 162, 545, 546
claims, conflicting, payment into court in case of, **4,** 374; **5,** 619, 620; **17,** 565, 566
injunction to restrain insurer company from misapplying funds, **5,** 634
joint grantees of policy, by, payment of, **17,** 565
payment of, policy to be delivered up upon, **17,** 565
rules as to, **17,** 564—566
priority of, as to, **5,** 619; **17,** 561, 562
collecting societies, by. *See* COLLECTING SOCIETIES.
concealment of material fact, effect of, **11,** 79; **17,** 513, 550—554
construction of warranty in relation to, **17,** 552, 553
creditor, policy effected by, property vested in debtor, when, **17,** 547 n., 562
death, assured, of, benefit of policy passes upon, **13,** 190, 192
contract for sale of policy after, effect of, **21,** 8
domiciled abroad, administration, grant of, as to, **14,** 193
estate duty payable on, **13,** 217 n.
probate duty payable on, **13,** 311
estate duty payable on, **13,** 190, 192
high seas, on, condition in policy as to, **17,** 555
presumed, when, **17,** 564
proof of, as to, **17,** 564
death duties, in case of estate duty, **13,** 190, 192, 217 n.
legacy duty, **13,** 233, 239, 242
probate duty, **13,** 305, 306, 309 n., 311
settlement estate duty, **13,** 228—231
succession duty, **13,** 243 n., 264, 271, 277 n., 278
declaration for, assured, by, effect of, **17,** 550—553
life of another, for, effect of, **17,** 554
basis of contract, as, **17,** 551, 553
change of circumstances after making, result of, **17,** 553
construction of, policy to be read with, **17,** 552
rules for, **10,** 441
innocent misrepresentation in, effect of, **17,** 552, 553
medical examination, made at, by assured, effect of, **17,** 553, 554
medical referee, fraud by, effect of, **17,** 553, 554
policy unaffected by untruth of, when, **17,** 548, 552, 553
warranty of truth of, effect of, **17,** 548, 550—552, 557
executor, by, name of, in policy, **17,** 547
felo de se, effect of, on, **19,** 400, 401; **17,** 556
felony, execution for, effect of, on, **17,** 556, 557
foreign country, assured dying domiciled in, payment to, **13,** 217 n.; **14,** 193
assured going to reside in, effect, **17,** 549
fraud, policy avoided by, **17,** 513, 550
recovery of premiums on account of, **17,** 513, 557, 558
fraudulent misrepresentation, policy voidable by reason of, effect of, **11,** 79; **17,** 557
friendly society, by. *See* FRIENDLY SOCIETIES.

LIFE INSURANCE—*continued.*
guarantee, contract of, as, **15,** 443, 465 n.
husband, by, children's benefit, for, interest of husband in, **16,** 399, 400, 401
trust declared by, in favour of wife and children, **28,** 38
wife, benefit of, payment of money in case of husband murdered by wife, **17,** 557
interest of, in, **16,** 399, 400, 401
income tax, deduction of premiums from, **16,** 670, 671
indemnity, contract of, is not, **15,** 445; **17,** 513 n., 544, 547
infants, by, **17,** 548
of, friendly society membership of, **15,** 147
prohibition of, **17,** 162, 546 n.
insanity of assured, effect of, on, **17,** 553 n., 556; **19,** 400
insurable interest for purpose of, **17,** 544—546
banker, of, in customer's life, **1,** 637
child and parent, of, **17,** 545
creditor, of, **17,** 545, 547
employee, of, **17,** 546
executor, of, **17,** 545, 546
husband and wife, of, **16,** 399; **17,** 544, 545
joint obligor, of, in life of co-obligee, **17,** 545
moral obligation does not constitute, **17,** 546
nature of interest necessary, **17,** 544
payment to person having no, effect of, **17,** 563
proof of, **17,** 555 n.
several policies on same life, effect of, **17,** 548
surety, of, **17,** 545
trustee, of, **17,** 545, 546
interest on sum due as damages, **17,** 565 n.
interpleader proceedings where conflicting claims to money of, **4,** 374; **17,** 543, 565, 587
joint grantees of policy, discharge by, **17,** 565
lunacy, disclosing facts as to, for, **19,** 400
married woman, by, **16,** 399
husband paying premiums on, rights as to, **16,** 399
medical examination, assured's doctor, reference to, **17,** 554
doctor of company, by, **17,** 553
medical referee, by, **17,** 553
misrepresentation, condition as to, endorsed on policy, **17,** 548
effect of, on policy of, **20,** 661 n., 669 n., 728 n.
medical examination, at, **17,** 553, 554
question of fact, a, **17,** 550
policy of, **17,** 562. *See* LIFE INSURANCE POLICY.
premium, acceptance of, estoppel upon, **13,** 388; **17,** 549
annuity by insured, is, **17,** 543 n.
forfeiture of, when enforceable, **17,** 557
payment of, condition as to, **17,** 554, 555
recital in policy as to, effect of, **17,** 554
returnable, provisions as to, **17,** 513, 557, 558
trustees, payment by, of, **17,** 563; **25,** 686
proposal may be verbal, **17,** 545 n.
reports, confidential, as to assured's health, inspection of, **11,** 79
risk, commencement and duration of, **17,** 554, 554 n., 555; **27,** 450 n.
particular and general, interpretation of, **7,** 516
subrogation does not apply to, **17,** 513 n., 548, 563
suicide of assured, effect of, on policy, **17,** 556, 557; **19,** 400, 401
third party, death of, before proposal for insurance of, effect of, **17,** 554 n.

LIFE INSURANCE—*continued.*
trustees, insurance company in position of, when **17,** 565; **28,** 59
uberrima fides required, **7,** 356 n.; **17,** 550, 554
uninsurable, life becoming, effect on covenant to insure, **17,** 560 n.
warranty in, requisites and effect of, **17,** 550—554
wife, for benefit of, **16,** 399, 400, 401; **17,** 557; **25,** 554 n.; **28,** 38
will, disposal of money, by, **28,** 523, 525

LIFE INSURANCE POLICY,
defined, **17,** 562 n.
annuity, to secure, **5,** 621; **17,** 563 n.; **24,** 479 n.
arbitration clause in, effect of, **17,** 557
assignee, action by, in name of assignor, **17,** 558
acquisition of rights of assignor, by, **17,** 546
bonus on policy, entitled to, **17,** 560; **25,** 532
equitable, discharge to company by, **4,** 395; **17,** 560
inquiries, duty to make, **4,** 386
invalid policy, effect as against, **17,** 560 n.
rights of, **17,** 546, 559, 560, 561
suicide of assured, protection of interest of assignee, condition as to, **17,** 556
suing in his own name, when, **4,** 395; **5,** 619; **17,** 558, 559, 561
assignment of, assignor, claim by, insurers entitled to be secured in case of, **17,** 565
covenant by, not to vitiate a policy, construction of, **17,** 560 n.
attestation necessary, **10,** 429 n.
banker, deposit of policy with, as, **1,** 637, 638
bankruptcy, after, effect of, **17,** 562
common law, at, **17,** 558
conditions against, effect on beneficial interest in, **4,** 403
debt secured by, effect of judgment on, **15,** 565 n.
equitable, date of, in notice of, **4,** 382
discharge by holder of, **17,** 560
equity, in, **17,** 558
foreign country, when made in, effect of, **4,** 366; **6,** 217, 245; **17,** 560
form or mode of, **4,** 367, 375, 395 n.; **10,** 423; **15,** 411; **17,** 559, 562
fraudulent, creditor's powers against, **15,** 79, 90 n.; **27,** 910 n.
friendly society's policy, as to, **4,** 395 n.; **7,** 501; **15,** 151
Judicature Act, 1873, under, **4,** 367; **17,** 560, 561
letter not an, when, **21,** 131 n.
lien distinguished from, **17,** 559 n.
matters requiring attention before completion of, **17,** 561 n.
notice of, company, to, **5,** 619, 641; **17,** 559, 560
date of assignment in, correctness of, **4,** 372, 382
fee for acknowledgment of, **5,** 619; **17,** 562
insurer, to, **1,** 637, 638; **15,** 411; **17,** 559, 560, 562
notice of an agreement to assign not a, **7,** 500
payment before, effect of, **1,** 638
place where to be given, **17,** 562

LIFE INSURANCE POLICY—*continued.*
assignment of—*continued.*
notice of—*continued.*
subsequent assignee, by, effect of, on solicitor's lien on policy, **4,** 386; **21,** 339
writing required, **7,** 500; **17,** 561
place where made, law of, determines validity of, **6,** 217
Policies of Assurance Act, 1867, under, **15,** 411 n.; **17,** 561
stamp on, **4,** 379; **15,** 411; **17,** 516; **25,** 712
time from which it takes effect, **4,** 367; **17,** 561
wife's interest in policy on life of husband, how effected, **16,** 332
writing, whether necessary **4,** 367, 375, 395; **10,** 423; **15,** 411; **17,** 559, 562
assignor, party to action, as, **17,** 558, 559
rights of, acquired by assignee, **17,** 560
banker, by, on debtor's life, **1,** 637
deposit with, equitable lien given by, **17,** 563
security for advances, as, **1,** 637
bankruptcy, assignment after, **17,** 562
debtor, of, policy vests in trustee, **17,** 562
sale of policy by creditor, **15,** 562
effect of, on, **1,** 638; **17,** 562
principal debtor, of, creditor and surety, effect on, **15,** 562
bill of sale, deposit of policy as collateral security for, **3,** 45
bonus and addition, right to, on assignment, **17,** 560; **25,** 532
cancellation of, concealment of material fact, because of, **17,** 513, 548, 550, 554, 560 n.
declaration of untruths in, because of, **17,** 550, 557
fraud of insurers, because of, **17,** 558
fraudulent misrepresentation, because of, **17,** 513, 550, 557; **20,** 756 n.
premiums, return of, upon, **17,** 557, 558
public policy as ground for, **17,** 548, 556
charitable gift, whether a, **4,** 125 n.
chose in action, is a, **4,** 362, 363, 395; **17,** 558
claims, payment of, delivery up of policy upon, **17,** 565
rules as to, **17,** 564—566
conflicting claims, joint grantees, by, payment of, **17,** 565
construction of, **17,** 552, 553
creditor, effected by, property vested in debtor, when, **17,** 547 n., 562
death, assured, of, benefit of policy passes upon, **13,** 190, 192
contract for sale of policy after, effect of, **21,** 8
high seas, on, condition as to, **17,** 555
declaration, construction of, policy to be read with, **17,** 552
rules for, **10,** 441
delivery of, *donatio mortis causâ*, as, **15,** 433; **17,** 558 n.
insurer to, on payment of claim, **17,** 565
deposit of policy, security, as, **1,** 637, 638; **17,** 559 n.
detention of, action for, **17,** 558 n.
insurer, by, as security for loan, **17,** 564
endowment, *defined*, **17,** 544 n.
estoppel as to validity of, by accepting premiums on, **13,** 388
execution on, by sheriff, **14,** 47, 48
executor, in name of, **17,** 547
form of, **17,** 551 n.
LIFE INSURANCE POLICY—*continued.*
fraud, avoidance by, **17,** 513, 550
return of premiums on account of, **17,** 513, 557, 558
fraudulent alienation of, setting aside, **15,** 79; **27,** 910 n.
fraudulent misrepresentation, voidable by reason of, **11,** 79; **17,** 557
gift of, *inter vivos*, rights conferred by, **13,** 190, 271
indisputable, nature of, **17,** 548
void by fraud, **17,** 548
joint grantees of, discharge by, **17,** 565
lien on, contract with beneficial owner of policy, by, **17,** 563
deposit as security gives, **4,** 375; **17,** 559 n., 563
husband, of, **16,** 399
mortgagee, of, **17,** 563; **21,** 131
premiums, by payment of, **17,** 547 n., 563; **25,** 686
solicitor's right to, **26,** 815
how affected by want of notice to insurer, **4,** 386; **21,** 339
trustees, when premiums paid by, **17,** 547 n., 563; **25,** 686
loan on security of, surety's rights on payment of, against set-off by insurer, **25,** 503
loss of, action in event of, **17,** 565
indemnity in event of, **13,** 26 n.; **17,** 565
married woman, by, **16,** 399
premiums paid by husband, effect in case of, **16,** 399
misrepresentation as affecting, **17,** 548; **20,** 661 n. 669 n., 728 n.
condition as to, endorsed on policy, **17,** 548
medical examination, at, **17,** 553, 554
mortgage of, constructive notice applicable to, **13,** 88 n.; **17,** 559
covenants in, **21,** 130, 131
equitable, by deposit of, **1,** 638; **13,** 96 n.; **21,** 136
notice of, to insurer, **21,** 131
agent, by, effect of, **4,** 385; **17,** 560
priority by, **4,** 381; **21,** 131, 339, 340
second mortgagee, rights of, upon, **21,** 131
premiums paid by mortgagee, **21,** 131, 241
priority of payment in case of, **5,** 619
sale, right of, by mortgagee, **21,** 131
subsequent incumbrancer and payment of money by insurer, **5,** 619; **17,** 562 n.
validity of, **21,** 130, 131, 241
name to be inserted in, **15,** 129; **17,** 515, 547
ownership of, **17,** 547 n., 560 n., 562; **21,** 131
participating, nature of, **17,** 544 n
premium on, acceptance of, estoppel upon, **13,** 388; **17,** 549
annuity by insured, is, **17,** 543 n.
forfeiture of, when enforceable, **17,** 557
payment of, condition as to, **17,** 554, 555
recital in policy as to, effect of, **17,** 554
returnable, provisions as to, **17,** 513, 557, 558
trustees, payment by, **17,** 563; **25,** 686
property in, passed by delivery, **15,** 433; **17,** 558 n.
recovery of premium paid on void and illegal policy, **17,** 513, 557, 558
rectification of, **17,** 513; **21,** 13
renewal of, limitations on, **17,** 554 n., 555
reputed ownership of, **17,** 562 n.
requisitions on title to, **17,** 561 n.
security for a debt, as, **15,** 565 n.; **17,** 557; **21,** 131, 132; **25,** 503

LIFE INSURANCE POLICY—*continued.*
set-off against claim on, **25,** 503
settlement of, bonus accruing, rights to, under, **25,** 532
husband, by, **25,** 531, 532, 554 n., 686, 687
notice to insurer of, **25,** 686, 687; **28,** 20
post-nuptial, effect of, in bankruptcy, **16,** 402
property acquired by purchase includes, **17,** 560 n.
stamp duty on, **25,** 712
surrender by trustees, **25,** 532, 686 n.
trustee's duties in relation to, **25,** 531, 686, 687
valuation of, **25,** 554 n.
several policies on same life, effect of, **17,** 548
solicitor's authority to receive money under, **26,** 745
stamping of, **17,** 515, 516; **24,** 705 n.
surrender value of, **5,** 637; **17,** 544 n.
third party interest in, **17,** 562
third person's name, taken in, effect of, **15,** 416
trover, action of, in respect of, **20,** 745 n.; **27,** 910 n.
trustee, name of, in, **17,** 547
valuation of, on winding up of insurer company, **5,** 637; **17,** 544 n.
wagering contract, when, **7,** 404; **15,** 268 n.; **17,** 514, 515, 544 n., 547
wife and children, for benefit of, **16,** 399—401
subsequent marriage, effect on, **16,** 401

LIFE INTEREST. *See also* TENANT FOR LIFE.
after-acquired property, covenant to settle, when attaching to, **25,** 549, 550
alienation of, powers as to, **24,** 177, 178
restraint on, **15,** 423; **24,** 174. *See* forfeiture, *infra.*
Settled Land Act powers, effect on, **25,** 628 n., 636, 637, 672, 673
annuity for life, **24,** 480, 481. *See* ANNUITY; ANNUITANT.
appointment of, hotchpot clause applies to, **25,** 574. *See also* power, *infra.*
assignee of, advancement, sanction for, of, when necessary, **25,** 685 n.
marriage, in consideration of, **25,** 672, 673
possession by, **25,** 597
sale, petition to court for, by, **25,** 679 n., 680 n.
Settled Land Acts, position under, **25,** 628 n., 636, 637
waste, position as to, **25,** 603
charging order, effect of, on, **14,** 108 n.; **25,** 572
chattels, in, gift by will of, effect, **13,** 96 n.; **22,** 414; **28,** 527—529, 695, 774. *See also* consumables; farming stock; growing crops; personalty; stock-in-trade, *infra.*
grant of, effect, **15,** 408
settlement to devolve as realty, **25,** 703
under, **25,** 706
consumables, in, bequest of, **13,** 96 n.; **22,** 414; **28,** 528, 529
with remainders, **28,** 24 n., 528, 529, 695
settlement of, **25,** 526 n.
contingent remainder, implied from limitation over of, **24,** 220 n.
conveyance of, deed necessary for, **10,** 361
copyhold, in, **8,** 73
alienation, effect of, on, **8,** 96, 97
bankruptcy, effect of, **8,** 41
reversion, in, **8,** 78

LIFE INTEREST—*continued.*
Cornwall, Duchy of, in, arrangement of dispute, as to, **7,** 247
corporation sole, grant to, omitting successors, confers only, **8,** 371; **24,** 166 n.
creation of, in case of realty, **24,** 145, 146, 173—175
Crown, interest of, expectant on determination of, exchange of, **7,** 170
curtesy, in case of, **24,** 183—188. *See* CURTESY.
customary freeholds, in, **8,** 73
determinable during life, **24,** 174; **25,** 570—572; **28,** 717, 774, 805
devise without words of limitation before Wills Act created, **28,** 775 n.
distress, right of, in case of, **11,** 125, 126
divorce, variation of settlement on, effect on, **16,** 573. *See* forfeiture, *infra.*
dower, in right of, **8,** 41, 78, 79; **24,** 189 *et seq.* *See* DOWER.
easements, in case of, **11,** 245
election does not arise on disposition by will of, **13,** 122 n.
emblements in case of, **24,** 177
equitable limitation without words of inheritance creates a, **13,** 94 n.
estate duty, enlargement into absolute interest, in case of, **13,** 194
no allowance in case of, for, **13,** 200 n.
release of life interest to remainderman, on, **13,** 186, 187
estate tail, construed as, when limitations after life estate are void under rule against perpetuities, **22,** 367—369. *See Shelley's Case, infra.*
cut down to, when, **24,** 230 n.
executor, bequeathed to, assent in case of, **14,** 267
failure of gift of prior, effect of, **28,** 605, 717, 718
family arrangement, effect of, on, **14,** 552; **25,** 637 n.
farming stock, in, gift of, **15,** 408; **22,** 414; **28,** 24 n., 528 n.
fee, construed as giving the, when, **22,** 368
forfeiture of, alienation, on, **24,** 174, 330, 331; **25,** 571; **28,** 840, 841
bankruptcy, on, express grant, in, **2,** 147; **24,** 174
gift by will, in, **28,** 717, 774, 840
settlement, under, **2,** 148—151; **15,** 86; **25,** 570, 571
denial of lord's title, for, **24,** 331
divorce, on, **25,** 572
exercise of powers, in relation to, **25,** 637, 638
waste, for, **24,** 331. *See* waste, *infra.*
franchise qualification, equitable life interest as a, **12,** 155 n.
life interest in freeholds as a, **12,** 146, 147, 148, 177, 180
freebench as, **8,** 78, 79. *See* FREEBENCH.
freehold, as an estate of, **24,** 163, 173, 214
gift *inter vivos* of, void restraints in, **15,** 423; **24,** 174
gift over on death, effect of, **28,** 828 *et seq.* *See* implied, *infra.*
grant of realty without reference to heirs creates a, **10,** 474; **24,** 145, 166
growing crops, in, gift of, **28,** 528 n.
heirlooms, in case of, **25,** 706

LIFE INTEREST—*continued.*
heirs of the body not words of limitation, when, creation of, **24,** 268
hereditament, not a, **24,** 160, 173
husband, to, in settlement by wife, **25,** 540, 541
husband and wife, of, in settlements, **25,** 570—572, 586
implied, gift to A. till specified event then over, by, **24,** 220 n.
grant by deed without words of limitation, in, **10,** 474; **24,** 174
settlement, in, **25,** 572
trust for parent and children, from, **25,** 572
will, in **24,** 174
determination of interest on an event, from, **28,** 774
gift over, from, **28,** 846—848, 852 n.
restrictions on disposition, from, **28,** 772, 773
rights of enjoyment, from, **28,** 773
rights personal to donee, from, **28,** 773
use and occupation, from, **28,** 773, 774
improvements made by tenant of, no claim against inheritance for, **18,** 276
income, in, with liberty to use capital, **23,** 8
income of, refusal to receive, may be retracted, **28,** 41 n., 600
incumbent, of, in emoluments of benefice, **11,** 563
joint tenancy, in relation to, **24,** 200, 204, 206; **28,** 780
jointure, in relation to, **23,** 80; **24,** 192 n., 193 n. *See* JOINTURE.
land tax, no apportionment between tenant for life and remainderman, **18,** 310
land value duties in case of, **24,** 553; **25,** 649
lease for life, created by, nature of, **18,** 459
limitation to children without proper words of limitation confers a, **25,** 597
married woman, disclaimer by, of, **10,** 369; **24,** 298
married woman, of, furniture, in, receiver in case of, **14,** 120 n.
non-separate property, being, disposition of, **16,** 323
remainder to personal representatives in default of appointment, with, **16,** 390
merger of, **13,** 146, 147; **21,** 321 *See* MERGER.
mortgage of, in realty, **21,** 121; **25,** 666 n.
name and arms clause in settlement affecting, **25,** 697
nature of, in case of realty, **24,** 173
particular estate, as a, in realty, **24,** 212
partition, in case of, **21,** 811, 818, 822, 839, 842 n.; **25,** 657
perpetuities, rule against, in relation to. *See* PERPETUITIES, RULE AGAINST.
personalty, in, construction of, **28,** 768, 769
next of kin, followed by gift to, **23,** 8; **25,** 572, 573, 580; **28,** 758
personal representatives, followed by gift to, **22,** 414, 415; **23,** 8; **25,** 572, 573; **28,** 759
successive interests in, **22,** 413; **23,** 8; **28,** 770
superadded limitations, with, **23,** 8; **28,** 769, 770
pin money as a, **25,** 585. *See* PIN MONEY.
power of disposition added to, absolute interest not given by, **23,** 7; **25,** 572; **28,** 772
intervening estate, effect of, **23,** 10

LIFE INTEREST—*continued.*
power of leasing added to, effect of, **23,** 76
power to appoint fee under Statute of Uses cannot be grafted on, **23,** 5
pur autre vie, **8,** 74, 96; **24,** 178, 179
Quia Emptores Statute does not apply to, **24,** 144, 286
receiver of rents and profits of, appointment of, **24,** 352
release of, deed necessary for, **10,** 363
remarriage, determinable on, **24,** 174, 489; **25,** 584; **28,** 587, 718, 805
rentcharge for life, **24,** 472
resettlement, how dealt with in case of, **25,** 671, 672, 691
restraint on alienation of, **15,** 423; **24,** 174
reverter of land after, **24,** 146
settlement, in a, personalty, in case of, **25,** 570—572, 703, 704
construction of articles, **25,** 540, 541
realty, in case of, **25,** 586
Shelley's Case, rule in, in regard to, **22,** 368 n., 414; **23,** 8, 9; **24,** 226, 227; **28,** 769
Statute of Uses, created under, **24,** 274, 278, 279
stock-in-trade, in, gift of, effect, **15,** 408; **28,** 24 n.
succession duty, **13,** 286
surrender to remainderman, effect of, **13,** 186, 187
successive, void as perpetuity, **22,** 297
tenancy by entireties in case of, **16,** 354; **24,** 212
tenancy in common in case of, **24,** 206—209
timber, rights as to, of holder of, **24,** 176. *See* TIMBER.
waste, liability of holder as to, **24,** 175, 176. *See* WASTE.
will, construction of, in respect of, **28,** 762, 772, 773, 780, 828, 829, 830
creation by, of, **28,** 526

LIFE PEERAGE,
ancient, certain creations by charter, **22,** 263 n.
creation of, **6,** 456; **21,** 628
Lords of Appeal in Ordinary, of, created by letters patent, **9,** 23; **21,** 628
descent barred by Appellate Jurisdiction Act, 1876, **22,** 269
patent of, gives no right to sit and vote in Parliament, **6,** 456; **22,** 270
precedence in case of, **21,** 628 n.

LIFE SAVING,
appliances, bathing places, at, **23,** 501
ships, on, Explosives Act does not apply to, **14,** 363
provision as to, **26,** 78
deviation of ship for purpose of, **17,** 400, 401; **26,** 95, 561
prevention of, a felony, **9,** 559
trespass on land justified for purpose of, **27,** 862
wreck, receiver of, powers of, for purpose of, **26,** 550

LIFE TENANT. *See* TENANT FOR LIFE.

LIFEBOAT,
crew, payment of, assistance in launching, for, **26,** 570
salvage of property, for, **26,** 570
saving life, for, **26,** 570
fishing boat, sea, must carry a, **14,** 629
gift to provide, is charitable gift, **4,** 115

LIFEBOAT—*continued.*
maintenance of, harbour authority, by, **26,** 645
service, *defined*, **26,** 554 n.

LIFT,
chambers, in, injury to invitee in, **21,** 387 n.
flats, in, liability of landlord for accidents, **18,** 571

LIGAN. *See also* WRECK.
defined, **7,** 210 n.; **8,** 7 n.; **26,** 549, 549 n.
Admiralty Court, jurisdiction of, as to, **1,** 76
Board of Trade, jurisdiction of, as to, **1,** 76
Crown, right of, to unclaimed, **7,** 210
droit of Admiralty, as a, **1,** 76
finder of, rights of, **7,** 210, 211
franchise may be granted of, **7,** 212
larceny of, **9,** 640
prescription, claim by, of, **7,** 212
wreck, grant of, does not include, **7,** 212
inclusion in, of, under Merchant Shipping Act, 1894, **8,** 6 n.
when it is, **26,** 549

LIGHT,
air, and. *See* LIGHT AND AIR.
air space in workshops, increase of, during use of artificial, **14,** 448
coin, calling in, **6,** 472, 473
defacing of, **6,** 472
expense of exchanging, how borne, **6,** 473
offence of
lightening, **9,** 515
possessing, **9,** 515
dues. *See* LIGHT DUES.
easement of. *See* LIGHT, EASEMENT OF.
electric, **12,** 541—645. *See* ELECTRIC LIGHTING AND POWER; ELECTRICAL UNDERTAKING; ELECTRICITY.
gas, **15,** 305—394. *See* GAS.
London Building Act, 1894, requirements of, as to, **20,** 482
non-provision of, liability of occupier of premises to invitee, **21,** 390
railway. *See* LIGHT RAILWAY.
right to. *See* LIGHT, EASEMENT OF.

LIGHT AND AIR. *See also* AIR; EASEMENT; LIGHT; LIGHT, EASEMENT OF.
common to all, **4,** 445; **11,** 327
easements of
air, **11,** 326—328
implied from intention, **11,** 256
light, **11,** 297—309
wholly distinct, are, **11,** 298
ecclesiastical faculty for easement of, **11,** 543
lessee, covenant to build to plan showing windows, implies right to, **11,** 256 n.
prescriptive right to, prevented by express reservation, **18,** 416
lessor, express reservation to build on adjoining land, effect of, **18,** 416
London building requirements as to, **20,** 482—484
noxious vapours, **20,** 592
nuisance, substantial interference as, **11,** 299, 300; **21,** 525—534
protection of light, orders for, air not included, **11,** 298
smoke, emission of, **20,** 592
working class dwellings, open spaces in case of, for admission of, **20,** 482

LIGHT DUES,
calculation of, **26,** 630
colonial, **26,** 631
distraint in respect of, **26,** 631
exemption from, **26,** 629, 630, 660
General Lighthouse Fund constituted by, **26,** 633
liability to pay, **26,** 218, 629
local, **26,** 631
receipt for, by whom given, **26,** 630 n.
recovery of, **26,** 630, 631
regulations as to, to be posted up, **26,** 630
tables of, to be posted up, **26,** 630
wages of seaman prior to claim for, when ship sold by court's order, **26,** 631

LIGHT, EASEMENT OF.
defined, **11,** 298
abandonment of, **11,** 280
access, *defined* in Prescription Act, **11,** 307
from other sources, how far regarded in action for, **11,** 302
without user, creates no right under Act, to, **11,** 307. *See* user, *infra.*
accommodation, light enjoyed by, may become, **11,** 255
acquiescence in obstruction of, **11,** 277 n.
acquisition of, **11,** 301—309
action for obstruction of, death of plaintiff, damages limited in case of, **14,** 227; **19,** 75
limitation of, **19,** 75
adverse act necessary to defeat prescriptive claim to, **11,** 273
agreement, by, **11,** 308
verbal, to grant, **11,** 246, 303
air, easement of, is similar to, but wholly distinct from, **11,** 298, 327
amount of light to which owner of, is entitled, **11,** 298 n, 300, 301, 303
ancient lights, as to. *See* ANCIENT LIGHTS.
apertures through which it may be enjoyed, **11,** 307
buildings, rights can only be claimed in respect of, **11,** 303
burden of, increase or decrease of, **11,** 280
Colls v. *Home and Colonial Stores, Ltd.* (1904), A. C. 179, **11,** 298—302
common law enjoyment of, **11,** 262, 305
compensation under Lands Clauses Acts for loss of, **6,** 47
consent, enjoyment by, **11,** 308
cottage, claim in respect of, **11,** 306
covenant creating, **11,** 247, 247 n., 256 n., 303
Crown, against, no acquisition of right to, **6,** 410 n., 485; **7,** 157; **11,** 309
Crown tenant, against, no acquisition of right to, **7,** 157; **11,** 309
damages recoverable by personal representative, limit of, **14,** 227; **19,** 75
devolution of, on property changing hands, **11,** 237
discontinuance of, not necessarily an interruption, **11,** 273
dominant tenement, alteration in, effect on, **11,** 280, 281
extent of, **11,** 300—305
extinguishment of, alterations, by, **11,** 280
unity of possession, by, **11,** 282
extraordinary amount of light, right to, **11,** 303
forty-five degrees, rule as to, **11,** 301

LIGHT, EASEMENT OF—*continued.*
garden, in respect of, no easement acquirable, **11,** 306
grant of, **11,** 303, 304. *See* GRANT OF EASEMENT.
hoarding, erection of, to prevent acquisition, **11,** 298 n.
house, disposition of, by will, **11,** 304
sale of, on, overlooking adjoining land of vendor, **11,** 304
implication of law, creation by, **11,** 304
injunction, damages in lieu of, for obstruction of, **17,** 213
equitable relief by, for obstruction, **13,** 50
form of, restraining building to obstruct, **17,** 232 n.
future use of premises considered on application for, **17,** 209 n.
mandatory, when granted, **11,** 335; **17,** 215 n.
obstruction of ancient lights restrained by, **17,** 209 n., 232 n.
refusal of, to restrain interference with, **11,** 283 n.
interest in land, an, within Statute of Frauds, **11,** 237
interference with. *See* obstruction, *infra.*
interruption of, **11,** 273, 308, 309
land, open, in respect of, no easement acquirable, **11,** 303, 306
lessee, right of, under implied grant,, **11,** 309; **18,** 416 n.
lessees of same landlord, acquisition of easement between, **11,** 309
light and air, distinct easements, **11,** 298
limitation of actions for obstruction, **19,** 75
London, custom of, relating to, **10,** 247 n., 248 n.; **11,** 305 n.
lost modern grant, presumption of, **11,** 264—268
merger, as to. *See* unity, *infra.*
necessity, of, no implied reservation of, **11,** 254, 304
non-user will not extinguish, **11,** 278
obstacle, fixed or movable, as to interruption by, **11,** 308
obstruction, acquiescence in, affecting relief, **11,** 277 n., 278 n.
damages, claim for, when restrained, **11,** 277
limitation by plaintiff's death, **14,** 227; **19,** 75
discontinuance of user distinguished from, **11,** 308
entry on land to remove, **27,** 861 n.
mandatory injunction granted, when, **11,** 335; **17,** 215 n.
nuisance, must amount to, **11,** 299, 300; **21,** 523
substantial, must be, **11,** 299, 300, 301, 330
verbal agreement allowing, **11,** 277 n.
when actionable, **11,** 299, 300—303; **21,** 525
prescription, acquisition by, of, **11,** 269, 271, 305—309
common law and statute, under, **11,** 300
new building, not in case of, **11,** 258 n., 261 n., 306
peculiar nature of, in case of, **11,** 282
Prescription Act, under, **11,** 305, 306
excluded in case of user by agreement, **11,** 307, 308
landlord, against, **11,** 259, 271, 309
presumption of, as to, **11,** 260, 279
quantity of, right to what, **11,** 298 n., 300, 301

LIGHT, EASEMENT OF—*continued.*
release of, common law, at, must be by deed, **11,** 277
implied, **11,** 278
remaindermen, right acquirable against, to, **11,** 309
rent, payment of, for, how affecting prescriptive right, **11,** 308
reservation, implied, of, **11,** 253, 254, 255, 304
reversion not bound by lessee's grant of, **11,** 245 n., 304
reversioners, right acquirable against, to, **11,** 309
right of, to sue, **21,** 551 n.
servient owner
becoming dominant owner, effect of, **11,** 237 n., 282, 309
must not interfere with dominant owner's enjoyment of, **11,** 237
term, for a, **11,** 309
test, measure of right acquired under Act, of, **11,** 307
whether interference a nuisance, **11,** 300, 301
time for acquisition commences to run, when, **11,** 306 n.
title, apparent accommodation conferred by, **11,** 255
uninhabited house, right in respect of, **11,** 306
unity of
possession extinguishes, **11,** 282
seisin does not extinguish, **11,** 282
user
as affecting right of easement of, **11,** 262, 302, 307. *See* access, *supra.*
discontinuance of enjoyment, when no interruption of, **11,** 273
what constitutes interruption, **11,** 273, 308, 309
under the Prescription Act, 1832, **11,** 271, 272, 305, 309
verbal licence to destroy or alter, effect of, **11,** 277, 278
windows, new, opening, **11,** 281 n.
neighbour, of, obstruction of, **11,** 332
overlooking neighbour's land, **11,** 298
shuttered, cannot be acquired in respect of, **11,** 307

LIGHT LOCOMOTIVE,
defined, **21,** 546; **27,** 306. *See* MOTOR CAR.

LIGHT RAILWAY. *See also* TRAMWAY.
The title TRAMWAYS AND LIGHT RAILWAYS *is contained in Vol. XXVII., pp.* 779 *et seq.*
abandonment of, **27,** 834
acquisition of land, compulsory powers, under, **27,** 832—834
notices to owners, **27,** 820
Admiralty, deposit of notice with, **27,** 822
advances to company by council, **27,** 837
advertisement of application for, **27,** 820, 824, 836
amending orders, **27,** 834—837
appeal from refusal of order, **27,** 827
application for orders, **27,** 819—821
procedure on, **27,** 823
audit, accounts of managing body, of, **27,** 830
Board of Agriculture and Fisheries, consent of, acquisition of common etc., to, **27,** 834
sale by limited owner, to, **27,** 833
notice, deposit of, with, **27,** 822

LIGHT RAILWAY—*continued.*
Board of Trade, confirmation of orders by, **27,** 827, 828
documents, deposit of, with, **27,** 822
building, part of, power to acquire, **27,** 829
carriages, licence, exempt from, **27,** 818 n.
classes of, **12,** 551 ; **27,** 818 n.
commons, protection of, **4,** 493 ; **27,** 821, 834
company as applicant, assent of members essential, **27,** 823
compensation for land, how determined, **6,** 154 ; **27,** 832—834
compulsory acquisition of land by, **27,** 832—834
commons, protection of, in case of, **4,** 493 ; **27,** 834
customs, deposit of documents with, **27,** 822
deposits of plan, map, and other documents, **27,** 821—823
development of district or industry by, Treasury advances for, **27,** 839, 840
disputes, determination of, arbitration, by, **27,** 831, 832
electrical undertaking affected by, **12,** 583
extension of time for construction of, **27,** 835
fee to be paid before application for, **27,** 819 n., 823
financial position, rejection of order on grounds of, **27,** 826
fisheries affected by, **27,** 823
funicular railway may be included in, **27,** 818 n.
house, part of, proposal to acquire, **27,** 821 n., 824
industrial railway, may be worked as, **27,** 818 n.
Inland Revenue, deposit of notice etc. with, **27,** 822
junction with, how made, **23,** 685
limited owner, conveyance by, for, **27,** 833
loans for, local authority, by, **27,** 837, 838
orders sanctioning, **27,** 830
Treasury, by, **27,** 839
local authority, application by, for, **27,** 819, 837
borrowing powers of, for purposes of, **27,** 830, 838, 839
consent of, when necessary for, **27,** 831 n., 836
construction and working by, of, **27,** 837, 839
deposit of plans with, **27,** 821, 822
expenses of, **27,** 838
loans by, for, **27,** 830, 837—839
profits, application of, **27,** 839
managing body, constitution of, **27,** 830
metropolis, in, regulation of cars of, **27,** 293
mineral railway, authority to work as, **27,** 818 n.
narrow roads, along, rejection of applications for, **27,** 825
notice, application for, of, **27,** 820
deposit of, **27,** 822
service of, **27,** 821
owners, to, of lands proposed to be taken, **27,** 820
proof of service of, **27,** 824
variation or relinquishment, of, **27,** 836
objection to, grounds of, **27,** 824—827
Office of Works, deposit of documents with, **27,** 822
order, appeal from refusal of, **27,** 827
application for, **27,** 814—821
consideration of, **27,** 824—827, 828
procedure on, **27,** 823
confirmation of, **27,** 828
contents of, **27,** 829—832
local authority may apply for, **27,** 837
Postmaster-General, deposit of documents with, **27,** 822

LIGHT RAILWAY—*continued.*
promoter, application by, **27,** 819
deposit of documents by, **27,** 821, 822
fee to be paid by, **27,** 819 n.
variation of plan by, under amending order **27,** 834, 836
railways, junctions with, provisions as to, **23,** 685 ; **27,** 826
worked as, when, **27,** 820 n., 830
rates, partial exemption from, **24,** 24
tidal waters and rivers affected by, **27,** 822
tramway, in lieu of, **27,** 827
not a, though laid in a street, **12,** 551
urban, not to be promoted as, **27,** 818 n.
transfer to railway company by amending order, **27,** 835
Treasury, loans and advances for, by, **27,** 839, 840
notice, deposit of, with, **27,** 822
trustees, compensation or purchase-money payable to, **27,** 833
variation of original scheme by amending order, **27,** 834
village green, protection of, **4,** 493, 494 ; **27,** 834 n.
War Office, deposit of notice with, **27,** 822
winding up of company by Board of Trade, **27,** 830 n.
Woods and Forests, Office of, deposit of notice, with, **27,** 822

LIGHT RAILWAY COMMISSIONERS,
appeal from, **27,** 827
applications to, **27,** 819, 820, 823, 824
rejections by, **27,** 824—827
when to be made, **27,** 819
appointment of, **27,** 818, 819
arbitrators, acting as, **27,** 832
Board of Trade, powers of, **27,** 828
submission to, of all orders by, **27,** 827
competition with existing railways, effect of, to be considered by, **27,** 824
confirmation of order of, effect of, **27,** 828, 829
consideration and confirmation of order of, by Board of Trade, **27,** 828
constitution of, **27,** 818, 819
documents to be deposited with, **27,** 823
draft order, settlement of, by, **27,** 824
duties of, **27,** 818, 819
financial position affecting decision of, **27,** 824, 826, 827
historic interest, object of, injury to, to be considered by, **27,** 824 n.
local inquiry to be held by, **27,** 823
local wishes to be considered by, **27,** 824, 825
matters to be considered by, **27,** 824—827
objections, formal or informal, to be considered by, **27,** 824
orders of, incorporation of provisions of statutes in, **27,** 829
obligations and powers under, **27,** 829, 830
procedure on application to, **27,** 823, 824
remission of order to, by Board of Trade for further consideration, **27,** 828
safety of public, must provide for, in draft order, **27,** 824
salary of, **27,** 819 n.
scenery, injury to, to be considered by, **27,** 824 n.
settlement of draft order by, **27,** 824
tourists, requirements of, considered by, **27,** 825 n.
utility of proposed railway to be considered by, **27,** 824
vacancy among, how filled, **27,** 818 n.

LIGHT SCOT,
payable in time of King Alfred, **11,** 776 n.

LIGHTENING,
gold or silver coin, of, a felony, **9,** 515
ships, of, in ports where customary, **10,** 293; **26,** 261, 262
throwing cargo overboard, by, **26,** 222. *See* JETTISON.

LIGHTER. *See* LIGHTERMAN.
bills of lading, no requirement under, for separate, **10,** 291
consignee, choice by, of delivery by, **26,** 269
provision by, of, **26,** 267, 278
custom, employment of, as to, **10,** 290, 291, 293, 294, 295; **26,** 269
provision of, as to, **10,** 290, 294; **26,** 269
delay in discharge by, **26,** 276
harbour bar, alleged usage to navigate lighter across, held unreasonable, **10,** 254 n.
hirer of, position of, **4,** 3
light, not obliged to display a, on the Thames, **26,** 478 n.
master of ship, duty of, to guard goods loaded into, **10,** 291
to take care of, **26,** 265 n.
risks of transit by, when on shipper, **26,** 199
Russian trade, employment of lighters to unload in Thames ships engaged in, **10,** 290
seaworthiness of, not warranted by shipowner, **17,** 428
ship, whether a, under Merchant Shipping Act, **26,** 377 n.
shipowner, custom for, pay for, to, rejected where repugnant to charterparty, **26,** 268
provide, to, binding, **10,** 290, 294; **26,** 269
duty of, provide, to, **26,** 268
place goods in, to, **26,** 267
must allow charterer cost of, port of Trinidad, in, **10,** 294
stranding of, exception in marine policy, as an, **17,** 460
timber, discharge of, custom of Port of London as to, **10,** 290
wharf, landing of cargo on, thence removed into, **26,** 269
wharfinger carrying goods of all comers in his lighter is common carrier, **4,** 3

LIGHTERMAN,
common carrier, is a, **4,** 3
consignee, duty of, to provide, **26,** 267
payment for overtime in discharging sugar, **10,** 291
Port of London Authority, control by, of, **20,** 411
strike of, as affecting charterer's liability, **26,** 131 n.
Thames, Acts and bye-laws relating to, **20,** 411 n.
Workmen's Compensation Acts, within, **20,** 194 n.

LIGHTHOUSE,
defined, **26,** 627 n.
authorities in regard to. *See* LIGHTHOUSE AUTHORITY.
compulsory purchase of land for, **6,** 175; **26,** 628, 629
construction of, **26,** 628, 629, 645
expenses of, **26,** 555, 632—634. *See* LIGHT DUES.
extraordinary, of, **26,** 633, 634
fund of, **26,** 655, 632—634

LIGHTHOUSE—*continued.*
inspection and control of, **26,** 632
journals of, admissible in evidence, **1,** 99; **13,** 542
light liable to be mistaken for, neglect of, misdemeanour, **9,** 560
screening or extinguishing of, **9,** 560
light of, felonious altering, masking or removing, so as to endanger ship, **9,** 790
rates and taxes, exempt from, **24,** 10, 11 n., 23; **26,** 628

LIGHTHOUSE AUTHORITY,
Board of Trade, position with regard to, **26,** 629, 631—634; **27,** 513
buoys and beacons, superintendence of, by, **26,** 627, 632
Commissioners of Irish Lights, in Ireland, **9,** 561 n.; **26,** 628
Commissioners of Northern Lighthouses, for Scotland and Isle of Man, **9,** 561 n.; **26,** 627, 628
compulsory purchase of land, powers as to, **6,** 175; **26,** 628, 629
dues payable to, **26,** 629—631. *See* LIGHT DUES.
establishments of, **26,** 633
expenses of, **26,** 555, 632—634
extraordinary, of, **26,** 633, 634
funds of, General Lighthouse Fund, **26,** 633
inspection of lighthouses by, **26,** 632
land belonging to, power to sell, **26,** 629
local, distinguished from general, **26,** 628
duties of, **26,** 632
powers of, **26,** 629, 632
returns furnished by, **26,** 632
negligence, liability for, **26,** 628
notice by, as to lights, **9,** 560, 561
powers of, **26,** 628, 629, 632
rates and taxes, exemption from, **24,** 10, 11 n., 23; **26,** 628
reports to Board of Trade, **26,** 632
superannuation allowances granted by, **26,** 63
Trinity House, for England and Wales, Channel Islands, and Gibraltar, **6,** 175 n.; **9,** 560 n.; **26,** 627
wreck, removal of, by, **26,** 554

LIGHTING,
authority. *See* LIGHTING AUTHORITY.
furnished flats, staircase of, duty of landlord as to, **18,** 570; **21,** 390 n.
inspectors. *See* LIGHTING INSPECTORS.
markets, of, **20,** 12
rate. *See* LIGHTING RATE.
streets and highways, of. *See* LIGHTING OF STREETS AND HIGHWAYS.
up time. *See* LIGHTING-UP TIME.

LIGHTING AND WATCHING ACT,
abandonment of, **16,** 121
administration of, **15,** 308; **16,** 120, 121. *See* LIGHTING AUTHORITY.
adoption of, **15,** 307, 308; **16,** 119, 120; **19,** 257; **23,** 550—552; **24,** 99
restrictions on, **16,** 120
annual meetings under, **16,** 121, 122
arrest of offender under, **9,** 301 n.
expenses of administering, raised by lighting rate, **24,** 99. *See* LIGHTING RATE.
fire engines etc. may be provided under, **23,** 550, 551
gas, supply of, under, **15,** 362—364. *See* GAS.

LIGHTING AND WATCHING ACT—*continued.*
inspectors under, appointment of, **16,** 121. *See* LIGHTING INSPECTORS.
operation of, area of, **15,** 307; **16,** 119
limit of, **15,** 307; **16,** 119
street lighting under. *See* LIGHTING OF STREETS AND HIGHWAYS.

LIGHTING AUTHORITY,
defined, **12,** 628
borough council, powers of, **12,** 642, 643; **15,** 309; **16,** 204; **23,** 552
common law, no duty or power at, **16,** 118
expenses, how defrayed, **12,** 643; **16,** 119, 124; **18,** 478
limit on, **16,** 123, 124
lamps etc., property in, vests in, **16,** 123
liability for failure to light streets, **16,** 124
Lighting and Watching Act, execution of, by. *See* LIGHTING AND WATCHING ACT.
London, in, **15,** 309, 389, 390; **23,** 552
borough councils, powers of, **12,** 643, 644
parish council, powers of, **12,** 643; **15,** 308; **16,** 119, 120, 121
powers of, are statutory, **15,** 308; **16,** 118, 122, 123, 124
rate leviable by. *See* LIGHTING RATE.
rural districts, in, **12,** 642, 643; **15,** 307, 308; **16,** 118, 119; **23,** 552
urban districts, in, **12,** 642, 643; **15,** 309; **16,** 118, 119; **23,** 552

LIGHTING INSPECTORS,
accounts, verification of, by, **16,** 122
actions by or against, **16,** 122
annual meetings summoned by, **16,** 121, 122
appointment of, **16,** 121
expenses as to fire engines etc. payable by, **23,** 551
expenses of, provision as to, **16,** 122
interest of, disqualifies them for office, **16,** 122
meetings of, **16,** 122
number appointed, **16,** 121
officers may be appointed by, **16,** 122
qualification of, **16,** 121
rates, power to order levy of, **24,** 99
retirement of, **16,** 121

LIGHTING OF STREETS AND HIGHWAYS,
breaking up streets for purpose of, **12,** 570 *et seq.* *See* BREAKING-UP.
electric light, by, **12,** 642, 643
highway authority may control its own, **16,** 119
local authorities, powers of, as to, **12,** 642—644
wires etc., bye-laws of local authority as to, **12,** 641
electric light company bound to place lights on street works, **12,** 575
frontagers liable for cost, **12,** 643; **16,** 119, 228
not liable for cost in London, **12,** 644
gas, by, **15,** 307, 308; **16,** 122, 123. *See* GAS UNDERTAKING.
gas company bound to place lights on street works, **15,** 328, 329
inspectors as to. *See* LIGHTING INSPECTORS.
lamps etc., damage to, **12,** 613; **16,** 123
master's liability for servant's act, **16,** 123 n.

LIGHTING OF STREETS AND HIGHWAYS—*continued.*
lamps etc.—*continued.*
erection of, **12,** 642; **15,** 307, 308, 309; **16,** 118, 122, 123; **23,** 552
extinguishing, **12,** 613; **16,** 123
local authority, by, **16,** 118—124. *See* LIGHTING AND WATCHING ACT; LIGHTING AUTHORITY.
liability of, for not lighting, **16,** 124
obstructions in streets, lighting of, **16,** 251, 253, 255; **25,** 731
openings, pit holes, vaults etc. in streets, lights on, **16,** 251
private streets, in case of, **16,** 119
sewer works, on, local authorities bound to place lights, **25,** 731

LIGHTING RATE,
appeal against, **24,** 100
assessment of, **24,** 99, 100
collection of, **24,** 101
Lighting and Watching Act, adoption of, leviable through, **24,** 99, 101
limit of, **24,** 100
London, in, exemptions from, **20,** 441 n.
levy of, **20,** 440
making of, **24,** 100
overseers, duties of, as to, **16,** 124; **24,** 99, 101
liabilities of, as to, **24,** 101
persons assessable to, **24,** 99
poor rate, appeal against, effect of, on, **24,** 100
private improvement rate leviable, **18,** 478, 489
publication of, **24,** 100
purpose of, **24,** 99
recovery of, **18,** 489; **24,** 101

LIGHTING-UP TIME,
cycles, on, **27,** 335
locomotives, heavy, on highway, **27,** 312
light, **27,** 306, 322
motor cars, of, **27,** 322
identification marks, illuminated, **27,** 318
ships, of, **26,** 379
sunrise and sunset fixed by local, not Greenwich time, **27,** 335 n., 441 n.
vehicles of all kinds, **27,** 290
wagon drawn by heavy locomotive, **27,** 312

LIGHTNING,
act of God, as, **7,** 429; **27,** 493 n.
fire caused by, marine insurance, in, **17,** 442
losses by, fire insurance, in, **17,** 531

LIGHTS,
alteration, masking or removal of, so as to endanger ship, as felony, **9,** 790
beacons, **26,** 627, 645
churches, in, illegal if not wanted for lighting, **11,** 681, 682
processional, no authority for, **11,** 682
false, exhibiting so as to endanger ship, as felony, **9,** 790
misleading to mariners, as misdemeanour, **9,** 560
flare. *See* LIGHTS ON VESSELS.
harbour authority, as to duty of, **26,** 643, 645
mines, in, **20,** 614. *See* MINES.
misleading, representing lighthouse lights, power of authority, **9,** 560; **26,** 628 n.
motor cars, on. *See* LIGHTS ON VEHICLES.

LIGHTS—*continued.*
negligence in bringing close to escaping gas, **21,** 365 n.
private signals at sea, regulations as to, **26,** 407—409
railway works on seashore, on, **23,** 673
sea and tidal waters, works by, on, **23,** 673
ships, on. *See* LIGHTS ON VESSELS.
signals, for. *See* SIGNALS.
ships, on, **26,** 336, 379—408. *See* LIGHTS ON VESSELS.
streets, in. *See* LIGHTING OF STREETS AND HIGHWAYS.
vehicles, on. *See* LIGHTS ON VEHICLES.
vessels, on. *See* LIGHTS ON VESSELS.

LIGHTS ON VEHICLES,
Act of 1907, scope of, **27,** 290
bye-laws as to, **23,** 391 n., 395 n.; **27,** 279, 290—292
Crown, the, vehicles in public service of, may be exempted by Order in Council, **27,** 291
not exempt, **27,** 290
person responsible for, **27,** 290 n.
cycles and velocipedes, **27,** 335
driver, liability of, **27,** 291
may be excused if owner in default, **27,** 291
harvest operations, engaged in, county council may exempt, **27,** 291
head lights, **27,** 290
heavy locomotives, **27,** 312
inflammable goods, carrying, exemptions, **27,** 292
London County Council, power of, as to, **20,** 396; **27,** 292
master, liability of, as to, **27,** 290, 291
motor cars, **27,** 318, 322, 329 n.
penalties in relation to, **27,** 291
provision of, liability for, **27,** 290
public service, in, **27,** 290 n., 291
tail lamps, **27,** 291
vehicles subject to, **27,** 290

LIGHTS ON VESSELS,
absence of, broken by severe weather, **26,** 369
collision at night, **26,** 507 n.
effect of, **26,** 382, 507 n.
aground, effect of local rule, as to, **26,** 477, 478
fairway, on or near, **26,** 388, 403
when not near a fairway, not within regulations, **26,** 380
anchor, at, regulations as to, **26,** 403—406, 489. *See* ANCHOR.
coming to, **26,** 383, 404, 489
bad weather, in, small vessels, **26,** 390
barges, on, **26,** 380, 391, 392
breach of rules, damage caused by, liability for, **26,** 382
bye-laws as to, exclude Sea Regulations, **26,** 478 n.
cable ship, **26,** 380, 386—388
collision at night, burden of proof in case of absence of lights, **26,** 507 n.
colour of, rules as to, **26,** 384—388
command, not under, **26,** 386—388
convoy, sailing under, **26,** 407—409
damaged lights, replacement of, **26,** 381
disabled, when, **26,** 386—388
distress signals, **26,** 479
abuse of, **26,** 479, 562
dredgers, stern light to be shown, **26,** 496

LIGHTS ON VESSELS—*continued.*
drift-net fishing, **26,** 393, 398
dumb barges, **26,** 380, 383, 391
end-on, meeting, **26,** 433—435
exception and excuses, as to, **26,** 381
fishing vessels and boats, drift nets, with, **26,** 393, 398
light shown in sufficient time, **26,** 398
open boats, **26,** 393, 397
regulations as to, **26,** 393—399
stationary, when fishing, **26,** 395, 398
trawling, **26,** 394, 398
fixing of, **26,** 389, 390
flare, attracting attention by, **26,** 406, 407
fishing vessels, on, **26,** 395, 407
when shown in time, **26,** 398
overtaken vessels, on, rules for, **26,** 399, 401, 402
pilot vessel may show, **26,** 392
side, approaching from, shown to others, **26,** 379
in sufficient time to prevent collision, *defined*, **26,** 398
inspection of, **26,** 363
intermittent, duty of overtaken vessel showing, **26,** 402
King's enemies, running without lights to escape, **26,** 369 n.
King's ships, in case of, **26,** 408
lamp trimming no excuse for absence of, **26,** 403
liability for damage due to breach of rules, **26,** 382
lighter in the Thames, **26,** 478 n.
local rules as to, exclude Sea Regulations, **26,** 478 n.
look-out, duty of, as to reporting, **26,** 486, 487
lost lights, duty as to replacement of, **26,** 381
mast, absence of, **26,** 385 n., 403, 404 n.
moonlight, bright, no excuse for not carrying lights, **26,** 381
mud, proceeding through, when not aground within regulations, **26,** 406
neglect to provide, no exoneration for, **26,** 477
negligence in relation to, **26,** 385 n., 404 n., 477, 502 n.
obedience, strict, to regulations required by courts, **26,** 381
obscuration of, effect of, **26,** 382, 383, 389 n.
observation at night of, approaching, **26,** 429, 430
open boats, on, **26,** 374 n., 391, 393, 397
overtaken vessel, burden of proof as to showing, **26,** 402
duty of, as to, **26,** 379 n., 399—402
flare or intermittent light to be used, **26,** 402
stern, in, when to be shown, **26,** 401, 402
oyster dredger, on, **26,** 395
passenger ship, signals on, **26,** 336
pilot vessels, **26,** 392, 393
towed, when, **26,** 382
position of, not under command, **26,** 386, 387
towing, **26,** 385, 386
under way, **26,** 384, 385
private code for, registration of, **26,** 408, 409
proper height, not carrying at, **26,** 385 n., 404 n., 502 n.
rigging, carried in, **26,** 385 n., 403—404 n.
rowing boats, on, **26,** 391
river, on, for pleasure, **26,** 375, 392, 397
Royal Navy, ships of, **26,** 408
sailing vessels
lying to, **26,** 401
under way, **26,** 388—389

LIGHTS ON VESSELS—*continued.*
Sea Regulations, **26,** 379—408
construction of, **26,** 359—362
exceptions, **26,** 381
liability for damage by breach, **26,** 382
scope of, **26,** 380
seamanship, duty of good, to show, **26,** 383
signals, private, regulation as to, **26,** 408, 409
small vessels, regulation as to, **26,** 390, 391
special lights for special vessels, **26,** 380, 383
steam vessels
less than forty tons, **26,** 391
towing, **26,** 385
under sail, **26,** 373, 374, 409
under way, **26,** 384, 385
stern first, proceeding up river at night, **26,** 497
stern light, binnacle lamp not proper substitute for, **26,** 402 n.
telegraph cable ship, **26,** 380, 386—388
time for showing, **26,** 379
towed, **26,** 385, 388, 389
towing, **26,** 385, 386
liability for tow, **26,** 380, 381, 386
trawler, **26,** 394, 395
engaged in trawling, **26,** 398
under way, **26,** 398
tug and tow, **26,** 380, 381, 385, 386, 388, 389
twenty tons, under, **26,** 391
visible, meaning of, in regulations, **26,** 379
warships, **26,** 407—409
foreign, **26,** 408
wrecks, on, **26,** 383, 555
wrong, liability for carrying, **26,** 381, 382, 385

LIGHTSHIP,
offences in respect of, **9,** 790
statutory duty not to run foul of, **26,** 488

LIME. *See* LIMESTONE.
burning of, mining lessee's duty as to, **20,** 561 n.
highway, allowing to run into, when an offence, **27,** 276
kiln, nuisance, as, **21,** 535
slacking or screening in street, when an offence, **27,** 284, 287

LIMERICK COMPETITION,
lottery, when constituting, **15,** 300, 301

LIMESTONE. *See* LIME.
burning of, nuisance by, **24,** 167 n.
mineral, as, **20,** 503 n.

LIMITATION,
action, of time for bringing. *See* LIMITATION OF ACTIONS.
agent, of authority of, **1,** 161
bill of exchange, of liability under, **2,** 479
charities, of gifts to, **4,** 172
corporation, of powers of, **8,** 359—365
covenant, of absolute, **10,** 482
Crown, of powers of, **6,** 377—382
estate, of. *See* LIMITATION OF ESTATE.
infant's liability, of, **17,** 63—74
objects of company, of, **5,** 285, 286
partner, of authority of. *See* PARTNER.
partnership liability, of. *See* LIMITED PARTNERSHIP.
powers of company, of, **5,** 283—288
shipowner, of liability of, **20,** 159 n.; **26,** 328. *See* LIMITATION OF LIABILITY ACTION.

LIMITATION—*continued.*
statutes of. *See* LIMITATION OF ACTIONS; LIMITATION OF TIME; STATUTES OF LIMITATION.
surety, of liability of, **15,** 481, 483. *See* SURETY.
securities to be transferred to, **15,** 511
time, of, for various proceedings. *See* LIMITATION OF TIME.
Trinity House pilot, of liability of, **26,** 615
trustees, of liability of, **28,** 195—204
words of. *See* SHELLEY'S CASE, RULE IN; WORDS.

LIMITATION OF ACTIONS.
The title LIMITATION OF ACTIONS *is contained in Vol. XIX., pp.* 33 *et seq. For limitation of time for proceedings other than actions, see* LIMITATION OF TIME.
absence beyond the seas. *See* BEYOND THE SEAS, ABSENCE.
account, for an. *See* ACCOUNT.
acknowledgments. *See* ACKNOWLEDGMENT UNDER STATUTES OF LIMITATION.
acquiescence, effect in equity of, **13,** 166, 169; **19,** 138, 140, 144, 174. *See* ACQUIESCENCE; LACHES; STANDING BY.
action to prevent bar by statutes, **19,** 187—192
action by one person as affecting others, **19,** 190—192
change of parties, **19,** 191
effect of one action on another, **19,** 189
joinder of parties, **19,** 187
particular claim, must relate to, **19,** 190
administration, deceased's estate, of, claim for, **19,** 87, 90
proceedings, effect of, **14,** 341; **19,** 190
administrator, by or against, **14,** 230; **19,** 53, 55, 75, 78, 88, 122. *See* PERSONAL REPRESENTATIVE.
Admiralty jurisdiction, under, seaman's wages, for, **1,** 69; **19,** 39, 56 n.; **26,** 54
admittance, with reference to, **8,** 105, 106
adverse possession, account in respect of, **19,** 171
advowson, in case of, **11,** 564 n., 589, 590; **19,** 105, 153—155, 173
agent, acknowledgment
by, effect of, **19,** 61, 79, 93 n.; **27,** 148 n.
to, effect of, **19,** 80
in favour of, **1,** 184, 188
payment
by or to, effect of, **19,** 71, 72
of rent to, effect of, **19,** 115, 127
signature of, revival of statute-barred contract in writing by, **1,** 207 n.
alienation of land, claim arising under, accruer of right, **19,** 115
amendment of writ or pleadings in relation to, **19,** 188, 189
annuity, for, **19,** 85
charged on land, for, **14,** 264; **19,** 98, 115; **24,** 523, 524. *See also* rentcharge, *infra.*
out of England or Ireland, **19,** 107 n.
secured by trust, **19,** 141
charged on personalty only, for, **14,** 264; **19,** 99 n., 103; **24,** 525, 526
residue payable on cesser of, for, **19,** 90
specialty, secured by, for, **19,** 77, 98, 99 n.; **24,** 523, 524, 525
trust, secured by, for, **19,** 103, 141; **24,** 525, 526
ante-nuptial debts, in case of, **16,** 411

LIMITATION OF ACTIONS—*continued.*
appropriation, creditor's right of, to take debt out of statute, **19,** 41, 42, 69
express, by debtor, effect of, **19,** 69
presumption against payment of barred debts in absence of, **19,** 69
architect, against, **3,** 304
arrangement, fresh cause of action arising from, **19,** 55
arrears of annuity, interest or rent, for. *See* ARREARS.
assault, for, **19,** 38; **27,** 877
assignment on trust for creditors, in case of, **19,** 167, 168
assumpsit, action of account treated as, to exclude statute, **19,** 61
award, on, **19,** 38
Lands Clauses Act, under, **19,** 49
bailment, in case of, **1,** 541, 565; **19,** 50
banker, against, current account, in respect of, **1,** 586; **19,** 47, 166
deposit account, in case of, **19,** 47
forged transfer, in case of, **1,** 637
by, guarantee of current account, on, **1,** 642
dishonour of cheque drawn on statute-barred balance by, **1,** 606
bankruptcy, balance-sheet, admission in, as acknowledgment, **19,** 93
composition deed, default under, time runs from, **2,** 337
debts due to bankrupt, statutes not affected as regards, **19,** 191
dividend in, payment of, no revival by, **2,** 202; **19,** 70
lien preserved notwithstanding, **2,** 202
motion barred, **2,** 315
payment on eve of, revival of debt by, **19,** 70
petition on debt barred, **2,** 41
proof in, for debt barred, **2,** 202
receiving order in, time ceases to run after, **2,** 202; **19,** 54, 191
set-off by executor against debt barred, **2,** 215
trustee in, cannot plead the statutes under Trustee Act, 1888, **2,** 105 n.
barratry, in case of, **19,** 45, 46
base fee, in case of, **19,** 136
benefice, *quare impedit* to recover, in case of, **19,** 153
bill of exchange, in case of, **2,** 553, 558—560; **19,** 44, 45, 55
acknowledgment, given as, time runs from delivery, **19,** 70, 71
part payment, indorsement not proof of, **19,** 71
bill of review, action in nature of, **19,** 192
Board of Agriculture, by, penalties, for, **1,** 290, 292
bond, on, **3,** 94, 99—101; **19,** 77. *See* SPECIALTY.
breach of trust, for. *See* BREACH OF TRUST.
cause of action, accruer of, **1,** 6; **19,** 42—54
putting in issue, **19,** 184
burden of proof as to date of, **19,** 184
continuing, running of time in case of, **11,** 325; **19,** 51, 52, 78, 178; **23,** 346, 347
contract, in, when accruing, **7,** 438—441; **19,** 42—49
covenant, in actions on, **19,** 77, 78
damage, in case of, **19,** 52, 178
incapacity of parties to sue, does not arise during, **19,** 42, 53, 54

LIMITATION OF ACTIONS—*continued.*
cause of action—*continued.*
statutes bar the remedy, not the, **19,** 41, 182, 183
tort, in case of, **19,** 49—52; **27,** 446
cestui que trust, agent for receiving payment, as, **19,** 72, 73. *See* trust, *infra.*
barring of trustee, effect of, on, **19,** 138, 139
breach of trust, in case of. *See* BREACH OF TRUST.
laches, bar by, **28,** 202
payment of interest by trustee no admission of, **19,** 164
purchaser for value
with notice, claim against, running of time, **19,** 140
without notice, claim against, running of time, **19,** 140
remedies of, third parties, against, when falling within the statutes, **19,** 165
trespassers, against, running of time in case of, **19,** 139
charitable trust, in case of, **19,** 142
trustee's possession as that of, **19,** 140
volunteer, claim against, running of time, **19,** 140
change of parties, effect of, **19,** 191, 192
charging order, solicitor's costs, for, **19,** 42
charity, in case of. *See* CHARITY.
cheque, on, **19,** 45
church property, claims to, **11,** 744, 748; **19,** 105, 152, 153
corporations aggregate, by, **19,** 152 n.
Civil Procedure Act, 1837, cause of action arising under, effect of disability, **19,** 78, 79
collisions at sea, in respect of, **19,** 40, 41; **26,** 524, 545
commencement of action, what is, **19,** 187
company, director of, against, for breach of trust, **5,** 235; **19,** 39, 162; **28,** 201 n.
dividend, to recover declared, **5,** 276, 532, 724 n.; **19,** 76
misfeasance proceedings, in case of, **5,** 482
promoter of, against, **5,** 55, 56
prospectus, for statements in, **5,** 140
shareholder, liability of, to enforce the, **5,** 164, 423; **19,** 76
refusal to register, **5,** 698; **19,** 171 n.
transfer, obtaining registration of forged, **1,** 637
transferor of shares, to enforce liability of, **19,** 78
winding-up order, effect of, **5,** 509; **19,** 191
proof in, **5,** 510
composition, default in payment under, for, **2,** 337
compulsion, payment under, running of time interrupted by, **19,** 95
conflict of laws in regard to, **6,** 281, 306. *See lex fori, infra;* CONFLICT OF LAWS.
contract, in case of action on, **6,** 246, 247, 307; **19,** 56, 58, 79, 82
constructive trust, time runs notwithstanding, **19,** 142, 164
contract, founded on, **19,** 38, 42—49, 76
contract not to sue, effect of, **19,** 55, 173
contribution, devisees charged with annuities, as between, **19,** 88
surety's right of, **19,** 46, 76
conversion, for, where part of property destroyed, **27,** 892 n. *See* detinue, trover, *infra.*
convict, disability of, **19,** 53

LIMITATION OF ACTIONS—*continued.*
co-obligor, liability for contribution, **19,** 46, 76
co-plaintiff, disability of one, **19,** 57
copyhold fines, in case of, **19,** 38, 48
copyright, for infringement of,
literary, **8,** 169
painting, drawing, or photograph, in, **8,** 200
print, engraving, or lithograph, in, **8,** 206
sculpture, model, or cast, in, **8,** 208
Cornwall, Duke of, claims by, **7,** 268—270
corporation, application of statutes to, **8,** 356
corporation sole, spiritual or eleemosynary, by, **19,** 152, 153
costs, for, **19,** 42
statute-barred, trustees' right of indemnity for, **19,** 42
counterclaim, **19,** 39
not barred at commencement of action, statutes may be pleaded, when, **19,** 184
court, money paid into, **2,** 91; **19,** 191, 192
covenant, on, **19,** 76—82. *See* SPECIALTY.
coverture as disability, **19,** 56 n.
credit, sale of goods on, accrual of cause of action, **19,** 48
Crown. *See also* LIMITATION OF ACTIONS FOR RECOVERY OF LAND.
action by, lapse of right of, **6,** 411
adverse presentation to benefice by, effect of, **19,** 154
debt vested in, running of time interrupted during, **19,** 41
land, proceedings to recover, **6,** 410, 484; **19,** 159—161. *See* LIMITATION OF ACTIONS FOR RECOVERY OF LAND.
prosecutions, in case of, **6,** 410, 411; **19,** 175. *See* LIMITATION OF TIME.
day of grace, time runs from expiration of last, **19,** 45
death, accrual of cause of action, before, **19,** 53
creditor, of, on day debt payable, **27,** 455
debtor's, in case of, **14,** 253
disability continuing till, **19,** 57
plaintiff or defendant, of, fresh action, **19,** 78
time continues to run notwithstanding, **14,** 228, 253; **19,** 54
deceit, for, **19,** 49, 143, 172, 187; **20,** 543
deed, on. *See* SPECIALTY.
deed of arrangement, default under, **2,** 337
effect of, **19,** 55
default summons in county court, effect of, **8,** 474
defence, plea of statutes necessary in, when, **19,** 183; **22,** 446, 447, 448
statutes, under, parties entitled to, need not be joined as co-defendants, **19,** 187
promise not to plead statute as reply to, **19,** 186, 187
demand when necessary to accrual of cause of action, **1,** 23; **19,** 43
deposit account, for money due on, **19,** 47
detinue, in action of, **19,** 50; **27,** 899 n., 916
devastavit, in case of, **14,** 317, 318; **19,** 40, 161, 162
disabilities. *See* DISABILITY.
dower, arrears of, for, **19,** 103; **24,** 198
assignment of, for, **19,** 107; **24,** 197
equitable claims, in case of, **13,** 175; **19,** 40, 165, 169—174; **27,** 7
escape, for an, **19,** 38
executor, by or against. *See* personal representative, *infra*.
express trust, effect. *See* trust, *infra*.

LIMITATION OF ACTIONS—*continued.*
false imprisonment, for, **19,** 38, 51; **27,** 885
Fatal Accidents Acts, under, **21,** 457
fiduciary capacity, duty to account of person in, **19,** 165
fieri facias, for money levied on, **19,** 38
foreclosure action, **19,** 101, 138, 148; **21,** 300. *See* FORECLOSURE.
foreign judgment, action founded on, **19,** 39
Foreign Jurisdiction Act, under, **6,** 453
fraud, in case of, **19,** 49, 50, 143, 144, 172; **20,** 543
bonâ fide purchaser, time runs in favour of, **19,** 44
concealed, running of time in case of, **13,** 175 n.; **19,** 49, 143, 172; **20,** 543
plea of, **19,** 187
diligence in discovering, **19,** 144
privies to, time does not run in favour of, **19,** 144, 163; **28,** 201
relief in equity against, **13,** 171, 175 n.; **19,** 172
trustee not protected in case of, **19,** 163; **28,** 201
fraudulent misrepresentation, for, **19,** 50
garnishee proceedings, **14,** 95
Gold and Silver Wares Act, action under, **19,** 77 n., 175
goods sold on credit, for, **19,** 48
guarantee in regard to. *See* surety, *infra*.
guardian, time does not run in favour of, **19,** 165, 166
guardians of the poor, against, **19,** 180
harbour authority, against, **26,** 648
highway repair, for expenses of, **16,** 177; **19,** 180, 181
indemnity, on, **1,** 637; **19,** 40, 45, 46
Land Transfer Act, under, accrual of cause of action, **19,** 46
within Limitation Act, 1623, **19,** 40
infant, in case of. *See* DISABILITY.
informations. *See* LIMITATION OF TIME.
informer, proceedings by, **19,** 175
instalments, payment by, **19,** 44
interest, recovery of. *See* INTEREST ON MONEY.
intestate, to recover estate of, **14,** 285; **19,** 86, 91, 95
judgment, upon, **8,** 553; **14,** 6; **18,** 219; **19,** 77
cause of action, when arising, **19,** 85, 89
foreign, **6,** 281, 306; **18,** 219; **19,** 39
interest under, **19,** 99, 100
revivor of remedy on, **19,** 192
Scots, extended in England, execution of, **6,** 306
justices, civil proceedings before, **19,** 181
criminal proceedings before. *See* LIMITATION OF TIME.
land or rent, for recovery of, **19,** 104—161. *See* LIMITATION OF ACTIONS FOR RECOVERY OF LAND; RENT (Inheritance); RENTCHARGE.
legacy, to recover, **14,** 264, 265; **19,** 85—87, 89. *See* LEGACY.
letter of licence, **19,** 55
lex fori, when governed by, **3,** 101; **6,** 246, 247, 281, 306; **13,** 490; **19,** 37
lex situs, when governed by, **6,** 306
libel or slander, for, **19,** 38, 52; **27,** 502
lien, maritime, in respect of, **1,** 72; **26,** 545
statute-barred debt, in respect of, **6,** 307; **19,** 3, 42
vendor's, in respect of, **19,** 84, 87
light, obstruction of, personal representation, by, **19,** 75

LIMITATION OF ACTIONS—*continued.*
local Acts, under, **19,** 177, 178
lunatic, in case of. *See* DISABILITY.
malicious prosecution, for, **19,** 51, 695
mandamus not within the statutes, **19,** 41
married woman, in case of, **16,** 411, 454
ante-nuptial obligation, in case of, **16,** 411; **19,** 73
husband, as to contract with, **16,** 434
in respect of income, **16,** 397, 403
mesne profits, for, **19,** 39, 51 n.
minerals, fraudulent taking of, **19,** 49; **20,** 543
mining rents and royalties, covenant to pay, **19,** 84
mistake, equitable relief in case of, **19,** 173
money paid by, **19,** 47
money
had and received, for, **1,** 188; **19,** 47, 50, 51
lent, for, **19,** 43, 44
paid
for use of another, for, **19,** 47
mistake, by, **19,** 47; **21,** 31
money charged on land, proceedings to recover, **19,** 82—84, 87—89. *See* MONEY CHARGED ON LAND.
mortgage of land, in case of, account, for, **19,** 101—103, 170
debt, for recovery of. *See* MONEY CHARGED ON LAND; MORTGAGE DEBT.
land, for recovery of. *See* FORECLOSURE; LIMITATION OF ACTIONS FOR RECOVERY OF LAND; MORTGAGED PROPERTY; MORTGAGEE; MORTGAGOR; REDEMPTION ACTION.
mortgage of personalty, in case of, **19,** 173; **21,** 300
naval or military officers, against, **25,** 93; **27,** 384
negligence, for, **19,** 51, 176; **21,** 388 n., 457, 458
negotiable instrument, on, when cause of action arises, **19,** 55. *See* bill of exchange, *supra.*
negotiations, delay by, **19,** 182
next of kin, administrator and, running of time between, **19,** 91
general administration, claim for, by, **19,** 87
partners, as between, **19,** 47, 171
fraud, in case of, **19,** 50
partnership account, for, running of time, **19,** 171
party wall, right to, **3,** 138
payment, acknowledgment by. *See* ACKNOWLEDGMENT UNDER STATUTES OF LIMITATION.
appropriation to statute-barred debt, **7,** 451; **19,** 41, 69
court, into, effect of, **2,** 91; **19,** 191, 192
pecuniary legatee, when cause of action arises in case of, **19,** 90
penal actions, **19,** 174, 175. *See* LIMITATION OF TIME; PENAL ACTION.
performing right, for infringement of, dramatic piece, in, **8,** 186
musical composition, in, **8,** 188
personal actions, in case of, **19,** 37—76. *See under respective main words denoting the particular actions.*
personal representatives, against, **19,** 75, 76
fresh action, in case of, **19,** 55
by, chattels real, for damage to, **19,** 75
fresh action, in case of, **19,** 55
real estate, for damage to, **14,** 227; **19,** 75
running of time in case of, **14,** 228
tort, for, **19,** 75, 76

LIMITATION OF ACTIONS—*continued.*
personalty, trust of, for payment of debts, time does not run against creditors, **19,** 168
pleading in relation to, **19,** 182—187. *See* STATUTES OF LIMITATION.
pledge, right to redeem, **22,** 242
proceedings enuring for benefit of others, **19,** 190—192
process to prevent statutory bar, **19,** 187—192. *See* action, *supra.*
public authority, in case of, **19,** 176, 180; **21,** 458; **23,** 338—350. *See* PUBLIC AUTHORITIES PROTECTION ACT.
receiver, acknowledgment, under, by, **19,** 72, 94; **24,** 339, 385
benefit of statute, how far he can claim, **19,** 139; **24,** 399, 413
payment, poor law guardians, to, receiver in lunacy, by, as acknowledgment, **19,** 72
running of time, effect of possession on, **19,** 139; **24,** 385
payment into court, effect of, **19,** 191
payment of rents to mortgagee, effect of, **19,** 72
trustee, is, for purposes of, **13,** 156 n.
recognisance, action of debt or *scire facias* on, **19,** 76
redemption action, **19,** 149—152. *See* LIMITATION OF ACTIONS FOR RECOVERY OF LAND; REDEMPTION ACTION.
remedy only, not right, barred by Limitation Act, 1623, **19,** 41, 42, 182
rent
of inheritance, in case of, **19,** 104, 107—109. *See* ARREARS; RENT (Inheritance); RENTCHARGE.
secured by covenant, **19,** 77, 84
rent reserved on a lease. *See* ARREARS; RENT (Reserved).
residuary legatee, annuity, residue expectant on cesser of, running of time, **19,** 90
executor and, running of time between, **19,** 90, 91
reversion, legacy payable out of, running of time against legatee, **19,** 90, 91
revival of statute-barred obligation, **3,** 101; **19,** 80, 168, 192. *See* STATUTE-BARRED DEBT.
revivor of judgment, **19,** 186 n., 192
right of action, extinction of, **1,** 31; **19,** 41, 182
running of time. *See* RUNNING OF TIME.
scire facias, **19,** 76
seamen, against property of deceased, **19,** 181
by, for wages, **1,** 69; **19,** 39, 56 n.; **26,** 54
security, enforcement of, after debt barred, **19,** 42
set-off, in case of, **19,** 39, 184
shares, transferors of, running of time in favour of, **19,** 78
simple contract debts, **19,** 37—76. *See* SIMPLE CONTRACT DEBT.
slander, for, **19,** 38, 52; **27,** 502
solicitor, account between client and, when entitled to benefit of statute, **19,** 166
improper detention of client's money by, **19,** 42
recovery of costs by, **19,** 42, 48; **26,** 812, 824
taxation of bill of costs, **19,** 42 n.; **26,** 824
specialty, on. *See* SPECIALTY.
statute, actions given by, **19,** 39
statute-barred debts. *See* STATUTE-BARRED DEBT.
statutory authority, as to acts done under, **19,** 176—180. *See* PUBLIC AUTHORITIES PROTECTION ACT.

LIMITATION OF ACTIONS—*continued.*
surety, against, **19,** 46
banker, by, advances, in respect of, **15,** 551 n.
bond for mortgage debt, on, **3,** 100 n.; **19,** 84 n., 97 n.
breach of covenant, for, **19,** 77
guarantee of mortgage debt, on, **19,** 46
joint covenant with mortgagor, in case of, **19,** 83, 84
payment by principal, effect, **19,** 95
running account at bank, for, **1,** 642, 643
by, principal, against, **19,** 46
payment by surety, effect of, **19,** 46, 95
payment of specialty debt, in case of, **15,** 522 n.
title-deeds, for recovery of, **19,** 51
tort, for, **19,** 37, 49—52; **27,** 501, 502. *See* TORT.
trespass of, goods, to, **19,** 51; **27,** 871, 863, 864
land, to, **19,** 51; **27,** 863
person, to the, **19,** 38, 51; **27,** 502, 877, 885
trover, in action of, **19,** 50; **27,** 899 n., 916
trust, effect of, **19,** 85, 103, 139, 161—169; **28,** 200—202. *See* BREACH OF TRUST; EXPRESS TRUST; TRUST.
trustee, against, **19,** 161—169. *See* BREACH OF TRUST; TRUSTEE.
two Acts, where action within, **19,** 77, 97
undivided share, possession of whole, by owner of, effect, **19,** 130
use and occupation, action for, **19,** 97
vendor, unpaid purchase money, accrual of right of action for, **19,** 87
void annuity, to recover payment for, **19,** 47
wages, for, in Admiralty, **1,** 69; **19,** 56 n., 39; **26,** 54
waste, action for; **19,** 51, 53, 138
winding up, effect of, **19,** 191. *See* WINDING UP.
work, contract to do, **19,** 48
writ, amendment of, **19,** 188
renewal of, **19,** 188

LIMITATION OF ACTIONS FOR RECOVERY OF LAND.
acknowledgment of title. *See* ACKNOWLEDGMENT UNDER STATUTES OF LIMITATION.
acquiescence, *cestui que trust,* by, effect, **19,** 140
period of limitation, effect on, **13,** 168; **19,** 144
remainderman, by, in case of waste, **19,** 138
administrator, commencement of period against, **19,** 122
adverse possession, doctrine of. *See* ADVERSE POSSESSION.
advowson, adverse presentation necessary to create bar, **19,** 154
commencement of period in case of, **19,** 153
presentation by grantee not adverse, **19,** 154
appointee, *defined,* Real Property Limitation Act, under, **19,** 109 n.
claim by, Real Property Limitation Act, within, **19,** 109
appointment under power, barred by, **19,** 121
assignee, Real Property Limitation Act, within, **10,** 109
base fee, in case of, **19,** 136
boundaries, in case of, **3,** 111, 112
cestui que trust, acquisition of title by, **19,** 125, 126
barred by bar of trustee, when, **19,** 138, 139
laches, may be barred by, **19,** 140
tenant at will, not deemed to be, **19,** 125
time runs against, when, **19,** 138, 139, 140—42; **28,** 201

LIMITATION OF ACTIONS FOR RECOVERY OF LAND—*continued.*
charity, express trust in favour of, when statute runs against, **19,** 138, 142
impeachment of lease, in case of, **4,** 228; **19,** 142
purchaser for value, against, **4,** 200
rentcharge, in case of, **4,** 203
trespasser in possession, in case of, **19,** 142
charity trustees, acquisition of title by, **4,** 204, 205
lease by, lessee's protection, **19,** 142, 143
purchaser from, protection of, **4,** 204; **19,** 142
chattels real. *See* advowson, *supra;* leasehold, *infra.*
compulsory purchase, land acquired by, within the statute, **19,** 111
condition, breach of, accruer of right by, **19,** 121, 122
devise over on happening of, **19,** 121
constructive trust, in case of, **19,** 142
continual claim, time runs notwithstanding, **19,** 104, 130
contribution, right of devisees to, when accruing, **19,** 88
co-ownership, in case of, **19,** 130, 131
coparcener, disability of one, title of other not preserved by, **19,** 134
copyhold, forfeiture of, time runs against land from date of, **8,** 52
possessory title in case of, nature of, **19,** 157
seizure *quousque* of, **8,** 58; **19,** 113
Cornwall, Duchy lands of, **7,** 267—270; **19,** 161
corporation, compulsorily acquired lands, may be barred in respect of, **19,** 111
local Act, effect of, **19,** 112
corporation sole, in case of, **19,** 152, 153
land of, vesting in other body, time limitation in case of, **19,** 153
covenant. *See* SPECIALTY.
coverture, effect of, **19,** 120, 133
Crown, claim of, when barred, **6,** 410; **19,** 159—161
information of intrusion, in case of, **10,** 6
manor, in case of, **19,** 159, 160
Real Property Limitation Acts, not bound by, **7,** 267; **19,** 175
remainder or reversion vested in, **19,** 160
curtesy, tenant by, **19,** 120
deceased person, claim to estate of, time runs from death, **19,** 114
demise, indenture of, on, **19,** 97, 98
devise subject to gift over in alternative events, running of time in case of, **19,** 121
disability, effect of. *See* DISABILITY.
dispossession, *defined,* **19,** 110
copyholds, of, **8,** 58; **19,** 113
discontinuance is not, **19,** 111
effect of, **19,** 110, 111
running of time in case of, **19,** 110
subsoil, of, **19,** 112
title acquired by, nature of, **19,** 155, 156. *See* POSSESSORY TITLE.
title extinguished by, **19,** 155
void lease, entry under, is, **19,** 113
dower, action for, not within the statutes, **19,** 107
Ecclesiastical Commissioners, in case of, **19,** 153
ejectment, equitable relief after possession recovered in, for, **19,** 153
stay of, mortgagee, brought by, effect on arrears of interest, **19,** 102

LIMITATION OF ACTIONS FOR RECOVERY OF LAND—*continued.*

encroachments, **18,** 562
common rights barred by, **4,** 533
entry, right of, not preserved by continual claim, **19,** 130
time not interrupted by mere, **19,** 104, 129
void lease, under, effect, **19,** 113, 124
equitable claims, in case of, **13,** 175; **19,** 105, 137—139, 169
equity of redemption, barring of, **19,** 149, 150; **21,** 71, 156
mortgagee in possession, when time does not run in favour of, **19,** 150
mortgagor under disability, effect, **19,** 133
possession, mortgagee's entry into, time runs from, **19,** 149
estate in possession, grant by grantor in possession, **19,** 115
estate tail, acknowledgment, effect of, **19,** 137
conveyance by tenant in tail, **19,** 136
disability, effect of, **19,** 137
effect of bar, **19,** 135
inalienable by statute, no bar in case of, **19,** 137
executory limitations, **19,** 116 n.
foreclosure, action for, within the statutes, **19,** 138; **21,** 300
arrears of interest recoverable in action for, **19,** 101
order for, time runs against mortgagor from date of, **14,** 76 n.; **19,** 147
forfeiture, accruer of right by, **19,** 121, 122
relief against, all arrears of rent, on payment of, **19,** 100
time limit for, **18,** 544, 545
fraud, accruer of right, effect on, **19,** 143, 144
future estate, as to, **19,** 116—120. *See* remainder, *infra.*
accrual of right to, **19,** 116
barring of, **19,** 117
determination of particular estate, where owner out of possession, **19,** 117
merger of particular estate in reversion, effect of, **19,** 118
particular estate in possession, effect of barring, **19,** 120
remainderman, right of, **19,** 118
tenant for life, vested in, **19,** 118, 121
head rent, payment of, by sub-tenant, effect of, **19,** 127
heriot, right to, not extinguished under statutes, **8,** 44; **19,** 108
husband and wife, in case of, **19,** 120, 133
infancy as affecting, **17,** 62; **19,** 133—135
infant, possession held on behalf of, **19,** 135
invalid conveyance, purchaser under, tenant at will within the statute, **19,** 124
joint
ownership, advowson, of, **19,** 154
possession, interest of persons obtaining title by, **19,** 157
tenant, possession by one, of more than share, effect of, **19,** 130
land, *defined,* Real Property Limitation Acts, under, **19,** 106
mortgage, in relation to, **19,** 147 n.
lease, determination, evidence of, **19,** 128
entry under void, time runs from, **13,** 403; **19,** 113
non-payment of rent under, effect of, **19,** 127—129

LIMITATION OF ACTIONS FOR RECOVERY OF LAND—*continued.*

lease—*continued.*
payment of rent by sub-lessee, **19,** 129
re-entry, proviso for, **19,** 122 n.
reversion on, time runs from vesting in possession, **19,** 119, 121
wrongful claimant, payment of rent to, **19,** 128, 129
leasehold, title to, acquired by possession, **18,** 589; **19,** 156
lessee, encroachments by, possessory title under statutes, **18,** 562; **19,** 158
relief against forfeiture, time limit for, **18,** 544, 545
mines and minerals, Cornwall, in Duchy of, **7,** 269; **20,** 536
possession of, **19,** 112; **20,** 535
tenants in common, as between, **20,** 536
mortgagee, by, **19,** 145—149
accrual of right, **19,** 145
covenant for quiet possession till certain day, effect, **19,** 145
ejectment action, in case of, **19,** 145
mortgagor in possession after payment, **19,** 147
payment as acknowledgment, **19,** 146
stranger in possession, when time runs in favour of, **19,** 148
trust property, of, **19,** 147
mortgagor, by. *See* equity of redemption, *supra;* REDEMPTION ACTION.
occupation, permissive, entry of landlord, time runs afresh from, **19,** 125
occupier, admission by, that occupation permissive, effect of, **19,** 123
particular estate, barring of, bars claim to future estate, when, **19,** 120
determination of, accrual of rights in remainder on, **19,** 117
merger in reversion of, effect of, **19,** 118
reversioner, vested in, effect of, **19,** 121
partition, barring of right to, **19,** 138; **21,** 812
period of limitation, **19,** 104, 109, 110
disability, in case of, **19,** 133, 134
effect of determination of, **19,** 155
maximum, **19,** 105, 134
particular estate, on determination of, **19,** 117
permissive occupation, **19,** 123—125
effect of admission by occupier, **19,** 123
evidence of, **19,** 123, 125
person, *defined,* **19,** 109
person through whom another claims, *defined,* **19,** 109, 111 n., 120
pleading, **19,** 183, 184; **22,** 458 n.
possession, *defined,* **19,** 113
adverse, in what cases material, **19,** 105, 106 129, 154
constructive, **19,** 124 n., 125
court, of, receiver, by, **19,** 139
discontinuance of, effect of, **19,** 110
what is, **19,** 111, 113
evidence as to nature of, **19,** 123, 125
mine, of, **19,** 112
co-owner, by, **20,** 536
non-occupying owner, of, **19,** 125
person in, effect of payment by, **19,** 123
relative, by, **19,** 131
taking, what constitutes, **19,** 124 n.
title conferred by, **19,** 155—157. *See also* POSSESSORY TITLE.

LIMITATION OF ACTIONS FOR RECOVERY OF LAND—*continued.*
possession—*continued.*
trespassers, by series of, **19,** 158
tunnel, of surface of, **19,** 112 n.
vesting of, time runs from, **19,** 116, 117, 119, 121, 141, 160
wrongful, claimed under instrument, effect of, **19,** 158
receiver, possession of, for whose benefit enuring, **19,** 139
registration of title under Land Transfer Acts, effect of, **19,** 159
remainder, accrual of right to estate in, **19,** 116, 117
assurance by tenant in tail in, **19,** 136
Crown, vested in, limitations as to, **19,** 160
equitable, time runs from vesting in possession, **19,** 141
merger of particular estate in, effect, **19,** 118
remainderman, acknowledgment to, has no effect, **19,** 137
arrears of rent recoverable by, **19,** 99, 100
disability of, of no effect, **19,** 137
merger of particular estate in remainder as affecting, **19,** 118
successive remainders, under, **19,** 118
tenant in tail, claiming under, when barred, **19,** 135
reversion on lease, barred, when, **19,** 119, 127
Crown, vested in, limitation, **19,** 160
lease, renewal of, effect on, **19,** 119
payment of rent to wrongful claimant of, effect, **19,** 128, 129
reversioner, accrual of right to, forfeiture, in case of, **19,** 121, 122
particular estate vesting in, merger, by, **19,** 118
merger, without, **19,** 121
settlement by, **19,** 118
sub-lessee, payment of head rent by, **19,** 127, 129
tenancy at will, **19,** 123—126
accrual of lessor's right, **19,** 123
acknowledgment, effect of, **19,** 123
admission, effect of, **19,** 123
determination of, entry for repair is not, **19,** 125
mortgagor and mortgagee, between, **19,** 125
payment of rent, effect of, **19,** 123, 124
possession under void conveyance or lease, effect of, **19,** 124
trustee and *cestui que trust*, between, **19,** 125, 126
tenancy from year to year, in case of, **19,** 126, 127
tenancy without lease in writing, in case of, **19,** 126, 127
tenant for life, conveyance by remainderman and, **19,** 118
merger of estate of, **19,** 118, 121
ouster of, by succeeding tenant for life, **19,** 120
power of appointment, may exercise, after estate barred, **19,** 121
rights on paying off charge, **19,** 150
tenant in tail, conveyance by, **19,** 119, 136
time, running of. *See* RUNNING OF TIME.
tithes, application of statutes to, **19,** 106
limitation of actions for, **11,** 744, 745
title, acknowledgment out of time does not revive, **19,** 131, 151, 155
extinguishment of, **19,** 105, 155
mortgagor, in case of, **19,** 151
remaindermen, in case of, **19,** 137

LIMITATION OF ACTIONS FOR RECOVERY OF LAND—*continued.*
trespasser, abandonment of possession by, effect of, **19,** 157, 158
barring of rightful owner by, **19,** 129, 155, 158
charity lands, possession of, by, running of time, **19,** 142
lessee, becoming, title to encroachments, **19,** 158
notice of trust, with, **19,** 139
possession, in, under claim to limited interest, **19,** 158
trespassers, successive, barring of owner by, **19,** 158
trusts, **19,** 139—143. *See cestui que trust, supra.*
claimant through trustee, rights of, **19,** 139, 140, 141
constructive, time runs against beneficiary, **19,** 142
express, annuity charged on land by, **19,** 142
purchase for value, in case of, **19,** 140
underground space, possessory title to, though without owner's knowledge, **19,** 112
undivided share, possession of whole, by owner of, effect, **19,** 130
use and occupation, action for, Real Property Limitation Act, 1833, within, **19,** 97
waste, equitable, **19,** 138
legal, **19,** 138
way of necessity, right to, not conferred by statutes, **11,** 289; **19,** 155 n.
wrongful claimant, payment of rent to, effect, **19,** 128
possession by, during term of lease, effect on reversioner, **19,** 128, 129

LIMITATION OF ESTATE. *See also* ESTATE; ESTATES IN LAND.
appointment, in. *See* power, *infra.*
body, to man and the heirs of his, **24,** 242—246
chattels, of non-consumable, **28,** 527
child *en ventre sa mère*, to. *See* CHILD EN VENTRE SA MÈRE.
children, to, **25,** 575—579, 597. *See also* GIFT BY WILL.
collaterals, in favour of, **25,** 562, 564, 565
conditional. *See* CONDITIONAL LIMITATION.
conditional fee, in. *See* CONDITIONAL FEE.
conflict of laws, as affected by, **6,** 209
consideration for, in marriage settlement, **25,** 565
construction of, **24,** 268; **25,** 571—573
habendum cannot qualify limitation in premises, **10,** 475
personalty and realty, difference between, **24,** 268
premises, in the, **10,** 474
will, in. *See* will, *infra.*
consumable chattels, of, gift *inter vivos*, by, **15,** 408
settlement, by, **25,** 526 n.
will, by, **22,** 414; **28,** 528, 529
contingent. *See* CONTINGENCY; CONTINGENT REMAINDER.
copyholds, fee simple may be limited on fee simple in, **8,** 91
rule in *Shelley's case* applies to, **24,** 227
cross-remainders, for. *See* CROSS-REMAINDER.
default of
appointment, in, **23,** 23, 51
issue, in, **25,** 579—584; **28,** 833, 834

LIMITATION OF ESTATE—*continued.*
descent of land as affected by, **11,** 8, 9
determinable life interest, of, **25,** 571—573. *See* DETERMINABLE.
executors and administrators, to, **25,** 572, 580 n., 584; **28,** 776
executory devise, by, **28,** 9, 10, 722, 723. *See* EXECUTORY DEVISE.
failure of issue, on, **25,** 579—584; **28,** 833, 834
farming stock, of, **22,** 414; **28,** 528
fee simple, in. *See* FEE SIMPLE.
future estate, of. *See* FUTURE INTEREST.
habendum of deed, in, **10,** 474, 475
heirs in relation to. *See* HEIRS.
heirs of deceased person, to, **24,** 246; **25,** 597
husband and wife, to, effect of, **16,** 354
implied. *See* IMPLIED GIFT.
basis of doctrine as to, **28,** 845
cross-executory interests, for, **28,** 848, 853, 854
in futuro, ascertainment of class taking, **28,** 722
in sacros usus, **11,** 730
issue, to, **23,** 9; **24,** 231 n.; **28,** 752. *See* ISSUE (Offspring).
land, in. *See* ESTATES IN LAND.
lapse prevented by, **28,** 609
lex loci, effect of, **6,** 209; **24,** 288 n.
life, for. *See* LIFE INTEREST.
lives, for, **24,** 178. *See* ESTATE FOR LIVES.
man and his heirs, to, **24,** 165, 166, 245, 288
marriage, depending on, **28,** 587, 588
next of kin, to, **28,** 755, 756
perpetuity, in. *See* PERPETUITIES.
personal property to devolve with realty, of, **22,** 414; **25,** 703—706
personalty, of, **13,** 105 n.; **22,** 413—415
portions for children, for, **25,** 587—589
power, default of appointment under a, on, **23,** 23, 51
under a, personalty, of, **23,** 8
realty of, **23,** 8, 9
protected life interest, for, **25,** 571, 572
pur autre vie. *See* ESTATE PUR AUTRE VIE.
purchase, direction that heir shall take by, rule in *Shelley's Case* applies notwithstanding, **24,** 231
grantees, when taking by, **24,** 226
words of, words of limitation distinguished from, **23,** 9 n.; **24,** 226, 227; **28,** 752 n.
reference to other limitations, by, **25,** 706—708
remainder, in. *See* REMAINDER.
resettlement, in deed of, **25,** 690
settlement, by, **25,** 595
Shelley's Case, rule in, as affecting. *See* SHELLEY'S CASE, RULE IN.
tail, in. *See* ESTATE TAIL.
term of years, of, to heirs of the body, **25,** 597 n.
Throne, of succession to the, **6,** 320—325
ultimate, **25,** 596
will, under, construction of additional words of, **28,** 730. *See also* GIFT BY WILL.
rule in *Shelley's Case* applied to, **28,** 628 n., 674 n., 768, 769
determinable life interest, **28,** 774, 775
gift over on, **28,** 717
failure of issue, on, **28,** 833—840
gift over, by way of. *See* GIFT OVER.
implied, **28,** 845. *See* IMPLIED GIFT.
in futuro, **28,** 722
marriage, dependent on, **28,** 587, 588. *See also* GIFT OVER.
words of, **24,** 226, 227; **28,** 764, 766, 767
construed strictly, **10,** 436

LIMITATION OF ESTATE—*continued.*
words of—*continued.*
necessity for, **24,** 165, 166; **25,** 596, 597
will, omitted from, effect, **28,** 775, 776
years, for. *See* LEASE; LEASEHOLDS; TENANCY FOR YEARS.

LIMITATION OF LIABILITY ACTION,
advertisement for claims in, **1,** 110
appearance, persons entitled to enter, **1,** 109
time for, **1,** 109
bail when given in, **1,** 109, 110 n.
balance due to shipowner, proving against fund in court for, **26,** 521
claims in, rules as to payment of, **1,** 111; **26,** 617
time limit for, **1,** 110; **26,** 616
collision, liability where both ships to blame for, **26,** 521, 617
contract of shipowner, effect of, **26,** 328, 613
costs of, **26,** 616
Crown, claim by, **1,** 111
damages, statutory limit of, **26,** 614, 615
decree in, **1,** 110; **26,** 616 n.
discretion of court in, **1,** 109; **26,** 616
distinct losses, payment for, **26,** 615
distribution of funds, claims settled out of court to be considered in, **26,** 617
evidence in, **1,** 110; **13,** 622
harbour authority, powers of, **26,** 612—614, 648
issues in, costs of, **26,** 616 n.
jurisdiction in respect of, **1,** 73, 108—111; **26,** 612
life, claims for loss of, **1,** 111; **26,** 613
losses to which principle applies, **26,** 613
passengers, liability in respect of, **26,** 328, 613
payment into court in, **26,** 521
persons entitled to benefit of, **1,** 108, 109; **26,** 612
pleadings in, **1,** 109
Postmaster-General, claim by, **1,** 111
procedure in, **1,** 109, 110; **26,** 616, 617
relief given by, extent of, **26,** 612 n.
statutes providing for, **26,** 612 n.
tonnage for purpose of, how ascertained, **1,** 110 n.; **26,** 615, 616
unseaworthy vessel, no limitation allowed in respect of, **26,** 613 n.
writ, issue and service of, **1,** 109
yacht in collision, liability for, **26,** 661

LIMITATION OF TIME,
administration of deceased's estate, for claim for, **19,** 87, 90
affiliation order, for, **2,** 445; **19,** 181 n.
animal baiting, for complaint of, **15,** 285 n.
Bread Acts, complaint of offence under, **15,** 52
carnal knowledge of girl under sixteen, prosecution for, **9,** 295 n., 616
cause of action abroad, for, **19,** 56
certiorari, for, **10,** 208
Children Act, 1908, under, **17,** 171
civil debt proceedings before justices, for, **19,** 181
Civil Procedure Act, 1833, for actions under, **6,** 306; **19,** 76 n., 77, 78
corrupt practice, in proceedings for, **9,** 294 n.; **12,** 528 n., 529
criminal proceedings, for, **9,** 294 n., 295 n.; **19,** 175
Crown, in case of, **6,** 410, 484; **19,** 41, 159—161, 175
drawback of duty, for payment of, **24,** 699
drilling, illegal, for prosecution for, **9,** 467
election, prosecution for offences at, **12,** 528 n.

LIMITATION OF TIME—*continued.*
Employers' Liability Act, under, **20,** 151
Employment of Children Act, 1903, under, **17,** 151
excise allowances, for payment of, **24,** 700
Factory Acts, proceedings for offences under, **14,** 535
false warranty of food or drug, proceedings for, **15,** 29, 30
Foreign Jurisdiction Act, under, **6,** 453
forfeiture of lease, for relief against, **18,** 544, 545; **19,** 100
Game Act, for proceedings under, **15,** 246, 247
gaming house, for proceedings for playing in, **15,** 287 n.
gas company, proceedings for forfeiture against, **15,** 394
Habitual Drunkards Act, 1879, under, **18,** 167
highway expenses, for recovery of, **16,** 177, 223, 235; **19,** 180, 181
husband and wife, for summary proceedings between, **16,** 601
Income Tax Acts, for proceedings for offences under, **16,** 678, 688
indictment under penal statute, for, **19,** 174
information, intrusion, of, in case of, **10,** 6
penal statute, under, **19,** 174, 175
London Building Acts, proceedings under, **20,** 479 n.
lottery, proceedings in respect of, **15,** 302 n.
mandamus, for, **10,** 111
medical practitioner, for proceedings against, **20,** 338 n.
Merchandise Marks Act, 1887, for proceedings under, **9,** 569
Municipal Corporations Act, 1882, proceedings under, **19,** 326
peerage, for claim to, **22,** 274
penal statutes, under, **19,** 174
petition of right, for, **10,** 34
poaching, for proceedings as to, **15,** 232, 235, 238 n.
Police (Property) Act, 1897, under, **19,** 181, 182
Public Authorities Protection Act, under, **6,** 416; **20,** 262 n.; **23,** 346, 347
quo warranto, for application for, **10,** 137
railway company, proceedings by Board of Trade against, **23,** 741
seaman's estate, claim by creditor against, **19,** 181
statutory authority, for proceedings for acts done under, **19,** 176—180
summary proceedings, in case of, **9,** 295 n.; **19,** 176, 591
treason, for indictment for, **6,** 346, 353, 410; **9,** 294 n., 456
Truck Act, for recovering deductions under, **14,** 523
vaccination, for proceedings in respect of, **23,** 485
Workmen's Compensation Act, 1906, under, **19,** 181, 182; **20,** 180, 181

LIMITED,
abbreviated form, word must not be used in, **5,** 87
club, when word may be omitted on registration of, **4,** 409
companies, used as part of title of, **5,** 15, 31, 62, 70, 77—79, 84, 86, 760
company, contributory, liability of, **5,** 492
conditions of licence to dispense with use of word, **5,** 78
foreign company, use of word by, **5,** 760

LIMITED—*continued.*
industrial and provident society, when to be used in name of, **17,** 9
name of company, when to be used as part of, **5,** 62, 70, 84, 86
omission of word, allowed in certain cases, **4,** 409
5, 15, 31, 77—79
alteration of objects of company, effect on, **5,** 330
licence for, **5,** 77—79
revocation of licence for, **5,** 79
prohibition of unauthorised use of word, **5,** 84

LIMITED LIABILITY,
Companies (Consolidation) Act, 1908, under. *See* COMPANIES.
industrial and provident society, of, **17,** 10
Limited Liability Act, 1855, under, scope of, **5,** 26, 27
partner, of. *See* LIMITED PARTNER.
partnership, in case of. *See* LIMITED PARTNERSHIP.
shipowner, of, **26,** 612—617. *See* LIMITATION OF LIABILITY ACTION.
delay, for, contract, under, **26,** 290, 291
losses to which applicable, **26,** 613
passenger, to, **26,** 327, 328
procedure, **26,** 616, 617. *See* LIMITATION OF LIABILITY ACTION.
rights where claim settled out of court, **26,** 617
tonnage of ship, based on, **26,** 614, 615
Workmen's Compensation Act, under, **20,** 159

LIMITED OWNER. *See* TENANT FOR LIFE; TENANT FOR LIFE UNDER SETTLED LAND ACTS.
conversion of goods, right to damages for, **27,** 910
dedication of highway by, **16,** 35, 36
harbour, of, power to charge loan on estate, **28,** 421
improvement of land by, charge of loan for, **21,** 105
Land Drainage Acts, under, **18,** 301
payments to be made in respect of, **18,** 279, 301, 305
Settled Land Acts, under, **18,** 279
increment value or reversion duty, charge on land on payment of, **24,** 553; **25,** 649
land tax, power to charge inheritance on redemption of, **18,** 325, 326; **21,** 105
Lands Clauses Consolidation Acts, rights on sale under, **6,** 110, 111, 117, 118
leases of mines, power to grant, **20,** 529—532
lien for payments by, **19,** 21
light railway, powers to convey land for purposes of, **27,** 833
meliorating waste, when liable for, **20,** 516
mines, improper working of, effect of, **20,** 516
Lands Clauses Consolidation Acts, power to sell and convey under, **20,** 524
open, right to take profits of, **20,** 515
rights in respect of, **20,** 508, 514—517
trespass to, application of damages recovered for, **20,** 542, 543
waste by working, **20,** 514—517
mortgage by, **21,** 97—105; **25,** 661, 662
effect of, **21,** 102
enfranchisement of copyholds, for, **21,** 103, 104
express powers, under, **21,** 102, 103
formalities precedent to, **21,** 101; **25,** 638, 639

LIMITED OWNER—*continued.*
mortgage by—*continued.*
inclosure expenses, for, **21,** 104
Settled Land Acts, under, **21,** 99—102
statutory power of, cannot be assigned or restricted, **21,** 101
tithe redemption, for, **21,** 104
mortgage paid off by, effect of, **21,** 320, 321
payment by, effect of, on statutes of limitation, **19,** 96
sale of land by, **25,** 311, 652, 653
exoneration from rentcharge, powers as to, **24,** 513; **25,** 662
Settled Estates Act, 1877, powers under, **20,** 523, 524
Settled Land Acts, powers under. *See* SETTLED LAND ACTS; TENANT FOR LIFE UNDER SETTLED LAND ACTS.
shifting of incumbrance on sale, power of, **21,** 100; **24,** 513; **25,** 662
Small Holdings and Allotments Act, 1908, powers of leasing under, **26,** 679
trespass to goods, rights in respect of, **27,** 869
trustee for remainderman, when deemed to be, **25,** 635, 636; **28,** 61, 62
voidable title to goods may exist in, **25,** 197
waste by, **20,** 516; **24,** 175, 176
water supply, easements may be granted to undertakers of, **28,** 291
rights in respect of, **18,** 282; **28,** 246, 262

LIMITED PARTNER. *See* LIMITED PARTNERSHIP.
defined, **22,** 108
bankruptcy of, **22,** 111
corporation may be, **22,** 108
death of, **22,** 111
duty on capital contributed by, **24,** 732
general partner distinguished from, **22,** 108
insanity of, **22,** 111
liability of, on liquidation of partnership, **22,** 119
powers and liabilities of, **22,** 110, 111
share of, assignment of, **22,** 111
charge on, **22,** 111

LIMITED PARTNERSHIP. *See* LIMITED PARTNER.
Act of 1907, terms in, meaning of, **22,** 108
application of rules of law and equity to, **22,** 110
Companies Act, 1908, need not be registered under, **5,** 646
creation of, statutory, **22,** 107
duty on capital of, **24,** 732
fraudulent preference, effect of, **22,** 121
partners, limitation of number of, **22,** 108
registration of, advertisement of changes, **22,** 109
false statement, penalty for, **22,** 110
notice of changes in firm, **22,** 109
particulars required, **22,** 109
penalty for default in, **22,** 109
right of inspection, **22,** 110
stay of proceedings against, in winding up, **22,** 116, 117, 120
winding up of, **22,** 112—122
appeals as to, **22,** 121
books, power of court as to, **22,** 121
calls on shares, power of court as to, **22,** 120
companies, application of rules for winding up of, **22,** 112, 113
contributories, settling list of, **22,** 120
courts having jurisdiction in, **22,** 113, 114

LIMITED PARTNERSHIP—*continued.*
winding up of—*continued.*
Deeds of Arrangement Act, 1887, application of, **22,** 121
definitions applicable to, **22,** 113
dissolution on, **22,** 122
grounds for, **22,** 114, 115
invalid transactions, effect of, **22,** 121
liquidator, powers and duties of, in, **22,** 118
official receiver, duties of, **22,** 117, 118
order for, effect of, **22,** 116
petition for, **22,** 115
practice as to, **22,** 115, 116
staying proceedings in, **22,** 120
surplus assets, distribution of, in, **22,** 120
transfer of proceedings in, **22,** 113, 114
unregistered company, as, **22,** 112, 113

LIMITED POWER. *See also* SPECIAL POWER.
contingent
appointment under, **23,** 50 n.
person, exercise by, **23,** 22
date of execution of, under Wills Act, 1837, **23,** 43, 44
donee cannot make property his own, **23,** 40
fraudulent exercise of, **23,** 58—62
general devise, not exercised by, **23,** 29, 30

LIMITED PROBATE. *See* PROBATE.

LINCOLN,
court for foreigners, **9,** 172
local court of, **9,** 172

LINCOLNSHIRE,
divisions of, separate counties for purposes of Coroners Acts, **8,** 212, 217

LINE,
building, compensation for setting back to, **16,** 247, 248
contravention of, **16,** 209, 210, 243—248
Attorney-General, action by, **16,** 246, 248
London Building Acts, under, **20,** 479 n.
Crown property, exception in respect of, **16,** 244, 246
Inns of Court, with reference to, **20,** 474
metropolitan streets, in, **16,** 209, 210
offences with regard to, **16,** 243—248; **20,** 479 n.
railway company's property, with reference to, **16,** 244, 246
carrying railway over main road or highway, construction of, **23,** 655—657
deck and load, marking of, **26,** 78
placing across street, offence of, **27,** 284

LINEAL,
ancestors, **11,** 10. *See* DESCENT.
descendants. *See* DESCENT.

LINEN,
false trade description, offence of, **27,** 725, 726
Irish, compulsory marks on, **27,** 722, 726
manufacture of, offences connected with, **20,** 127, 128
pledges, unlawful, **22,** 237, 256
trade usages as to, **10,** 279

LINK-LINE,
rating of, **24,** 34

LIQUEURS,
customs duties on, **24,** 599, 600
off-licence for, renewal of, **18,** 63
sale of, retail, valuation qualification of premises, **18,** 60

LIQUIDATED DAMAGES, 10, 328—331
defined, **10,** 304
agreed sum, where, **10,** 348
agricultural covenant, for breach of, **1,** 250
bond, in respect of, **3,** 82, 96
building contracts, in, **3,** 242—249. *See* BUILDING CONTRACT.
penalty distinguished from, **3,** 96; **10,** 328, 329
set-off, in case of, **25,** 483 n., 486 n.
specific performance where contract contains clause including, **27,** 15—17
whether a sum is, is question for judge, **10,** 309, 329; **13,** 432

LIQUIDATED DEMAND,
action to recover, defence to, **22,** 446
failure to deliver, **22,** 451, 452
debt must exist to support bankruptcy petition, **2,** 34, 40, 41
indorsement, special, for, **23,** 111, 112
judgment in default, **18,** 186, 187
obtaining of, **18,** 184, 185
under Order 14, **18,** 190. *See* ORDER XIV.

LIQUIDATION,
companies, of. *See* WINDING UP.

LIQUIDATOR,
accounts of. *See* ACCOUNTS, companies, of.
appeal
by, from order as to his removal or release, **5,** 462, 463
from decision of, **5,** 522, 523, 551; **9,** 60
appointment of, **5,** 420—423, 428, 438, 439
application for, **5,** 421
creditors and contributories, court to regard wishes of, **5,** 462
meeting of, to decide as to, **5,** 428
gazetting and advertising, **5,** 440, 441
irregularity in, effect of, **5,** 562
joint liquidators, of, **5,** 439
notice to Board of Trade, **5,** 421, 435, 573
receiver, as, **5,** 378; **24,** 363, 364
security on, **5,** 440, 441. *See* security, *infra.*
assets, collection and application of, **5,** 445
delivery of, to, **5,** 473
distribution of. *See* DISTRIBUTION OF ASSETS.
possession of, by, **5,** 444
purchase of, by, restrictions on, **5,** 442, 506
unclaimed and undistributed, duties as to, **5,** 456—458
audit of accounts of, **5,** 435, 452—454
bank account, special, when authorised, **5,** 460
bankruptcy of, effect of, **5,** 461
Board of Trade jurisdiction over. *See* BOARD OF TRADE.
books, delivery up of, **5,** 455
destruction of, **5,** 455
duty to keep, **5,** 451, 452
inspection of, **5,** 451
local investigation of, **5,** 454
record and cash book, **5,** 451
trading, **5,** 507
transmission of, to Board of Trade, **5,** 452

LIQUIDATOR—*continued.*
building society, of, conveyance of real estate by, **3,** 399
vesting of property in, **3,** 398, 399
business, carrying on company's, by, **5,** 506
calls. *See* CALLS ON SHARES.
certificate of, taxation, on, **5,** 566
cheques, signature to, **5,** 461
compromises by, sanction to, **5,** 334, 574, 601—609
contributories, limited partnership, in, **22,** 119
settlement of list of, by, **5,** 494
control over, by creditors and contributories and committee of inspection, **5,** 443, 444
conveyance on sale by, **5,** 506
costs of, **5,** 449—451
abortive petition, of, **5,** 421
security for, **5,** 451
winding-up order invalid, where, **5,** 449
disclaimer, no power of, **5,** 513
discovery against or by, **11,** 47
dissolution of company, after, **11,** 86 n.
distress for rent against, **11,** 173, 174
dividend, declaration of, **5,** 527, 528
duties of, **5,** 442—445
official receiver towards, **5,** 444, 445
estoppel against, in action for calls, **13,** 331 n.
examination of witness by, **5,** 474
felonies by servants of, liability for, **5,** 507
fiduciary position of, towards company, **5,** 441
foreign company, of, interpleader by, **17,** 596
gifts to, **5,** 442
half-yearly statements by, **5,** 455, 456
injunction, undertaking as to damages in case of, **17,** 285
interference with, as contempt, **5,** 445 n.; **7,** 289, 290
liquidation, report as to position of, **5,** 453
litigation by, must be sanctioned, **5,** 447, 450, 653
misfeasance proceedings by and against, **5,** 478, 482
money, retaining, by, **5,** 461
official receiver
accounting to, **5,** 452
as, **5,** 439
information to be given to, by, **5,** 444, 445
proxy, as, **5,** 469
special manager, may apply for, **5,** 422
poor rate, liability for, **24,** 68
powers exercisable with and without sanction, **5,** 446, 448, 573—575, 601—609
rules governing, **5,** 448
proof of debt, admission and rejection of, by, **2,** 231, 232; **5,** 522
provisional, **5,** 421
after winding up order, **5,** 422, 423
before winding up order, **5,** 420—422
purchase of company's property by, **5,** 442 465
purpose of, **5,** 420, 421, 438
rateable occupation by, what is, **5,** 537; **24,** 11
receiver, as, **5,** 378; **24,** 363, 364
receiver appointed by debenture-holders, rights against, **24,** 340 n.
receiving order against, effect of, **5,** 461
register, rectification of, by, **5,** 156, 448, 496, 497
release of, by Board of Trade, **5,** 435, 455, 462—464
concealment, obtained by, **5,** 463
gazetting etc., **5,** 463
removal from office of, **5,** 435, 461, 462, 576, 577
effect of, on solicitor's retainer, **5,** 448

LIQUIDATOR—*continued.*
remuneration of, **5,** 422, 448, 449, 575
disallowance of, for irregularity, **5,** 435
resignation of, **5,** 461
sale of company's property, by, **5,** 446—448, 505, 506; **25,** 195, 418
accountable for proceeds of, **5,** 506
completion of pending contract, by, **25,** 385
conveyances, joining in, **5,** 506
powers of, **25,** 195, 418
security by, failure to keep up, may vacate office, **5,** 461
requirements as to, **5,** 377, 435, 440, 454, 601; **24,** 373
solicitor, employment of, **5,** 447, 575
retainer not revoked by liquidator's removal, **5,** 448
sanction to, **26,** 735
specific performance, actions for, by and against, **25,** 386
status and style of, **5,** 441
sues in name of company, **5,** 446
title, relation back of, **5,** 485—487
trade mark, application by, to correct, **27,** 713 n.
tramway company winding up, payment of deposit to, **27,** 812, 813
trustee, receives dividends as statutory, **5,** 441
unfitness cause for removal, **5,** 461, 462
unregistered companies, in case of, **5,** 653, 654
vacancy in office of, filling up, **5,** 462, 576
validity of acts, **5,** 441
voluntary winding up, in, **5,** 572—577
accounts of. *See* ACCOUNTS, Companies, of.
agent of company, as, **5,** 576
appointment of, **5,** 572, 573
compromises, by, **5,** 334, 602—604
joint, **5,** 573
powers and duties of, **5,** 573—575
prosecutions by, sanction to, **5,** 592; **9,** 660 n., 661 n.
removal of, by court, **5,** 573, 576, 577, 601
remuneration and costs, **5,** 448—451, 575
vacancies, filling up, **5,** 576, 601
votes and proxies, **5,** 471
winding up under supervision, appointment and removal of, **5,** 598, 600, 601

LIQUOR. *See* INTOXICATING LIQUOR.

LIQUOR LICENCE. *See* JUSTICES' LICENCE; EXCISE LICENCE (Intoxicating Liquors).

LIQUORICE,
innocent though unlawful possession of, liability, **27,** 178 n.

LIS ALIBI PENDENS,
colonies, in, **10,** 578
stay of proceedings in case of, **6,** 298—301

LIS PENDENS,
caveat proceedings in Probate Division do not constitute, **14,** 201; **24,** 345
citation in matrimonial proceedings, dating from, **16,** 508
creditor's administration action, priority by registration of, **14,** 247
failure to register, liability of solicitor for, **26,** 756
land registry, registration at office of, **18,** 221; **25,** 358, 359

LIS PENDENS—*continued.*
mortgagee, as affecting, **14,** 247; **18,** 221
mortgagor, adverse claim against, **21,** 346
petition to vary settlement, effect of filing, **16,** 576
purchaser, as affecting, **14,** 247; **18,** 221; **25,** 358, 359
receiver not usually appointed by court unless there is, **14,** 201; **24,** 345, 346
registration of, **18,** 221
re-registration of, when necessary, **18,** 221
search for, **25,** 357—359
Settled Land Acts, order made under, registered as, **25,** 641
trustees of settlement, against, what can be, **25,** 641
vacating, order for, **18,** 222; **25,** 358 n.; **27,** 85 n.

LISKEARD,
local court of, **9,** 173

LIST,
bills of sale, of, copyright in, **8,** 146
company, of members of, before statutory meeting, **5,** 249
compositions with creditors, of, copyright in, **8,** 146
contributories, of, **5,** 495. *See* CONTRIBUTORY.
creditors of company before reduction of capital, of, **5,** 111
crew, delivery and contents of, **26,** 657
jury, cities, boroughs, and towns, in, **18,** 236
preparation of, City of London, in the, **18,** 236; **20,** 429 n.; **25,** 809
cost of, by whom borne, **18,** 235, 236
counties, in, **18,** 233
duty of overseers as to, **18,** 233, 234
publication of, **18,** 234
revised, delivery to clerk of the peace, **18,** 235
revision of, at special petty sessions, **18,** 234; **19,** 570
King's Bench Division, kept in the, **23,** 130 n.
passengers on board ship, of, **26,** 344, 345, 348
shareholders, of, annual return to registrar of, **5,** 263, 264
voters, of. *See* REGISTER OF VOTERS; REGISTRATION OF VOTERS.

LIST PRICE,
selling goods below, condition prohibiting, **27,** 530 n.

LITANY,
use of, **11,** 658, 659

LITERAL MEANING,
words, of, adopted in construing documents. *See* INTERPRETATION OF WORDS, ordinary meaning.

LITERARY AND SCIENTIFIC INSTITUTIONS.
The title LITERARY AND SCIENTIFIC INSTITUTIONS *is contained in Vol. XIX., pp.* 195 *et seq.*
alteration of
purposes of, **19,** 202, 203, 208
rules of, certification of, **19,** 207
amalgamation in case of, **19,** 203
appeal of, quarter sessions, to, **19,** 208
borrowing powers in case of, **19,** 200, 201
British Museum, **19,** 210—213. *See* BRITISH MUSEUM.

LITERARY AND SCIENTIFIC INSTITUTIONS—*continued.*
buildings, occupation of, by, **19,** 206, 207
bye-laws of, **19,** 202
charitable
institution as, **19,** 196, 208
property, sales of, for purposes of, **4,** 223
common, acquisition of, for purposes of, **4,** 512; **19,** 197, 198 n.
conveyance of land for, **19,** 197—200
copyhold, grant of, for, **19,** 198 n.
corporation tax, exemption from, **4,** 208; **19,** 208, 209
dissolution of, **19,** 209, 210
county court jurisdiction as to, **8,** 665, 666
education authority, acquisition by, **12,** 24
execution against, **14,** 14; **19,** 204
friendly society, registration as, **15,** 125 n.; **19,** 197
gift to, validity of, **4,** 111, 119, 120
governing body of, constitution and powers of, **19,** 201, 202
income tax, when exempt from, **4,** 208, 209
increment value duty, exemption from, **19,** 209
judgment against, how enforceable, **14,** 14; **19,** 204
land, assurance of, to, **4,** 223; **19,** 197—200
local authority, transfer to, of, **19,** 203
member of, *defined*, **19,** 202
liability of, **19,** 202
National Gallery, **19,** 213—215. *See* NATIONAL GALLERY.
nature and constitution of, **19,** 196, 197
personalty of, in whom vested, **19,** 201
poor rate, exemption from, **24,** 21
privileges of, **19,** 204—209
proceedings by or against, **19,** 203, 204
property tax, exemption from, **19,** 208
rates, exemption from, **19,** 204—208
reversion duty, exemption from, **19,** 209
rules of, provisions as to, **19,** 201, 202, 207
site for, cesser of use of, effect of, **19,** 201
conveyance of, **19,** 197—200
taxes, exemption from, **19,** 208, 209
trustees of, powers of, **19,** 200, 201
undeveloped land duty, exemption from, **19,** 209
winding up of, not possible under Act of 1908, **5,** 394, 650; **19,** 210

LITERARY COMPOSITIONS,
copyright in, **8,** 139—142. *See* COPYRIGHT.
meaning of, **8,** 137
publication of, what amounts to, **8,** 139, 140
unauthorised publication of, **8,** 163

LITERARY COPYRIGHT. *See* COPYRIGHT.

LITERATURE,
assurance of land for society for promotion of, **4,** 140
institution to promote. *See* LITERARY AND SCIENTIFIC INSTITUTIONS.

LITHOGRAPHER,
charges for copies of bills of quantities, **3,** 312, 313
quantity surveyor, right of, to discount on, **3,** 278

LITHOGRAPHS,
author of, who is, **8,** 200, 201
book, when forming, **8,** 205

LITHOGRAPHS—*continued.*
copyright in, assignment of, **8,** 202
extent of, **8,** 201
infringement of, **8,** 203—206
account of profits, for, **8,** 204
action for damages, for, **8,** 204, 205
forfeiture of copies and plates for, **8,** 204, 205
injunction against, **8,** 204
limitation of time for proceedings for, **8,** 206
summary proceedings for, **8,** 205
what amounts to, **8,** 203, 204
international, **8,** 200, 202
meaning of, **8,** 201
persons entitled to, **8,** 200, 201
requisites for, **8,** 201, 202, 205
licence to reproduce, **8,** 202, 203
publication of, **8,** 201, 202
registration of, not necessary, **8,** 202

LITIGANT IN PERSON,
audience, right of, **2,** 372
county court, in, **8,** 525
criminal proceedings, in, **2,** 373
exceptions to, **2,** 372, 373; **10,** 111; **23,** 134
High Court of Justice, in, **2,** 372; **23,** 134
mandamus, in regard to, **10,** 111
Mayor's Court, in, **20,** 294
pauper, proceedings by, **2,** 372; **23,** 186
privilege in case of discovery by, **11,** 82

LITIGATION. *See* ACTION; PROCEEDINGS.

LITIGIOUS CHURCH,
defined, **11,** 586 n.

LITTER,
right to take estovers for, **4,** 468

LIVE STOCK. *See also* ANIMAL; CATTLE.
defined, **11,** 140
bill of sale, in, sufficient description of, **3,** 28
distress upon, **11,** 140, 145, 749 n.
common land, when on, **11,** 156
privileged from, when, **1,** 253
judgment for specific delivery of, **27,** 917 n.
lease of, **18,** 341 n.

LIVERPOOL,
broker, wool market, in, **10,** 285
court leet of, **9,** 176
District Registry, appointment of receiver in, **24,** 343
insurance brokers, usages of, **10,** 297
Passage, Court of. *See* LIVERPOOL COURT OF PASSAGE.
port of, usages of, **10,** 291
University, **12,** 96

LIVERPOOL COURT OF PASSAGE,
Admiralty jurisdiction of, **1,** 140; **9,** 176
appeal from, **9,** 63, 176; **17,** 641
assistant barrister or assessor in, eligibility for office of, **2,** 382
execution in, **14,** 129
interpleader in, **17,** 641
judge of, **9,** 174
judgments of, enforcement of, **14,** 128, 129
removal of, to county courts, **14,** 129
jurisdiction of, **1,** 140; **9,** 173, 174, 176
officers of, **9,** 175, 176

LIVERPOOL COURT OF PASSAGE—*—continued.*
procedure in, **9,** 174
removal of actions from, **9,** 175
restraint of proceedings in, by High Court, **17,** 261, 262
rules of, **9,** 174

LIVERY,
companies. *See* LIVERY COMPANIES.
property of servant in, **20,** 86
seisin, of. *See* LIVERY OF SEISIN.
stable. *See* LIVERY STABLE-KEEPER.

LIVERY COMPANIES,
Aldermen, Court of, jurisdiction of, over, **20,** 425
Apothecaries, Society of, special privileges of, **5,** 750; **20,** 345—351
charities, when, **4,** 117; **5,** 748; **15,** 406
Founders' Company, special privileges of, **5,** 750; **28,** 498 n.
freedom of, how obtained, **5,** 748
gifts
by, power as to, **15,** 402 n.
to, validity of, **4,** 117; **15,** 406 n.
governing body of, **5,** 748, 749
land, acquisition of, by, **15,** 406 n.
liverymen, election of, in common hall, **12,** 394, 395
list of, preparation of, **12,** 202
notice of claims by, **12,** 208
membership of, grades of, **5,** 748
monopolies of, **5,** 747
municipal franchise, **5,** 750; **12,** 190; **20,** 429
origin of, **5,** 746
parliamentary franchise, **5,** 751; **12,** 180, 181
Scriveners' Company, special privileges of, **5,** 750; **21,** 494
trustees, as, **4,** 255, 256
Vintners' Company, special privileges of, **5,** 750; **18,** 9, 10; **24,** 681

LIVERY OF SEISIN,
charter of feoffment, accompanied by, **24,** 291
copyhold, of, **8,** 100
passing of freehold estate by, **10,** 367 n.; **24,** 290
release takes effect without, **24,** 292
surrender takes effect without, **24,** 293
tortious feoffment by, **24,** 291

LIVERY STABLE-KEEPER,
distress on horses and carriages in custody of, **11,** 136 n.
innkeeper's liability not extended to, **17,** 317
liability of, for act of servant, **17,** 317 n.
lien of, **19,** 6
male servant's licence not required by, **24,** 694

LIVING. *See* ADVOWSON; BENEFICE.
gift of, by will, effect of, **28,** 705

LLANDOVERY,
local court of, **9,** 176

LLOYD'S,
agents, authority of, **17,** 359
duties of, **17,** 339 n.
relation of, to underwriters, **17,** 339 n., 359, 407 n.
Board of Trade, report as to wreck to, **26,** 590
bond. *See* BOND.

LLOYD'S—*continued.*
floating derelict, report of, to, by master of ship, **26,** 590
list, presumption as to underwriter's knowledge of contents of, **17,** 411, 412
statement in, as notice of a state of blockade, **13,** 473 n.
policy. *See* LLOYD'S POLICY.
settlement of loss at, practice as to, **17,** 352, 353
surveyor, approval of ship's fittings by, **17,** 418
underwriting member at, amount of deposit required from, **17,** 339
usages of, **10,** 298
wreck, report by receiver of, to be sent to, **26,** 550

LLOYD'S BOND. *See* BOND.

LLOYD'S POLICY. *See also* MARINE POLICY.
construction of, **17,** 342 *et seq.*
form of, **17,** 339, 340 n., 359
memorandum clause in, effect of, **17,** 458

LOAD,
weight of, when drawn by heavy locomotive, **27,** 310

LOAD-LINES,
provision for marking ship with, **26,** 79

LOADING. *See* CARGO; CHARTERER; CHARTER-PARTY.
port of. *See* PORT, loading, of.
railway company's charges for, **4,** 83, 84

LOAM,
commons, in, right of lord to take, **8,** 24

LOAN.
abroad, made, **15,** 282
capital. *See* LOAN CAPITAL.
chattel, of, **1,** 537—540
defined, **1,** 537
borrower, detention by, liability for, **1,** 539
expenses of, **1,** 539
obligations of, **1,** 538, 539
use by, **1,** 540
lender, liability of, for defects in, **1,** 539, 540
obligations of, **1,** 539, 540
replaced by other similar chattel, to be, **1,** 540, 541
use of by third party, effect of, **1,** 540
money, of. *See* LOAN OF MONEY.
real property, of, **1,** 537. *See* LICENCE.
society. *See* LOAN SOCIETY.

LOAN CAPITAL,
company, of, **5,** 87, 362

LOAN OF MONEY. *See also* ADVANCE; BORROWING; MONEYLENDER.
action for money lent, **21,** 50, 51
agent, to, beyond his authority, equitable relief in case of, **1,** 202, 203; **13,** 150 n.
assignment of benefit of contract for, effect of, **4,** 369, 378, 379
banker, by, to customer, **1,** 569, 630—639. *See* ADVANCE.
benefice, for, by college of university, **11,** 756
betting, for purposes of, **15,** 278—281
abroad, recovery of, **15,** 282
infant, to, **17,** 65, 172; **21,** 57

LOAN OF MONEY—*continued.*
betting—*continued.*
recovery of, **15,** 279
securities for, **15,** 280
bottomry, on. *See* BOTTOMRY.
as subject of insurance, **17,** 366
building society, by or to, **3,** 332, 373—377. *See* ADVANCE; BUILDING SOCIETIES.
Burial Acts, for purposes of, **3,** 486—489
business, for, when a postponed debt in bankruptcy, **2,** 223, 224
wife to husband, by, **16,** 434
chancel, for repair of, **11,** 755
church, for repair of, **11,** 734
company, to, Companies Clauses Act, in case of, **5,** 736
director, by, **5,** 340
overdraft at banker's is, **5,** 338
subrogation in equity in case of, **13,** 149, 150
corporation, to, **8,** 362—364
county
council, to, **19,** 361, 362
court jurisdiction, in respect of, **8,** 666, 667
guardians, in case of loan by, **8,** 676, 677
dilapidations to buildings of benefice, for, **11,** 759, 782
distress for rent, to avoid, lender's rights in case of, **20,** 244 n.
executor, liability of, for, **14,** 243
expectant heir, to, relief in case of, **13,** 20, 21; **15,** 111, 113; **21,** 53
false pretences, obtaining by, **9,** 697
fraud, induced by, **21,** 51, 52, 56, 57
friendly society, in case of, **15,** 164—167. *See* FRIENDLY SOCIETIES.
glebe, for compensation to tenant of, **11,** 759
guarantee to secure, implied acceptance of, **15,** 449, 451
liability of surety as to, **15,** 480, 481
harbour authority, to, **28,** 420, 421
husband and wife, between, effect of, in bankruptcy, **2,** 159, 222, 223; **16,** 434, 435
illegal or immoral purpose, for, **21,** 51
improvement of ecclesiastical land, for, **11,** 759
industrial and provident society, in case of, **17,** 20, 22. *See* INDUSTRIAL AND PROVIDENT SOCIETIES.
infant, to, **17,** 49, 63, 65, 66, 69; **21,** 53. *See* INFANT.
insurable interest, as, **17,** 365 n.
insurance company, by, on security of life policy, **17,** 564
interest on. *See* INTEREST ON MONEY.
excessive, relief on ground of, **15,** 573, 574; **21,** 42, 53 *et seq.*
joint, nature of liability created by, **15,** 525 n.
land tax, for redemption of, **11,** 760
limitation of action for recovery of, **19,** 43, 44
loan society, by. *See* LOAN SOCIETY.
local. *See* LOCAL LOANS; LOCAL LOANS ACT.
authority, by, for light railway, **27,** 803, 806, 830, 837, 838
to. *See* LOCAL AUTHORITY; LOCAL LOANS; LOCAL LOANS ACT.
local education authority, to, **12,** 47
repayment of, on retransfer of school, **12,** 28 n., 29 n.
London County Council, by, to metropolitan local bodies, **20,** 444, 449
lunatic's maintenance, for, repayment of, **19,** 441
Metropolitan Police, to, **22,** 469

LOAN OF MONEY—*continued.*
money-lender, by. *See* MONEY-LENDER.
person who is not, by, **21,** 50, 51
Money-lenders Acts, not applicable in respect of, when, **21,** 53 n.
mortgage, on. *See* MORTGAGE; MORTGAGE DEBT.
municipal council, to, repayment of, **19,** 317, 318
parsonage, for improvement or building of, **11,** 755—759, 782
partner, to, presumption in case of, **22,** 27, 28
repayment of, by share of profits, **22,** 11, 12
policy, on security of, **17,** 564
set-off in case of, **25,** 503
poor law relief by way of, **22,** 566, 567
private improvement expenses, for, **23,** 384
Public Health Acts, under, **23,** 382—387
Public Works Loans Commissioners, from, **21,** 58—61; **23,** 384
Queen Anne's Bounty, by governors of, **11,** 755, 756
relief of borrowers, **21,** 53—57
respondentia, on. *See* RESPONDENTIA.
as subject of insurance, **17,** 366
reversion, on security of, equitable relief in case of, **15,** 113
reward for procuring, promise of, effect of, **15,** 460 n.
school district boards, to, **12,** 88
Small Holdings and Allotments Act, 1907, for purposes of, **1,** 360, 361; **26,** 694
specific performance of agreement to grant, **21,** 75; **27,** 7, 8 n., 73
Stock Exchange, bankruptcy, provable in, **27,** 232
cover for, **27,** 233
security for, **27,** 232
mortgage or pledge, **27,** 233, 234. *See* STOCK EXCHANGE, mortgage, pledge.
negotiable, where, **27,** 232
realisation of, **27,** 232, 234
subrogation of rights as to, **13,** 63 n., 150. *See* SUBROGATION.
tithe, for expenses of commutation of, **11,** 760
trade union, by, to member, recovery of, **27,** 617 n.
unregistered money-lender, by, **21,** 50, 51
urban and rural authority, to, repayment of, period for, **23,** 383, 384
valuation list, expenses of, may be raised by, **24,** 52
void security, on, equitable relief in case of, **13,** 71; **21,** 51

LOAN SOCIETY.
The title LOAN SOCIETIES *is contained in Vol. XIX., pp.* 217 *et seq.*
accounts of, **19,** 221
actions by and against, **19,** 219, 225
acts of, how effected, **19,** 218
administration of deceased's estate, intestate member, of, in case of, **14,** 191
advance by, **19,** 222—226
ballot, by, **19,** 223
prohibition against payment of instalments etc. prior to, **19,** 223
bond of, strictly construed, **19,** 226
borrower, pass-book of, entries in, **19,** 224
personal representatives of, proceedings against, **19,** 226
proceedings against, for recovery of loan, **19,** 224—226

LOAN SOCIETY—*continued.*
charges, payments covering all, in case of, **19,** 222
constitution of, **19,** 218
county court jurisdiction as to, **8,** 666; **19,** 225
debentures, issue of, **19,** 221
property upon which charged, **19,** 221
repayment of, to next of kin of holder, **19,** 221
stamp duty, liability to, **19,** 222
execution against, **19,** 221
Friendly Societies Acts, establishment under, **15,** 165 n.
interest, regulation of rate of, **19,** 223
loan, application for, **19,** 222
ballot for precedence, illegality of, **19,** 223
discount on grant of, **19,** 223
fees on application for, **19,** 222
grant of, **19,** 222
inquiries as to character of applicant for, **19,** 222
limit to amount of, **19,** 222
recovery of, summary procedure for, **19,** 224, 225
repayment of, fines and penalties for default in, **19,** 223
instalments, by, **19,** 223, 224
notes of hand, by, **19,** 223, 224
second, condition precedent to, **19,** 222
securities for, not negotiable, **19,** 224
surety for, action against, **19,** 225
money-lender, whether, **21,** 45
objects of, **19,** 217, 218
officers of, liability of, **19,** 222 n.
security to be given by, **19,** 219
registration of, Companies Act, 1908, under, **5,** 45, 46, 765; **15,** 127 n.
representation, when dispensed with in claims against funds of, **14,** 191
rules of, **19,** 219, 220
alteration and rescission of, **19,** 220
certification of, **19,** 219, 224
copies of, right to, **19,** 220
date from which effective, **19,** 219
effect of, **19,** 219
enrolment of, county council, by, **19,** 219
entry of, in books of societies, **19,** 220
evidence of, **19,** 220
inspection of, right to, **19,** 220
stamp duty, instruments not liable to, **19,** 222
treasurer of, security by, **19,** 219
unpaid loans, recovery of, by, **19,** 224, 225
trustees of, actions by and against, **19,** 219
annual accounts, delivery of, by, **19,** 221
vesting of property in, **19,** 220, 221
winding up, of, **19,** 226

LOBSTER,
fishing, regulation of, by Board of Agriculture and Fisheries, **14,** 622
sale of, regulations affecting, **14,** 627

LOCAL,
act. *See* LOCAL ACT.
action, as distinguished from transitory action, **1,** 50
allegiance due from aliens, **6,** 341, 342
area, *defined* in Isolation Hospitals Act, 1893, **23,** 437 n.
authority. *See* LOCAL AUTHORITY.
bill of sale, local registration of, **3,** 51—53
Bills. *See* BILL IN PARLIAMENT.
courts of record. *See* LOCAL COURTS OF RECORD.

LOCAL—*continued.*
custom, **10,** 219, 221, 229
education authority. *See* EDUCATION AUTHORITY, Local.
government. *See* LOCAL GOVERNMENT.
Government Board. *See* LOCAL GOVERNMENT BOARD.
inquiry. *See* INQUIRY.
interpretation of words and phrases, **10,** 449; **18,** 649
jurisdiction, surrender and exclusion of, **8,** 412; **9,** 130
warrant for arrest of offender, execution of, **9,** 308
Legislation Committee, House of Commons, of, **21,** 752
lighthouse authority, **26,** 629. *See* LOCAL LIGHTHOUSE AUTHORITY.
loans. *See* LOCAL LOANS.
Loans Act. *See* LOCAL LOANS ACT.
marine board, **26,** 653. *See* LOCAL MARINE BOARD.
measures, illegality of, **28,** 470
medical committee, National Insurance Act, under, **28,** 936, 937
midwives, supervising authority over, **20,** 367, 368
navigation rules, **26,** 470, 479—482
prison
authority, *defined*, **23,** 241 n., 242 n.
classification of, **23,** 235
rules for discipline in, **23,** 253, 254
railway traffic, *defined*, **23,** 704 n.
rate, *defined*, **12,** 548; **23,** 441 n.; **27,** 806 n.
enumeration of, levied by local authorities, **12,** 552, 553
House of Commons, privilege waived in Bills referring to, **21,** 798
taxation
account, **19,** 351. *See* LOCAL TAXATION ACCOUNT.
returns to Local Government Board, **20,** 452; **24,** 766, 767
time, *defined*, **27,** 441
trade names, injunction against use of, when restrained, **27,** 752, 753, 757—759, 763 n., 772 n.
usage, construction of words or phrases as affecting, **10,** 449
distinguished from custom, **10,** 221
weights and measures, standards of, **28,** 465, 466, 467

LOCAL ACT,
defined, **27,** 115, 182, 188 n.
amendment of, duly appointed authority, by, **27,** 187, 188
annuities raised under, **24,** 483
construction of, **27,** 184—186
franchise, effect on, of, **20,** 9
index, official, of, **27,** 115 n.
judicial notice of, **13,** 485; **27,** 115 n.
limitation, period of, under, **19,** 177, 178
Local Government Board, inquiries by, **23,** 375
power of, to alter etc., in public health matters, **19,** 384
music and dancing licence, effect on, of, **27,** 419
nature of, **27,** 115
operation of, **27,** 115 n., 186—188
parliamentary procedure for procuring, **21,** 727 *et seq.*; **27,** 115, 183
personal, and, **27,** 115

LOCAL ACT—*continued.*
Pilotage Order, may repeal, **26,** 598
powers, grant of, by, **6,** 7, 8
proof of, **13,** 525
public Acts, as distinguished from, **21,** 725; **27,** 114, 182
incorporation of, in, **27,** 115, 116
urban authorities, functions of burial board conferred on, by, **3,** 491
water boards, constituting, **28,** 269, 276
Waterworks Clauses Act, 1847, incorporation of, in, **28,** 275, 276
weights and measures, franchise of, purchase of, **28,** 497, 498

LOCAL AUTHORITY.
For the powers and duties of a local authority as to specific matters, see the words denoting such matters. See also LOCAL GOVERNMENT.
defined,
Barbed Wire Act, 1893, **16,** 169
Canals Protection (London) Act, 1898, **23,** 782 n.
Destructive Insects Act, 1877, **1,** 280, 281
Diseases of Animals Act, 1894, **1,** 281, 429
Electric Lighting Acts, **12,** 548
Employment of Children Act, 1903, **17,** 150 n.
Habitual Drunkards Act, 1879, **18,** 160 n.
Licensing (Consolidation) Act, 1910, **18,** 95 n.
Local Authorities (Admission of the Press to Meetings) Act, 1908, **23,** 224
Mortmain and Charitable Uses Act Amendment Act, 1892, **8,** 368
Public Authorities Protection Act, 1893, **23,** 345 n.
Public Health Acts, **23,** 364 n., 372
Sea Regulations, 1910, art. 30, **26,** 479
abatement of nuisance by, **21,** 536—540, 549, 550; **25,** 757—762
animals, caused by, **21,** 513, 538
costs of, by whom payable, **18,** 478; **21,** 573
disobedience to order, after, **21,** 572
dwelling-houses, in, **21,** 537—540
factories and workshops, in, **21,** 539
highways, on, **16,** 161—169; **21,** 549
public health, in regard to, **21,** 535—541
removal of noxious matter, **23,** 610
sanitary conveniences, **23,** 604, 605
accounts of, audit of, provision for, **12,** 554; **23,** 387
acquisition of land by, **6,** 7, 10, 24 n., 163—174
metropolis, in, **6,** 171—174; **20,** 455—459; **25,** 309, 310
mortmain restrictions not applicable, **4,** 137 n.
action against, notice of, **1,** 25
appeal
by, Local Government Board, to, **23,** 437, 438
from, Local Government Board, to, **16,** 226, 227; **20,** 400; **23,** 545, 598
arbitration, compulsory, in disputes connected with, **1,** 492
art galleries and schools of art, powers as to provision of, **23,** 581
Attorney-General acting at the relation of, **4,** 319; **7,** 73; **28,** 265 n., 443, 444
baths and washhouses, acquisition of, by, **23,** 492
land for, acquisition of, by, **23,** 491, 492

LOCAL AUTHORITY—*continued.*
betting, bye-laws of, as to, **15,** 292 n., 293; **27,** 280
Bill in Parliament, promotion of or opposition to, by, **19,** 380—384
borrowing by, **3,** 567; **16,** 236; **26,** 701. *See* BORROWING; LOCAL LOANS; LOCAL LOANS ACT.
bridge, adoption of, by, **16,** 190, 196
building, inspection of, by, **23,** 421, 429, 430
powers of, as to, **16,** 246—248; **18,** 288; **20,** 404; **23,** 414—431
building contract, in case of, requirements as to consent of, **3,** 196
burial authority, as, accounts of, **3,** 512
borrowing by, **3,** 567
cemetery, provision of, **3,** 506
mortuary, provision of, **3,** 566, 567
burial ground, acquisition of closed or disused, by, **3,** 534
bye-law of. *See* BYE-LAW.
evidence, as, **23,** 393
expenses connected with enforcement of, recovery of, **23,** 424
nuisance, as to, **4,** 603; **20,** 406; **21,** 514, 535 **23,** 563. *See* BYE-LAW, nuisance.
powers to make, **12,** 546, 641; **14,** 470, 475, 476; **15,** 292 n., 293; **17,** 150; **23,** 388—400, 415
seal required for, **23,** 389, 393 n.
caravans, powers as to, **21,** 540
cemetery, provision of, by, **3,** 506—512. *See* burial authority, *supra.*
charge, dwelling-house, on, by, for recovery of expenses, **23,** 531
permanent improvements, for, by whom payable, **18,** 489—491
charging order, right to, of owner executing works required by, **23,** 530, 531
cleansing and watering of streets, duties as to, **16,** 257
clerk of, liability of, in respect of mortgage register, **23,** 386
may instruct counsel at inquiries, **2,** 389
common, acquisition of, by, **4,** 598, 599, 601
common informer, as, **15,** 53
compensation, payable by, when, **6,** 163; **16,** 241; **19,** 271; **27,** 802, 803
contract by, regulations as to, **16,** 112; **19,** 268—270
when seal necessary, **19,** 268
contract of service with, form of, **3,** 172; **20,** 78
contractor, relation to, of, **20,** 68 n.
disease of animals, duties and powers in respect of, **1,** 402, 422, 425—427, 429—432; **19,** 356; **20,** 42
default in exercise of, **1,** 430
delegation or transfer of, **1,** 431
expenses in respect of, **1,** 430, 431; **19,** 356, 357
documents etc. of, mandamus for inspection of, **10,** 83
drain, adaptation of existing, by, **25,** 752
duty as to provision of, **25,** 750, 751
examination of, by, **25,** 758, 759
power on default of owner to provide, **25,** 751
private, duty in case of, **25,** 736 n.
drainage and paving works by, **18,** 477, 478
employer, as, within Workmen's Compensation Act, **20,** 191

LOCAL AUTHORITY—*continued.*
gas undertaking, **15,** 307—309
accounts of, **15,** 373
profits of, **15,** 365
purchase of, **15,** 320—322
highway, Motor Car Act, 1903, powers and duties as to erection of notice boards and sign-posts under, **16,** 116; **27,** 328
statutory powers as to breaking up etc. of, **16,** 198
statutory vesting of, in, **16,** 57—59
hospital, conveyance of infected persons to, powers as to, **23,** 435, 454
detention of infected person in, at cost of, **23,** 454, 455
negligence, liability in respect of, **23,** 432
nuisance, liability in respect of, **21,** 521; **23,** 432
provision of, by, **23,** 432
library authority, as, **23,** 584, 585
licensed premises, exemption from closing of, by, **18,** 95—97
loans. *See* borrowing, *supra.*
default respecting, county court jurisdiction as to, **8,** 666
London, Corporation of City of, as, **12,** 548
markets, powers as to, **20,** 11, 14
members of, liability of, **12,** 607
nuisance, abatement of, by, **21,** 536—546. *See* abatement of nuisance, *supra.*
pollution of wells etc., powers as to, of, **28,** 265, 266
property vested in, liability to poor rate of, **24,** 17
penalty for damaging, **25,** 767 n., 769, 770
rentcharge granted by, repayment of advance, for, **23,** 381; **24,** 477
sewers, provision of, by, **25,** 730, 732
statutory duties, delegation of, by, **27,** 176
tort of agent, liability for, **1,** 213, 214
tramway, lease of, by, **27,** 804, 805
powers as to, **27,** 802—806
promotion of, by, **27,** 781, 782
purchase of, by, **27,** 802, 803, 810
regulation of traffic on, **27,** 272, 273, 293
working of, by, **27,** 307 n., 309 n.
trespass of servant, liability for, **27,** 847 n.
water supply, in relation to. *See* WATER SUPPLY.
wells, pollution of, powers as to, **28,** 265, 266
vesting of, in, **28,** 264, 265, 267, 268

LOCAL COURTS OF RECORD,
alteration of district, power by Order in Council as to, **9,** 131
appeals from, to Divisional Court, **9,** 133
Clerk of the Markets, court of the, **9,** 137
fees, **9,** 136
judges of, **9,** 134
deputy, **9,** 135
removal of, **9,** 135
Judicature Act, 1873, s. 25, application of, to, **9,** 132
juries, **9,** 135
jurisdiction of, **9,** 130, 131
exclusion of, by petition to His Majesty in Council, **9,** 130
extension of, in 1835, **9,** 130
defences and counterclaims, as to, **9,** 131
officers of, **9,** 135
particular courts, **9,** 138—214. *For alphabetical list, see Vol. IX., pp.* 5, 6, *and* 7 *of Index.*

LOCAL COURTS OF RECORD—*contd.*
pie poudre, courts of, **9,** 136; **20,** 5. *See* PIE POUDRE.
procedure in, **9,** 132
removal of causes from, by *certiorari,* **9,** 136
rules for, powers to make, **9,** 133
sittings of, **9,** 135
staple, court of the, **9,** 137

LOCAL GOVERNMENT.
The title LOCAL GOVERNMENT *is contained in Vol. XIX., pp.* 229 *et seq.*
apportionment of cost of works, **19,** 336, 358; **25,** 739
board. *See* LOCAL GOVERNMENT BOARD.
borough council, **19,** 302—311. *See* BOROUGH COUNCIL.
compensation where land acquired compulsorily for purposes of, **6,** 163—174
conference, **19,** 337
county council, **19,** 340—342. *See* COUNTY COUNCIL.
land required for purposes of, compensation for, **6,** 163—174
London County Council. *See* LONDON COUNTY COUNCIL.
Metropolitan Borough Council, **20,** 430, 431. *See* METROPOLITAN BOROUGH COUNCIL.
municipal corporation, **19,** 293—299. *See* MUNICIPAL CORPORATION.
parish council, **19,** 240—254. *See* PARISH COUNCIL.
parish meeting, **19,** 254—261. *See* PARISH MEETING.
penalty for person acting in corporate office before making declaration, **19,** 296
port sanitary authority, **19,** 292, 293
rural district council, **19,** 329—334. *See* RURAL DISTRICT COUNCIL.
united districts, joint board for, **19,** 339, 340
urban district council, **19,** 262—272. *See* URBAN DISTRICT COUNCIL.
vestry, **19,** 261. *See* VESTRY.

LOCAL GOVERNMENT BOARD,
affiliation proceedings, forms for, issued by, **2,** 444 n., 450
alkali works, **23,** 406, 410—414. *See* ALKALI WORK.
analysis, food, of, by, **15,** 7, 13, 29 n.
directions as to, of, **15,** 16 n.
drugs, of, by, **15,** 7, 29 n.
analyst, public, in relation to, **15,** 8—10
appeal to, **23,** 379, 437, 438, 545, 598. *See* APPEAL.
arbitrators between county and district council, as, **16,** 128
auditors of, accounts of local education authorities, in relation to, **12,** 47
duties of, **12,** 88
surcharge etc. by, appeal from, **10,** 174; **19,** 286, 287
authentication of documents of, **7,** 103, 104
Baths and Washhouses Acts, consent to adoption of, **23,** 491
Board of Agriculture and Fisheries, powers of transferred to, **1,** 360
board of guardians, control over, **22,** 525, 527, 541—545
borough auditors, approval of date of election of, by, **12,** 356

LOCAL GOVERNMENT BOARD—*contd.*
borough boundary, alteration of, by order of, **19,** 322, 323
burial board, in relation to, **3,** 452—454
burial grounds, regulations respecting, of, **3,** 525—527, 537. *See* BURIAL GROUND.
bye-laws, circular letter as to, by, **23,** 395 n.
confirmation of, by, **16,** 118; **23,** 391, 392 n.
revocation of, by, **23,** 426, 548
certified schools, power as to, **12,** 84, 85
Chancellor of the Exchequer a member of, **7,** 102
closing order, functions as to, of, **23,** 527, 529
complaint to, default of local authority, as to, **23,** 537; **28,** 246, 247
Metropolitan Water Board, as to, **28,** 342, 343
sanitary authority, by, **23,** 414
confirmation by, of scheme for housing of the working classes, **23,** 520, 521
constitution of, **7,** 103
co-operative society for housing, consent to advances to, **17,** 6
county council, transfer to, of powers of, **19,** 379. *See also* COUNTY COUNCIL.
dairies, orders as to, **1,** 433; **15,** 63
London, in, **15,** 64 n.
demolition order, functions as to, of, **23,** 530
disease, regulations to prevent spread of, **23,** 464, 466
distress committees, powers as to, **28,** 884
education, appropriation of land by local education authority, consent to, **12,** 21, 24
district boards, powers as to, **12,** 86, 87
functions as to, **12,** 14, 81
reborrowing by local education authority, approval of, **12,** 51 n.
electric lighting, borrowing for purposes of, consent to, **12,** 553, 554
provisional order, grant of, for, **12,** 556
enforcement of performance of duties of local authorities, **23,** 378, 379
food, powers respecting, **15,** 7
functions of, **7,** 104; **23,** 374
gas undertaking, in relation to, **15,** 320, 321 n.
provisional order for, and, **15,** 313—317
higher education, rate for, consent to, **12,** 23
highways and bridges, jurisdiction as to, **16,** 30, 31
Home Secretary as member of, **7,** 83
inquiries by, application of loans, as to, **21,** 60
poor law matters, as to, **22,** 525, 528
public health, as to, **19,** 388; **23,** 375, 520
London, in, **20,** 469
sewage works, respecting, **25,** 746
vaccination, as to execution of Acts relating to, **23,** 469
waterworks, as to intended construction of, **28,** 258
inspections by, **23,** 375
local Act, examination of, by, **23,** 375
powers as to, **19,** 384, 385
local authorities, supervision of, by, **7,** 104
local taxation account, contributions from, fixed by, **19,** 351
main road, determination as to, differences settled by, **16,** 128
mandamus to, **10,** 86
markets and fairs, consent necessary for tolls and bye-laws, **20,** 12
metropolitan borough council, rules for election of, **12,** 396
metropolitan sanitary authority, powers on default of, **20,** 409, 410

LOCAL GOVERNMENT BOARD—*contd.*
Metropolitan Water Board, in relation to, **28,** 334
complaint as to, to, **28,** 342, 343
milk sellers etc., registration of, by, **15,** 63
motor cars, regulations as to, by, **27,** 326—328
National Health Insurance, powers as to, **28,** 944
obstructive buildings, removal of, functions as to, of, **23,** 533, 545, 546
old age pensions, powers as to, **22,** 621
orders by, effect of, **23,** 375, 376
publication of, **23,** 376
removal of, by *certiorari*, **10,** 174; **22,** 526
parish, division of, by, **19,** 238, 239
lands, exchange of, consent to, **4,** 233
exhausted, consent to disposal of, **16,** 108, 109
sale of, consent to, of, **25,** 310
property, consent to leases of, **4,** 230
union, **19,** 238, 239
parish council, representations by, to, **19,** 377; **23,** 373,
parish meeting, accounts of, form of, prescribed by, **19,** 260
poor law administration, control of, by, **22,** 524—528
Poor Law Commissioners, successors to, **12,** 14; **22,** 524
poor law orders, power to make, **22,** 525
removal of, into High Court, **10,** 174
poor law unions, constitution of, by, **22,** 553
President of the, **7,** 103
assistants of, **7,** 103
prohibition, writ of, whether issuable against, **10,** 152 n.
provisional order of, confirmation by Parliament, **23,** 377
not removable by *certiorari*, **23,** 377 n.
public health, respecting, **23,** 376, 377
Public Health Acts, duties and powers under, of, **23,** 374, 379, 380,
functions, consultative, under, **23,** 374
inspections under, by, **23,** 375
local Acts, examination of, by, **23,** 375
orders, effect of, **23,** 375, 376
publication of, **23,** 376
rules and regulations under, by, **23,** 375
reconstruction scheme, in relation to, **23,** 534
rehousing scheme, approval of, by, **6,** 20, 21
river pollution, powers as to, of, **20,** 592
Road Board, control over, **16,** 48
samples of food and drugs, directions as to, of, **15,** 13, 14 n.
sanatoria, powers as to, of, **28,** 952, 953
school districts, formation and alteration of, by, **12,** 85
sewers, default of local authority, as to, powers of, on, **23,** 377—379; **25,** 732, 750 n.
loan for, sanction to, **25,** 741, 743
Thames Conservancy, in relation to, **20,** 414
town planning schemes, duties and powers as to, **23,** 524—526, 542—544
unhealthy area, functions as to, of, **23,** 517 n., 518 n., 520—523, 545, 546
urban district council, in relation to. *See* URBAN DISTRICT COUNCIL.
vaccination, central authority for, **23,** 468, 469
water, supply of, powers as to, **28,** 246, 247, 253
working class dwellings, duties and powers as to, of, **23,** 537—541, 547, 548
unreasonable bye-laws respecting, revocation of, by, **23,** 426

LOCAL LIGHTHOUSE AUTHORITY,
defined, **26,** 629
local light dues, recovery of, by, **26,** 631
preservation of rights and powers of, **26,** 628
rating, no exemption from, **26,** 628

LOCAL LOANS,
Act. *See* LOCAL LOANS ACT.
boroughs, in, period of, **19,** 317
county court, jurisdiction of, in relation to, **8,** 666, 667; **24,** 344
debentures, issue of, **19,** 361; **21,** 62, 63
transfer of, **4,** 394
Government guarantee in respect of, **3,** 479
mandamus to enforce payment of sum due under, **10,** 106
mortgage, by, **19,** 361

LOCAL LOANS ACT,
appeal, rights of, under, **8,** 667
authority to local authorities to borrow under, **21,** 61
county court, applications to, costs of, **8,** 667
procedure, **8,** 667
jurisdiction of, under, **8,** 666
discharge of loans, **21,** 63
loans under, sanction of Local Government Board to, **21,** 61
remedy for non-payment, **21,** 63
securities under, nature of, **21,** 62
notice of trusts respecting, provisions as to, **21,** 63
priorities, **21,** 63
registration and transfer, **21,** 63
time of coming into operation of, **21,** 61 n.

LOCAL MARINE BOARD,
Board of Trade control over, **26,** 652, 653, 654, 655
constitution of, **26,** 653
duties of, **26,** 653
establishment of, **26,** 652, 653
mercantile marine office, provision of, **26,** 655
proceedings of, conduct of, **26,** 654

LOCAL TAXATION ACCOUNT,
defined, **19,** 351
county council, allowances to, from, **19,** 350, 351
Local Government Board, fixed by, **19,** 351
Customs and Excise duties form part of, **19,** 351; **24,** 761
duties, collection and retention of, **19,** 350, 351
Exchequer, payment into, **24,** 761, 762
licence duties as part of, **19,** 350, 351
enumeration of, **24,** 684—696

LOCAL TAXATION RETURNS,
Local Government Board, to, **20,** 452; **24,** 766, 767

LOCALITY,
building contract construed with reference to custom of particular, **3,** 173
chose in action not described by, **4,** 361; **28,** 696
crime, in case of, **9,** 280
custom of, **10,** 229. *See* CUSTOM.
cy-près doctrine as applied to gifts to a particular, **4,** 192
debt, in case of, **4,** 361, 366
description of property by reference to, **28,** 695—697

LOCALITY—*continued.*
domicil, in relation to, **6,** 183
inhabitants of particular, charitable nature of, gift for, **4,** 114, 115
passing off, with reference to, **27,** 763 n., 769
restrictive covenant, how affected by
alteration in character of, **13,** 102
change of, **27,** 564

LOCATIO,
conductio, defined, **1,** 525
rei, **1,** 525, 550—554. *See* HIRE OF CHATTELS.
custodiæ, **1,** 525, 543—549. *See* HIRE OF CUSTODY.
operis faciendi, **1,** 525, 556—562; **28,** 861, 862. *See* HIRE OF WORK AND LABOUR.
operis mercium vehendarum, **1,** 526
rei, **1,** 525, 550

LOCK (DOOR),
breaking open inner, to levy distress, **11,** 164
church, of, incumbent's breaking of, whether trespass, **27,** 861 n.
false imprisonment by locking door of room, **27,** 878 n.
prison, to differ for males and females respectively, **23,** 255

LOCK (WATER),
Commissioners of Sewers, interference by, with, **25,** 780
rating of, **24,** 9
rights in general as to, **28,** 407

LOCK-OUT,
apprenticeship deed, covenant in, as to, **20,** 74 n.
charterparty, exception in, with reference to, **26,** 131, 132
wages, payment of, during, with reference to, **27,** 630

LOCK-UP SHOP,
landlord's liability for tenant's goods in, **18,** 339 n.

LOCKE KING'S ACTS,
application of rule under, **14,** 288, 289
exclusion by testator of operation of, effect of, **13,** 145 n.; **14,** 289

LOCO PARENTIS, IN. *See* IN LOCO PARENTIS.

LOCOMOTIVE,
defined, **21,** 546 n.; **27,** 305
agricultural, **27,** 308 n.
ploughing by means of, near highway, **27,** 315
appeal, bye-laws, from restriction or prohibition by, **27,** 314
conviction from, **27,** 316
damage caused by, to bridge, **27,** 314
fees payable for use in area outside licence, **27,** 308
heavy, appeal to quarter sessions as to, **27,** 316, 330
attendance on, **27,** 312
bridges, use on, **27,** 313, 314
bye-laws may be made in respect of, **27,** 313
construction and weight of, **27,** 309—311
consumption of smoke by, **21,** 546; **23,** 690
Crown not bound by Acts relating to, **27,** 315
licence of, **27,** 307—309
loads on wagon drawn by, **27,** 310, 311

LOCOMOTIVE—*continued.*
heavy—*continued.*
name of owner to be shown on, **27,** 309
number of wagons which may be drawn by, **27,** 311
passing other locomotive on bridge, restrictions as to, **27,** 314
plate, particulars to be shown on, **27,** 308
registration of, **27,** 307—309
regulations as to use of, **27,** 311—315
safety of other traffic, provision for, **27,** 312
speed of, **27,** 312, 313
spokes on wheels of, use of, **27,** 310 n.
statutes relating to, **27,** 305 n.
tires, construction of, **27,** 309—310
tolls in respect of, **27,** 314, 315
wagon drawn by, construction of, **27,** 310
weighing machines, provision of, **27,** 311
weight to be shown on, **27,** 309
wheels of, provisions as to, **27,** 310
light, as a motor car, **27,** 306, 316
lights to be carried on highway by, **27,** 290, 291, 312
London, regulation in City of, **20,** 428
nuisance caused by, on highway, **21,** 522; **27,** 315
ploughing by means of, near roadway, **27,** 315
railway. *See* ENGINE.
requisition of, for military purposes, **25,** 50; **27,** 315
road, classification of, **27,** 305
servant in charge of, liability of, **27,** 315, 316
skidding, when evidence of nuisance, **27,** 333 n.
smoke from, effect of emission of, **21,** 546; **27,** 306 n.
sparks from, destruction of crops by, **1,** 278—280; **23,** 727
evidence as to, **13,** 452
injury to railway passenger by, **4,** 48 n.
liability for damage caused by, **1,** 278—280; **4,** 48; **21,** 405; **23,** 726, 727
railway company's powers to prevent spread of fire from, **6,** 155
steam roller is, **27,** 305
Thames Embankment, prohibition of use on, **27,** 315
tolls chargeable in respect of, **27,** 314, 315
tramway, use on, **27,** 307 n.
use of, what constitutes, **27,** 308 n., 313 n.

LOCUM IN CHORO,
induction of archdeacon by grant of, **11,** 437

LOCUM TENENS,
medical, negligence of, **20,** 331 n.
sheriff, of, **8,** 248

LOCUS IN QUO,
dedication of highway inferred from nature of, **16,** 38, 39, 168
nuisance depending on nature of, **11,** 302; **16,** 168
right of way depending on nature of, **11,** 287

LOCUS STANDI,
curator bonis, of, lunatic, of, in bankruptcy proceedings, **19,** 441
director of public prosecutions, of, at hearing of election petition, **12,** 443 n.
local authority, of, in case of private Bill relating to common, **4,** 493, 494

LOCUS STANDI—*continued.*
petitioner, of, against private Bill in Parliament, **21,** 749, 750
tramway construction inquiry, Board of Trade rules as to, **27,** 784 n.

LODGE. *See also* BRANCH.
branch of friendly society, as name for, **15,** 133 n.
Freemasons, of, exempted from provisions against unlawful societies, **9,** 466 n.
friendly society, of, district, as part of, **15,** 133 n.
liability of central body on failure of, **15,** 151
gamekeeper, of, franchise by occupation of, **12,** 173 n.
porter's, tenancy not arising from occupation of, **20,** 69

LODGER,
board and lodging, evidence of agreement as to, **18,** 339 n.
burden of proof as to, Licensing Acts, under, **18,** 128
closing hours in licensed house do not apply to, **18,** 94
common lodging-house, in, provisions as to, **23,** 511
control by landlord as affecting position of, **11,** 144; **12,** 168, 169; **18,** 339, 340
conveniences of the house, right to use, **18,** 339 n.
distress, declaration to be made to avoid, **11,** 146
detention of goods on, pending inquiry, **11,** 183 n.
exemption from, of goods of, **11,** 143—148
goods excluded from exemption, **11,** 145
interpleader not provided for in case of wrongful distress by superior landlord, **11,** 147
inventory of goods on claim for exemption from, **11,** 146
notice to pay rent to superior landlord, effect of, **11,** 147, 148
occupier distinguished for purpose of, **11,** 144 n.
penalty for wrongful distress, **11,** 148
remedy for illegal, **11,** 147
removal of goods to avoid, **11,** 190
restoration of goods, order for, **11,** 147, 204
tenant distinguished for purposes of, **11,** 144
who is lodger for purpose of exemption from, **11,** 144, 145
franchise. *See* LODGER FRANCHISE.
inhabitant occupier, distinguished from, **11,** 144 n.; **12,** 168, 169, 175; **18,** 340
innkeeper's right to eject traveller becoming, **17,** 309, 318, 319
keeper of rooms let to, distinguished from keeper of victualling house, **17,** 305
landlord's duty to take reasonable care of property of, **17,** 316; **18,** 339
licensee, when regarded as, **18,** 339, 340
occupier, distinguished from, **11,** 144 n.; **18,** 340
rates, liability under local Act to distress for, **11,** 215 n.
rating of premises occupied by, **12,** 169, 176; **18,** 339; **24,** 13
residential hotel, in, **17,** 304
theft of property from, liability for, **17,** 316
vote of. *See* LODGER FRANCHISE.
who is a, **11,** 144, 145; **12,** 168, 169, 175; **23,** 507 n.

LODGER FRANCHISE,
claim for, amendment of, **12,** 228
overseers, to be delivered to, **12,** 207, 208
proof of, **12,** 228, 229
revision of, by revising barrister, **12,** 228 n.
household, qualification of member of, **12,** 175
inhabitant occupier's franchise, distinguished from, **11,** 144 n.; **12,** 168, 169, 175; **18,** 340
joint occupation, qualification in respect of, **12,** 176, 207 n.
lodger, who is a, **11,** 144, 145; **12,** 168, 169, 175; **23,** 507 n.
municipal franchise, forms no part of, **12,** 189
new lodger list, preparation of, **12,** 204
old lodger list, preparation of, **12,** 204
overseer's lists, preparation of, **12,** 204
publication of name in, effect of, **12,** 175 n.
rectification of, **12,** 208
qualification for, **12,** 174—177
registration of lodger, **12,** 193 n.
claim to be made, **12,** 194 n., 207
inhabitant occupier's franchise, **11,** 144 n.; **12,** 168, 169, 175; **18,** 340
lodgings, value of, **12,** 175
residence, **12,** 174, 175, 176, 177, 207 n.
sole tenant, meaning of, **12,** 174
successive occupation, different lodgings, in, **12,** 176
tenant and lodger, as, **12,** 165
value of lodgings, how ascertained, **12,** 175, 176

LODGING-HOUSE. *See also* LODGINGS.
common. *See* COMMON LODGING-HOUSE.
infectious disease in, notification of, **23,** 447 n.
inhabited house duty in respect of, **17,** 186
keeper of, innkeeper distinguished from, **17,** 305
liability for lodger's property, **17,** 316
seamen, fines for offences against, **23,** 515; **26,** 54
who is, **23,** 509 n.
management and control of, **23,** 539
public. *See* PUBLIC LODGING-HOUSE.
seamen, for, bye-laws in respect of, **23,** 515, 516; **26,** 54
working classes, for, additional accommodation and amenities, provision of, **23,** 540
compulsory acquisition of land for providing, **6,** 166; **23,** 538, 539
default of local authority in providing, remedy for, **23,** 537, 538
erection of, by local authority, **23,** 539
expenses of providing, **23,** 541
gas supply to, **15,** 343; **23,** 540
inspection of, **23,** 539
loans for providing, **23,** 541, 542
management of, by local authority, **23,** 539
provision of, by local authority, **23,** 536—540
water supply to, **28,** 263, 304

LODGINGS. *See also* COMMON LODGING-HOUSE; PUBLIC LODGING-HOUSE.
agreement in writing, when required, **18,** 372 n.
hop-pickers, for, bye-laws in regard to, **23,** 516
houses let in, *defined*, **23,** 507
bye-laws for management of, **23,** 396 n., 507, 508, 511, 516
common lodging-house distinguished from, **23,** 507
income tax on, **16,** 631
infectious disease in, notification of, **23,** 447 n., 448

LODGINGS—*continued.*
letting of, when regarded as breach of covenant against underletting, **18,** 578
master not generally bound to provide servant with, **20,** 118
occupier of. *See* LODGER.
rateable occupier of, as to, **16,** 631; **24,** 13, 19
seamen, for, bye-laws respecting, **23,** 515; **26,** 54
tenancy from year to year, payment of rent is not evidence of, **18,** 441, 442
trespass in respect of, **27,** 854 n.

LOGBOOK,
anti-scorbutics, entry of refusal to take, **26,** 45
apprentices, entries relating to, **26,** 82
certified copy of entry of desertion for use of Registrar-General of shipping, **26,** 63
collision, entry of particulars of, **26,** 82, 372
conviction by legal tribunal, entry of, **26,** 82
crew, entries as to
character, conduct, and qualifications of, **26,** 82
injuries and illnesses of member of, to be entered, **26,** 82
seaman ceasing to be member of, **26,** 82
desertion proved by entry in, **26,** 49 n., 63
destruction of, misdemeanour by, **26,** 82 n.
duty to carry, **26,** 82
engineer's, evidence by entries in, **26,** 82 n.
entries to be made in, **26,** 82
evidence, as, **13,** 541, 542; **26,** 49 n., 63 n., 82
false entries in, misdemeanour by, **26,** 82 n.
foreign port, entry of desertion in, **26,** 63
lighthouse or light vessels, of, evidence by, **1,** 99
man-of-war, of, as evidence, **13,** 541
marriage on board ship to be entered in, **16,** 308 **26,** 82
master's duty in respect of, **26,** 82
mate, signature by, **26,** 82
merchant vessel, of, inadmissibility in evidence, **13,** 542
mutilation of, misdemeanour by, **26,** 82 n.
offences by members of crew to be entered in, **26,** 63, 82
official, delivery to mercantile marine superintendent, provision for, **26,** 83
entries to be made in, **26,** 48, 63, 64, 82
exemption from liability to carry, **26,** 82
ship's log, may be distinct from or united with, **26,** 82
signing of entries in, **26,** 82
time for making entry in, **26,** 82
Royal Navy, member of crew entering, **26,** 82
seaman left abroad, entry of wages and effects of, **26,** 48
ship's papers, entry of list of, **26,** 64
wages due to seamen, entries as to, **26,** 82
witness may refresh memory by reference to entries in, **13,** 542

LOGWOOD,
adulteration of tea with, **15,** 68

LOITERING,
arrest for, **9,** 303 n.
betting purposes, for, **9,** 551; **15,** 293
carriage stands, about, **27,** 298 n.
highway, in, metropolitan constable's powers as to, **27,** 289
letter-carrier, by, **22,** 664
prostitute, by, **27,** 284

LONDON. *See also* METROPOLIS.
defined, contracts, for purpose of, **20,** 393 n.
modern legislation generally, in reference to, **20,** 392, 393 n.
Public Health (London) Act, 1891, in, **23,** 599 n.
restraint of trade, in reference to, **27,** 571 n., 583 n.
action, removal of, to or from district registry, **23,** 132
Administrative County of, *defined*, **20,** 393
agent. *See* LONDON AGENT.
animals, special provisions as to, in, **27,** 279, 286, 287
assurance corporation, **17,** 339
Bankruptcy Court, establishment of, **9,** 53 n.
transfer of jurisdiction of, **2,** 6, 7
broker, in. *See* BROKER.
Building Acts. *See* LONDON BUILDING ACTS.
burial in. *See* BURIAL.
Chancellor of, **11,** 413 n., 508
City of. *See* LONDON, CITY OF.
City police. *See* LONDON, CITY POLICE OF.
clearing house, practice of, **1,** 568 n.
Consistory Court of, **11,** 507, 508, 519, 520
Corporation. *See* LONDON, CORPORATION OF CITY OF.
County Bills. *See* LONDON COUNTY BILLS.
County Council of. *See* LONDON COUNTY COUNCIL.
County of. *See* LONDON, COUNTY OF.
Customs House, exemption from rates of, **24,** 24 n.
Gazette. *See* LONDON GAZETTE.
India Docks, income tax in respect of, **16,** 665
land, compulsory purchase of, in, **6,** 171
made, falsely marking goods as, **27,** 725 n.
Middlesex and, deemed one county for legal proceedings, **20,** 402
Port of. *See* PORT OF LONDON.
sheriff of, appointment of, **25,** 794 n.
deputy of, delivery of writ to, effect, **25,** 802
solicitor's practising certificate for, **26,** 721, 844
Stock Exchange. *See* STOCK EXCHANGE.
university. *See* LONDON UNIVERSITY.

LONDON AGENT. *See* SOLICITOR.
agency charges, when disallowed, **26,** 844 n.
authority of, as regards opposite parties, **26,** 847, 848
charges of, disbursements, are not, **26,** 775 n.
liability of solicitor for, **10,** 284
statement in bill of costs as to, **26,** 775 n.
usual, **26,** 846
client and, relations between, **26,** 844—846
country solicitor, liability of, for acts of, **26,** 758
power of, to act as, **26,** 844
relations of, with, **10,** 284; **26,** 846, 847
county court appeal, service of notice of motion in regard to, **8,** 605; **26,** 847
employment of necessary, when, **26,** 844
fees to counsel, responsibility for, **2,** 390 n.
interest on disbursements, whether chargeable by, **26,** 846, 847
liability of, to opposite parties, **26,** 848
taxation of bill of, **26,** 847

LONDON AND INDIA DOCKS,
income tax assessment in respect of, **16,** 665

LONDON ASSURANCE CORPORATION,
incorporation of, **17,** 339
marine insurance monopoly taken from, **17,** 339

LONDON BUILDING ACTS,
Acts included in, **20,** 470
scope of, **20,** 473
adjoining owners, rights of, **20,** 491—493
alteration or conversion of buildings, **20,** 476, 491
appeals under, **8,** 668; **20,** 471, 477. *See* APPEAL.
tribunal of, **20,** 471
arbitration under, **20,** 492, 493 n.
arches, construction of, **20,** 485
authorities enforcing, **20,** 404, 470
bressummer, mode of supporting, in regard to, **20,** 473 n., 483
building, *defined*, **16,** 210; **20,** 477 n.
building line, regulations as to, **16,** 209; **20,** 473, 479 n., 490
building owner's rights under, **20,** 492, 493
buildings before 1895, in respect of, **20,** 476
bye-laws of London County Council under, **20,** 461, 480, 488; **23,** 418 n.
casks, storing of, near streets or furnaces, **20,** 494
chimneys, construction of, **20,** 484
cleared area, relaxation of provisions as to, **20,** 482
compensation under, where damage caused in execution of works, **20,** 491
where land acquired compulsorily, **6,** 173
contribution among owners for expenses under, **20,** 479
county court jurisdiction as to buildings, **8,** 667, 668
courtyards, height and ventilation of, **20,** 482
cubical extent, in respect to, **20,** 485
dangerous and neglected structures, regulations respecting, **20,** 493, 494
dangerous business, carrying on, near buildings or public roads, **20,** 494
erection of buildings near, **20,** 494
dangerous state, *defined*, **20,** 493 n.
demolition orders under, **20,** 480
district surveyors, duties and powers of, **20,** 477, 493. *See* DISTRICT SURVEYOR.
domestic building, *defined*, **20,** 481 n.
requirements as to space, light, and ventilation, **20,** 481, 482
enforcement of provisions of, **20,** 470—472
entry, right of, under, **20,** 480
enumeration of, **20,** 470
exemptions under, **12,** 623; **20,** 474—476
exits of public buildings, regulations as to, **20,** 487
expenses under, **20,** 470 n.
recoverable summarily, **20,** 479
fire escape, provisions as to, **20,** 488—491
floors, construction of, **20,** 485
frontage. *See* building line, *supra*.
furnaces etc., regulations as to construction of, **20,** 484
girder, *defined*, **20,** 487 n.
Government buildings, exemptions of, from, **20,** 474
habitable and inhabited, *defined*, **20,** 473 n., 481 n.
height of buildings, provisions as to, **20,** 482
high building, *defined*, **20,** 474 n., 488 n.
regulations as to, **20,** 489, 490
historical or architectural interest, buildings of, restoration of, **20,** 475
inflammable liquids, storage of, **20,** 490
interpretation clauses defining terms in the, **20,** 473
iron and steel buildings, construction of, **20,** 483, 487, 488

LONDON BUILDING ACTS—*continued.*
legal proceedings under, **20,** 478—480
London, City of, application in, of, **20,** 475
low-lying land, building upon, **20,** 479 n., 493
movable floors, refixing of, **20,** 487 n.
new building, *defined*, **20,** 473 n., 474 n., 488 n.
notice required to be given under, **20,** 477—479, 492
noxious business, carrying on, near buildings or public roads, **20,** 494
erection of buildings near, **20,** 494
order under, form and service of, **20,** 479
owner, *defined*, **20,** 473 n., 474 n., 491 n.
offences by, **20,** 480
parapet, formation of, **20,** 483
party wall, *defined*, **20,** 483 n.
adjoining owners, rights of, as to, **20,** 491, 492
construction of, **20,** 483
expenses as to, **20,** 493
notice as to, constituting a defect of title, **25,** 303, 304
right to deduct rent in respect of expenses of, **18,** 479
pavement, reinstatement of, **20,** 493 n.
penalties under, application of, **20,** 479
recoverable summarily, **20,** 479
pillar, *defined*, **20,** 487 n.
plans, approval of, **20,** 472, 479, 489
proceedings under, time limit for, **20,** 479 n.
projections from buildings, construction of, **20,** 479 n., 485, 490
city corporation, powers of, as to, **23,** 418 n.
removal of, **16,** 210, 211
public building, *defined*, **20,** 473 n., 481 n.
construction of, **20,** 487
railway, arches of, construction of, **20,** 487
premises of, how far excluded from, **23,** 681
recesses and openings, construction of, **20,** 483
reinforced concrete buildings, construction of, **20,** 487
relief to owners of property under, **20,** 480
roadway, *defined*, **16,** 23
roofs, access to, **20,** 490
construction of, **20,** 484
rooms, construction of, **20,** 484
rules under, **20,** 483 n.
sanction of London County Council, when necessary, **20,** 478, 479
scope of Acts, **20,** 473
separation of buildings, **20,** 485
shops, projecting, regulated by, **20,** 490
sky-signs, erection of, **20,** 494
spaces about buildings, **16,** 209; **20,** 481, 482
special buildings, construction of, **20,** 488
staircases, construction of, **20,** 484
street, *defined*, **16,** 19
structure, *defined*, **16,** 210; **20,** 474 n., 477 n., 488 n., 493 n.
superintending architect, appointment of, **20,** 471
duty of, **16,** 210; **20,** 470, 479, 482
temporary buildings, construction of, **20,** 473, 474, 479 n., 488
temporary seats in public building, fixing of, **20,** 487 n.
terms, various, *defined*, **20,** 473 n., 474 n., 477 n., 481 n., 485 n., 487 n., 491 n., 494 n.
timber in external walls, regulations as to, **20,** 483
underpinning, **20,** 492 n.
united buildings, construction of, **20,** 486
walls, construction of, **20,** 483

LONDON BUILDING ACTS—*continued.*
warehouse, *defined*, **20,** 473 n., 481 n.
regulations as to, **20,** 485
way, *defined*, **16,** 22, 23
wood, storing of, near streets or furnaces, **20,** 494
wooden structures, construction of, **20,** 474, 488

LONDON, CITY OF,
accounts of, **20,** 451, 452
administration of justice in, **9,** 89, 177; **18,** 22, 34 n., 51 n.; **19,** 575; **20,** 426
advertisements in, regulation of, **23,** 398; **27,** 288, 289
aldermen of, **20,** 422, 424—426. *See* ALDERMAN.
analyst, public, appointment of, **15,** 8
apprenticeship in, enrolment of contract of, **20,** 80
determination of contract, custom in regard to, **20,** 104 n.
infant, in case of, **17,** 70 n.
liable for breach of covenant, **15,** 494 n.
Mayor's Court, jurisdiction of, **20,** 286
asylum, provision of, by Common Council, **19,** 479 n.
bailiff in, office of, **25,** 803
Borough Funds Acts not applicable to, **19,** 380 n.; **20,** 422
bread, sale of, in, **15,** 46
capital punishment in, sheriff's duties in regard to, **25,** 797 n.
chamberlain, appointment and functions, **20,** 429 n.
churchwardens of, corporation, as, **11,** 465, 794
City Lieutenancy, how vacancies filled, **20,** 423
Clerk of the Markets, Lord Mayor as, **20,** 423
common councilmen, in, election of, **12,** 394
Common Hall of, functions and constitution, **5,** 750; **20,** 422, 423, 424, 429
elections in, **5,** 750; **12,** 190, 394; **20,** 401, 423, 429
serjeant of, **2,** 383
common seal of, **20,** 422
judicial notice of, **13,** 496
commons, powers as to acquisition of, **4,** 611; **21,** 601
corporation of. *See* LONDON, CORPORATION OF CITY OF.
county
contributions, exemption from, **20,** 438, 439, 450 n.
purposes for which deemed a, **20,** 401
court. *See* CITY OF LONDON COURT.
court of
aldermen, constitution and functions, **20,** 422, 423, 424—426. *See* ALDERMAN.
Common Council, constitution and duties of, **15,** 8; **20,** 422, 424, 426—428
election of Secondary, by, **25,** 801
Lord Mayor and aldermen, constitution of, **20,** 426
election, jurisdiction of, **12,** 138, 500 n.
courts in, **9,** 176
admiralty jurisdiction of, appeals from, **1,** 112—115
chamberlain, of, **9,** 178
customs of, **12,** 393, 394
apprenticeship, in regard to, **17,** 49, 70 n.; **20,** 104 n.
guardianship of infants, as to, **17,** 122
judicial notice is taken of, **10,** 237; **13,** 486
liability of apprentice for breach of covenant, as to, **15,** 494 n.

LONDON, CITY OF—*continued.*
customs of—*continued.*
light, as regards claims to, **11,** 305
market overt, as to, **20,** 54
married woman trading, as to, **16,** 352; **22,** 20 n.
month, customary meaning of, **27,** 438
proof of, certified by recorder, **10,** 238
restraint of trade, as to, **27,** 531
slander of women, as to, **10,** 170
sureties, contribution among, **15,** 527 n.
trade, as to, **27,** 531 n.
distance, limits of, with reference to occupation franchise, **12,** 158 n.
dustbins, deposit of, in streets, **27,** 289
education, not a local authority for purposes of, **12,** 53
elections in, **12,** 394, 395
ballot papers, inspection of, **12,** 511
casting vote at, **12,** 395 n.
corrupt and illegal practices at, **12,** 395
criminal offences relating to ballot at, **12,** 535
expenses of, **12,** 395
freedom of, **12,** 395
how to be taken, **12,** 500
municipal electors in, **12,** 190
petition in case of, **12,** 499, 500
polling at, **12,** 394 n.
reserved rights of voting at, **12,** 181
Secondary, duty of, **12,** 202
voter's false answers to statutory questions at, **12,** 532
electric lighting in, corporation is local authority, **12,** 548
local rate for expenses, **12,** 552
extent of the area of, **20,** 392, 400
fires in, inquests on, **8,** 296, 297
Food and Drugs Acts in, expenses of administering, **15,** 34
unsound food, powers as to, **15,** 42, 43
franchise in, parliamentary, **12,** 180
freedom of, **12,** 180, 181; **20,** 429 n.; **27,** 531 n.
freemen, admission of, **20,** 429 n.
franchise qualification of, **5,** 751; **12,** 180, 181
guardianship of infants of, **17,** 122
roll of, **20,** 429 n.
trade rights of, **27,** 531 n.
game, grant of licences to deal in, **20,** 426
garbler, appointment of, **20,** 427
gas
examiners, appointment of, **15,** 390
measures, regulation of, **15,** 346
supply in, powers of Common Council as to, **15,** 376 n.
municipal authority means Common Council, of, **15,** 357 n.
testing in, **15,** 389
general rate, expenses defrayed out of, **12,** 552
guardians by custom of infants in, **17,** 122
hay and straw, sale of, in, **28,** 490, 491
Highway Act, 1835, does not affect, **16,** 32
horseflesh, powers as to sale of, **15,** 70
House of Commons, petitions to, by, **25,** 797 n.
Hustings, Court of, jurisdiction of, **9,** 176, 177; **20,** 424
ill repute, allowing persons of, to resort to refreshment houses in, **18,** 138
income of, how derived, **20,** 438—440, 449
intoxicating liquors, sale to children, **18,** 123
juror, liability for non-appearance of, **18,** 267

LONDON, CITY OF—*continued.*
jury
list in, **18,** 236
preparation of, **20,** 429 n.; **25,** 236, 809
persons liable to serve on, **18,** 229
leases, registration of assignment of, **18,** 583
library expenses in, how defrayed, **23,** 592—594
licensed premises in, communicating with unlicensed premises, **18,** 132
licensing
district, as a, **18,** 22
purposes, deemed a county borough for, **18,** 34 n.
livery companies in, **5,** 746—751. *See* LIVERY COMPANIES.
liverymen of, election by, **12,** 394, 395
London Building Acts, application of, in, **20,** 475
London County Council, city representatives on, **20,** 419
Lord Mayor of, **20,** 423, 424. *See* LORD MAYOR OF LONDON.
market overt in, custom as to, **20,** 54
married woman, trading rights and liability of, by custom, **16,** 352; **22,** 20 n.
Mayor's Court, **20,** 284—302. *See* MAYOR'S COURT.
Metropolitan Police District, is not within, **22,** 466, 467
month in contracts, meaning of, **27,** 438
Municipal Corporations Act, 1882, not applicable, to, **12,** 190 n.
municipal election in, special provisions respecting, **12,** 338
open spaces, powers of Common Council as to, **4,** 611; **21,** 594, 598, 600, 601
overseers, Common Council as, **20,** 428, 439; **24,** 131
parishes in, amalgamation of, **20,** 408
parliamentary representation of, **20,** 414, 415
claim of members to particular seats in the House of Commons, **21,** 672 n.
police, **20,** 429, 430; **22,** 478—481. *See* LONDON, CITY POLICE OF.
poor law area, as separate, **20,** 415
public health of, application of statutory provisions to, **20,** 469
quarter sessions jurisdiction
remaining in, **9,** 177, 178, 203; **19,** 622; **20,** 426
superseded by Central Criminal Court, **9,** 89, 178
rates, levying and collection of, **20,** 428, 439; **24,** 131
recorder of, jurisdiction of, **9,** 89; **19,** 563; **20,** 285. *See* RECORDER.
remembrancer of, duties of, **25,** 797 n.
sanitary authority for, Common Council is, **20,** 408, 409 n.; **23,** 373
seal of, as evidence, **20,** 422
judicial notice of, **13,** 496
special regulations as to use of, **20,** 422 n.
Secondary of, appointment and duties of, **12,** 202, 538; **25,** 801, 808. *See* SECONDARY OF THE CITY OF LONDON.
nature of office of, **25,** 801
serjeants-at-mace of, **25,** 803
sewers and drains in, law as to, **25,** 721, 726, 728, 729
sheriffs of, **20,** 401, 429; **25,** 796, 797. *See* SHERIFF OF CITY OF LONDON.
accounts of, **25,** 841 n.

LONDON, CITY OF—*continued.*
sheriffs of—*continued.*
duties of, **25,** 805 n.
election of, **12,** 394; **25,** 796—798
exemptions from office of, **25,** 798 n.
fees of, **25,** 833 n.
solicitor of, qualifications of, **2,** 383
Southwark, election of high bailiff of, by, **25,** 799 n., 801 n.
streets, exceptions as to statutes relating to, **16,** 199, 200
improvements, powers of Common Council as to, **20,** 458, 459
territorial forces association for, establishment of, **25,** 82
Lord Mayor as president of, **25,** 83 n.
tithes in, **11,** 752
trade, restraint of, customs and bye-laws of force in, **27,** 531, 532
traffic regulations in, **20,** 425, 430; **27,** 270
trial of actions, Secondary's duty in regard to, **25,** 805 n.
troops through, passage of, permission necessary for, **20,** 423
trophy tax, application of, in, **20,** 423 n.; **24,** 131; **25,** 89 n.
undersheriffs of, duties of, **25,** 801 n.
village greens, powers of corporation in respect of, **21,** 584, 601 n.
Vintners, privileges of the Company of, as to sale of wines in, **18,** 9, 10; **24,** 681
voters' claims in, **12,** 195, 202, 208
wardmotes in, **9,** 178; **20,** 425
wards, division into, **20,** 400, 401
yeomen of, appointment of, **25,** 803

LONDON, CITY POLICE OF,
appointment of, **20,** 430; **22,** 479
area under control of, **20,** 430; **22,** 478
arrest, powers of, **9,** 304 n.; **22,** 479
commissioner of, powers and duties, **20,** 429, 430, 430 n.; **22,** 478, 479
control of, in whom vested, **20,** 425, 429, 430; **22,** 478
expenses of, contribution by Inner and Middle Temples to, **20,** 440
finance of, **20,** 430; **22,** 480, 481
fund, sources from which derived, **15,** 394 n.; **20,** 430; **22,** 480
Home Secretary, not under control of, **22,** 518
Metropolitan Police, co-operation with, **20,** 430; **22,** 481
Pension Fund, maintenance and management of, **22,** 480
powers within the City, **20,** 430; **22,** 479, 480, 567, 568
riot, damage by, authority as to, **22,** 481
special allowance to disabled, **22** 481
superannuation of, **22,** 481
treasurer of, duties of, **22,** 480

LONDON CLEARING HOUSE,
practice of, **1,** 568 n.

LONDON, CORPORATION OF CITY OF,
borrowing powers of, **20,** 447; **23,** 386
burial board, powers as, **3,** 447, 503
Common Council, officers appointed by, **20,** 427 n.
commons, powers as to, **4,** 611
constitution of, **12,** 393; **20,** 422—429

LONDON, CORPORATION OF CITY OF—*continued.*
enactments not affecting powers of, **12,** 190 n.; **19,** 380 n.; **20,** 422, 423
finances of, **20,** 422, 423, 439, 451
franchise qualification of electors, **12,** 190
functions of, through whom discharged, **20,** 422
Highway Act, 1835, rights not affected by, **16,** 32
incorporation of, **6,** 492; **20,** 422
local authority, as, **12,** 548
offices, vacancies in, how filled, **12,** 395
sanitary authority, as, **23,** 373, 374
sheriffs, appointment of, by, **25,** 796—798

LONDON, COUNTY OF,
administrative, **20,** 393
area of, **20,** 401
clerk of the peace in, **19,** 629; **20,** 402
county rate for, collection of, **20,** 438, 439
division into
metropolitan boroughs, **20,** 402, 403
poor law unions, **20,** 415
jury service in the, qualification for, **18,** 230
Local Government Act, 1888, application of, to, **20,** 395
quarter sessions for, constitution and procedure, **19,** 621

LONDON COUNTY BILLS,
defined, **20,** 446
forgery of, **20,** 446 n.
issue of, **20,** 446
purpose of, **20,** 446

LONDON COUNTY COUNCIL,
accounts of, **20,** 446, 451
action by, without joining Attorney-General, **23,** 101 n.
Allotments Acts, administration of, **1,** 360; **20,** 397
ambulance service, maintenance of, **20,** 397
animals, diseases of, power to make regulations, as to, **20,** 444, 461
annual returns of. *See* returns, *infra.*
annuities, terminable, issue of, by, **20,** 445, 446
appeal committee of, **20,** 421, 422
appeal to, **20,** 421, 422, 465, 468; **23,** 600, 612; **25,** 740. *See* APPEAL.
art, works of, purchase of, **20,** 397
Bill in Parliament, opposition to, **19,** 380, 381; **20,** 399
promotion of, **19,** 380, 381; **20,** 399; **21,** 737, 738, 749
borrowing powers of, **20,** 394, 444—447; **21,** 737; **23,** 386 n.
bridges, control of certain, **16,** 201; **20,** 395 n., 404, 460
building jurisdiction of. *See* LONDON BUILDING ACTS.
Burial Acts, powers under. *See* BURIAL; BURIAL AUTHORITY.
burial-grounds, powers as to. *See* BURIAL GROUND.
bye-laws of, **20,** 406, 453, 460—462, 467, 480; **21,** 599; **23,** 600, 601; **25,** 736 n., 738 n., 756. *See* BYE-LAW.
canals, jurisdiction as to, **20,** 405 n.; **23,** 782, 783. *See* CANAL.
chairman of, powers and duties of, **20,** 419, 420, 421
Children Act, 1908, authority under, **20,** 396

LONDON COUNTY COUNCIL—*contd.*
cinematograph entertainments licensed by, **20,** 394 n.
Cleopatra's Needle in care of, **20,** 395 n.; **21,** 606
clerk to, position of, **20,** 402, 453, 454
Commissioners of Sewers in relation to, **25,** 773
committees of, **20,** 421, 422
travelling expenses of, **20,** 421 n.
common lodging-houses, powers as to. *See* COMMON LODGING-HOUSE.
commons, powers as to, **4,** 610. *See* METROPOLITAN COMMON.
composition of, **20,** 418, 419
compulsory purchase of land by, **6,** 172, 173; **20,** 457, 458, 459
Consolidated Loans Fund of, **20,** 446
consolidated stock, issue of, **20,** 445, 446
making out false certificate of, **9,** 757
contract of, when to be under seal, **20,** 420
Cornwall, Duchy of, rights of, interference with, **7,** 257
Court of Aldermen, powers of, as to music and dancing, transferred to, **20,** 394 n.
Court of Common Council, transfer of powers to and from, **20,** 428
dairies, jurisdiction as to, **15,** 64 n.; **20,** 406, 461
dangerous structures, powers as to, **16,** 207; **20,** 493
deputy
chairman of, duties of, **12,** 397; **20,** 420
clerk, appointment of, **20,** 454
drains, powers as to. *See* DRAIN.
education authority, as, **12,** 53; **20,** 399, 444
election of, franchise in case of, **12,** 191
law relating to, **12,** 397
electrical undertakings, powers as to, **12,** 553, 617 n., 619, 620, 624—626. *See* ELECTRIC LIGHTING AND POWER; ELECTRICAL UNDERTAKING.
embankments, control of, **16,** 201; **20,** 395 n., 460; **25,** 773
employment agencies, powers as to, **20,** 399; **28,** 881, 882
epidemic regulations, powers and duties under, **20,** 410
Equalisation Fund of, **20,** 442; **24,** 127
expenses, education, appointment of, not applicable to, **12,** 53
highway, apportionment of, between boroughs, **16,** 200
explosives, jurisdiction with regard to, **14,** 360; **20,** 396
finance of, regulation of, **20,** 450, 451
financial resolution of, procedure in regard to, **20,** 420
fire brigade controlled by, **20,** 417, 418. *See* FIRE BRIGADE.
floods, prevention of, compulsory purchase of land for, **6,** 173
of river Thames, powers as to, **25,** 773
gas, powers as to. *See* METROPOLITAN GAS SUPPLY.
Hainhault Forest, maintenance of golf course in, **20,** 399
highway authority for road improvements, **20,** 396. *See also* roads, *infra.*
highway in metropolitan borough, powers as to, **20,** 404
historical interest, purchase of place of, **20,** 397
ice cream, control of sale of, **15,** 70, 71; **20,** 398
LONDON COUNTY COUNCIL—*contd.*
income tax in respect of stock of, liability to account for, **20,** 450
inquests, accommodation for holding, to be provided by, **3,** 567; **8,** 257
investigations in interest of county, power to spend money on, **20,** 397
jury service, members exempt from, **18,** 232
land, acquisition and alienation of, powers as to, **20,** 455—459
lavatories etc., power to erect, **20,** 397, 461
Lea, flood works on, construction of, **20,** 398
legal proceedings by or against, **20,** 399, 400; **23,** 101 n.
licensing power of, **20,** 394; **27,** 417
lights on vehicles, exemption order as regards, **20,** 396; **27,** 292
loans made by, **20,** 444, 449
Local Government Board control of, **12,** 553; **20,** 410, 428, 450
London, City of, judicial administration of, how affected by creation of L.C.C., **20,** 426
justices of, powers of, transferred to, **20,** 395
members of, position of, **20,** 419
London County bills, issue of, by, **20,** 445, 446
lunatic asylums, power to borrow in respect of, **19,** 488 n.; **20,** 444
markets, jurisdiction as to, **20,** 397
medical officers of health, appointment of, **20,** 394; **23,** 374
half of the salary of, payable by, **20,** 466, 467
meeting of, convening of, **20,** 419
licensing purposes, for, defamatory statement at, **18,** 681, 682
non-judicial character of, **18,** 681, 682
minutes of, **20,** 420
notice of, **20,** 419
quorum of, **20,** 420
standing orders regulating, **20,** 419
summons to attend, **20,** 419, 420
Metropolitan Asylums District, powers of managers of, transferred to, **20,** 395
Metropolitan Board of Works, powers of, transferred to, **15,** 376 n.; **20,** 395, 399, 444; **21,** 606; **28,** 449
metropolitan borough councils. *See* METROPOLITAN BOROUGH COUNCIL.
default of, as sanitary authority, powers in case of, **20,** 409
drainage powers of, how transferred to, **20,** 434
under control of, **20,** 404
highway powers of, transference by, **20,** 463, 464
loans to, by, **20,** 444, 449
when sanction required of, **12,** 553, 554 **20,** 447; **23,** 386, 387
sewerage powers of, transferred to, **25,** 729
under control of, **20,** 404
sewerage works of, may approve, **25,** 733, 734, 746, 747
works on Thames to be executed by, may require, **20,** 398
money Bills promoted by, **20,** 445; **21,** 737, 738
monuments etc., erection and maintenance of **21,** 606
mortuaries provided at instance of, **3,** 566, 567; **8,** 257
music and dancing licences granted by, **20,** 394 n.; **27,** 417
parks, in, etc., provision of, **20,** 397
noise, bye-laws as to, **20,** 460

LONDON COUNTY COUNCIL—*contd.*
notice, service of, by, **20,** 420, 421
on, **20,** 420
nuisances, powers as to, **20,** 460, 461; **23,** 565, 566; **27,** 274. *See also* METROPOLITAN STREETS.
offensive trades, bye-laws as to, **20,** 461; **23,** 565—570; **27,** 274
officers of, **20,** 453, 454
accounts of, **20,** 452, 453
appointment of, **20,** 452, 453, 454
bye-laws as to, **20,** 453
compensation in case of injury to, **20,** 453
disqualification of, **20,** 453
negligence of, **21,** 405
security of, **20,** 452
superannuation of, **20,** 453
overhead wires, bye-laws as to, **12,** 641, 642; **16,** 206; **20,** 460
parks and open spaces, powers as to, **20,** 396, 444, 461; **21,** 594, 598—600. *See also* METROPOLITAN COMMON.
poor law guardians, payments to, by, **20,** 450
position of, as distinguished from other county councils, **20,** 393, 394
powers of, generally, **7,** 73; **16,** 199; **20,** 393—399, 460, 461; **27,** 417
private Bill
promoted by, procedure in case of, **21,** 737, 738
relating to London, notice of, to, **21,** 734
public
health, jurisdiction with regard to, **20,** 396, 444. *See* PUBLIC HEALTH.
order, bye-laws as to, **20,** 460
rights, assertion of, by, **7,** 73
quarter sessions, City of London, of, powers of, transferred to, **19,** 622
county of London, of, regulated by scheme of, **19,** 621
racecourse, power to license, **20,** 394
rates levied by, **20,** 438, 439. *See* METROPOLITAN RATES.
returns, annual, Parliament, to, as to loans, stock, and expenditure, **20,** 447
Treasury, to, as to revenue, rateable value, and debts, **20,** 452
revenue of, sources of, **20,** 449
roads, main, jurisdiction as to, **16,** 200; **20,** 394, 428. *See also* highway, *supra.*
sanitary
authority, bye-laws made for, by, **20,** 467; **27,** 274
defaulting, powers as to, **20,** 409; **23,** 374
conveniences for houses, appeal from sanitary authority as to, **23,** 600
inspectors, appointment of, rights in regard to, **20,** 466
half salary of, payable by, **20,** 466, 467
powers of, **20,** 409 n., 461; **23,** 600, 601. *See also* PUBLIC HEALTH.
seamen's lodgings, bye-laws as to, **20,** 461; **23,** 515, 516
sewerage, powers as to. *See* SEWAGE; SEWER.
sky-signs, powers as to, **16,** 207; **20,** 406
slaughter-houses, control of, **20,** 399, 461; **23,** 565, 568, 569
special constables, appointment of, **20,** 399
standing orders of, **20,** 421
street improvements, jurisdiction in respect of, **20,** 395, 463. *See* METROPOLIS MANAGEMENT ACTS; METROPOLITAN STREETS.
power to carry out, **20,** 458
subways for pipes and wires, bye-laws as to, **16,** 206; **20,** 460
under the Thames, control of, **20,** 398
superintending architect of, appointment of, **20,** 471
Thames, powers with regard to the. *See* THAMES.
theatres, powers as to, **27,** 404—406. *See* THEATRE.
traffic, bye-laws as to, **20,** 460, 461. *See* METROPOLITAN STREETS.
tramways, powers as to, **20,** 396, 444, 461
treasurer, appointment of, **20,** 454. *See* TREASURER.
tunnels under the Thames, control of, **20,** 395, 460
water supply, powers as to, **28,** 266, 267, 337. *See* METROPOLITAN WATER BOARD.
Woolwich ferry, bye-laws as to, **20,** 460
working-class dwellings, powers as to, **20,** 395; **23,** 374
works belonging to, saving clauses in Highway Act as to, **16,** 32

LONDON GAZETTE,
bankruptcy proceedings, evidence in, as, **2,** 87, 316, 354; **13,** 551; **25,** 352
filing of, by registrar, **2,** 312
building society, dissolution of, published in, **3,** 394
collecting society, notice affecting, publication of, **15,** 128 n.
Companies Act, in, *defined,* **5,** 36
company winding up petition to be advertised in, **5,** 405, 554
deceased person's estate, advertisement for claims against, **14,** 243
evidence, as, **13,** 427, 473, 525
factory regulations published in, **14,** 482
food and drugs, notification as to, **15,** 54 n., 64
friendly society, advertisement of application as to, **15,** 192, 195 n.
dissolution etc. of, advertisement of, **15,** 200, 202, 203 n., 204
industrial society, advertisement of dissolution etc. of, **17,** 36, 38
infectious diseases regulations to be published in, **23,** 466 n.
light railway scheme etc. to be advertised in, **27,** 820, 836
name, change of, advertisement of, **21,** 354
oaths, affirmations etc., order inserted in, as to, **7,** 27 n.
partnership
dissolution, notification of, **22,** 96, 97
limited, notification of, **22,** 109
post office regulations to be published in, **22,** 636, 637
private Act of Parliament, notice in, on application for, **21,** 730
provisional order, application for, advertisement of, **15,** 314 n.
railway, certificate for, publication of, in, **23,** 625
royal proclamation, effect of publication of, in, **7,** 15; **13,** 525
sheriff's appointment notified in, **25,** 794, 799 n.
tramway
bye-laws, notification of, in, **27,** 797
construction, advertisements with reference to, **27,** 783 n., 787, 816
lease, notice of intention as to, **27,** 805

LONDON MADE,
falsely marking goods as, **27,** 725 n.

LONDON UNIVERSITY,
constitution of, **12,** 95
General Medical Council, member of, nominated by, **20,** 315
member of Parliament for, **12,** 91, 96
parliamentary election for, franchise of graduates, **12,** 182
place of, **12,** 323
time of, **12,** 263
Vice-Chancellor as returning officer, **12,** 258, 263
voting by proxy in, **12,** 324
writ for, **12,** 258
schools of, **12,** 96 n.
senate and advisory committees of, **12,** 95

LONG TERM,
enlargement under Conveyancing Act, 1881, of, **10,** 370 ; **24,** 268—270. *See* ENLARGEMENT.

LONG USER,
prescription, as basis of, **11,** 258, 259
trade name, of, effect where fraudulent, **27,** 774

LONG VACATION,
dates of, **27,** 436
injunction dissolved during, **17,** 296 n.

LOOK-OUT. *See also* WATCH.
absence of, breach of Sea Regulations by, **26,** 486
astern, when no necessity for, **26,** 486
burden of proof as to keeping of, **26,** 501 n.
crow's nest as proper place for, **26,** 486
duties in regard to, **26,** 485—487
fog, special regulation in case of, **26,** 411, 412, 486
launching of vessel, on, **26,** 484
neglect to keep proper, effect of, **26,** 477, 486
pilot, for, owner's duty to provide, **26,** 531
tug's duty as to, **26,** 486

LOOM,
distress upon, **11,** 140
fixture, as a, **18,** 419

LOPPING TREES,
adjoining owner, extent of right of, in respect of, **3,** 126
Highway Act, 1835, under, **16,** 113, 114
park authority, non-feasance by, **16,** 135

LOPWOOD,
derogation of Crown rights by grant of, **6,** 487 n.
right of, nature and incidents of, **7,** 189

LORD,
Advocate, Crown representative in suits in Scotland, **6,** 416, 417 ; **7,** 72
Privy Council, as member of, **7,** 75
alienation of land as affecting the, **24,** 287
Appeal in Ordinary, of, **9,** 23. *See* LORD OF APPEAL IN ORDINARY.
Campbell's Act, Fatal Accidents Act, 1846, known as, **21,** 455 n.
liability for accidents under, **21,** 455—463. *See* FATAL ACCIDENTS ACT.
sea, action *in personam* for accident by collision at, **26,** 523
Libel Act, 1843, known as, **18,** 726 n.

LORD—*continued.*
Campbell's Act—*continued.*
Libel Act, 1843—*continued.*
defamation action, as defence in, **18,** 726
newspaper or periodical, as defence to action for libel in, **18,** 727. *See also* NEWSPAPER, libel.
Chamberlain, **7,** 107. *See* LORD CHAMBERLAIN.
Chancellor, **7,** 58, 60—62. *See* LORD CHANCELLOR.
Chancellor of Ireland, **7,** 37, 55
Acts of Parliament, meaning in, **7,** 55
Cabinet, as member of, **7,** 37
office of, **7,** 55
Chief Justice, **9,** 62. *See* LORD CHIEF JUSTICE.
Commissioner, **21,** 724. *See* LORDS COMMISSIONERS.
Crown as paramount, **8,** 3 ; **11,** 26 ; **24,** 139
escheat of land to, **11,** 23, 24, 26 ; **24,** 145
feudal system, with reference to, **24,** 138, 139, 143, 144, 287
Great Chamberlain, coronation, functions at, **6,** 326
duties and perquisites of, **6,** 330
introduction of new peer to House of Lords, duty on, **21,** 689 n.
High Admiral, commissioners for executing office of, **7,** 88 ; **25,** 6
court of, jurisdiction of, **1,** 59. *See* ADMIRALTY JURISDICTION.
High Chancellor. *See* LORD CHANCELLOR.
High Constable, coronation, duty at, **6,** 326, 336
Court of Chivalry, jurisdiction in regard to, **9,** 116 n.
Scotland, of, coronation rights of, **6,** 331
High Steward, court of, **9,** 26
Ireland, of, coronation rights of, **6,** 331
Lord High Chancellor acting as, **7,** 63 n.
pro hâc vice, **9,** 19
title of, **9,** 22
trial of peer for treason etc., president at, **9,** 19, 22, 26 ; **21,** 652—654
High Treasurer, office of, **7,** 100
warrant by, for passing instrument under Great Seal, **7,** 11
homage to, **24,** 140
Justice of Appeal, lunacy jurisdiction of, **9,** 54, 94, 95 ; **19,** 412
pension on resignation of, **9,** 65
qualification for appointment as, **2,** 381 ; **9,** 64
salary of, **9,** 64
tenure of office by, **9,** 64
Keeper, authority and powers of, **7,** 55 n. ; 60 n. ; **21,** 629
Lord Chancellor in relation to, **7,** 55 n., 60, 63 ; **21,** 629
Lieutenant, compulsory acquisition of land by Government, sanction to, **6,** 6, 7
justices of peace appointed on recommendation of, **7,** 61 n. ; **19,** 539
Territorial Force, duties in regard to, **25,** 83
Lieutenant of Ireland, **7,** 37, 100. *See* LORD LIEUTENANT OF IRELAND.
manor, of, **8,** 3. *See* LORD OF THE MANOR.
marcher, franchise of wreck in Wales, **28,** 379
Mayor, cities to which title granted, **19,** 309 n.
title conferred by letters patent, **19,** 309
Mayor of London, **20,** 423, 424. *See* LORD MAYOR OF LONDON.
mesne. *See* MESNE LORD.
paramount, Crown as, **11,** 26 ; **24,** 139
Isle of Ely, of, **8,** 218 n.
subject as, **8,** 3

LORD—*continued.*
President of Privy Council, **7,** 21, 53
Privy Seal, appointment of, **7,** 21, 65
Cabinet minister, is usually, **7,** 65
House of Lords Offices Committee, as member of, **21,** 642
justice of peace, is *ex officio*, **7,** 65 n.; **19,** 537
status of office of, **7,** 65
usually unpaid, **7,** 65
Speaker, **21,** 629, 630. *See* LORD CHANCELLOR.
spiritual, **21,** 619. *See* LORDS SPIRITUAL.
Steward, **7,** 107. *See* LORD STEWARD.
temporal, **21,** 622. *See* PEER.
tenant and, reciprocal obligations and rights of, **24,** 139, 140, 155
Tenterden's Act. *See* STATUTE OF FRAUDS AMENDMENT ACT.
transfer of tenancy, how affected by, **24,** 287
Waiting, in, **7,** 107
Warden of the Stannaries, **5,** 659; **7,** 241; **9,** 204

LORD CHAMBERLAIN,
change of ministry as affecting, **7,** 107
coronation, functions at, **6,** 330
duties of, **7,** 107, 108
evidence by, as to official communications to, **23,** 318 n.
music hall licences, grant of, **27,** 403
Royal Arms, wrongful use of, authority to bring action in respect of, **27,** 722
stage plays, licensing of, **27,** 414
theatre, closing in case of riot or disturbance, **27,** 406, 407
jurisdiction as to, where Sovereign is in residence, **7,** 107; **27,** 404
licences for, **27,** 403, 404. *See also* THEATRE LICENCE.
power to suspend etc., **27,** 406, 407

LORD CHANCELLOR,
absence of, election of temporary speaker in, **7,** 59; **21,** 629, 630
addresses of Parliament to the Sovereign presented by, **7,** 60
administrative duties of, **7,** 58, 60—62
Appeal, Court of, *ex officio* judge and president of, **7,** 62; **9,** 64
appointment and removal of officers by, **7,** 62
appointment of, **7,** 20, 55
authority of, Crown's charity visitatorial jurisdiction, under, **4,** 340
House of Lords, in, **7,** 59
bankrupts, jurisdiction over, superseded, **7,** 64
benchers of Inns of Court, appeal from, to, **2,** 361, 362
Cabinet, as member of, **7,** 37, 57, 58; **21,** 629
casting vote in House of Lords not allowed to, **21,** 634
Central Criminal Court, named in commission of, **9,** 89
Chancery Division, president of, **7,** 62; **9,** 60
charity, visitatorial jurisdiction of Crown exercised by, **4,** 340
Clerk of the Crown in Chancery, jurisdiction as to duties of, **7,** 12, 13
commissioners to take oaths, appointment of, by, **7,** 62; **26,** 857
contempt of court, report as to persons committed for, to, **7,** 325
coronation ceremony, duty at, **6,** 326

LORD CHANCELLOR—*continued.*
coroner, powers as to removal of, **7,** 64; **8,** 224, 228, 235, 251
vacancy in office of, duty in case of, **8,** 215, 216
county court
judges appointed and removed by, **7,** 61; **8,** 414, 415
registrars removed by, **8,** 417, 418
Criminal Appeal, power in relation to Court of, **9,** 92
criminal jurisdiction now obsolete, **7,** 62 n.
Crown livings, patron of, **7,** 64; **11,** 575, 576
sale of, by, **7,** 193; **11,** 576
Curia, original powers as member of, **7,** 64
equitable jurisdiction of, **7,** 64; **13,** 4 n., 8
examiners of high court appointed by, **9,** 66
ex-Lord Chancellor, member of Court of Appeal, as, **7,** 62; **9,** 64
Lord of Appeal in Ordinary, as, **7,** 63; **9,** 23
Great Seal, custodian of, **7,** 60, 61
delivery of, on appointment, **7,** 55
passing documents under, **7,** 10, 11, 60, 61
High Court of Justice, member and president of, as, **7,** 62; **9,** 62
history of office, **7,** 58 n.; **13,** 4 n.
House of Lords, casting vote in, none, **21,** 634
division in, duty on, **21,** 633, 634
introduction into, of, **21,** 690, 691
position in, during debate, **21,** 629
prolocutor of, **7,** 58, 59, 63
speaker of, as, **7,** 58, 59, 63; **21,** 629, 635
income tax commissioner, as *ex-officio*, **16,** 615
indictment of peer, duty on, **21,** 653
infants, jurisdiction over, **7,** 64; **17,** 47
Ireland, for, **7,** 55. *See* LORD.
judges, appointment of, by, **7,** 61
Judicature Acts, how affecting, **7,** 62 n., 64
judicial duties of, **7,** 58, 62, 63; **9,** 60, 62, 64
judicial officer, as, **7,** 62, 63
judiciary, as head of, **7,** 61, 62
justice of the peace, duties with regard to nomination of, **7,** 61; **19,** 538
ex-officio, as, **7,** 63; **19,** 537
reported for corrupt practices to, **12,** 485
Lord High Steward, as, **7,** 63 n.
Lord Keeper in relation to, **7,** 55 n., 60 n., 63; **21,** 629
Lord Mayor, presentation of, to, **20,** 423
lunacy jurisdiction of, **7,** 64; **9,** 95; **19,** 412
lunacy masters appointed by, **9,** 96
lunacy visitor, report of, to, **19,** 470
medium of communication between Sovereign and Parliament, **7,** 59
murder of, offence of, **7,** 58
nature of office of, **7,** 55
oaths, appointment, on, **7,** 56
opening of Parliament, on, **21,** 692
when to be taken before, **7,** 24
parens patriæ, jurisdiction of Crown as, delegated to High Court, **7,** 64
Parliament, meeting of, duties on, **7,** 59; **21,** 692, 695, 696
prorogation of, duties on, **21,** 700, 701
patronage of Crown livings, exercises, **7,** 64; **11,** 575, 576
peer, not necessarily a, **7,** 59; **21,** 690
pension of, **7,** 57
place in Parliament, **7,** 57
political duties of, **7,** 58—60
precedence of, **7,** 57, 59

LORD CHANCELLOR—*continued.*
Privy Council, as member of, **7,** 58, 63
prolocutor of House of Lords, as, **7,** 58, 63
prorogation of Parliament by, procedure, **21,** 700, 701
protector of settlement, powers as, **24,** 254
purse-bearer to, transfer of duties of, **7,** 12 n.
qualification for post of, **2,** 383; **7,** 56
registrars, Chancery Division, of, power as to appointment of, **9,** 68
district, powers in relation to, **9,** 70
religious disabilities in relation to, **7,** 56 n.
retirement from office of, **7,** 57, 58
royal assent to bills, duty as to, **7,** 60; **21,** 724
rule committee, as member of, **9,** 65
rules, Court of Criminal Appeal, of, subject to approval of, **9,** 92
power to make, of, **7,** 62; **9,** 63
warrants and instruments, as to, **7,** 13
salary of, **7,** 56
charged upon Consolidated Fund, **7,** 39, 56 n.; **24,** 745
Scotland, jurisdiction in, **7,** 63
sheriff's fees and poundage, order fixing, **25,** 835
Sovereign, medium of communication with, **7,** 59, 60
Speaker of House of Lords, as, **7,** 58, 59, 63; **21,** 629
Supreme Court, one of the judges of, as, **7,** 62
tenure of office by, **7,** 22, 57
transubstantiation, declaration against, by, **7,** 56
visitor of royal colleges and hospitals, **4,** 340; **7,** 64
woolsack, occupant of, **7,** 58, 59; **21,** 629, 635
writ of summons tested in name of, **7,** 16, 62

LORD CHIEF JUSTICE,
Appeal, as member of Court of, **9,** 64
appointment of, Prime Minister's responsibility as to, **7,** 61 n.
Cabinet Minister, appointment as, unconstitutional, **7,** 37 n.
Criminal Appeal, powers and duties in relation to Court of, **9,** 92
election petition costs, powers with regard to, **12,** 478, 480, 496, 521
High Court of Justice, judge of, **9,** 62
president of, in absence of Lord Chancellor, **9,** 62
King's Bench Division, president of, **9,** 61
Masters of Supreme Court, appointment of, by, **9,** 66, 67
Municipal Corporations Act, 1882, security fund vested in, **12,** 495, 496
pension of, **9,** 62
revising barristers, appointment of, by, **12,** 218
rule committee, as member of, **9,** 65
rules, criminal appeal, power as to, **9,** 92
salary of, **9,** 62

LORD LIEUTENANT OF IRELAND,
Cabinet, sometimes included in, **7,** 37, 100
evidence not on oath of, **13,** 592 n.
extradition, powers relating to, **14,** 428
knighthood may be conferred by, **22,** 285 n.
oath to be taken by, **7,** 100 n.; **11,** 804 n.
official acts of, as acts of state, **7,** 99 n.; **23,** 310
position of, **7,** 99, 100; **11,** 804 n.
proclamations, orders, and regulations issued by, how proved, **13,** 525
Roman Catholic, must not be, **11,** 804
telegraphs, rights over, **27,** 354

LORD MAYOR OF LONDON,
coronation rights of, **6,** 333, 334; **20,** 423
coroner for city, is, **20,** 423
court of equity before, nature of, **9,** 177
death of, provision as to, **20,** 424
duties and privileges of, **20,** 423, 424
election of, **12,** 394, 500 n.; **20,** 423
corrupt and illegal practices at, prevention or, **12,** 394
gauging of liquor vessels by, **28,** 493, 494
justice of the peace, as, powers of, **19,** 575
Lord Chancellor, presentation to, for Sovereign's approval, **20,** 423
magisterial powers of, **19,** 536, 561, 575
Mayor's Court of London, as judge of, **20,** 284
petty sessions, in, local jurisdiction of, **19,** 561
quarter sessions jurisdiction of, **9,** 177; **19,** 563
salary of, **20,** 423
sheriff, duties as to appointment of, **25,** 797
Territorial Forces Association, president of, **25,** 83
vacation of office of, effect of, **20,** 424

LORD OF APPEAL IN ORDINARY,
appointment of, **9,** 23; **21,** 628
Committee for Privileges, presence at, **21,** 642
dignity of, does not descend, **22,** 269
ex-Lord Chancellor qualified to be, **7,** 63
functions of, **21,** 628
House of Lords, right to sit and vote as member of, **9,** 23; **21,** 628
peer, entitled to writ of summons as, **22,** 262
life, as, **9,** 23; **21,** 628; **22,** 269
pension of, **9,** 23
position in peerage of, **9,** 23; **21,** 628; **22,** 262, 269
qualification for office of, **2,** 381; **9,** 23
salary of, **9,** 23
tenure of office of, **9,** 23; **21,** 628

LORD OF THE MANOR.
See also COPYHOLD; MANOR; MANORIAL COURT.
defined, **8,** 3
action for debt by, **8,** 59
adjoining manor, rights as against, **4,** 502, 503
admittance by, **8,** 82, 89, 97, 100, 101, 105; **17,** 20. *See also* ADMITTANCE.
alienation of land as affecting, **24,** 287
allotments vesting in, as trustee for labouring poor, **4,** 469
appeal to, from steward's decision, **8,** 12
approvement, right of, **4,** 500, 503—509. *See* APPROVEMENT OF WASTE.
borough council as, entertainment of jury out of rates, **15,** 402
burial of body cast up by sea etc., payment for, by, **3,** 549
chapel for use of, parochial chapel, whether a, **11,** 790 n.
chase, right of, **8,** 7
church, grant of land for erection or rebuilding of, **11,** 722
commons, absolute ownership of, subject to rights of commoners, **4,** 473, 499, 500
coal and other minerals under, right to, **4,** 503; **8,** 24
construction of reservation of sporting rights over, **4,** 578
distress on, right of, **4,** 501
driving the common, right of, **4,** 500, 501
free warren on, right of, **4,** 501, 502

LORD OF THE MANOR—*continued.*
commons—*continued.*
inclosure rights in respect of, **4,** 500, 503—509, 599 n.; **20,** 552. *See* APPROVEMENT OF WASTE; INCLOSURE OF COMMONS.
literary and scientific institution, conveyance as site for, **19,** 197
mines and minerals under, rights to, **4,** 503; **8,** 24
pasturage on, for cattle, **4,** 500
prescription and custom as affecting rights of, **4,** 503
regulation of, consent when necessary, **4,** 609
determination of rights and obligations, **4,** 602, 603
rights over, of, **4,** 473, 499—514, 572, 602, 603; **8,** 24
shooting and game rights over, **4,** 473, 501
trees, right to plant, **4,** 500
compulsory acquisition, common lands, of, compensation on, to, **4,** 494; **6,** 139
copyhold, of, rights on, of, **6,** 136—138; **8,** 129; **17,** 83
notice of meeting to consider, **6,** 140
conveyance by, effect of, **8,** 19, 20
copyhold, rights over, **8,** 22—59
copyholder, licence for lease by, **25,** 678
mines, damages in respect of, recoverable by, **20,** 542
privity of estate with, **13,** 345 n.
remedies of, **8,** 70
court rolls, custody of, extent of right of, **8,** 15, 60
courts, right to hold, **8,** 12. *See* MANORIAL COURT.
Crown as, escheat to, **8,** 56; **11,** 26; **14,** 187
custom controlling rights and duties of, **8,** 7, 8, 23
destruction of manor, how affecting rights of, **8,** 20
devolution of equitable estates in copyhold without assent of, **11,** 6
disability, when under, **8,** 83
distress by, **8,** 58, 59; **11,** 127
enfranchisement by, **8,** 111—114, 118, 119. *See also* ENFRANCHISEMENT.
priority of mortgage for, **21,** 104
entry on land by, escheat, on, **11,** 27
forfeiture, on, **8,** 50—52
mortmain, an alienation in, **8,** 368 n.
escheat to, **8,** 20, 54—56; **11,** 26
common, no loss of right to, **4,** 529
enfranchisement, after, **8,** 126
estrays, right to, **8,** 5, 6
extinguishment of copyhold estate, rights on, **8,** 110
felons within manor, right to goods of, **8,** 7
fines payable to, **6,** 489; **8,** 26—37. *See* FINE (Copyhold).
fishery, rights of, **8,** 7; **28,** 381
forfeiture of tenant's estate, rights as to, **8,** 46—52
franchises vested in, **8,** 5—7
free warren, rights of, **8,** 7, 25
freehold of manorial lands, ownership of, **8,** 67
game, rights as to, on waste lands of manor, **15,** 215, 216
grant of copyhold estate by, **8,** 82—86
heriots, right to, **8,** 37—45, 59; **27,** 889 n. *See* HERIOT.
hunting rights of, **15,** 230
inclosure of commons, allotments on, to, **4,** 545, 571, 572, 579
approvement, by way of, **4,** 503—509. *See* APPROVEMENT OF WASTE.

LORD OF THE MANOR—*continued.*
inclosure of commons—*continued.*
churches, for purpose of, rights of, **4,** 511
compensation on, to, **4,** 545, 571, 572
consent to provisional order for, by, **4,** 546, 547
free warren, how affected by, **4,** 502, 577
military and naval operations, for, rights of, **4,** 512, 513
poor relief, for, rights of, **4,** 510, 511
schools and literary and scientific institutions, for, rights of, **4,** 512
sporting rights, how affected by, **4,** 502, 576—578
timber growing, for, rights of, **4,** 513, 514
infant as, **8,** 83; **17,** 56, 83
interpleader relief to, **17,** 581 n.
joint tenant, as, **8,** 83
King as, **8,** 3
land tax, how far assessable for, **18,** 308 n.
lease, consent to, **18,** 383
licence as to, **18,** 344, 345, 383
licence of, alienation, for, **24,** 287
copyholder to lease lands, to, **18,** 344, 345
stranger to put cattle on common, to, **4,** 500
tenant, to, for various purposes, **8,** 52—54
limited owner as, **8,** 21. *See* tenant for life, *infra.*
lunacy of, **8,** 83
grant of copyholds not invalidated by, **19,** 452
mandamus to compel admittance by, **8,** 105, 106
manorial tenants, classes of, **8,** 66, 67
market, right to hold, **8,** 7
tolls, exemption from, of, **20,** 40, 41
married woman as, **8,** 12, 83
mines and minerals, rights to, of, **4,** 503; **8,** 22—24; **20,** 509
partition of copyholds and customary freeholds subject to consent of, **21,** 826
petition by, costs of, Settled Land Acts, under, **25,** 650 n.
probate in common form of tenant's will, effect of, **14,** 212
quit-rents, right to, **8,** 46, 58
reliefs, right to, **8,** 45, 46, 59
remedies against tenant of, **8,** 56—59
rent of assize payable to, **8,** 46; **24,** 285
rights of, **8,** 22—59; **24,** 143
schools, sites for, power to grant land for, **12,** 118
seizure
absolute by, **8,** 47, 56
quousque by, suspending tenancy, **8,** 33, 47, 56—58, 106; **27,** 861 n. *See* SEIZURE.
several, in case of divided manor, **8,** 12, 20
sporting rights of, **8,** 25, 26; **15,** 215
steward as servant of, **8,** 60
suicides, right to goods of, **8,** 7
surrender of copyhold to use of charity, consent required for, **4,** 124
tenant, reciprocal obligations and rights of, **24,** 139, 140, 155
rights as against, **8,** 46—52, 56—59
tenant for life as, fines, right to, **8,** 26; **25,** 607 n.
powers of, **25,** 658
purchase of manorial lands by, **8,** 21
timber, rights in relation to, **8,** 24, 25
tolls, right to, **8,** 7
transfer of tenancy, how affected by, **24,** 287
treasure trove etc., right to, **8,** 7
trespass, action for, by copyholder against, **8,** 70
waifs, right to, **8,** 5

LORD OF THE MANOR—*continued.*
waste lands of manor, rights over, **8,** 5, 20, 21, 25; **15,** 215. *See* commons, *supra.*
wreck, right to, **3,** 549; **8,** 5—7, 20; **28,** 381
ancient survey not evidence of, **28,** 381 n.

LORD STEWARD,
change of Ministry as affecting, **7,** 107
coroner of King's household appointed by, **8,** 230
delivery of depositions to, by coroner of King's household, **8,** 231
jurisdiction of, **8,** 231

LORD'S DAY. *See* SUNDAY.

LORDS COMMISSIONERS,
assent to Bill in Parliament by, **21,** 724
Parliament, opening of, by, **21,** 696. *See also* LORD CHANCELLOR.
prorogation of, by, **21,** 700

LORDS, HOUSE OF. *See* HOUSE OF LORDS.

LORDS SPIRITUAL,
defined, **21,** 619
appointment of, **21,** 619
avoidance of see of, effect of, **21,** 260
duration of service of, **21,** 620
introduction into House of Lords of, **21,** 691
lords of Parliament, as, **11,** 403, 404; **21,** 619—621; **22,** 262
number of, **21,** 620
peer, right to be present at trial of, **21,** 621
place set apart in the House for, **21,** 621
prayers and services conducted by, **21,** 622, 635
privileges extended to, **21,** 619, 621
resignation, effect of, **21,** 620
trial by nobility, not entitled to, **21,** 621
vacancy among, how filled, **21,** 620

LORDS' JOURNALS,
House of Lords' judgments proved by copy of, **13,** 551

LORDSHIP,
manor, in relation to, **8,** 3 n., 4 n.; **24,** 156

LOSS,
accidental, equitable relief in case of, **10,** 414 n.; **13,** 10, 25, 27, 43, 153 n.
what is, **21,** 467, 470; **26,** 114, 115, 132, 535
act of God, caused by, **4,** 9; **17,** 321; **21,** 468; **26,** 108. *See* ACT OF GOD.
adjustment of, equity, in, **13,** 69 n., 70
marine insurance, in, **17,** 495. *See* ADJUSTMENT.
tenant for life and remainderman, between, **25,** 621—623
assets, of, executor chargeable with, when, **13,** 27; **14,** 319, 323, 324
banknote, of, conversion in case of, **27,** 912
recovery of amount on indemnity, **1,** 474
benefit and, proportionate distribution of, **13,** 69 n., 70
bill of exchange etc., of, presumption as to stamp in case of, **2,** 576; **13,** 516
rights in case of, **2,** 503 n., 514, 515; **7,** 449
bond, of, action in case of, **3,** 101; **13,** 7 n., 25

LOSS—*continued.*
breach of contract, sustained through, **7,** 439—441; **10,** 303, 313—316, 332
British nationality, of, **1,** 316—319; **6,** 340, 341. *See* BRITISH NATIONALITY.
building
contract, forming basis of damages under, **3,** 240
society's, member's liability for, **3,** 351, 368
rules to provide for meeting, **3,** 332
business, of, as affecting value of land acquired compulsorily, **6,** 36
through delay in delivery of goods, **4,** 60
cargo, of. *See* CARGO; LOSS (Marine Insurance).
cattle, of, through plague, **20,** 706 n.
charter, of, presumption as to, **11,** 267
chattel, of, bailee's liability in case of, **1,** 541, 544, 545, 560; **10,** 338; **25,** 180
common carrier, by, **4,** 8, 17
destruction, by, **22,** 397
finder's rights in case of, **1,** 528—531; **22,** 394, 395, 400; **27,** 905. *See* FINDER.
intermixture, by, **1,** 542, 543
larceny, consequent on, **9,** 630, 631
legal possession remains in owner on, **22,** 392
negligence, due to, **21,** 485—489
ownership acquired by occupancy in case of, **22,** 400
workman's liability in case of, **1,** 546, 560
collision of ship, by. *See* Loss (Marine Insurance),
common carrier, by, address of consignee being imperfect, through, **4,** 16
insurance against, effect of, **4,** 14, 27, 59
liability for, **4,** 8—14; **21,** 429, 430
measure of damages in case of, **4,** 17—20
negligence, in case of, **4,** 18 n., 19, 22, 23, 30
notice limiting, **4,** 16, 22, 26
special contract affecting, **4,** 9, 16, 26—30
statutory limitation of, **4,** 21—27
company, by, director's liability for, **5,** 230—232
when chargeable to capital, **5,** 119
consignee's liability in case of, **7,** 345; **26,** 268, 271, 273
consignor of goods, due to act of, **4,** 8, 9, 15, 20
deed, of, **10,** 414
delay in delivery of goods, caused by, **4,** 16—20, 23, 59, 60; **10,** 334
distrain, of right to, **11,** 151—155
document, of, banknote. *See* banknote, *supra.*
bill of exchange. *See* bill of exchange, *supra.*
bond, action in case of, **3,** 101; **13,** 7 n., 25
contract, effect on, **7,** 426
county court, issued by, **8,** 621
deed, of, **10,** 414
deed of foundation of charity, of, evidence in case of, **4,** 181
equitable relief in case of, **10,** 414 n.; **13,** 25
evidencing contract, **7,** 426
interrogatories as to contents in case of, **11,** 102
presumption as to proper stamping of, **2,** 576; **13,** 506, 516
search in case of, objection to sufficiency of, **13,** 518, 519
secondary evidence in case of, **4,** 155; **13,** 516, 518, 519; **15,** 465; **25,** 350, 536 n.
domicil, of, **6,** 185, 193, 196
easement, in respect of, on compulsory acquisition of land, **6,** 47, 165
explosion, by, **17,** 446, 532
felonious act, due to, **4,** 25, 26; **9,** 449

LOSS—*continued.*
fire, by, insurance against, **17,** 530—532. *See* FIRE INSURANCE.
freight, of. *See* FREIGHT, insurance.
future apprehended, action seeking protection against, **13,** 51; **17,** 208
general average. *See* Loss (Marine Insurance).
grant, of deed of. *See* LOST GRANT.
hospitality, of, caused by defamation, **10,** 324
income tax repayment in case of, **16,** 638, 650
inherent vice, due to, **1,** 560; **4,** 10, 15, 35, 85; **17,** 434, 435
injunction in respect of loss sustained, **17,** 206--208
innkeeper, by, burden of proof in case of, **13,** 434
liability of, in respect of, **17,** 314—323
jettison, through excessive, **26,** 74
King's enemies, due to, **4,** 9; **17,** 321, 439, 442; **26,** 108, 132
leakage or breakage, by, liability in respect of, **17,** 434; **26,** 115
lien, of, by parting with possession etc., **1,** 199; **19,** 28, 29
life, of, damages for. *See* FATAL ACCIDENTS ACT.
limitation of liability in respect of, on ship, **26,** 613
negligence, due to, **4,** 5; **21,** 454—463; **26,** 517, 523. *See* NEGLIGENCE.
Workmen's Compensation Act, 1906, and, **20,** 163; **26,** 520 n. *See* WORKMEN'S COMPENSATION.
life insurance policy, of, indemnity in case of, **17,** 565
marine insurance, in. *See* Loss (Marine Insurance).
adjustment of. *See* ADJUSTMENT.
market, of, damages for, **4,** 18 n., 20, 35; **10,** 333; **21,** 485
minimising, duty of, **10,** 338; **17,** 457; **27,** 490
misrepresentation, through, **20,** 705. *See* life, *supra.*
negligence, caused by, **21,** 378—381, 485—489,
common carrier, of *See* common carrier, *supra.*
marine insurance, in case of, **17,** 425 n.; **26,** 116, 117, 151
office, of, compensation for. *See* OFFICE.
particular average. *See* Loss (Marine Insurance).
partnership business carried on at a, **22,** 93
division among partners of, **22,** 64
funds from which payable, **22,** 103
presumed from sharing of, **22,** 9
passengers' luggage, of, **4,** 41—44; **26,** 522
pawn-ticket, of, declaration as to, **22,** 253
pawned goods, of, on whom falling, **22,** 243
pecuniary, accident, by, **4,** 58
breach of contract, by, **10,** 332
interest claimable in respect of, **10,** 332; **14,** 324; **26,** 541
misrepresentation, by, **20,** 705
perils of the sea, by, **17,** 433, 436, 446; **26,** 110
perishable goods, of, **4,** 10, 35, 85; **17,** 434; **26,** 225
plaintiff's own act, consequential on, **10,** 305, 322; **17,** 319, 439; **27,** 915
possession, of, effect of, **22,** 392, 396, 397, 399, 400; **27,** 903, 904. *See* POSSESSION.
post, in course of transmission through, **7,** 449 n.; **22,** 642, 643
profit, of, charterer's right to recover, **26,** 210, 540
damages for, **4,** 17, 19; **20,** 705; **21,** 485; **26,** 540. *See* PROFITS.

LOSS—*continued.*
property, of, finder, larceny by, **9,** 630
rights as to, **22,** 394, 395, 400; **27,** 905. *See* FINDER.
metropolitan hackney or stage carriage, in, **27,** 304, 305
misrepresentation, through, **10,** 340; **20,** 706
ownership, effect on, **22,** 392, 396, 400
rateable value, effect on, **24,** 33
receiver's liability for, **24,** 398—400; **25,** 623
reduction of, neglect to act with a view to, **10,** 335; **17,** 457; **27,** 490
remoteness of cause as affecting, **10,** 318—322, 340; **17,** 432, 435—438, 439 n.; **26,** 232. *See also* REMOTENESS OF DAMAGE.
residuary appointments, liability of, to bear, **23,** 41, 42
restitutio in integrum in case of, **10,** 302, 303
servant, due to act of, **4,** 25, 26; **20,** 244—257; **26,** 525, 526
service, of, action for seduction based on, **20,** 270, 271. *See* SEDUCTION.
settled property, of, by whom borne, **25,** 621—623, 670, 689, 700. *See* trust property, *infra*; SETTLED PROPERTY.
ship, of. *See* Loss (Marine Insurance).
small holdings scheme resulting in, payment by Board of Agriculture and Fisheries, **26,** 678
special contract excusing from ordinary liability for, **4,** 9, 16, 26—30
surety's rights where securities held by creditor are lost, **15,** 561—563
third person's act, through, **4,** 8
title deeds, of, equitable relief in case of, **13,** 26; **25,** 350
tort, as the result of, damages payable, **10,** 303, 304, 317
assessment of, once and for all, **10,** 309
duty to minimise, **27,** 490
natural and probable result of acts complained of, **10,** 340; **27,** 472
trover in respect of, **27,** 888 n., 904, 905, 910
negligence of owner as a defence, **27,** 915
trust property, of, tenant for life and remainderman, as between, **25,** 621—623, 700
trustees, liability of, **25,** 670, 689, 700; **28,** 118, 129, 190
wear and tear of ship, by. *See* Loss (Marine Insurance).
will, of, probate in case of, **14,** 161
subsequent will, of, effect on earlier will of, **28,** 567
written contract, of, effect of, **7,** 426

LOSS (MARINE INSURANCE). *See also* MARINE INSURANCE.
act of assured, due to, **17,** 438—440, 457
actual total, what is, **17,** 472. *See* TOTAL LOSS.
adjustment of. *See* ADJUSTMENT
animal on board ship, of, insurer's liability for, **17,** 435
calculation of, **17,** 454, 459, 460, 463, 464, 484
cargo, of, advance freight, how affected by, **26,** 235, 312
captain's liability in case of, **26,** 224, 225, 526
charterer's liability in respect of, **26,** 133, 134, 203, 613
collision, by reason of, **26,** 522, 541
constructive, **17,** 481, 485
jettison, excessive, by reason of, **26,** 74
limitation of liability in respect of, **26,** 613

LOSS (MARINE INSURANCE)—*continued.*
cargo—*continued.*
partial, **17,** 463—466
shipowner's liability in respect of, **26,** 107—118, 224, 232, 233, 280, 288—291, 613
total, **17,** 474—476
chemical changes, by, underwriter not liable, **17,** 435
collision of ship, by, adjustment of, **26,** 516—524
compulsory pilotage, effect of, **26,** 519, 520, 529—531, 611
form of action for, **26,** 523, 544
maritime peril, as a, **17,** 436, 440—442; **26,** 114, 500
constructive total, what is, **17,** 379 n., 439, 462 n., 472, 481, 484. *See* TOTAL LOSS.
debt and costs paid to bottomry bondholder not taken into account in case of, **17,** 485 n.
delay, by, **17,** 435, 436
expenses incurred to avert, **17,** 459
explosion, by, insurer's liability in respect of, **17,** 446, 532
fire, by, **17,** 442; **26,** 111
general average, *defined*, **17,** 447, 448; **26,** 315
particular average loss, distinguished from, **17,** 448; **26,** 315
when added to, **17,** 459
sail, by press of, **17,** 509
ship and equipment, of, when arising, **26,** 319
jettison, excessive, through, **26,** 74
minimising of, duty of assured as to, **17,** 457
nature of loss insured, **17,** 336, 394 n.
negligence, due to, **17,** 425 n.; **26,** 116, 117, 501
partial, freight, of, rule as to amount recoverable for, **17,** 470, 478
where insured by valued and unvalued policies, **17,** 470
goods, of, measure of indemnity in case of, **17,** 463—466
recovery of, in action to recover total loss, **17,** 478, 502
ship, of, rules of underwriter's liability, **17,** 346 n., 466, 477
underwriter's liability in respect of, **17,** 346 n., 459, 460, 463—470, 478
what is, **17,** 471
particular average, general average loss, distinguished from, **17,** 448; **26,** 315
recovery from underwriters, **17,** 455, 456, 457
salvage charges do not constitute, **17,** 459 n.
successive, aggregation of, **17,** 459
perils of the sea, by, **17,** 433, 436, 446; **26,** 110
princes, pirates, thieves etc., through acts of, **17,** 443, 444; **26,** 109, 113
proof of, **17,** 375, 376, 383
proximate cause of, animals insured, in case of, **17,** 435
construction, rule of, as to, **17,** 347, 437, 438
detention as, **17,** 438, 439
freight, application of rule in case of, **17,** 477
hypothecation of cargo as, **17,** 438
importance of, **17,** 432, 435, 438, 439 n., 477
misconduct of assured, **17,** 432
rats and vermin as, **17,** 433
ratification of policy after, **17,** 360
recovery by assured of, **17,** 495—504
reinsurance, proof of maritime loss in case of, **17,** 375, 376
set-off of premium against, **17,** 350, 351, 353
settlement of, effect of, **17,** 495
mode of, **17,** 352, 353, 358, 495, 496

LOSS (MARINE INSURANCE)—*continued.*
settlement of—*continued.*
practice and evidence in case of, **17,** 502—504
usage of Lloyd's in respect to, **17,** 352, 353
ship, of, barratry, due to, **17,** 444, 445; **26,** 112
blockade, occasioned by, when excusing underwriter, **17,** 438, 439
bottomry bond, effect of, on, **1,** 66; **26,** 73
collision, by, **26,** 538. *See* collision, *supra.*
fire, by, **17,** 442; **26,** 111
freight insurance, effect on, **26,** 105
general average claim, in, **26,** 319
inherent vice, through, **17,** 435
inquiry into, **26,** 591—595
partial, **17,** 459, 466—470, 482. *See* partial, *supra.*
damages recoverable on, **26,** 539
presumption of, when, **17,** 383, 476
reports to be made of, **26,** 590, 658
return of freight on, **26,** 105
successive, adding together of, **17,** 459
total, **17,** 473, 474, 476, 482, 484
damages recoverable on, **26,** 538
what is, **17,** 472—478. *See* TOTAL LOSS.
underwriter's liability in respect of, **17,** 438, 454—490
warranty to sail with convoy, in breach of, **17,** 417
total. *See* TOTAL LOSS.
wear and tear of ships, by, **17,** 433, 434

LOST ART,
rediscoverer of, as a first and true invention, **22,** 131, 145

LOST GRANT,
air to cellar, right to, of, **11,** 264 n.
charitable trust, presumed in case of, **4,** 181 n.
charter from the Crown, of, **11,** 267
common, rights of, as to, **4,** 486, 487, 488
cutting litter, for, **4,** 487 n.
doctrine of, limitation of, **11,** 265, 266
origin of, **11,** 265 n.
easement claimed under, **11,** 264—268
enrolment, affecting presumption of, **11,** 267
fair, of, **20,** 8
fishery rights, of, **4,** 181 n.; **11,** 264 n.; **14,** 587, 588; **28,** 366 n.
foreshore, of, **28,** 366
illegal, no presumption when grant would have been, **4,** 486; **11,** 267; **13,** 506 n.
impossible, no presumption when grant, **11,** 267, 268
manor court rolls lost, custom how established in case of, **4,** 491
market, of, **20,** 8
origin, legal, presumed from long enjoyment, **11,** 265, 267; **13,** 506
other than grant, effect of, on, **4,** 487
perpetual grant presumed, **11,** 268
pew, faculty for use of, as, **11,** 264 n.
pleading, rules of, **4,** 487; **11,** 268
prescription, relation of, to doctrine of, **4,** 487, 488; **11,** 256—260, 268
profit à prendre, of, **4,** 488; **11,** 343, 344, 345
proprietary rights, of, **13,** 506
right of way, of, **4,** 487 n.; **11,** 264 n.
servient tenement, absolute grant by owner of, presumed, **11,** 268
consent of owner of, presumed in case of, **4,** 487; **11,** 266, 268; **13,** 506

LOST GRANT—*continued.*
sluices, to open, **11,** 264 n.
succession of grants lost, case of, **11,** 268
tolls, of, **20,** 8
user
as of right, necessary to presumption of, **11,** 266
long though not immemorial, raises presumption of, **11,** 265; **20,** 8
uninterrupted, presumption raised by, **11,** 266
waiver of private statutory provisions presumed, when, **4,** 486; **11,** 267

LOST PROPERTY. *See also* LOSS.
finder's rights as to, **22,** 394, 395, 400; **27,** 905. *See* FINDER.
finding, when larceny, **9,** 630
metropolitan hackney or stage carriage, found in, **27,** 304, 305
ownership of, **22,** 392, 396, 400

LOT. *See also* LOTS, SALE IN.
building society, advance by, depending on, effect of, **9,** 548 n.
compulsory purchase, appointment of umpire by, **6,** 80
mineral duty in Derbyshire known as, **20,** 641, 643
partition of land etc., by, **4,** 478; **15,** 301; **21,** 814
prizes, distribution of, by, is a lottery, **9,** 547; **15,** 299
profits distributed by, effect of, **15,** 301
sales by, are void, **15,** 302

LOT MEADOW,
customs as to, **4,** 478, 479
inclosure of, **4,** 542

LOTS, SALE IN,
goods, of, auction by, separate contracts in case of, **1,** 505; **25,** 280
land, of, abstract of title in case of, **25,** 349
auction, by, separate contracts in case of, **1,** 504, 505
building society, in case of, **17,** 6
custody of title deeds on, **25,** 337
trustee, by, **28,** 150
leasehold, of, how effected, **25,** 431; **28,** 150 n.

LOTTERY,
defined, **9,** 547; **15,** 287 n., 299—301
advertising, penalty in case of, **9,** 548 n.; **15,** 303; **23,** 222
aiding and abetting the keeping of, offence of, **9,** 548; **15,** 302
appeal from conviction, **15,** 302 n.
Art Union, whether a, **9,** 547 n.; **15,** 301
automatic machine as, **15,** 301 n.
ballot, distribution by, **17,** 6 n.
chance, essential element, as, of, **9,** 547; **15,** 300
gratuitous, not a, **15,** 300
contract, illegality of, **7,** 401; **15,** 299
corporation, conducted by, liability in case of, **8,** 391
foreign, as to, **15,** 302, 303 n.; **27,** 164 n.
illegality of, common law, at, **15,** 285, 301, 302; **21,** 541
statute, by, **9,** 547; **15,** 285, 300 n., 302; **21,** 541
indictment in respect of, **9,** 547; **15,** 301
legal, when, **9,** 547 n.

LOTTERY—*continued.*
legitimate business as, **15,** 301
limerick competition as, **15,** 300 n.
limited company, as to conviction of, for, **15,** 302 n., 303 n.
missing word competition as, **9,** 547 n.
nuisance, public, as a, **9,** 547; **15,** 301; **21,** 541
partition of land by lot, **4,** 478; **15,** 301; **21,** 814
penalty, amount of, in respect to, **9,** 547 n.; **15,** 302—304
Attorney-General and recovery of, **15,** 287 n., 304
place for, *defined*, **15,** 302
gaming-house, as, **15,** 304
keeping of, offence of, **9,** 547, 548; **15,** 301, 302, 304
player at, liability of, **9,** 547 n.; **15,** 304
prize offered with goods sold, position as to, **9,** 547 n.; **15,** 300 n., 302 n.
profit made by organiser, as to, **15,** 299 n.
promises conditioned upon result of, are void, **15,** 300
publishing the setting up of, offence of, **15,** 303 n.
quarter sessions, offence triable at, **9,** 548 n.
sale of
shares in, offence of, **15,** 302
tickets for, offence of, **9,** 548 n.
sales by, are void, **15,** 301, 302
schemes for making, offence of, **15,** 302
search warrant in respect of, issue of, **15,** 303
skill, element of, effect of, **9,** 547; **15,** 300
sweepstake as a, **9,** 547 n.; **15,** 267 n., 299 n.
wager, element of, in, **15,** 300

LOW WAGE CONTRIBUTOR
National Health Insurance, with reference to, 23, 912 n.

LOW-WATER MARK,
defined, **28,** 359 n., 361
alteration of, effect of, **3,** 119; **7,** 116; **28,** 362
fishing rights, in relation to, **28,** 360, 361 n
foreshore, in relation to, **3,** 118, 119; **28,** 361, 362, 363
high seas, with reference to, **28,** 359
soil
below, Crown rights over, **7,** 142, 177; **28,** 360
mining rights in, as to, **7,** 143; **28,** 360, 364 n.
title to, by usage, **3,** 118, 119; **28,** 360
beyond, Crown rights over, **28,** 360

LOW WINES,
defined, **18,** 18 n.; **24,** 623
duty in respect of, **24,** 623, 624
excise licence for making, **18,** 18

LOWESTOFT,
customs of the port of, **10,** 293

LUCID INTERVAL,
contract made during, **19,** 396, 399
deeds executed during, validity of, **19,** 399
degree of lucidity required for, **19,** 395; **28,** 533
disposition of property during, validity of, **19,** 399
gift *inter vivos* made during, validity of, **15,** 403
marriage during, **16,** 282; **19,** 401
presumption of law against, **19,** 407

LUCID INTERVAL—*continued.*
proof of, burden of, **19,** 407, 408 n.
crime, in case of, **19,** 408 n.
validity of act done during, **19,** 395, 399
verdict of lunacy, term used in, **19,** 394, 395
vote at election during, **12,** 140
will made during, validity of, **15,** 403 ; **19,** 396, 399 n., 403 ; **28,** 533

LUCIFER MATCHES,
analysis of materials used in manufacture of, by factory inspector, **14,** 478
carriage on emigrant ship of, prohibition of, **26,** 345
phosphorus in, poisoning by, notice as to, **14,** 476
restrictions as to, **14,** 478, 479, 480 n.
rules under Factory and Workshop Acts as to manufacture of, **14,** 480 n.
works, *defined*, **14,** 439
child employment in, restriction as to, **14,** 477
meals taken in, restrictions as to, **14,** 478
non-textile factory, as a, **14,** 437

LUDLOW,
court leet of, **9,** 179
local court of, **9,** 179

LUGGAGE,
defined, **4,** 40, 41
addressing of, conditions as to, **4,** 35, 43
amount permitted to be conveyed, **4,** 40 ; **21,** 428
carrier's
liability in respect of, **4,** 11, 40—43 ; **21,** 428 ; **26,** 522, 613 n.
commencement of, **4,** 11, 42
lien in respect of, **1,** 548 ; **4,** 42 ; **26,** 329
charge for carriage of, **4,** 40, 42
dangerous, offence to carry, **4,** 27, 46
excursion train, in case of, **4,** 40
facilities to be afforded for carriage of, **4,** 40 ; **21,** 428
general average adjustment, liability in case of, **17,** 511
goods not comprised in, examples of, **4,** 40, 41
innkeeper, lien by, on, **1,** 549 n.
reception by, of, **17,** 307
passenger, of, what is, **4,** 40, 41
passenger train, carriage by, of, **4,** 33
personal control of passenger, in, liability in case of, **4,** 42
post bags as, **4,** 71
railway cloak-room, in. *See* CLOAK-ROOM.
railway company's
duties with regard to, **1,** 549 ; **4,** 4, 6 n., 40—44 ; **21,** 428
limitation of liability in respect of, **1,** 549 ; **4,** 29, 43 ; **21,** 428 ; **26,** 613 n.
railway porter's duty with regard to, **4,** 42, 43
servant, belonging to, right of action in case of, **4,** 41, 96
in charge of master's, liability in case of, **4,** 41
ship, carried on, **17,** 511 ; **21,** 429 ; **26,** 329, 522, 613 n.
special contract for carriage of, **4,** 43 ; **26,** 522
stage carriage, carried on, restrictions as to, **27,** 294
through ticket, carried under, liability in case of, **4,** 43, 44, 55
tort, action in, for injury to, **4,** 8, 41 ; **26,** 522
traffic includes, **4,** 65 n.

LUMP FREIGHT,
contract for payment of, effect of, **26,** 310, 311

LUMP SUM,
building contract, in case of, effect of, **3,** 183, 184, 222, 231
meaning of, **3,** 182, 185
specially indorsed writ in case of, **3,** 222
claim for, particulars must be given of, **22,** 457 n.
contract, building construction, for, **3,** 182—185, 222, 231
stockbroker's right to contract on behalf of several clients with jobber for, **27,** 221

LUNACY. *See also* CRIMINAL LUNATIC; INSANITY; LUNATIC; PAUPER LUNATIC.
The title LUNATICS AND PERSONS OF UNSOUND MIND *is contained in Vol. XIX., pp.* 389 *et seq.*
defined, **19,** 392
administration *durante dementiâ*, **14,** 199, 200
affiliation order, effect of mother's lunacy on, **2,** 451
agent, of, effect of, **1,** 234
appeal, judge's order, against, **9,** 96 ; **19,** 412 n., 519
justices, against, adjudication of settlement, as to, **19,** 497
expenses, as to, **19,** 494
penalties, in case of, **19,** 529
Lord Chancellor's order, against, **9,** 95 ; **19,** 412 n.
master's order, against, **19,** 413
applications in, control of lunatic's person, for, **19,** 416
detention, particulars of, for, **19,** 526
how made, **19,** 412, 430, 444 n.
inquisition, to quash finding of, **19,** 422
mortgage to lunatic, in case of, **19,** 454
supersedeas, for, **19,** 425, 426
bankers, order to, for payment, **19,** 461, 462
benefit of lunatic paramount consideration in exercise of powers in, **19,** 413, 417, 437, 449, 460
board, light railway construction and maintenance by, **27,** 819 n.
visitors, of, **19,** 467
British possessions, jurisdiction in regard to property in, **19,** 413
building society trustee, of, effect of, **3,** 348, 380
canon, of, **11,** 422
champerty in relation to proceedings in, **19,** 460, 461
chancery jurisdiction in, **13,** 10 n. ; **19,** 406, 411, 412, 453, 454
chancery visitor, **19,** 467, 469, 470
clerk to, **19,** 469
charging order, summons for, **19,** 441
charity land trustee, of, **4,** 279
clerk, chancery visitors, to, **19,** 469
visiting committee, to, **19,** 468
commission of inquiry to master in, **9,** 95
Commissioners. *See* LUNACY COMMISSIONERS.
committee of person and estate in. *See* COMMITTEE OF LUNATIC ; QUASI-COMMITTEE.
common law, issue at, on inquisition of, **19,** 406
compulsory purchase of land, order with reference to, **6,** 57, 109, 110 ; **19,** 413, 444, 445
contract, effect on, **19,** 396. *See* LUNATIC, contract of.

LUNACY—*continued.*
copy of reception order and certificates, how obtainable, **19,** 428, 524
costs, order for, **19,** 412 n., 449, 459—461
county borough, representation of, on visiting committee in, **19,** 467 n.
county court jurisdiction in, **8,** 669, 670; **19,** 415, 452 n., 502
criminal lunatic. *See* CRIMINAL LUNATIC.
dean, of, **11,** 422
death of lunatic abating proceedings in, **19,** 457
deceased lunatic, administration of estate of, **19,** 457, 458, 460 n.
defence of, crime, in case of, **9,** 241. *See* CRIMINAL LUNATIC.
misconduct during marriage state, in case of charges of, **19,** 402
tort, to, **19,** 403
discovery in proceedings in, **11,** 48, 49, 86; **19,** 466
estoppel by reason of finding on inquisition in, **13,** 329, 338 n., 341
evidence of, **13,** 448; **19,** 406—410, 417, 418
commission, by, where witness abroad, **19,** 418
conduct, by, **19,** 408
crime, in case of, **9,** 241, 242
issues to be tried in, **19,** 406
limitation in point of time of, **19,** 421
presumptions in, **19,** 407
exchange of lunatic's property, order as to, **19,** 445
foreign
curator, transfer of property to, **19,** 453
judicial declaration of, when required, **19,** 453
guardians, chairman of, power to make reception orders, **19,** 499
powers on visitation of patients, **19,** 517, 524
idiot, position with regard to, **19,** 393—395, 526, 527. *See* IDIOT.
incumbent of benefice, of, **11,** 630
indemnity to bankers under Lunacy Act, 1890, **19,** 462
inquiry as to, **19,** 416, 419—423; **22,** 91
examination of alleged lunatic, **19,** 421
form of order for, **19,** 419
High Court, trial of issue in, **19,** 420
jury, before, **19,** 420
number of jurors, **19,** 420
jury, without a, **19,** 421
limit of, **19,** 421
lunatic's position, as to, **19,** 423
parties who may attend, **19,** 419
partnership, where insanity is ground of dissolution, **22,** 91
powers of person executing commission, **19,** 419
proceedings before, **19,** 416
quashing of finding on, **19,** 422
special finding, **19,** 422
summons for, **19,** 423
inquisition in. *See* INQUISITION.
inspection of records in, **11,** 48 n., 49; **19,** 427, 428
Ireland, transmission of proceedings between England and, **19,** 427, 459
issue in relation to, common law and chancery action, on trial of, **19,** 406
criminal proceedings, in, **9,** 241; **19,** 406
inquisition, on an, **19,** 406, 421
probate action, on trial of, **19,** 403, 406
trial of, in High Court, provisions as to, **19,** 420

LUNACY—*continued.*
judge in, appeal from order of, **9,** 96
dissolution of partnership, power as to, **22,** 89
gifts out of lunatic's estate, jurisdiction to make, **15,** 403
inspection of records, leave for, **19,** 427
jurisdiction of, appellate, **19,** 413
death of lunatic, in case of, **19,** 457
exercised, by whom, **9,** 95, 96; **19,** 412
stock standing in lunatic's name, as to, **19,** 452
transfer of, to, **9,** 94
performance of lunatic's contract, order for, **19,** 400
jurisdiction in, paramount consideration in exercising, **19,** 413
justices, jurisdiction of, in, **19,** 637, 638
land acquired for purposes of Lunacy Act, 1890, conveyance of, **19,** 481
lease of lunatic's property, order authorising, **19,** 446, 447
Lord Chancellor's jurisdiction in, delegation to High Court, **7,** 64; **9,** 94; **19,** 412
Lords Justices of Court of Appeal, jurisdiction of, **9,** 94, 95; **19,** 412
transfer of, **9,** 94
lucid interval, effect of. *See* LUCID INTERVAL.
Lunacy Acts, enumeration of, **19,** 412 n.
master in. *See* MASTER IN LUNACY.
medical
affidavits, **19,** 417 n., 426 n.
detention of lunatic alleged to be wrongful, when, **10,** 54
certificates in, detention of lunatic on urgency order, for, **19,** 500 n.
discharge of lunatic, on, **19,** 522
prevention of, for, **19,** 522, 523
protection of persons signing, **19,** 522, 523, 530 n.; **20,** 337
removal of pauper on, **19,** 520
evidence, admissibility of, as to, **9,** 242; **19,** 409
practitioner, privilege in giving evidence, as to, **20,** 337
witness in cases relating to, as, **20,** 337
Lord Cottenham, L.C., criticism by, **19,** 410 n.
opinion after examination of patient, **19,** 409, 410
without examination of patient, **19,** 409 n.
report. *See* report, *infra.*
metropolitan police court magistrate, powers of, **19,** 502
new trial in, as to, **19,** 425 n.
non compos mentis, divisions and classification of term, **19,** 393 n.
office copies of orders etc. as evidence, **19,** 461
validity of, **19,** 461, 462
officials in office of, **9,** 96
order in, as evidence, **19,** 461 n.
how entitled, **19,** 452 n.
how made, **19,** 412 n.
partial, legal recognition of, **19,** 393, 394, 396
petition in. *See* PETITION (Lunacy).
presumption in favour of sanity, **19,** 407
Public Trustee, duties of, **19,** 466
quarter sessions, jurisdiction of court of, in, **19,** 637, 638
quasi-committee, powers and duties of. *See* QUASI-COMMITTEE.

LUNACY—*continued.*
receiver
appointed under Lunacy Act, 1890, s. 116. *See* QUASI-COMMITTEE.
appointment of, for special purposes, **19,** 414, 418; **24,** 343
dividends, of, **19,** 414
interim, pending an inquisition, **19,** 418
poor law guardians' application, on, **19,** 495
rents, of, death of lunatic, after, not appointed, **19,** 457
reception order in. *See* RECEPTION ORDER.
records filed in, destruction of, **19,** 428
inspection of, **19,** 427, 428, 526
registrar in, transfer of duties of, **9,** 96
relator in charity action, of, **4,** 325
report in, Chancery visitors, by, **19,** 469, 470
Commissioners, by, Local Government Board, to, **19,** 473
Lord Chancellor, to, **19,** 473
medical, destruction of, on recovery of patient, **19,** 428
inspection of, **11,** 48 n.; **19,** 427, 428
judicial inquisition, in, **19,** 427, 428
pauper lunatics, on, **19,** 473
person detained without order or certificate, on, **19,** 473
private patients, on, **19,** 514
medical officer of union, by, **19,** 471
visiting committee, by, **19,** 471
visitors appointed for county or borough, by, **19,** 472
rules in, Lord Chancellor, by, **9,** 95
seised, *defined*, Lunacy Act, 1890, in, **19,** 454 n.
solicitor's fees in proceedings in, scale of, **19,** 461
specially appointed justices, appointment of, **19,** 637
licensing authorities for houses, are, in counties, **19,** 637
statutory notices in, neglect to send, **19,** 528
summary reception order in, *defined*, **19,** 505
applicable, when, **19,** 505
guardians, chairman of, by, **19,** 499
justice of the peace, by, **19,** 499, 507, 508
lunatic not under control or cruelly treated or neglected, **19,** 505, 506
pauper lunatic, for, **19,** 506, 507
suspension of execution of, **19,** 509
urgency, in cases of, **19,** 509
wandering lunatic, for, **19,** 508
supersedeas in, inquisition, person of unsound mind not so found by, **19,** 425, 426
completion of, effect of, **19,** 426
degree of recovery required, **19,** 426
part, in, **19,** 426
partial, application for, how made, **19,** 426 n.
petition for a, **19,** 412, 425, 426
terms, upon, **19,** 426
payment of court percentage, before, effect of, **19,** 459
testamentary papers, lodgment of, in lunacy office, **19,** 434
transfer of funds from chancery to lunacy account, as to, **19,** 412 n.
traverse in, **19,** 424, 425
payment of court percentage, before, effect of, **19,** 459
petition for, **19,** 412
right to apply for, when barred, **19,** 425

LUNACY—*continued.*
trustees, new, appointment of, **19,** 413, 414, 455
urgency order in, **19,** 500, 501, 509, 510
visitation in. *See* VISITATION IN LUNACY.
witnesses, commission to take evidence of, **19,** 418
summoning of, **7,** 304; **19,** 530

LUNACY BOARD,
light railway construction and maintenance by, **27,** 819 n.
visitors, of, **19,** 467

LUNACY COMMISSIONERS,
appointment of, **19,** 466
asylums, provision of, reports as to, by, **19,** 480
visitation of, by, **19,** 466, 470. *See also* VISITATION IN LUNACY.
criminal, in case of, **23,** 270
contract, submission of, to, **19,** 488
detention order, power to make, **19,** 500
discharge of patient, power as to, **19,** 515
duties of, **19,** 466, 467
inquisition on order of, **19,** 416
licensed house, alteration of premises, consent by **19,** 476
regulation of, by, **19,** 477
visitation of, by, **19,** 466, 471, 514, 515
licensing authority, as, **19,** 474
patients, duties on inspection of, **19,** 471, 472
private, visitation of, by, **19,** 514, 515
pauper lunatic, power of removal of, **19,** 520
visitation of, by, **19,** 473
unsatisfactory reports, duties on, **19,** 512

LUNAR MONTH,
defined, **27,** 437
contract referring to. *See* MONTH.

LUNATIC. *See also* CRIMINAL LUNATIC; INSANITY; LUNACY; PAUPER LUNATIC.
The title LUNATICS AND PERSONS OF UNSOUND MIND *is contained in Vol. XIX., pp.* 389 *et seq.*
defined, **19,** 395
abroad, jurisdiction over, **19,** 416, 421, 422, 429 n.
percentage payable to court of income of, **19,** 459
transfer of stock in name of, **19,** 453
absence on leave of. *See* leave of absence, *infra.*
access to, friends, of, **19,** 418, 499
medical practitioner, of, **19,** 418
solicitor, by, **19,** 516 n.
accounts of estate of, **19,** 435
action against committee in respect of, **19,** 458
committee, liability of, as to, **19,** 431, 434, 435, 458
death of patient, effect on liability of committee or *quasi*-committee, **19,** 434
passing of final, on completion of *supersedeas*, **19,** 426
surety, liability of, as to, **19,** 433
vouching and verification of, **19,** 435
act of, validity of, **13,** 16; **19,** 396
action, compromise of, by, sanction necessary, **23,** 167
discovery of documents in case of, **11,** 48, 49
action against, parties to, **1,** 22; **8,** 455; **19,** 462, 464, 465
county court, in, **8,** 455, 469, 479, 480, 537
Mayor's Court, in, **20,** 291 n., 292 n.

LUNATIC—*continued.*
action by, county court, in, moneys paid into court, as to, **8,** 497
effect of lunacy after commencement of, **19,** 463
parties to, **1,** 22; **8,** 455; **19,** 462—464
county court, in, **8,** 455
Mayor's Court, in, **20,** 291 n., 292 n.
plaintiff's title, **19,** 462 n., 463 n.
stay of proceedings, **19,** 462
administration *durante dementiâ*, **14,** 199, 200
administrator, as, grant of probate in case of, **14,** 199, 200, 214
administrator of estate of, duties of, **19,** 457
transfer of property to, **19,** 457
advances for maintenance of, repayment of, **19,** 441
advowson belonging to, **11,** 574; **19,** 448
agency on behalf of a, **1,** 150, 233; **19,** 406; **20,** 260, 261
agent, appointment of, by, effect of, **19,** 406
Agricultural Holdings Acts, appointment of guardian for purposes of, **1,** 268
alien, jurisdiction of court over, **19,** 416, 429 n.
removal abroad of, **19,** 521
annuity for, payment of, **19,** 439
power to purchase, **19,** 438
appearance, default of, by, **19,** 465
Army Act, 1881, provisions of, as to prisoners who are, **25,** 46
arrest of a, privilege in case of, as to, **25,** 819
asylum. *See* ASYLUM.
absence on trial from, of, **19,** 517
care and treatment in, of, **19,** 514—526
diet in, of, **19,** 483
discharge from, of, **19,** 523, 524
escape from, of, **19,** 525
mechanical restraint in, of, **19,** 516
medical report regarding, **19,** 514
out-county, reception of, **19,** 487
removal to or from, of, **19,** 519—521
visits of friends to, **19,** 516 n
workhouse, transfer to, **19,** 513, 514
attachment of, for disobedience to order, **19,** 421 n., 422 n.
Attorney-General, when proceedings to be taken by, **19,** 529
Bank of England, duty of, to act on office copy order, **19,** 461
banker's account of, order as to, **19,** 438, 439
bankruptcy, act of, as to, **2,** 10, 11; **19,** 441
avoidance of settlement on, **2,** 279
cause of action in trustee, as to, **19,** 463
committee, powers of, **2,** 11, 37, 47; **19,** 441
petition in, by, **2,** 37, 47
powers of court as to, **2,** 10
proceedings, representation in, of a, **2,** 11, 231
proof in, by, **2,** 231
public examination in, **2,** 72
undertaking by solicitor in, **26,** 832 n.
benefice, holder of, when a, **11,** 643
patron of, when a, **11,** 574
Queen Anne's Bounty Act, under, **19,** 448
bill of exchange of, **2,** 489, 490
bishop becoming incapacitated as a, **11,** 407
board of visitors, composition of, **19,** 467
bond by a, in respect of, **3,** 83, 100
bond of surety, enforcement of, **19,** 434
breach of promise of marriage by, as to, **16,** 276; **19,** 397 n., 401 n.

LUNATIC—*continued.*
building society, insurance of property vested in, **3,** 348
burial of, asylum visiting committee, powers of, **3,** 545, 546; **19,** 482
dying in asylum, of, **3,** 541, 542, 545; **19,** 482
pauper, of, **3,** 541, 542, 545, 546; **19,** 491
business of, power to carry on, **19,** 445, 446
canon becoming a, **11,** 422
capital of, recourse to, **8,** 669; **19,** 437, 438
Chancery Division's jurisdiction as to property of, **19,** 411, 412
charging order on funds in court of, **14,** 104, 105 n., **19,** 440, 441
charitable gift by, **4,** 143; **15,** 403; **19,** 438 n.
charity trustee as, court's jurisdiction to act for, **4,** 279
citation in probate matter, service of, **14,** 156
classification of, **19,** 393, 394
committee of person and estate of. *See* COMMITTEE OF LUNATIC; QUASI-COMMITTEE.
compulsory purchase of land of, provisions as to, **6,** 109, 110; **19,** 413, 444, 445
conduct of, evidence as to, **19,** 408
contempt of court by failure to produce etc., **7,** 289, 292; **19,** 415
contract of, **19,** 396
burden of proof of knowledge of lunacy, where pleaded, **19,** 397
capacity in relation to, **19,** 396—402
court's confirmation of, **19,** 397 n., 400
direction of issue as to state of mind at execution of, **19,** 399 n.
exceptions to law avoiding, **19,** 397—400
made before lunacy, performance of, **7,** 503; **19,** 400, 447, 448
market overt, in, **19,** 396, 398
necessaries, for, **13,** 16 n.; **19,** 398; **25,** 124
validity of, **7,** 503; **13,** 16; **19,** 396, 397
control over person of, **19,** 416, 424, 425 n., 431
quasi-committee cannot be given, **19,** 416 n.
conversion in equity of property of, compulsory sale of land does not affect, **13,** 111 n.
extent of, when authorised, **19,** 449, 450
management, acts in ordinary course of, effect of, **19,** 451
personalty, moneys representing fines etc. deemed, **19,** 450
power of court to authorise, **19,** 449, 450
purposes for which court authorises, **19,** 449, 450
realty, where money deemed, **19,** 450
surplus money unapplied by court, effect on, **13,** 112; **19,** 449, 450
conveyance
by, in respect of, **19,** 143
validity of, **19,** 143
on behalf of, covenants implied in, **25,** 427
execution of, **19,** 456
co-operative society, as member of, funds of, **17,** 17
copyhold, admittance to, **8,** 65, 66, 104, 105; **19,** 451
customary fine, non-payment of, effect of, **19,** 451
enfranchisement of, **8,** 113, 116
forfeiture of, as to, **8,** 49
lord of the manor becoming insane, effect on grants of, **8,** 83; **19,** 452
steward of a manor becoming insane, in respect of, **8,** 62

LUNATIC—*continued.*
coroner's inquest on death of, **8,** 241, 242 ; **19,** 525
correspondence of, in institution, provisions as to, **19,** 516
costs charged on stock standing in name of, order as to, **14,** 105 n.
county borough, duty of, to provide accommodation for, **19,** 479, 480
county court action in case of, guardian *ad litem*, appointment of, **8,** 455, 479
maintenance, for enforcement of payment of expenses of, **8,** 670 ; **19,** 494
parties to action, **8,** 455, 479
payment into court of sum recovered, **8,** 497
creditors of, position of, **14,** 104 ; **19,** 440, 441
criminal. *See* CRIMINAL LUNATIC.
Crown as guardian of, **6,** 475, 476 ; **9,** 94
cruel treatment of, proceedings on, **9,** 627 ; **19,** 506, 529
curator of, abroad, action by, **19,** 463
transfer of property to, **19,** 453, 464
locus standi of, in bankruptcy proceedings, **2,** 11, 231 ; **19,** 441
custody of person of, **19,** 416, 424, 425 n.
customary fine, non-payment of, effect of, **19,** 451
damages recovered by, application of, **19,** 466
dangerous, justification of detention of, **27,** 884
restraint of, **19,** 530 n.
dean becoming a, **11,** 422
death of, abatement of proceedings on, **19,** 457
administration on, **19,** 457, 458, 495
effect of, **19,** 434
entries and notices respecting, **8,** 241, 242 ; **19,** 519 n., 520 n.
payment of percentage, before, effect of, **19,** 459
procedure on, **19,** 525
recovery of rent after, **19,** 447
death of petitioner, effect on proceedings, **19,** 417
debts of, creditor's remedy against, funds, **14,** 104 ; **19,** 440, 441
deed executed on behalf of, avoidance of, **10,** 360 ; **19,** 396
provisions as to, **10,** 394
validity of, **19,** 396
default in appearance by, proceedings on, **19,** 464, 465
detained without order, visitation of, **19,** 473
detention of, **19,** 499—501. *See aslo* RECEPTION ORDER.
good faith and reasonable care, employment of, **19,** 530 ; **27,** 884
misdemeanour, when a, **19,** 511, 527
proceedings to obtain, **19,** 499
without authority, **9,** 627 ; **10,** 54 ; **19,** 527, 528 ; **27,** 884
director of company becoming, **5,** 240
discharge of, **19,** 522—524
medical certificate may prevent, **19,** 522
medical certificate on, **19,** 522, 523
notice of order of, service of, **19,** 523
private patient, of, persons who may direct, **19,** 522
visitors in lunacy, power of, to order, **19,** 523
discovery, committee, next friend or guardian *ad litem* not compelled to make, **11,** 48, 49, 86 n. ; **19,** 466
divorce proceedings on behalf of, **16,** 498, 504, 505
domicil of, **6,** 192
drunkard regarded as, **13,** 16 ; **19,** 393 n., 394
election on behalf of, **13,** 114, 127

LUNATIC—*continued.*
employment of males in custody of females, as to, **19,** 517
escape of, conniving at, **9,** 510 ; **19,** 529
neglect to return from leave of absence may be treated as, **19,** 518
recapture after, **19,** 518, 525
estate duty paid on behalf of, charge in respect of, **13,** 221 n.
evidence of, capacity as to, **13,** 569 ; **19,** 409
witnesses abroad, procuring of, **19,** 418
writings and handwriting of, as to admissibility of, in issue of sanity, **19,** 409
exchange of property of, how effected, **19,** 445
execution against, stay of, **19,** 466
when levied before lunacy jurisdiction has attached, **19,** 440
execution of documents by, effect of, **10,** 360 ; **19,** 396
restrictions on, **19,** 516 n.
executor, as, grant of probate, **14,** 139, 199, 200
executor of, transfer of property to, **19,** 457
expenditure upon, as to recoverability, **19,** 441, 494 ; **28,** 863
failure to produce, as contempt of court, **7,** 289, 292
false imprisonment, action in respect of, **27,** 884
female patients, employment of males in custody of, **19,** 517
franchise, capacity to exercise, **12,** 140, 143 n., 164
fraud practised on, in respect of, **13,** 16 ; **19,** 143, 397, 402
gift
by, **4,** 143 ; **15,** 403
out of estate of, by judge in lunacy, **15,** 403
to, **19,** 441
guardian, as, exercise of powers, **17,** 129 ; **19,** 455
power of court as to, **17,** 129 ; **19,** 414, 455
of, power to appoint, **8,** 479 ; **19,** 411
proceedings by, **1,** 22 ; **19,** 463, 465
guardian *ad litem* of, appointment of, by court, **1,** 22 ; **8,** 479 ; **19,** 465
county court, in, **8,** 455, 479, 537
consent to procedure by, **8,** 455, 456
defends when lunatic not so found by inquisition, **19,** 463
discharge of order appointing, on lunatic recovering sanity, **19,** 465 n.
discovery against, **11,** 49
divorce proceedings, in, **16,** 504
married woman, eligibility of, **19,** 465 n.
proceedings when lunatic not so found by inquisition, **19,** 463, 465
habeas corpus, production on inquiry on, **19,** 418
writ may issue at instance of, **10,** 54
High Court, trial of issue in, **19,** 420
verdict of, no traverse of, **19,** 425
hospital for, *defined*, **19,** 478
attendance of medical officers at, provision for, **19,** 478
closing order for, **19,** 479
inspection of, prior to registration, **19,** 478
issue of provisional certificate on registration of, **19,** 478
management of, complaints as to, **19,** 479
medical attendance, provisions as to, **19,** 478
officers of, superannuation allowances of, **19,** 479
registered, information which may be required from, **19,** 478, 479

LUNATIC—*continued.*
hospital for—*continued.*
registration of, **19,** 478
regulations of, approval required for, **19,** 478
removal of pauper lunatic from, **19,** 521
visitation of, by Commissioners in Lunacy, **19,** 471
House of Commons, as to seat in, **21,** 656
husband, service of notice of proceedings on, necessity for, **19,** 416, 417
idiot as distinguished from, **19,** 393—395, 407. *See* IDIOT.
illegitimacy of, Attorney-General's attendance, when required, **19,** 423
illegitimate children of, allowances to, **17,** 114 n.; **19,** 438 n.
illtreatment of, prosecution for, facts to be proved, **19,** 529 n.
immigrant, as an undesirable, **1,** 305
incapacity of, agent, to appoint, **19,** 406
agent, to be, **1,** 234
benefice, to present to, **11,** 574
bill of exchange, in respect of, **2,** 490
bond, in respect of, **3,** 83
contract, as to, **19,** 396—402. *See* contract, *supra.*
deed, to execute, **10,** 360; **19,** 396
domicil, to change, **6,** 192
equitable relief, as ground for, **13,** 16
executor, as, **14,** 139
gift, to make, **4,** 143; **15,** 403
House of Commons, as member of, **21,** 656
juror, as, **18,** 230
marriage, in relation to, **16,** 282; **19,** 401, 402
mortgage, in respect of, **21,** 92
parliamentary elector, as, **12,** 140
partnership, in respect of, **19,** 397; **22,** 20
pawning, as to, **22,** 238
promissory note, in respect of, **2,** 490
sue or be sued, to **1,** 22; **19,** 462
tort, in respect of, **19,** 403; **27,** 478, 479
will, to make, **19,** 403—405; **28,** 532—534
witness, to be, **13,** 569
income tax return on behalf of, **16,** 617
infant ward becoming a, **19,** 411
injunction against, **19,** 466
inquisition. *See* INQUISITION.
insurance of, disclosure of facts, **17,** 553 n.; **19,** 400
payment of, **17,** 556; **19,** 439
interim receiver, appointment of, **19,** 418
Ireland, administration of estate in, **19,** 436, 437
appointment of committee when property in, **19,** 436 n.
escape to, **19,** 525
management of personal property in, **19,** 436
order in lunacy in, effect of, **19,** 427
proceedings, transmission of, as between England and, **19,** 427, 459
judge in lunacy, powers of. *See* LUNACY, judge in.
judgment against, proceedings on, **19,** 466
judicial authority, duties of, **19,** 503—506
jurisdiction and powers of, **19,** 502
powers of, on receiving information as to alleged lunatic, **19,** 506
report of, after visitation, in response to desire for interview, **19,** 504
right of patient to be seen by, **19,** 504
what constitutes a, **19,** 501, 502
jurors, number of, on an inquisition, **19,** 420

LUNATIC—*continued.*
jury, as to sitting upon, **18,** 230
inquisition before, **19,** 420
inquisition without, **19,** 421
justice of the peace, examination of pauper lunatic by, **19,** 507
jurisdiction of, as to, **19,** 637
order of, medical examination, as to, **19,** 489, 490, 492
visitors to be appoined by, **19,** 468, 469
laches as applying to a, **13,** 170
land tax, sale for redemption of, **18,** 327
lawful detention of, orders which may authorise, how and by whom made, **19,** 499
lawfully detained, *defined*, **19,** 428 n.
how proved in lunacy proceedings, **19,** 429 n.
lease by or to, validity of, **18,** 353
lease, land of, of, form of execution of by committee or *quasi*-committee, **19,** 447 n.
master's discretion in dealing with, **19,** 447
power of committee or *quasi*-committee as to, **19,** 446, 447
visiting committee, power of, to take land on, **19,** 481
leave of absence, petitioner's consent for, **19,** 505 n., 518, 519
travel for benefit of health, permission to, **19,** 431, 518
trial, on, provisions as to, **19,** 517, 518
legacy to, validity of, **28,** 541
legatee of, rights of, **28,** 604
letters written by, regulations as to, **19,** 516
licensed house for. *See* LICENSED HOUSE (Lunatics).
life estate of, priority of, over absolute interest for maintenance, **19,** 437
limitation of actions, accrual of action at time of disability, **19,** 56, 78
bonds, in the case of, **3,** 100
creditor's position, as to, **19,** 171
fraudulent conveyance, in case of, **19,** 143, 144
incapacity to give discharge, **19,** 91
land or rent, recovery of, **19,** 133
necessaries, in the case of, **19,** 441
payment by *quasi*-committee prevents bar of claim to arrears of maintenance, **19,** 72
tenant for life, where, **19,** 93
literary or scientific institution, conveyance to, on behalf of, **19,** 198, 200
local authority, contribution by, to county asylum for, **19,** 484—486, 488
Lord Chancellor as guardian of, **7,** 64; **9,** 94, 95
maintenance of. *See* MAINTENANCE (Poor Law); MAINTENANCE OF PERSONS.
marriage of, contempt of court in connection with, **7,** 292
validity of, **16,** 282; **19,** 401, 402
marriage settlement on daughter of, **19,** 438 n., 448
mechanical restraint of, **19,** 516, 517
medical
affidavit, detention of lunatic alleged to be wrongful, where, **10,** 54
petition, on, **19,** 417 n., 426 n.
certificate, detention on urgency order, for, **19,** 500 n.
discharge, for, **19,** 522
prevention of, for, **19,** 522, 523

LUNATIC—*continued.*
medical—*continued.*
certificate—*continued.*
pauper may be removed only on, **19,** 520
protection in giving, **19,** 522, 523, 530 n.; **20,** 337
examination of, order of court, by, **10,** 54
officer of union, notices and medical certificates of, in relation to a, **19,** 506—508
practitioner signing certificate for detention of, liability as to, **19,** 530 n.
merger, presumption of, where owner is, **13,** 148 n.
mines belonging to, working etc. of, **20,** 511, 523
mining lease etc. of lands of, grant of, **20,** 523, 528
mortgage, application for appointment of person to convey, how entitled, **19,** 454
capacity respecting, of, **21,** 92
committee or *quasi*-committee, by, **19,** 442; **21,** 92
conversion, with respect to, **19,** 449
obligations enforced, **19,** 398
order for payment off of, **19,** 454; **21,** 310, 315, 316
reconveyance of, where equity of redemption assigned, **19,** 454, 455
redemption of, **19,** 454; **21,** 141, 310, 315, 316
to, **21,** 92
vesting order respecting, **19,** 454
naval pension of, payment of, **25,** 35
necessaries for, provision of, **19,** 441; **25,** 124
what are, **19,** 398, 399, 441 n.; **25,** 125; **28,** 863
negligence by, **21,** 434 n., 463
next friend of, proceedings by, **1,** 22; **19,** 463, 465
obstruction to service of writ on, attachment of offender, **7,** 289
offences in relation to a, punishment of, **9,** 627; **19,** 516, 527—530
old age pension, disqualification for, **19,** 440
onerous property of, power to dispose of, **19,** 448
out-county, pauper lunatics in, accommodation of, **19,** 487
charge in respect of, **19,** 489
overseer, duty of, as to lunatics not under proper care or control, **19,** 505, 506
partial insanity, legal recognition of, **19,** 396
partition, order for, **19,** 445; **21,** 822, 827, 840, 862, 863, 867
partner becoming, dissolution on, **19,** 442, 443; **22,** 82, 89—91
restraint of interference of, **22,** 82
partnership entered into by, validity of, **22,** 20
patent, application for, by, **22,** 129
patronage agreement of, **19,** 448
pauper. *See* PAUPER LUNATIC.
paymaster, duty of, to act on office copy of order as to, **19,** 461, 462
penalties for offences against, recovery of, **19,** 529
penalty, liability of manager of hospital or licensed house to, **19,** 471 n.
non-compliance with visitation order, in case of, **19,** 516
pension of, application of, **19,** 439
old age, disqualification for, **19,** 440
percentage, provisions as to payment of, **19,** 458, 459
person of, control over. *See* control, *supra.*
jurisdiction by master, **19,** 414
persons claiming through a, position of, **19,** 397
petition. *See* PETITION (Lunacy).

LUNATIC—*continued.*
pistol sold to, offence in case of, **27,** 548
pleading, no presumption of admission in case of non-denial in, **19,** 465
pleadings, admission in, affecting, **19,** 465
pledging to pawnbroker, as to, **22,** 238
police
discretion as to degrce of insanity warranting removal, **19,** 501 n.
pension, to whom paid where recipient a lunatic, **19,** 439, 440
powers as to, **19,** 500, 501, 505—508; **22,** 504
possessed, *defined*, as regards property, **19,** 454
possession obtained from, in relation to fraud, **19,** 143
power exercisable by, directions to committee or *quasi*-committee, **19,** 400, 448, 449
presumption as to recovery of, **19,** 395, 407, 408
private asylum, alteration of, notice required on, **19,** 476
inspection of, before grant of licence, **19,** 476
licence in respect of, to whom granted, **19,** 475, 476
private patient, asylum accommodation for, provision of, **19,** 482, 487
hospital or licensed house, in, becoming destitute, provisions as to removal of, **19,** 521
transfer of, to other care, **19,** 519
probate granted to guardian etc. of, **14,** 139, 200
property of, Chancery Division's jurisdiction over, **19,** 411. *See also* COMMITTEE; MASTER IN LUNACY; QUASI-COMMITTEE.
charge on, for benefit of, **19,** 442
inquiry as to, **9,** 96; **19,** 423
Lord Chancellor, by, **19,** 525, 526
Ireland, in, powers as to, **19,** 436, 437
management of, **19,** 436. *See* COMMITTEE; QUASI-COMMITTEE.
order for sale of, **8,** 669; **19,** 443
paramount consideration in dealing with, **19,** 437, 449
Scotland, in, powers as to, **19,** 436, 437
specific performance of contract for division of, **27,** 71
transfer into court of, **19,** 434
protection of, pending inquisition, **19,** 418
purchase of land by, avoidance of, **19,** 400 n.
quasi-committee of, powers and duties of. *See* QUASI-COMMITTEE.
receiver
appointed under s. 116 of Lunacy Act, 1890, **19,** 428. *See* QUASI-COMMITTEE.
appointment of, for special purposes, **19,** 414, 418; **24,** 343
dividends, of, **19,** 414
interim, pending inquisition, **19,** 418
poor law guardians' application, on, **19,** 495
rents, of, death of lunatic, after, not appointed, **19,** 457
reception order for. *See* RECEPTION ORDER.
recovery of, notice of, **19,** 524
presumption as to, **19,** 395, 407, 408
relations of, allowances to, **19,** 438, 439
conflicting interests of, **19,** 449
detention at instance of, **19,** 499—501, 503
liabilities of, **19,** 491, 492
relator becoming a, **4,** 325
relieving officer's or overseer's discretion as to degree of insanity to warrant removal of, **19,** 501 n.

LUNATIC—*continued.*
removal, alien, of, **19,** 521
alleged, of, when restrained, **19,** 418
asylum abroad, to, legality of, **19,** 521 n.
criminal, of, after inquiry, **22,** 597
exemption from, acquired by, **19,** 491
from one place of confinement to another, of, **19,** 511, 519—521
order for, provisions as to, **19,** 519—521
patient, of, temporary, authority for, **19,** 511
who may authorise, **19,** 519
pauper, of, **19,** 519; **22,** 594, 597. *See* PAUPER LUNATIC.
rent, recovery of, after death of, **19,** 447
residence of, change of, notification of, **19,** 431, 518
power to fix, **19,** 431, 518, 519, 526
restraint of, justification for, **19,** 517 n., 530 n.
mechanical means, by, **19,** 516, 517
reversionary property of, sale of, **19,** 438, 443
sale of land of, **6,** 57, 58; **8,** 669; **19,** 443, 444
auction, by, **19,** 444
compulsory powers, under, **6,** 57, 58; **19,** 444
enforcement of, **19,** 399 n.; **25,** 312, 387
raise money, to, **19,** 442
tenant for life, where, **19,** 444, 445; **25,** 631
Scotland, administration of estate in, **19,** 436, 437
escape into, **19,** 525
residence in, permission as to, **19,** 431
Scottish curator, powers over English estate of, **19,** 464
search for particulars of detention of a, **19,** 526
servant, as, contract of hire as to, **20,** 75
servant of, allowances to, **19,** 438 n.
contract by, **1,** 150, 233; **19,** 406; **20,** 260, 261
service on, legal process, of, **7,** 289; **8,** 469, 470; **19,** 464
notice of right to interview with judicial authority, of, **19,** 504
settled estate, exercise of powers in respect of, **19,** 413, 443, 444; **25,** 631, 681, 685 n.
jurisdiction in regard to, **19,** 413, 443; **25,** 631, 685 n.
settlement
by, capacity as to, **25,** 559
of property of, before supersedeas, **19,** 426 n.
settlement order, abandonment of, **19,** 499
amendment of, **19,** 498
costs of, power of court as to, **19,** 498, 499
shareholder, gas undertaking, in, as to payment of dividends, **15,** 365 n.
transfer of shares of, **5,** 190
ship registered in name of, transfer of, **26,** 23
single patient, change of residence of, **19,** 518
leave of absence of, **19,** 519
provisions as to, **19,** 526
small estate, administration of, **8,** 669; **19,** 437, 438
capital, recourse to, for maintenance, **19,** 437, 438
fund in court, consisting of, procedure as to, **19,** 411 n.
power of county court judge to deal with, **8,** 669; **19,** 415
so found by inquisition, deed of, as to, **19,** 399
investigation of case of, by Lord Chancellor, **19,** 473
marriage of, as to, **19,** 401
meaning of, **19,** 422
solicitor retained by, compromised or settled action, powers respecting, **26,** 831 n., 832 n.

LUNATIC—*continued.*
solicitor retained by—*continued.*
conditions as to, **26,** 732
effect of lunacy on retainer, **19,** 406 n., 464; **26,** 732, 742
inquiry as to competency of plaintiff to retain, **19,** 406
liability of, **19,** 465; **26,** 742
solicitor's lien against, **26,** 821 n.
Solicitor-General, when proceedings to be taken by, **19,** 529
special case, leave of court required where lunatic is party to, **19,** 465
stock of, transfer by order of court of, **19,** 452—454, 461
suicide of, effect on life policy, **17,** 556; **19,** 400, 401
summary reception order for detention of, *defined,* **19,** 505
applicable, when, **19,** 505
guardians, chairman of, by, **19,** 505
justice of the peace, by, **19,** 499, 507, 508
lunatic not under control or cruelly treated or neglected, for, **19,** 505, 506
pauper lunatic, for, **19,** 506, 507
suspension of execution of, **19,** 509
wandering lunatic, for, **19,** 508
supersedeas. *See* SUPERSEDEAS.
temporary insanity, maintenance during, **19,** 438, 439
tenant for life. *See* TENANT FOR LIFE; TENANT FOR LIFE UNDER SETTLED LAND ACTS.
tenant in tail, barring estate of, **19,** 448, 449; **24,** 256
testamentary papers of, deposit of, **19,** 434. *See* will of, *infra.*
title deeds of, production of, **11,** 86 n.
tort, liability for, **19,** 403; **27,** 478, 479
travel, absence on, provision for, **19,** 517, 518
permission to, when court will grant, **19,** 431
traverse of inquisition, right as to, of, **19,** 424, 425. *See* TRAVERSE.
treatment during detention of, **19,** 516, 517
trial, absence on, provision for, **19,** 517, 518
trustee, as, exercise of powers of, **3,** 348; **19,** 414, 455; **28,** 110, 111, 155
when an infant, **19,** 411
new, appointment of, **19,** 413, 414, 455; **28,** 111
trustee of friendly society, as, procedure as to, **15,** 170
unlicensed house, reception into, **19,** 528, 530; **27,** 178 n.
urgency order for, **19,** 500, 501, 509, 510. *See* RECEPTION ORDER.
vesting order, county court, as to powers of, **19,** 415; **28,** 110 n.
master's powers as to, **19,** 414
mortgage, in case of, **19,** 454; **21,** 315, 316
new trustee, on appointment of, **19,** 455
real estate in Ireland, of, **19,** 412 n.
sale of land, in case of contract for, where purchase-money paid, **25,** 387
stock held by lunatic as trustee, as to, **19,** 414
summons for, practice in, **19,** 413
visitation of, commissioner, by, **19,** 514, 515. *See also* VISITATION IN LUNACY.
committee, by, **19,** 431
obstruction of, **19,** 529
person detained without order, of, **19,** 473

LUNATIC—*continued.*
visitation of—*continued.*
registered houses for reception of idiots, of, provision for, **19,** 527
relations or friends, by, **19,** 515, 516
single patients, of, **19,** 472
visiting commissioners, duty of, on inspection of patients, **19,** 471, 472
visitation of asylums by, **19,** 470, 471
voluntary boarder, institution, admitted into, **19,** 477
unlicensed house, in, when insane, **19,** 528 n.
voluntary disposition of, setting aside of, **19,** 400, 448
wandering at large, reception of, **19,** 505, 506, 508
ward of court becoming, in respect of, **19,** 411
wife of, agent of necessity, **16,** 427
maintenance of, **19,** 402, 438, 439
separation allowance to, incidents as to, **16,** 359
will of, ademption in case of, **19,** 449 n.; **28,** 604
delusion affecting disposition in, **19,** 396
effect of subsequent recovery, **19,** 404
lucid interval, during, **19,** 399 n., 403
mutilation of, presumption in case of, **28,** 572
probate, practice in regard to, **19,** 435

LUNATIC—*continued.*
will of—*continued.*
testamentary capacity, evidence as to, **19,** 406, 407, 428 n.; **28,** 533
validity of, **19,** 403, 406
workhouse, detention in. *See* PAUPER LUNATIC.
removal to, **19,** 500, 501, 508, 509
writ against, form of, **19,** 464

LUXURY,
not included among necessaries, **17,** 68; **25,** 125

LYING-IN-HOSPITAL,
poor law settlement of child born in, **22,** 579
removal of mother or child from, cost of, **22,** 579 n.

LYING-TO,
sailing vessel, obstruction caused by, **26,** 492, 493

LYME REGIS,
local court of, **9,** 179

LYNN. *See* KING'S LYNN.

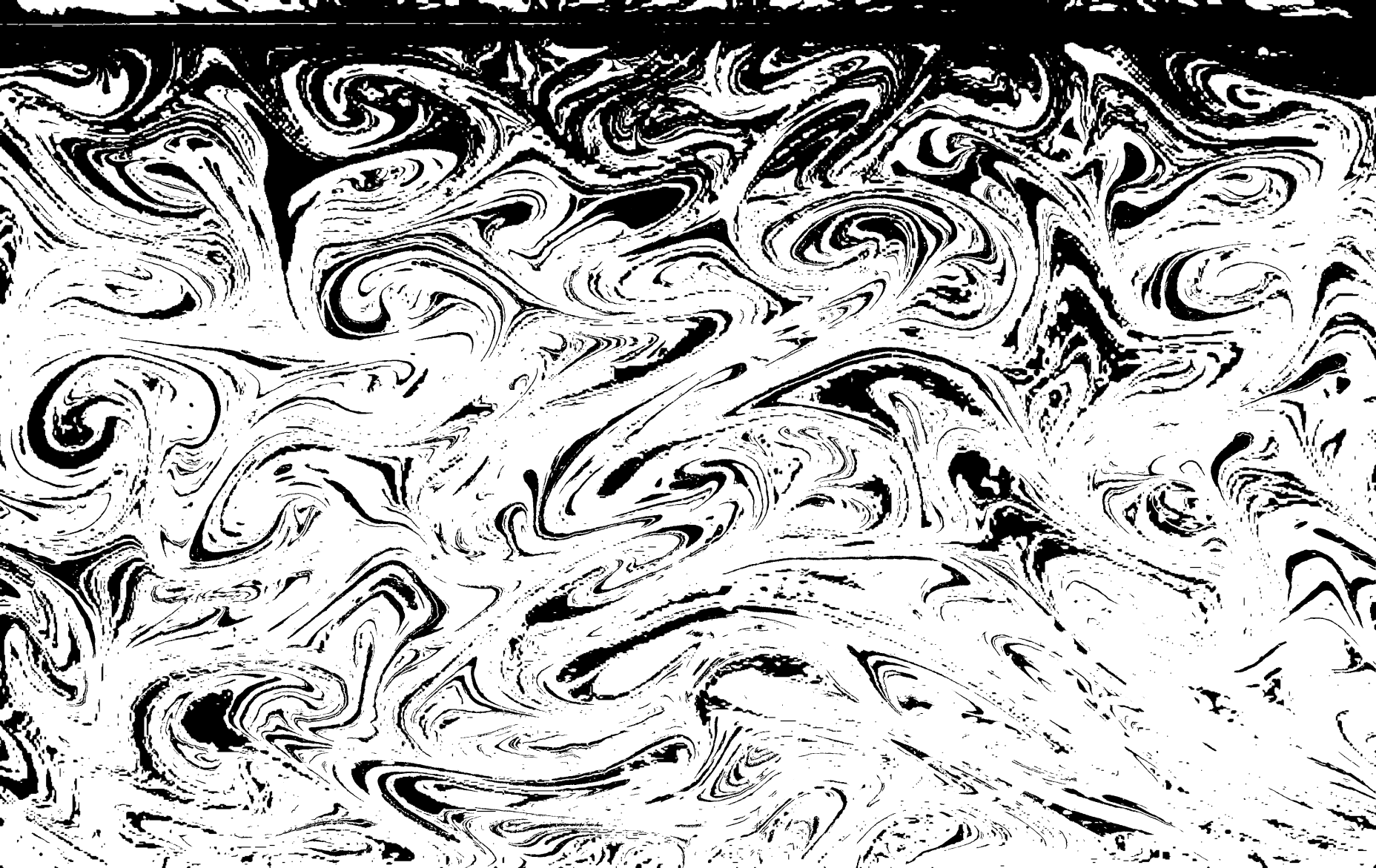
LYNN REGIS. *See* KING'S LYNN.

LYON KING OF ARMS,
claim at coronation of, **6,** 334
Scotland, King of Arms for, **22,** 288 n.

References in thick type are to volumes; small type to pages.

THE END OF VOL. XXX.

THE WHITEFRIARS PRESS, LTD., LONDON AND TONBRIDGE.



309564 [Earl of and others (eds.) Law.D
Author Halsbury, Hardinge Stanley Giffard, 1st H196.3
Title The laws of England. vol.30.
DATE. NAME OF BORROWER.

University of Toronto Library

DO NOT REMOVE THE CARD FROM THIS POCKET

Acme Library Card Pocket
LOWE-MARTIN CO. LIMITED